Kojonup

One community, many choices

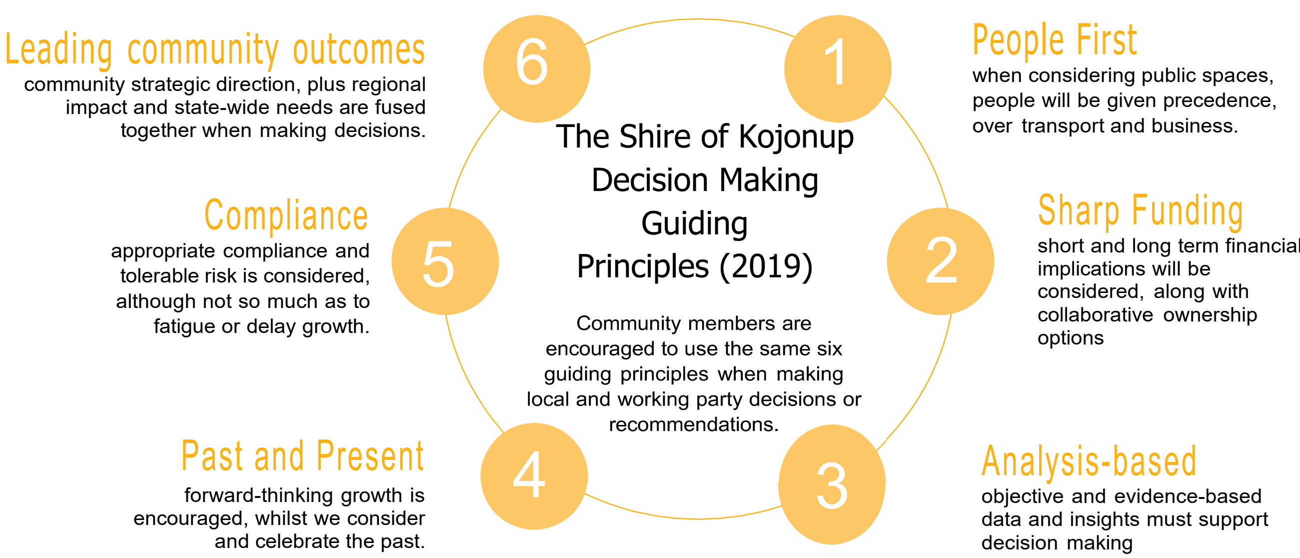
SHIRE OF KOJONUP

MINUTES

Ordinary Council Meeting

28 April 2026

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.



MINUTES FOR AN ORDINARY COUNCIL MEETING TO BE HELD ON 28 April 2026

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AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President shall declare the meeting open at 15:00 pm 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
Almighty God, we pray for wisdom for our reigning monarch King Charles.

We ask for guidance in our decision making and pray for the welfare of all the people of Kojonup.

Grant us grace to listen and work together as a Council to nurture the bonds of one community.

Amen

2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

3 ATTENDANCE

COUNCILLORS

Cr Bilney	Shire President (Presiding Member)
Cr Mathwin	Deputy Shire President
Cr Wieringa	
Cr Radford	
Cr Mickle	
Cr Mitchell	
Cr Michael	

STAFF

Grant Thompson	Chief Executive Officer
Jill Johnson	Deputy Chief Executive Officer
Estelle Lottering	Manager Regulatory Services
Nerrida Robinson	Rates Officer

3.1 APOLOGIES

Nil

3.2 APPROVED LEAVE OF ABSENCE

Nil

4 DECLARATION OF INTEREST

Nil

5 PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.2 PUBLIC QUESTION TIME

Nil

6 CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING 24 February 2026

Unconfirmed Minutes of an Ordinary Council Meeting held 24 February 2026 are at attachment 6.1.1.

OFFICER RECOMMENDATION / COUNCIL DECISION
Motion: 28/26 Moved: Cr Mickle Seconded: Cr Radford
That the Minutes of an Ordinary Council Meeting held 24 March 2026 be confirmed as a true record with the correction that related to the deferral motion on Agenda Item 9.4.11, Cr Craig Mitchell voted for the motion and Cr Wieringa voted against the motion.
Carried: 7/0
For: Cr Bilney, Cr Mathwin, Cr Michael, Cr Wieringa, Cr Mitchell, Cr Mickle, Cr Radford

7 PRESENTATIONS

7.1 PETITIONS
Nil

7.2 PRESENTATIONS
Nil

7.3 DEPUTATIONS
Nil

7.4 DELEGATES' REPORTS
Nil

8 METHOD OF DEALING WITH AGENDA BUSINESS

Nil

9 REPORTS

9.1 KEY PILLAR 'LIFESTYLE' REPORTS
Nil

9.2 KEY PILLAR 'ECONOMICS' REPORTS
Nil

9.3 KEY PILLAR 'VISITATION' REPORTS
Nil

9.4 KEY PILLAR 'PERFORMANCE' REPORTS

9.4.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (MARCH 2026)

AUTHOR	Jill Johnson – Deputy Chief Executive Officer
DATE	Thursday 23/04/2026
ATTACHMENT(S)	9.4.1.1 – Monthly Financial Statements 1 March 2026 to 31 March 2026

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be *"The Cultural Experience Centre of the Great Southern"* STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST
Nil

SUMMARY
The purpose of this report is to note the Monthly Financial Statement for the months ending 31 March 2026.

BACKGROUND
Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare a Statement of Financial Activity each month, and to present it to an ordinary meeting of the Council within two (2) months after the end of the reporting period. The Statement of Financial Activity is the primary monthly financial reporting instrument and provides Council with an overview of the Shire's financial performance against the adopted budget for the year to date.

COMMENT
The attached Statement of Financial Activity for the period March 2026 represents nine (9) months of the 2025/2026 financial year, or 75% of the year elapsed.

The statements are presented in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996 and Council Policy 2.1.6. The overall financial position of the Shire remains sound.

The following items are worthy of noting:

- Closing surplus position of $3,395,762. This represents the net position after accounting for all operating revenues and expenditures to date, and is broadly consistent with the expected year-to-date budget position at this stage of the financial year.
- Capital expenditure has achieved 87.3% of budgeted projects at the nine-month mark, indicating solid delivery of the capital works program. Remaining projects are

expected to be progressed or completed prior to 30 June 2026, with any incomplete works to be considered for carryover as part of the 2026/2027 budget process.

- Cash holdings total $5,128m, of which $1,140m is held in cash-backed reserve accounts and $3,988m in unrestricted cash. The Shire's liquidity position remains strong and is sufficient to meet operational obligations and committed capital expenditure for the remainder of the financial year.
- Rates debtors outstanding equate to 11% of total rates raised for 2025/2026. This is within an acceptable range for this point in the financial year and is being actively managed. Follow-up action on overdue accounts is ongoing in accordance with the Shire's debt recovery procedures.
- Major budget variations comparing year-to-date (amended) budget to year-to-date actuals are detailed on Page 11 of the statements, in accordance with Council Policy 2.1.6. Council's attention is drawn to any significant variances noted therein; these are explained in the statements and do not represent a cause for concern unless otherwise indicated.
- Rates debtors outstanding equate to 11% of total rates raised for 2025/2026

CONSULTATION
Nil

STATUTORY REQUIREMENTS
Regulation 34 (1) requires a local government to prepare a "Statement of Financial Activity" each month, reporting on the sources and applications of funds for the year to date. Regulation 34(4) requires the Statement to be presented to an ordinary meeting of the Council within two (2) months after the end of the month to which it relates. This report satisfies that requirement for the month ending 31 March 2026, with the meeting occurring on 28 April 2026.

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 of Kojonup. The recommendation does not in itself have a financial implication.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
16) Financial Sustainability	Failure or reduction in controls associated with financial management, accounting standards, purchasing to pay, order to cash, plant, equipment or	*Budget Controls*	Cash Flow Budget and reporting to be implemented

	machinery lease or purchase, Treasury Functions, bank reconciliations, budget etc. These include processes and controls that are end to end in external and internal to the organisation.		
Risk rating: Adequate			
IMPLICATIONS			
Financial reporting is required to create transparency.			

ASSET MANAGEMENT IMPLICATIONS
Nil

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

VOTING REQUIREMENTS
Simple Majority

OFFICER RECOMMENDATION

Motion: 29/26 **Moved: Cr Wieringa** **Seconded: Cr Mickle**

That the monthly financial statements for the period ending 31 March 2026, as attached, be noted.

Carried 7/0

For: Cr Bilney, Cr Mathwin, Cr Michael, Cr Wieringa, Cr Mitchell, Cr Mickle, Cr Radford

9.4.2 MONTHLY PAYMENTS LISTING – MARCH 2026

AUTHOR	Rachael Egerton-Warburton – Finance Officer (Creditors)
DATE	Tuesday, 21 April 2026
ATTACHMENT	9.4.2.1 - Monthly Payment Listing March 2026

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be *"The Cultural Experience Centre of the Great Southern"* STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST
Nil

SUMMARY
To receive the list of payments covering the months of March 2026.

BACKGROUND
Nil

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

Any comments or queries regarding the list of payments are to be directed to the Chief Executive Officer prior to the meeting.

CONSULTATION
Nil

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 are 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

Motion: 30/26 **Moved: Cr Michael** **Seconded: Cr Mathwin**

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 March 2026		**31 March 2026**
Municipal Cheques	**14416**	**$55,991.30**
EFTs	**37689-37858**	**$933,814.23**
Direct Debits		**$500,825.03**
Total		**$1,490,630.56**

be received.

Carried:7/0

For: Cr Bilney, Cr Mathwin, Cr Michael, Cr Wieringa, Cr Mickle, Cr Radford, Cr Mitchell

9.4.3 FINANCIAL MANAGEMENT – RATES WRITE-OFFS

AUTHOR	Nerrida Robinson – Rates Officer
DATE	Thursday, 17 April 2026
ATTACHMENT	9.4.3.1 - Rates to be written off

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be *"The Cultural Experience Centre of the Great Southern"* STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST
Nil

SUMMARY
The purpose of this report is to seek Council authorisation to the write-off of interest charges that were incorrectly levied against a number for rateable properties during a period in which the Shire of Kojonup was reviewing and correcting underlying rate account issues. The interest was generated automatically by the rates system and did not reflect amounts lawfully owing.

BACKGROUND
The Shire of Kojonup's rates system accrues interest daily on outstanding rate balances. During a review of rating accounts, it was identified that several properties had been incorrectly rated, resulting in rate charges being raised in error. While the underlying rate errors were corrected, interest that had accrued against these accounts during the review period was not automatically reversed. The properties and the interest amounts affected are listed in Attachment 9.4.4.1.

COMMENT
The interest charges listed in Attachment 9.4.4.1 were generated automatically by the Shire's rates system because of the incorrect rate assessments. As the underlying rates were raised in error, any interest flowing from those assessments is also incorrectly charged and should not be recoverable from the affected ratepayers.

The Rates Officer has reviewed each of the affected accounts and confirmed that the interest charges arose solely from the erroneous rate assessments. The total amount proposed to be written off is $595.78. The CEO and DCEO have reviewed the accounts and concur with the officer's assessment that write-off is appropriate in each case.

CONSULTATION
Chief Executive Officer
Deputy Chief Executive Officer

STATUTORY REQUIREMENTS

Section 6.12(1)(b) of the Local Government Act 1995 provides that a local government may, by resolution, write off any amount of money. This is the applicable provision authorising Council to write off the incorrectly levied interest charges. Sections 6.25 to 6.82 of the Local Government Act 1995 and Sections 52 to 78 of the Local Government (Financial Management) Regulations 1996 also relate to property rating requirements and procedures more broadly.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The write-off of interest charges totalling $595.78 will result in a reduction of revenue receivable by the Shire. As these amounts were incorrectly levied and do not represent revenue lawfully owing, the write-off does not constitute a material impact on the Shire's adopted budget. The amounts have been reviewed and are not considered to be material to the Shire's overall financial position. Any budget impact will be managed within existing operational allocations.

STRATEGIC/CORPORATE IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

Failure to write off the incorrectly levied interest charges carries reputational and legal risk for the Shire. Seeking payment of amounts that were not lawfully raised may expose the Shire to complaints, disputes, and potential legal challenge from affected ratepayers. Approving this write-off mitigates those risks and demonstrates sound and transparent financial administration.

ASSET MANAGEMENT PLAN IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Motion: 31/26 Moved: Cr Mitchell Seconded: Cr Radford

That Council, pursuant to Section 6.12(1)(b) of the Local Government Act 1995, resolves to write off interest charges totalling $595.78 incorrectly levied against the properties listed in Attachment 9.4.4.1, on the basis that those charges were raised as a consequence of rate assessments that were themselves raised in error.

Carried:7/0

For: Cr Bilney, Cr Mathwin, Cr Michael, Cr Wieringa, Cr Mickle, Cr Radford, Cr Mitchell

9.4.4 LEASE OF COUNCIL PROPERTY – 162 BLACKWOOD ROAD, KOJONUP – EXPRESSION OF INTEREST

AUTHOR	Du-Wayne Lottering – Property Services Manager
DATE	Thursday 23 April 2026
ATTACHMENT(S)	9.4.4.1 – George Church Community Medical Centre Inc. Tender 162 Blackwood Road 9.4.4.2 – EOI Offer

‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be *“The Cultural Experience Centre of the Great Southern”* STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting 3.1.7 – Determine responsibilities for all assets and review and update lease conditions where other entities have partial or full responsibility for assets on Council managed land.

DECLARATION OF INTEREST
Nil

SUMMARY
The purpose of this report is to consider an Expression of Interest received for the lease of Lot 162 Blackwood Road, Kojonup.

BACKGROUND
Lot 162 Blackwood Road, Kojonup, represents approximately 34 hectares of agricultural land situated between Kojonup’s industrial estate and the Showgrounds/Sporting Precinct on Blackwood Road. Previously, this land has been leased for farming purposes.

The most recent lease over this land expired early 2026. Following expiry, a public Expression of Interest process was undertaken in accordance with the *Local Government (Functions and General) Regulations 1996*. The EOI process closed on 9 April 2026 at 4pm.

The lease conditions advertised as part of the EOI process included the following:

- Term of lease to be for a period of three (3) years;
- The lessee accepts the property on an ‘as is’ basis;
- The lessee is to maintain perimeter fences at the current standards;
- The Shire of Kojonup will not be liable for any issues arising from fencing and/or containment of stock;

- The lessee is responsible for managing and minimising any fire hazard and complying with any relevant conditions of the annual fire break order; and
- Any stocking rates will be agreed by both parties on an 'as needs' basis to respond to any animal welfare, fire hazard reduction, and land quality preservation issues that may arise.

COMMENT

One Expression of Interest was received by the close of the EOI period. The EOI was submitted by George Church Community Medical Centre Inc. (GCCMC), represented by Cathy Ivey (Secretary), on 9 April 2026 (Attachment 9.4.4.1 and Attachment 9.4.4.2).

GCCMC has proposed the following lease terms:

- Term: Three (3) years, commencing 10 April 2026;
- Annual lease payment: $2,500 per year;
- Intended use: Cropping, undertaken to the standard of accepted district farming practices.

GCCMC noted in its submission although it was unable to access the full tender documentation it confirmed its intention to comply with the advertised lease conditions.

As the only proponent it is recommended that Council resolve to lease 162 Blackwood Road, Kojonup, to George Church Community Medical Centre Inc. and delegate authority to the Chief Executive Officer to negotiate and execute the lease agreement.

CONSULTATION

A public Expression of Interest process was undertaken in accordance with *regulation 30 of the Local Government (Functions and General) Regulations 1996*. One EOI was received from George Church Community Medical Centre Inc. No further external consultation has been undertaken.

STATUTORY REQUIREMENTS

Local Government Act 1995 s. 3.58 – Disposing of property: A lease of land constitutes a disposal of property under this section. Under s. 3.58(2)(b), a local government may dispose of property by public tender. Where a public EOI process has been conducted and a submission received, Council may consider awarding the lease on that basis.

Local Government (Functions and General) Regulations 1996 r. 30 – Dispositions of property excluded from Act s. 3.58: Under r. 30(2a)(b), a disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been the subject of a public tender/EOI process but either no tender is received or any tender received is unacceptable. This provision may also be relevant where a compliant EOI is received following the close of the formal advertising period.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

If Council resolves to award the lease to George Church Community Medical Centre Inc., the Shire will receive $2,500 per annum for the three-year lease term, totalling $7,500 over the lease period. There will also be a reduction in fire hazard control costs for the Shire, as the lessee is responsible for managing and minimising fire hazard on the land under the advertised lease conditions.

RISK MANAGEMENT IMPLICATIONS

The formation of a lease for 162 Blackwood Road defines the terms that apply to all parties and reduces ambiguity if any issue arises during the lease term. A lease arrangement ensures the land is actively managed, fire hazard is minimised, and the Shire receives rental revenue. Failure to lease the land leaves it unmanaged, increasing fire hazard risk and foregoing revenue.

GCCMC's EOI noted it was unable to access all tender documentation at the time of submission; it is recommended that the CEO ensure full lease conditions are confirmed with GCCMC prior to execution of the lease agreement.

ASSET MANAGEMENT IMPLICATIONS

Leasing of 162 Blackwood Road, Kojonup, ensures the use, maintenance and fire hazard reduction of this land asset whilst also providing revenue to the Shire.

GREAT SOUTHERN VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS
Simple Majority

OFFICER RECOMMENDATION

Motion: 32/26 Moved: Cr Radford Seconded: Cr Mickle

That Council:

1. **accept the Expression of Interest received from the George Church Community Medical Centre Inc. for $2,500.00 per annum for the lease of 162 Blackwood Road, Kojonup, for a three (3) year period commencing 10 April 2026 and concluding 9 April 2029, for cropping purposes; and,**

2. **Delegates authority to the Chief Executive Officer to negotiate and execute the standard lease agreement for 162 Blackwood Road, Kojonup, with George Church Community Medical Centre Inc., in accordance with the advertised lease conditions.**

Amendment to Motion Mover: Cr Bilney Seconder: Cr Mitchell

That Council amend the termination date to conclude on 1 February 2029

Carried: 7/0

For: Cr Bilney, Cr Mathwin, Cr Michael, Cr Wieringa, Cr Mickle, Cr Radford, Cr Mitchell

Amendment Becomes the Substantive Motion 32/26 Moved: Cr Radford Seconded: Cr Mickle

That Council:

3. **accept the Expression of Interest received from the George Church Community Medical Centre Inc. for $2,500.00 per annum for the lease of 162 Blackwood Road, Kojonup, for a three (3) year period commencing 10 April 2026 and concluding 1 February 2029, for cropping purposes; and,**

4. **Delegates authority to the Chief Executive Officer to negotiate and execute the standard lease agreement for 162 Blackwood Road, Kojonup, with George Church Community Medical Centre Inc., in accordance with the advertised lease conditions.**

Carried: 7/0

For: Cr Bilney, Cr Mathwin, Cr Michael, Cr Wieringa, Cr Mickle, Cr Radford, Cr Mitchell

Note: Amended due to the month of April being too late for cropping decisions.

9.4.5 RESERVE ACCOUNT APPROPRIATENESS REVIEW – 2025/2026

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Wednesday, 14 April 2026
ATTACHMENT(S)	Nil

‘PLACEMAKING’ STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be *“The Cultural Experience Centre of the Great Southern”* STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST
Nil

SUMMARY
The purpose of this report is to consider:

1. the annual review of appropriateness of each reserve account in accordance with Council Policy; and,
2. the Audit Risk and Improvement Committee recommendation to create a new reserve, and,
3. changes to *Financial Policy 2.1.6* to reflect the changes of decisions ratified by Council related to reserves.

BACKGROUND
Council resolved, at its Ordinary Meeting held 29 November 2022, that a review of the Reserves should be conducted and presented to its 7 February 2022 meeting:

> *“That Council defers the presentation of the following information to its 7 February 2023 Ordinary Meeting:*
> *A report on how the reserve accounts operation could be enhanced in respect to the following, but not to the exclusion of other issues that appear during the process:*

- *Council motions regarding contributions.*
- *Timing of cash movements.*
- *Monthly reporting of account balances.*
- *Detail provided in budgeting of reserve account transfers.*
- *The concept of saving for plant and equipment purchases versus borrowing the capital required at the time of purchase.”*

Post this review and after consideration of public comment the Council moved to seek community feedback on a recommendation to rationalise the number of reserves from 33 reserves (including Springhaven Lodge Bonds reserve) to 8 reserves at a 28 February 2023 Special Council Meeting:

15/23 Moved Cr Gale Seconded Cr Wieringa

That:
The annual review undertaken addressing the appropriateness of all reserve accounts' purposes, financial sustainability, suitability of current balances, and deficiencies for the funding of asset management and future projects as identified in forward plans be received;

The Council advertises the proposed recommended changes, as presented, in accordance with section 6.11 of the Local Government Act 1995 Reserve Accounts and including the following changes:

1. *the Community Grant Scheme Reserve be renamed the Memorial Hall - Theatrical Infrastructure Reserve with nil change to the Terms of Reference; and*
2. *the Plant and Equipment Reserve be renamed the Emergency Plant Repair and Replacement Reserve with the Terms of Reference to include repairs and funds being capped at $250,000 with any surplus returned to the Shire of Kojonup Municipal Fund; and*

If nil public submissions are received the Council authorises the Chief Executive Officer to action the changes in the 2022/23 budget review; and that the 2023/2024 draft budget include the streamlined and reduced number of reserves as recommended.

CARRIED BY ABSOLUTE MAJORITY 7/0

This review recommended the following reserves to be maintained/merged as follows:

1. Employee Leave
2. Springhaven Lodge (Bonds)
3. Sports Complex P&E Upgrade & Renewal (Newly Merged Reserve)
4. Independent Living Units
5. Plant Replacement
6. Landfill Waste Management
7. Low Income Housing
8. The Kodja Place P&E, Upgrade & Renewal (Newly Merged Reserve)

Post community Consultation the Council moved the following motion at a May 2023 Ordinary Council meeting:

55/23 Moved Cr Egerton-Warburton Seconded Cr F Webb

That, having received and considered formal Community feedback as per s. 6.11 of the Local Government Act 1995 (Reserve Accounts):

1. *The annual review undertaken by the Council at the formal Council meeting on 28 February 2023 addressing the appropriateness of all reserve accounts' purposes, financial sustainability, suitability of current balances, and deficiencies for the funding of asset management, be adopted, as presented, including the following changes:*
    a. *the Community Grant Scheme Reserve be renamed the Memorial Hall - Theatrical Infrastructure Reserve with nil change to the Terms of Reference; and,*
    b. *the Plant and Equipment Reserve be renamed the Emergency Plant Repair and Replacement Reserve with the Terms of Reference to include repairs and funds being capped at $250,000 with any surplus returned to the Shire of Kojonup Municipal Fund; and,*
    c. *the NRM Reserve be retained with its current terms of reference; and*

2. *Council authorises the Chief Executive Officer to action the changes in the 2022/23 budget review and that the 2023/2024 draft budget include the streamlined and reduced number of reserves as recommended.*

CARRIED BY ABSOLUTE MAJORITY 8/0

As a result of Community feedback the Council moved the above motion to retain the:
1. Community Grants Reserve (to be renamed to the Memorial Hall Theatrical Reserve); and
2. The Natural Reserve Management Reserve.

Since the review, the Springhaven Lodge (Bonds) reserve has been closed as per the major land transaction to Hall & Prior.

In 2025 Council further instructed the CEO to investigate the appropriateness of an unplanned capital and maintenance expenditure reserve on properties and assets as per the Audit Risk & improvement Committee recommendation as follows:

COUNCIL Motion 60/25 Moved Cr Mathwin Seconded Cr Mickle

That Council instruct the CEO to investigate creating a reserve appropriateness reserve fund specifically to be used for unplanned capital and maintenance expenditure on properties and assets.

CARRIED 6/0

For: Cr Bilney, Cr Wieringa, Cr Egerton-Warburton, Cr Radford, Cr Mathwin, Cr Mickle

The recommendation from this investigation is for consideration in this report.

Council Policy 2.1.6 – 'Financial Governance' has a section relating to reserve accounts, which states as follows:

> 'In addition to grant funding, the Shire's reserve accounts are one of the primary funding sources for major projects and will be prioritised in the annual budget.
>
> Cash reserves are to be established and maintained to accumulate funds for the following purposes:
> 1. To smooth funding allocations over future years;
> 2. To offset liabilities in respect of previously earned employee entitlements to the extent they require an outflow of funds not allocated in the annual budget;
> 3. To meet statutory obligations;
> 4. To fund renewal of existing physical/built assets;
> 5. To fund future strategic initiatives and the provision of new services and facilities to future residents;
> 6. To buffer against unpredictable events;
> 7. To hold unspent grants and contributions; and
> 8. Other purposes as determined by the Council from time to time.
>
> When preparing the annual budget each year, consideration will be given to establishing reserve accounts for major projects as contained within the Community Strategic Plan.
>
> The CEO will conduct an annual review for the Council addressing the appropriateness of each reserve account purpose, suitability of current balances, and deficiencies for the funding of future projects as identified in adopted forward plans.
>
> Specifically, the following goals are set for individual reserve account balances:
> - Employee Leave – As a minimum, the level of this reserve should meet both:
>   - The EBA sick leave liability (clause 29); and
>   - The current portion of the long service leave liability for staff with seven (7) years or more service.
>
> This funding goal is to be implemented over several financial years up to 2021/2022 to manage the financial impact.
> - Day Care Building Maintenance – 100% of annual rent paid by the tenant is deposited into this account;
> - Springhaven Building Upgrade & Renewal - This reserve receives 100% of interest earned from the 'Springhaven Lodge' (bonds paid by residents) reserve account;

- Low Income Housing - All operating profit/(loss) is to be transferred to/(from) this reserve in accordance with the joint venture agreement with the Department of Housing;
- Independent Living Units - Operating profits from Loton Close & Soldier Road units are transferred to this reserve;
- Landfill Waste Management - 10% of total rubbish & recycle bin charges are to be allocated to this reserve annually;
- Energy Efficiency - 50% of any savings resulting from expenditure of this reserve account is to be transferred back into the reserve;
- Saleyards - The profit or loss from annual operations of the Saleyards to be transferred to this account.'

Current Reserve Accounts Purpose:
The purpose for which each reserve account is established are as follows:

Employee Leave Reserve
To be used to fund annual and long service leave requirements.

Low Income Housing Reserve
To be used for major and minor maintenance of Jean Sullivan Units. All operating profit is to be transferred to this reserve in accordance with the joint venture agreement.

Independent Living Units
To transfer operating profits from Loton Close units to this reserve to fund major maintenance and future asset replacement.

Landfill Waste Management Reserve
To be used for future upkeep, maintenance, expansion, post closure activities and or reclamation of the Shire's waste management facilities. 10% of rubbish bin charges are to be allocated to this reserve annually.

Natural Resource Management
For the Shire of Kojonup to progress the following projects:

1. Bridal Creeper and tagasaste Eradication program.
2. Managing water resources including water harvesting and re-use opportunities in the Shire for the use in Kojonup parks and reserves during summer.
3. Undertake weed management and planting of native trees and shrubs in conjunction with Schools, Kojonup Aboriginal Corporation and community groups within identified Reserves such as:
   a) Myrtle Benn, Farrar and Quin Quin;
   b) Showground's area; and
   c) Blackwood Road arboretum.

to improve biodiversity, fauna habitat and natural resource management outcomes.

Sports Complex P&E Upgrade & Renewal
To support funding Council contribution to plant and equipment replacement or failures, co-funding grants or to fund construction or renewal of Shire sporting facilities, includes all Shire assets and Plant & equipment within the Shire Sporting Complex (swimming

pool, netball courts, oval, irrigation, sports complex, public facilities, lighting etc, not exhaustive).

Memorial Hall - Theatrical Infrastructure Reserve (previously Community Grant Scheme)
To finance community grant scheme rounds and to financially manage larger community grants that may extend over more than one financial year.

The Kodja Place Plant & Equipment, Upgrade & Renewal
To be used for major upgrade, capital renewal, asset maintenance of The Kodja Place buildings, equipment and tourist precinct.

Emergency Plant Repair & Replacement
To be utilized for emergency repairs, maintenance and replacement of Shire plant and equipment. The fund is to be capped at $250,000 with any surplus returned to the Shire of Kojonup Municipal Fund.

OFFICER'S COMMENT

Reserve accounts allow the Shire of Kojonup (Shire) to earmark a portion of surplus funds to cover future costs either capital or expenditure. Reserve accounts can be an important component of the Shire's financial planning and support growth and set contingency against setbacks.

It must be noted that the success of reserve management depends heavily on self-funded free cash flow. That is, you need to have surplus cash to put aside after the core business is fully funded.

Reserves are necessary for a variety of reasons and in a cash healthy organisation they are a sound tool to plan for the future, including:

- To meet 'working capital' requirements (e.g. to allow expenditure to be made ahead of the receipt of a grant or contract income);
- To provide a fund to take advantage of upcoming opportunities for expanding public benefit as and when they arise (e.g. leverage co funded grant opportunities); and
- To leverage funds for resource specified new or expanded projects and 'capital expenditure' plans.

<u>Existing Reserves</u>

This review found the current reserve accounts have good intent, they are established to enable important building renewals, maintenance, emergency repairs and the Shires liabilities, to be funded.

<u>Cashflow Consideration of Reserves</u>

In reviewing the current reserves, consideration of the Shire's cashflow and capacity to allocate funds to the reserves must primarily be taken into account. An organisation should only transfer funds to reserves where its free cashflow status is sustainable i.e. working capital requirements can be met and, just as important, the total cost of borrowing can be serviced comfortably.

Whilst the idea of reserves is a sound, financially prudent concept, one of the difficulties with the Shire's current reserves policy is that it is effectively funding the reserves by firstly transferring out the working capital requirement, but then replenishing the fund from the budgeted cash flow for often a similar amount it transferred out, effectively making the purpose of the reserve redundant as it is difficult to grow a reserve to the level required to be of any value.

The Council is aware the Shire of Kojonup has a tight free cashflow position and, therefore, reserving cash for future spend can place pressure on its ability to pay creditors, particularly at the end of the financial year where funds are depleted prior to the next rating season.

It is critical that any free cash that the Council allocates to reserves must be available and have no impact on the Shires working capital requirement. This is a planning and budgeting issue and will be reviewed by the Chief Executive Officer (CEO) in the lead up to the 2023/24 budget with the aim of recommending changes in the cost structure to be more sustainable.

Appropriateness of Existing Reserve Account Balances:

The following table shows reserve account balances as of 30 June 2025 and (budgeted) 30 June 2026 and a commentary on the appropriateness of these balances in conjunction with major projects planned in *Smart Implementation*.

Recommendations within the table are made based on the following key:

X - Close Reserve
↑ - More funds required
✓ - Currents funds are appropriate;
? - Funds are surplus to needs of the account; and
? – Needs further intervention to be relevant

Recommendations have also been colour coded using a traffic light system.

The next section guides the Council on recommendations on each of the reserves and their use.

	Name of Reserve	Actual Balance 30 June 2025	Budgeted Balance 30 June 2026	Officers Comment	This Year's Rec.
1.	Emergency Plant Replacement	$269,951	$ 277,571	**Recommendation: Retain.** As per the terms of reference Transfer the funds above the $250,000 to the municipal account	✓
2.	Employee Leave	$ 296,408	$ 304,030	Policy 2.1.6 has set a plan to increase the level of this reserve in accordance with a set formula of minimum balance. This reserve is a priority. The reserve needs to grow at a higher escalation rate and is being investigated a this time. **Recommendation: As per Councils directive the CEO to present a review of this reserve in relation to what is a required minimum amount and what top ups are required each financial year to meet the liability obligations.**	↑
3.	Low Income Housing	$ 91,023	$ 92,813	This reserve 'operates' the Jean Sullivan joint venture housing, i.e. profit from rent transferred to reserve to fund major maintenance. Rental amounts are set by the State. **Recommendation: Retain**	✓
4.	Sports Complex P&E Upgrade & Renewal	$ 68,321	$ 54,701	Very important community asset that has substantial upgrade requirements to meet user needs. Kitchen upgrade (including cool room) and building extension for storage/office space, swimming pool club rooms and deck extension are all identified future projects. **Recommendation: Continue to monitor this reserve and fund as free cashflow allows. Review each budget.**	↑

	Name of Reserve	Actual Balance 30 June 2025	Budgeted Balance 30 June 2026	Officers Comment	This Year's Rec.
5.	Landfill Waste Management	$ 87,276	$ 88,987	Current operations and improvement required in waste management highlights that this will be an area of future expenditure needs. Post closure management expenses need to be saved for the duration of the operation of a facility to ensure appropriate funding of required works following closure. From 1 July 2018, the reserve definition was updated to include 10% of rubbish bin charges being allocated to this account. **Recommendation: Change the Policy to remove Council's obligation to fund this from 10% of waste charges. Retain and fund as free cashflow allows. Review each budget.**	↑
6.	Community Grant Scheme	$ 10,672	$10,834	As per the Strategic Community Plan the use of this fund is to help support community groups and initiatives and projects in the community. **Recommendation: Revert the name to "Community Grants Scheme" reflecting the terms of reference.**	✓
7.	Independent Living Units	$ 172,455	$ 153,829	This reserve was nearly fully withdrawn with the construction of new ILU's. Rental returns will rapidly improve the reserve over time, importantly from an asset replacement perspective in the long term. **Recommendation: Retain and fund as free cashflow allows. Review each budget.**	✓

	Name of Reserve	Actual Balance 30 June 2025	Budgeted Balance 30 June 2026	Officers Comment	This Year's Rec.
8.	Natural Resource Management	$ 106,230	$ 108,309	NRM needs a deep review. **Recommendation: Discuss with the NRM committee what they wish these funds to be used for. Take to the next NRM committee** meeting for consideration.	✓
9.	The Kodja Place Building Upgrade & Renewal	$ 19,222	$ 19,581	**Retain as is, review in Kodja Place Strategic discussion 2026**	↑
10.	Sporting Facility	$ 82,228	$ 14,985	Major expenditure 2020 - 2022 will meet the immediate demands for facility upgrades. Possible parking/kerbing/footpath upgrades are all identified future projects. **Recommendation: Finalise the merger of the sporting reserves as directed and Council Continue to monitor. Fund as free cashflow allows. Review each budget.**	↑

Summary and Recommendations to Reserve Management and Financial Policy 2.1.6

On a short horizon it is important that the Shire continues to focus on debt reduction and creating capacity to fund more capital projects over the next five to ten years. Reducing borrowing costs will unburden cash to be utilised for future investment and reserve retention.
As a result the following recommendations are offered for consideration:

1. Changes to Reserve Terms of Reference

Memorial Hall - Theatrical Infrastructure Reserve (previously Community Grant Scheme)
The purpose of this reserve is: "To finance community grant scheme rounds and to financially manage larger community grants that may extend over more than one financial year."

It is recommended that Council revert the name of the Memorial Hall - Theatrical Infrastructure Reserve (previously Community Grant Scheme) back to the Community Grant Scheme. This name better reflects the terms of reference (ToR) of the reserve and better aligns to the strategic plan.

The alternative is to change the terms of reference to reflect the name which is not recommended by the Author.

2. Additional/New Reserve Accounts

The Audit Risk and Improvement Committee has recommended a new Building Upgrade and Renewal Reserve as follows:

> *Building Upgrade & Renewal Reserve*
> To be used for major maintenance, upgrades and renewal of Council owned buildings.
> Land Acquisition & Development.
>
> Specifically, to be used for unplanned capital and maintenance expenditure on properties and assets.

A new reserve for Unplanned Maintenance, recommended by the Audit Risk & Improvement Committee, is not recommended at this stage, and be deferred until free cash becomes available to sustain such a reserve.

Whilst this would be a worthwhile reserve to consider it is recommended that the Council does not create a ***Building Upgrade & Renewal Reserve*** for the primary reason of lack of free cash flow to sustain the reserve and make it meaningful.

There are other reserves, such as the Employee Leave Provisions reserve, that require to be prioritised and the use of free cash flow should go to these reserves first and foremost. The other aspect is there are reserves that are already created for parts of this purpose and for specific assets. Examples are the Shire already specifically reserves money for the sports complex, Kodja Place and other assets. This recommendation from the ARIC should be revisited every year when the review is undertaken.

As a consequence, it is not recommended that any new reserve accounts be created as part of this review.

3. Policy Review

The current Council policy details eight (8) reasons why the Shire of Kojonup establishes its reserve accounts (as per above). The review has determined that the reasons are sound and should guide decisions with regard to reserves.

The Challenge for Council in the current financial environment is placing obligations on transferring free cash to reserves in a tight funding environment. Therefore, the guidelines for commitment can only be made when free cash is available.

Councillors can refer to the original section of the Policy in the background information of this report. The following changes to the Policy are recommended:

To modernise the Policy with the recent Council decisions the following recommendations to this section, '***Cash Reserves***', are as follows:

Sub Section of Policy 2.1.6

Cash Reserves

In addition to grant funding, the Shire's reserve accounts are a tool for funding for specific Shire projects, unplanned maintenance events, renewal of current assets, co-funding capital Grants, meeting statutory obligations and will be decided in the annual budget by Council.

Cash reserves are to be established and maintained to accumulate funds under the following guidelines:

1. *Only agree to transfer cash to reserves when free cashflow allows on a year-by-year basis;*
2. *To meet the statutory obligations of the Shire;*
3. *Council to determine the timing of transfers;*
4. *To offset liabilities in respect of previously earned employee entitlements to the extent they require an outflow of funds not allocated in the annual budget;*
5. *To fund renewal of existing physical/built assets;*
6. *To fund future strategic initiatives and the provision of new services and facilities to future residents;*
7. *To buffer against unpredictable or unplanned events such as unexpected maintenance events or replacement of Plant & Equipment failures;*
8. *To hold unspent grants and contributions; and*
9. *Other purposes as determined by the Council from time to time.*
10. *To be created as funding sources and managed as per section 6.11 under the Local Government Act 1995.*

When preparing the annual budget each year and where free cashflow allows, consideration will be given to supporting the current agreed reserve accounts as decided by Council.

The CEO will conduct an annual review for the Council addressing the appropriateness of each reserve account purpose, suitability of current balances, and deficiencies for the *funding of future projects as identified in adopted forward plans and present to Council for consideration.*

Specifically, the following goals are set for individual reserve account balances:

- *Employee Leave – As a minimum, the level of this reserve should meet the organisations statutory requirement to fund current liabilities:*
    - a. *The Enterprise Bargaining Agreement personal care leave scheme liability;*
    - b. *The current portion of the long service leave liability for staff with seven (7) years or more service.*
    - c. *Any other entitlements that are a statutory obligation such as annual leave etc.*
- *Low Income Housing - All operating profit/(loss) is to be transferred to/(from) this reserve in accordance with the joint venture agreement with the Department of Housing;*
- *Independent Living Units - Operating profits from Loton Close & Soldier Road units should be transferred to this reserve where Council determines it appropriate and where free cash flow is available to do so;*
- *Sports Complex P&E Upgrade & Renewal – Council to consider the minimum appropriate annual contribution, when considering the annual budget, to make provision for managing the sports complex assets.*

It is recommended that the 2026/2027 budget continues with the current agreed reserves.

Furthermore, the Shire needs to finalise the name changes and merged accounts in the Chart of Accounts for reporting purposes. An example is to update the required agreed name changes to the reserves in the financial accounts i.e. the Kodja Place and Sporting complex merged reserves.

At the moment sustainable cashflow management is a higher priority for the Shire than increasing the number of reserves. The priority, if any, should be on the current agreed reserve balances, particularly the Employee Leave Entitlements reserve.

In the very short term cost management, debt reduction and financial performance should be the Shire's priority at the expense of new projects and activity in the community.

CONSULTATION
Deputy Chief Executive Officer

STATUTORY REQUIREMENTS
Section 6.11 of the *Local Government Act 1995* states that when a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

Council will be required to advertise the changes to the Community as per section 6.11 of the *Local Government Act 1995* which legislates reserve accounts and states:

(1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

(2) Subject to subsection (3), before a local government —

(a) changes* the purpose of a reserve account; or
(b) uses* the money in a reserve account for another purpose, it must give one month's local public notice of the proposed change of purpose or proposed use.
**** Absolute majority required.***

(3) A local government is not required to give local public notice under subsection (2) —
(a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or
(b) in such other circumstances as are prescribed.

(4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.

POLICY IMPLICATIONS
This report has been completed in accordance with Council Policy 2.1.8 – '*Financial Governance*' - as outlined in this report.

FINANCIAL IMPLICATIONS
Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
1 – Asset Sustainability Practices	-Inadequate financial management and planning (capital renewal plan) - Insufficient budget to maintain or replace assets	Asset replacement schedule Reserves management	Nil
Risk rating – Adequate			
IMPLICATIONS			
Maintaining a suitable forward planning process that is intrinsically linked to long term financial planning minimizes many risks, including those associated with the funding of major projects or the provision of essential equipment and infrastructure.			

ASSET MANAGEMENT IMPLICATIONS
Reserve accounts can be a major funding source and a very important financial tool in managing the sustainability of the assets the Shire is responsible for.

It must be noted reserves created by the Council should specifically address assets as identified in the Building Assessment Framework and Strategic Plan. As such, Councillors when considering changing the terms of reference for reserves should consider the corresponding effect on asset renewal. However, it is the Author's opinion that sustainable cashflow and reduction of debt now outweighs this at this point in time.

The ability to fund future major upgrades, renewal and replacement of assets as identified in the asset management plan will be considered on an annual basis to be managed accordingly.

GREAT SOUTHERN VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS
Nil

VOTING REQUIREMENTS
Absolute Majority

OFFICER RECOMMENDATION

Motion: 33/26 **Moved: Cr Wieringa** **Seconded: Cr Mitchell**

That Council:

1. **Receives the annual review, as presented, addressing the appropriateness of all financial reserve accounts' purposes, financial sustainability, suitability of current balances, and deficiencies for the funding of asset management and future funding requirements; and,**
2. **Supports no new reserves to be created; and**
3. **Advertises any proposed recommended changes, as presented, if required by section 6.11 of the *Local Government Act 1995*;**
   If nil public submissions are received, the Council authorises the Chief Executive Officer to action the changes in the subsequent budget; and
4. **Authorises the CEO to amend the sub section of Councils Financial Policy 2.1.6 – 'Cash Reserves' -, defining reserve management, as presented, to ensure alignment of Councils recent directives and to modernise the Policy to align to Councils strategy on reserve management.**

Carried: 7/0

For: Cr Bilney, Cr Mathwin, Cr Michael, Cr Wieringa, Cr Mitchell, Cr Mickle, Cr Radford

9.4.6 WORK HEALTH AND SAFETY – 2026 FRAMEWORK UPDATE: COMMITTEE TERMS OF REFERENCE, WHS POLICY, SAFETY MANAGEMENT PLAN AND DELEGATION INSTRUMENTS

AUTHOR	Estelle Lottering
DATE	Friday, 17 April 2026
ATTACHMENT	9.4.6.1 – Committee terms of reference (Draft) 9.4.6.2 – WHS Policy 2.2.14 – Work Health and Safety (Draft) 9.4.6.3 – Safety Management Plan (Draft) 9.4.6.4 – Delegation Instruments for WHS (Draft)

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be *"The Cultural Experience Centre of the Great Southern"* STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Leadership	12. A High Performing Council	12.3 Compliance and governance frameworks

DECLARATION OF INTEREST

Nil

SUMMARY

This report presents a suite of updated Work Health and Safety (WHS) governance documents for Council adoption. The documents — the WHS Policy (Policy 2.2.14), the Shire of Kojonup WHS Safety Management Plan 2026, the WHS Committee Terms of Reference, and four WHS Delegation Instruments (WHS 001–004) — have been prepared to bring the Shire's WHS framework into full alignment with the Work Health and Safety Act 2020 (WA), which commenced 31 March 2022, and to formalise the Shire's WHS governance architecture for 2026 and beyond.

Council is asked to adopt all four documents and authorise the CEO to give effect to the delegations and operational arrangements they describe.

BACKGROUND

The Work Health and Safety Act 2020 (WA) replaced the former Occupational Safety and Health Act 1984 (WA) on 31 March 2022. The 2020 Act introduced significant changes to WHS obligations in Western Australia, including:

- The introduction of the 'Person Conducting a Business or Undertaking' (PCBU) concept, replacing the concept of 'employer' as the primary duty holder;
- A positive, personal and non-delegable duty on 'Officers' (including the CEO) to exercise due diligence to ensure the Shire meets its WHS obligations;
- Enhanced requirements for worker consultation, including through Health and Safety Representatives (HSRs) and Work Health and Safety Committees (WHSCs);
- The offence of industrial manslaughter, with significant penalties including imprisonment for officers; and
- Expanded notification and site preservation obligations for notifiable incidents.

The Shire's previous WHS policy and procedures pre-dated the 2020 Act. While the Shire has operated in accordance with the new Act since commencement, the formal governance documents — policy, safety plan, committee Terms of Reference and delegation instruments — had not been comprehensively updated to reflect the new legislative framework.

In early 2026, the WHS Officer, in consultation with the CEO, undertook a full review of the Shire's WHS governance framework. This review produced the four documents now presented for Council consideration.

COMMENT

WHS Policy 2.2.14 — Work Health and Safety

The revised WHS Policy (Attachment 9.4.6.2) replaces the previous policy adopted in November 2021. The updated policy:

- Reframes the Shire's obligations under the WHS Act 2020 (WA) using the PCBU model;
- Articulates the personal due diligence obligations of Officers, including the CEO and senior managers;
- Incorporates psychosocial health and safety as an explicit area of WHS responsibility, consistent with the Code of Practice: Psychosocial Hazards in the Workplace (WorkSafe WA, 2022);
- Sets clear expectations for leaders, workers, volunteers and contractors; and
- Provides a comprehensive legislative and regulatory reference table.

The policy has been reviewed by the CEO and is presented for formal Council adoption with an effective date of 28 April 2026.

WHS Safety Management Plan 2026

The WHS Safety Management Plan (Attachment 9.4.6.3) is a new document establishing the Shire's operational WHS framework. It provides the procedural backbone to the WHS Policy and covers:

- Roles and responsibilities across Council, the CEO, managers, workers, HSRs and contractors;
- Hazard identification and risk management methodology;
- Incident reporting and investigation procedures;
- Consultation mechanisms including WHS Committee, HSRs and toolbox talks;
- Safe work method statements and high-risk work controls; and
- WHS performance monitoring, key performance indicators and annual review.

The Plan is version 1.0, adopted April 2026, with annual review scheduled for April 2027. It applies to all Shire workplaces including the Administration Office, Depot and Works facilities, public roads and reserves, The Kodja Place and Black Cockatoo Café, and remote or off-site work locations.

WHS Committee Terms of Reference

The WHS Committee (WHSC) is established under Part 5 of the *WHS Act 2020 (WA)*. The Terms of Reference (Attachment 9.4.5.1) formalise the Committee's purpose, composition, functions, meeting arrangements and reporting obligations. Key features include:

- The Committee comprises management representatives appointed by the CEO and worker representatives (HSRs or elected worker representatives), with worker representatives comprising at least 50% of membership as required by the Act;
- The Committee meets quarterly, with extraordinary meetings called as needed;
- The WHS Officer provides administrative and secretariat support to the Committee; and
- The Committee reports to the CEO, with a summary report provided to Council quarterly.

The Terms of Reference are approved under Delegation WHS 001 and WHS 002 (see below). Council's role is to note the Terms of Reference and to ensure the Committee is appropriately resourced.

WHS Policy 2.2.14 — Work Health and Safety

The revised WHS Policy (Attachment 9.4.6.2) replaces the previous policy adopted in November 2021. The updated policy:

- Reframes the Shire's obligations under the WHS Act 2020 (WA) using the PCBU model;
- Articulates the personal due diligence obligations of Officers, including the CEO and senior managers;
- Incorporates psychosocial health and safety as an explicit area of WHS responsibility, consistent with the Code of Practice: Psychosocial Hazards in the Workplace (WorkSafe WA, 2022);
- Sets clear expectations for leaders, workers, volunteers and contractors; and
- Provides a comprehensive legislative and regulatory reference table.

The policy has been reviewed by the CEO and is presented for formal Council adoption with an effective date of 28 April 2026.

WHS Delegation Instruments WHS 001–004

Four WHS delegation instruments are presented for Council adoption (Attachment 9.6.4.3). These instruments are made under section 5.42(1) of the *Local Government Act 1995 (WA)* and delegate specific WHS-related functions to the CEO.

They do not relegate any statutory duty of care obligations— the Shire's primary duty as a PCBU and the CEO's personal officer due diligence obligations are non-delegable under the WHS Act.

Instrument	Title	Key Functions Delegated
WHS 001	WHS Management System	Establish and maintain the WHSMS; appoint the WHS Officer; approve WHS policies and procedures; commission inspections and audits; allocate WHS resources within budget. Sub-delegates administrative coordination to the WHS Officer (WHS (S) 001).
WHS 002	WHS Committee — Establishment and Appointments	Formally establish and maintain the WHSC; appoint management representatives; approve and amend Terms of Reference. No sub-delegation — management appointments are the CEO's authority alone.
WHS 003	Notifiable Incidents — Notification and Site Preservation	Notify WorkSafe WA of notifiable incidents immediately by fastest means and in writing within 48 hours; direct incident site preservation; commission investigations. WHS Officer may assist with preparation only — formal notification and site preservation directions are the exclusive authority of the CEO or Acting CEO.
WHS 004	Response to WorkSafe WA Notices	Receive and respond to Improvement, Prohibition and Infringement Notices; direct cessation of prohibited

		activities; seek legal advice; apply for review of notices. All notices to be reported to Council at the next Ordinary Meeting.

Each instrument records the date of Council adoption (28 April 2026) and will be entered in the Shire of Kojonup Delegation Register. The Register will be updated and presented to Council in accordance with the Shire's usual practice.

CONSULTATION
Chief Executive Officer

STATUTORY REQUIREMENTS
The adoption of these documents is consistent with the following legislative obligations:

Legislation	Relevant Provision
Work Health and Safety Act 2020 (WA)	s.19 — Primary duty of care of PCBU; s.27 — Officer due diligence; ss.50–78 — HSRs and WHS Committees; ss.37–39 — Notifiable incidents
Work Health and Safety (General) Regulations 2022 (WA)	Detailed requirements for hazardous work, psychosocial risks, plant, substances, and audiometric testing
Local Government Act 1995 (WA)	s.5.42(1) — Council may delegate powers to the CEO; s.5.44 — CEO may sub-delegate

POLICY IMPLICATIONS
This report presents the updated WHS Policy 2.2.14 for adoption. Upon adoption, the revised policy supersedes the version adopted at the 28 November 2025 meeting (Minute 135/21 series). The policy will be published on the Shire's website and made available to all workers, contractors and volunteers.

FINANCIAL IMPLICATIONS
There are no direct costs associated with the adoption of these documents. The WHS Safety Management Plan and associated procedures will be administered by the WHS Officer within the existing WHS budget allocation. Any WHS expenditure arising from implementation of the plan — including training, workplace inspections, or audit costs — will be managed within Council approved budget limits as provided in Delegation WHS 001.

Expenditure exceeding the approved WHS budget will require a Council resolution or exercise of the emergency expenditure delegation (ADMIN 016), consistent with the conditions of WHS 001.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 - Compliance	Failure to maintain WHS governance	Adopted of updated policy, safety plan,	Documents finalised and

	documents consistent with the WHS act 2020 (WA), resulting in non-compliance and potential regulatory action by WorkSafe WA	TOR and delegation instruments; annual review cycle	presented for Council adoption April 2026.
4 - People	Worker Injury or illness resulting from inadequate WHS management systems or failure to identify and control hazards.	WHS Safety Management Plan; Hazard identification and risk management procedures; WHS committee; HSR framework.	Safety Management Plan Version1.0 operational from adoption date; WHS Committee to be constituted by CEO.
5 - Reputation	Reputational and legal risk to the Shire and individual officers arising from failure to exercise WHS due diligence obligations.	CEO and officer due diligence training, delegation framework, reporting to Council.	Delegation instruments WHS 001 – 004 clarify authority and accountability; CEO to undertake due diligence training in 2026/2027.
Risk rating: Low to moderate			
IMPLICATIONS			
The primary risk to the Shire is non-compliance with the WHS Act 2020 (WA), which carries significant personal liability for Officers (including the CEO) and potential prosecution of the Shire as PCBU. The adoption of the suite of documents presented in this report substantially mitigates that risk by establishing a documented, annually reviewed governance framework consistent with the Act. The residual risk of workplace injury or illness is managed through the operational procedures of the Safety Management Plan and the WHS Committee consultation and inspection framework.			

ASSET MANAGEMENT IMPLICATIONS

The WHS Safety Management Plan includes provisions for the safe inspection, maintenance and operation of Shire plant and equipment. Relevant safe work method statements address plant-related hazards at the Depot and Works facilities. There are no direct asset management implications from the adoption of the governance documents.

GREAT SOUTHERN VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS
Simple Majority

OFFICER RECOMMENDATION

Motion: 34/26 **Moved: Cr Michael** **Seconded: Cr Mickle**

That Council:

1. **Adopt the revised WHS Policy 2.2.14 — Work Health and Safety, effective 28 April 2026, superseding the version previously adopted 28 November 2025;**
2. **Adopt the Shire of Kojonup WHS Safety Management Plan 2026 (Version 1.0), as the Shire's operative Safety Management Plan from 28 April 2026;**
3. **Adopt Delegation Instruments WHS 001, WHS 002, WHS 003 and WHS 004, pursuant to section 5.42(1) of the Local Government Act 1995 (WA), effective 28 April 2026, and authorise the CEO to give effect to those delegations and to enter them in the Shire of Kojonup Delegation Register; and**
4. **Note the WHS Committee Terms of Reference 2026, approved by the CEO under Delegations WHS 001 and WHS 002, and confirm that the Committee is to be constituted by the CEO in accordance with those Terms; and**
5. **Note that the CEO will report to Council on WHS performance, any notifiable incidents, and any WorkSafe WA notices received.**

Carried: 7/0

For: Cr Bilney, Cr Mathwin, Cr Michael, Cr Wieringa, Cr Mitchell, Cr Mickle, Cr Radford

9.4.7 RE-TABLED - COMMUNITY EMERGENCY SERVICES MANAGER REGIONAL STRUCTURAL CHANGE

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Thursday, 13 March 2026
ATTACHMENT(S)	9.4.7.1 MOU - CESM - Shires of Gnowangerup Cranbrook and Kojonup - MOU Agreement - 2025-2028 (LG Endorsed) 9.4.7.2 Proposed CESM Split - Options for consideration 9.4.7.3 CESM Proposed 30% - 70% Split 9.4.7.4 CESM Proposed 40% - 60% Split

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be *"The Cultural Experience Centre of the Great Southern"* STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.6 SoKO Asset Management

DECLARATION OF INTEREST
Nil

SUMMARY
This report requests Council consider a regional change to the Community Emergency Services Manager (CESM) structure. The proposal, in conjunction with DFES and six (6) participating local governments (LGA's), would evolve from one CESM role shared by three LGA's to one CESM role shared by two LGA's, requiring an increase in funding for the additional role.

BACKGROUND
The Shire of Kojonup (Shire) has obligations for emergency management under Section 67 of the *Bush Fires Act 1954* and these obligations play an important role in the Council's decision-making process for supporting emergency services.

Since 2020, the Council has provided partial funding for a CESM position in collaboration with the Shires of Gnowangerup and Cranbrook. It is a joint funded role with DFES contributing 50% of the total cost and the three (3) LGA's contributing the remaining 50% of the total cost.

The Shires shared contribution under the current arrangement equates to ~$28,000 per year (this excludes any overtime that the Shire authorises for the CESM).

To view the current Memorandum of Understanding (MOU) refer to Attachment 9.4.7.1 - MOU - CESM - Shires of Gnowangerup Cranbrook and Kojonup - MOU Agreement - 2025-2028 (LG Endorsed).

At a 25 March 2025 Ordinary Council meeting the Council approved the continuation of the CESM program and MOU as follows:

40/25 Moved Cr Mathwin *Seconded Cr Webb*

That Council approves the continuation of the Memorandum of Understanding with the other two (2) Shires to continue employing the CESM as currently stands.

CARRIED 7/0
For: Cr Bilney, Cr Wieringa, Cr Webb, Cr Egerton-Warburton, Cr Radford, Cr Mathwin, Cr Mickle

The objectives of the current MOU arrangement are to establish and agree upon specific responsibilities with respect to the delivery of emergency services within the LGA's, in particular to:

1. Deliver coordinated prevention programs to reduce the incidence of emergencies and improve the level of safety in the community;
2. Operate to a consistent set of protocols and equipment standards;
3. Provide efficient systems of communication between organisations at all levels to improve service delivery outcomes;
4. Promote and support volunteer organisational arrangements that combine the spirit of volunteerism to attract and retain members;
5. Provide and or coordinate the level of training to personnel, to ensure the competencies are appropriate to the risk level of emergencies to which volunteers will be required to respond;
6. Develop a partnership that will see a best practice approach to emergency service delivery implemented between the Shire and DFES; and
7. Enhance community ownership of fire prevention and preparedness programs and activities.

In October 2025 the Shire CEO presented to this Council on the CESM capacity and capability constraints within the current CESM structure. This presentation highlighted the risk profile and functional requirements for emergency services management in the Shire. The analysis concluded the current CESM role does not have capacity to manage the Shires Emergency Services Regulatory and minimum critical control management requirements.

COMMENT
Communications from the Department of Fire Emergency Services (DFES) recently requested the LGA's review a proposal to build capacity in the region and introduce a third CESM role into the region.

The introduction of a third CESM to the region requires the six (6) LGA's to share the incremental cost of that role therefore the total cost for the arrangement to the LGA's will increase. Refer below to Financial Implications for more information on the cost increase.

The proposal is based on the following:

- The LGA's involved are Cranbrook, Gnowangerup, Katanning, Woodanilling, Broomehill-Tambellup, Kojonup;
- The six (6) LGA's to co-fund a third CESM in the region to increase capacity; and,
- The funding arrangement, worst-case scenario, is a 70% - 30% split LGA/DFES respectively, the best-case scenario is a 60% - 40% split LGA/DFES respectively depending on discussion outcomes with DFES.

The four scenarios being considered based on the multi variables of travel time, Volunteer numbers, total brigade numbers, volunteer response brigades and DFES appliances is as follows. For more detailed information on the options please refer to Attachment 9.4.7.2 Proposed CESM Split - Options for consideration:

Pairing Scenario one (1)

1. Kojonup - Woodanilling

2. Cranbrook - Broomehill-Tambellup
3. Katanning - Gnowangerup

Pairing Scenario Two (2)

1. Katanning - Woodanilling
2. Kojonup - Broomehill-Tambellup
3. Cranbrook - Gnowangerup

Pairing Scenario Three (3)

1. Katanning - Woodanilling
2. Cranbrook - Kojonup
3. Broomehill-Tambellup - Gnowangerup

Pairing Scenario Four (4)

1. Katanning - Kojonup
2. Cranbrook - Gnowangerup
3. Broomehill-Tambellup – Woodanilling

Based on the multi variable analysis and customised discussions (regarding relationships and cultural fit in the region) between the LGA CEO's, the recommendation from the CEO group is to implement Pairing Scenario # four (4). There is in principle support by the CEO's in each LGA as it has an equivalent positive effect for the organisations management of Emergency services.

It should be noted that if one Council does not support the change then the concept may be compromised based on the distribution of the incremental cost of the third role across all the six (6) shires minimising individual LGA increases.

Consequently, if Council approves the arrangement, Kojonup and Katanning will share one (1) CESM. All options were viable for Kojonup but as far as travel time being a consideration and a balance of volunteer numbers and brigades this pairing is a very good outcome.

The Shire already shares an EHO with Katanning and we are the only two Shires with a gazetted fire district in gazetted town boundaries. This allows the CESM capacity to be released for bushfire and other emergency management only whereas the CESM in other LGA's is responsible for town fire management.

The option for consideration increases the capacity of emergency services functions in the Shire and de-risks a component of emergency services management across the Shire for a modest incremental cost increase.

This increase in cost is offset by higher productivity and a strong focus on critical control management as the new structured roles will only have:

- two LGA's to manage not three,
- less brigade numbers,
- lesser number of volunteers to train,
- less travel time and less kilometres to cover.

Preparedness is a critical control for managing emergency services risks and this will be considered in a separate agenda item. It must be noted the current arrangement and MOU with DFES does not account for mitigation work required in the Shire to reduce risk to assets identified in the Bushfire Risk Management Plan.

Other LGA's have multiple roles for emergency services including Risk Mitigation Coordinators and other administrative support roles giving them additional capacity to implement the required regulatory and critical controls for emergency services.

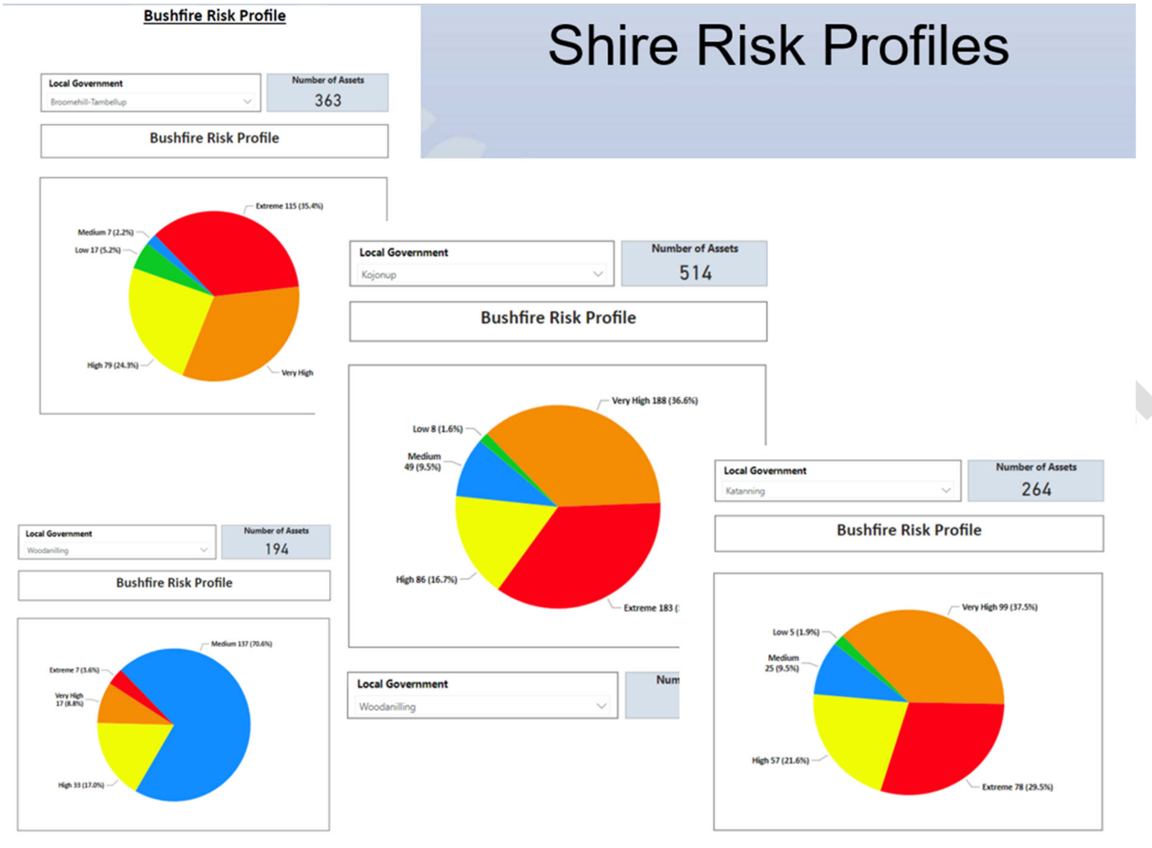
In recent years, emergency management demands have increased significantly for local governments due to:

- Expanded reporting and compliance requirements;
- Additional volunteer brigade administration;
- Work Safe Health Act introduction in 2021;
- Increased community expectations around preparedness, resilience, and communications.

The Shire of Kojonup has a higher risk profile than other near neighbour shires and therefore requires additional capacity to implement frameworks to manage Emergency Services, more than it actually receives from the current arrangement.

Refer to risk profile Table 1.0 below to compare risk to other neighbouring shires in the Great Southern.

TABLE 1.0 – Comparable Shire Risk Profiles



Under the current 1:3 LGA ratio model, the CESM is required to divide their time across three shires, limiting availability during critical planning and operational periods.

In the Council presentation of October 2025, it was noted that while the current agreement specifies a total capacity of 1.5 days (approximately 11.4 hours) per week for CESM access, the actual access has averaged less than one day per week, or 7.6 hours. After accounting for travel time, this level of access has not sufficiently met the Shire's requirements.

The proposed model will give the Shire 50% access to a CESM, approximately 19 hours of access time per week, which was highlighted in the October 2025 presentation as the minimum hours required to service the Shires emergency services requirements, excluding mitigation, with less travel this is expected to improve the CESM's productive time materially.

A shift to this model would provide:

- Greater on-ground time within the Shire through increasing dedicated scheduled days in each participating Shire
- Improved consistency in volunteer brigade support
- Improved capacity for emergency management documentation, training and exercises.
- Greater flexibility during incidents and recovery operations

For Councillors information, all six (6) LGA's are now in the market to appoint a new person to their respective CESM roles due to natural attrition. The Shires of Cranbrook, Gnowangerup and Kojonup are currently finalising the recruitment process for a CESM but have ensured this is tied to any supported structural changes.

The Shires of Katanning, Woodanilling and Broomehill-Tambellup will be required to recruit a new CESM before the end of April.

It is therefore time critical to review this arrangement across the six LGA's and evaluate the potential establishment of the third CESM position within the region. Advancing this discussion toward a prompt conclusion will facilitate a more effective recruitment process.

The Author proposes a structural change, seeking Council's preliminary approval for pairing scenario four (4) and associated funding of worst-case scenario 70/30 split, pending discussions with DFES.

The final MOU will be refined after discussion with DFES on the funding model (refer below to Financial Implications for further information).

Council is advised to approve this change and include increased CESM funding in the 2026/27 budget. The adjustments reflect a 0.5 FTE role, consistent with the CEO's capability and capacity analysis from late 2025.

CONSULTATION
Diarmuid Kinsella, District Manager DFES
CCEO - Shire of Cranbrook
CEO - Shire of Gnowangerup CEO
CEO - Shire of Katanning
CEO - Shire of Woodanilling
CEO - Shire of Broomehill Tambellup
Council Briefing sessions
Shire Deputy President

STATUTORY REQUIREMENTS
Bush Fires Act 1954
Emergency Management Act 2005.
POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
Under the existing DFES co-funded arrangement, 50/50 split, the cost of the CESM is shared between DFES and the three (3) participating shires (current contribution ~$28,000 per annum).

Transitioning to a 1:2 model with a 70/30 split funding model commits the LGA's to a financial contribution of $118,930 shared between two (2) LGA's, $59,465 each. This will result in a modest increase to the Shire's contribution of ~$31,465 per annum, subject to further refining the cost-sharing arrangements with the local governments and DFES.
DFES are investigating whether additional funding is available and if this materialises then funding could reduce to a 60/40 split. It must be noted this option has not been authorised, nor committed at this stage and therefore the recommendation is to support the 70/30 split funding model. Any

contribution less than 70/30 reduces the LGA's contributions. Please refer to Attachment 9.4.7.3 CESM Proposed 30% - 70% Split and Attachment 9.4.7.4 CESM Proposed 40% - 60% Split.

A detailed financial model, a detailed CESM business plan and a proposed partnership arrangement will be approved through a new MOU formation prior to final commitments being made.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2 - Business Disruption	Lack of (or inadequate) emergency response/business continuity plans. Lack of training for specific individuals or availability of appropriate emergency response.	Regular Local Emergency Management Committee (LEMC), District Emergency Management Committee (DEMC), Bushfire Advisory Committee (BFAC) and other Meetings. Emergency Services Skills, training and competent people in emergency services roles.	Nil
Risk Rating – *Inadequate*			
IMPLICATIONS			
The current MOU does not cover the functions of mitigation management.			

ASSET MANAGEMENT IMPLICATIONS

A house for the CESM may need to be provided based on the subsidised rental policy for employees of the Shire. Housing is to be discussed and agreed with the Shire of Katanning.

An emergency services vehicle will be leased.

GREAT SOUTHERN VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

This aligns to the GSVROC strategic plan which council has endorsed to be more effective in sharing resources and increasing productivity across the regions.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

Motion: 35/26 **Moved: Cr Mitchell** **Seconded: Cr Mathwin**

That Council approves:

1. **the model, as presented, to introduce a third (3rd) CESM role into the region;**
2. **the pairing scenario # four (4), as presented, aligning Katanning and Kojonup to host one (1) CESM;**

3. the associated funding scenario 70/30 split (LGA's/DFES), or a lesser amount whichever is negotiated with DFES, which equates to Katanning and Kojonup funding $59,465 each, resulting in an increase to the CESM funding for the Shire of Kojonup of ~$31,465, pending further discussions with DFES; and,

4. directs the CEO to include the increased funding into the 2026/27 Shire budget.

Amendment to the Motion: Moved: Cr Mathwin Seconded: Cr Mitchell

That Council:

1) Approves $60,000 be included in the 26/27 budget to fund Shire of Kojonups' share of the CESM role with any leftover funds set aside for expenditure on the Kojonup BFA.

2) A) Approach the Shires of Woodanilling and Katanning with the intention of sharing a CESM.

If 2)A) is unsuccessful then;

2) B) Approach the Shire of Katanning to see if they would join us in requesting that DFES allows expansion of the CESM role to include the BFMRO role as well.

Motion to Suspend Standing Orders: Moved: Cr Mathwin Seconded: Cr Wieringa

Carried 7/0

For: Cr Bilney, Cr Mathwin, Cr Michael, Cr Wieringa, Cr Mitchell, Cr Mickle, Cr Radford

Standing Orders suspended at 3:38pm

Motion to Resume Standing Orders: Moved: Cr Mathwin Seconded Cr Wieringa

Carried 7/0

For: Cr Bilney, Cr Mathwin, Cr Michael, Cr Wieringa, Cr Mitchell, Cr Mickle, Cr Radford

Standing Orders Resumed 3:56pm

Mover of Amendment, Cr Mathwin spoke to Council and changed the amendment supported by Seconder Cr Mitchell, as follows:

- **withdraw 2)B) from the amendment**
- **2)A) becomes point 2)**

– **Add a third dot point:**
3) Delegate the authority to the CEO to execute pairing scenario 4 in the event Woodanilling and Katanning do not wish to participate in a three-way sharing arrangement for the CESM role.

Amendment to the Substantive motion: Moved: Cr Mathwin Seconder Cr Mitchell

That Council:

1) **Approves $60,000 be included in the 26/27 budget to fund Shire of Kojonup's share of the CESM role with any leftover funds set aside for expenditure on the Kojonup BFA.**
2) **Approach the Shires of Woodanilling and Katanning with the intention of sharing a CESM.**
3) **Delegate the authority to the CEO to execute pairing scenario 4, as presented, in the event Woodanilling and Katanning do not wish to participate in a three-way sharing arrangement for the CESM role.**

Lost 4/3

For: Cr Mathwin, Cr Michael, Cr Mitchell
Against: Cr Bilney, Cr Wieringa, Cr Mickle, Cr Radford

Substantive Motion was put: 35/26 Moved: Cr Mitchell Seconded: Cr Mathwin

That Council approves:

1. **the model, as presented, to introduce a third (3rd) CESM role into the region;**

2. **the pairing scenario # four (4), as presented, aligning Katanning and Kojonup to host one (1) CESM;**

3. **the associated funding scenario 70/30 split (LGA's/DFES), or a lesser amount whichever is negotiated with DFES, which equates to Katanning and Kojonup funding $59,465 each, resulting in an increase to the CESM funding for the Shire of Kojonup of ~$31,465, pending further discussions with DFES; and,**

4. **directs the CEO to include the increased funding into the 2026/27 Shire budget.**

Carried 7/0

For: Cr Bilney, Cr Mathwin, Cr Wieringa, Cr Mickle, Cr Radford, Cr Michael, Cr Mitchell

9.4.8 DELEGATION OF AUTHORITY – APPROVAL TO KEEP MORE THAN TWO DOGS ON PREMISES (RANGER 008)

AUTHOR	Estelle Lottering – Manager Regulatory Services
DATE	Thursday, 23 April 2026
ATTACHMENT(S)	9.4.8.1 – Instrument of Delegation RANGER 008 – Approval to Keep More Than Two Dogs on Premises

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be *"The Cultural Experience Centre of the Great Southern"* STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting 3.1.7 – Determine responsibilities for all assets and review Delegation Register

DECLARATION OF INTEREST
Nil

SUMMARY
The purpose of this report is to seek Council approval of a new Instrument of Delegation (RANGER 008) to delegate to the Chief Executive Officer — with power to sub-delegate to a Ranger or Authorised Officer — the authority to approve or refuse applications from community members wishing to keep more than two dogs on premises within the Shire of Kojonup district.

BACKGROUND
The *Dog Act 1976 (WA)* establishes the framework for the keeping of dogs in Western Australia. Section 26(3) of that Act empowers a local government to fix the number of dogs that may be kept on premises within the district. Section 26(4) prohibits any person from keeping more dogs than the permitted number without the approval of the local government. Section 26A provides the local government with the specific power to grant or refuse applications to keep additional dogs, and to impose conditions on any approval granted. The Shire of Kojonup's Dogs Local Law (and/or applicable Council resolution) currently prescribes a limit of two (2) dogs for residential premises within the district. Any person wishing to keep more than two dogs must apply to the local government for approval under s.26A of the *Dog Act 1976*. Currently, no delegation exists in the Shire's Delegation Register for the exercise of this function. As a result, each application would need to be determined by full Council resolution, which is administratively impractical given the routine nature of these assessments. RANGER 008 will formalise and streamline this process by delegating the authority to the CEO, with a power of sub-delegation to the Ranger or Authorised Officer.

COMMENT
The proposed Instrument of Delegation RANGER 008 (Attachment 9.4.8.1) delegates to the Chief Executive Officer the authority to approve or refuse applications to keep more than two dogs on premises, and to impose conditions on any approval granted. The CEO may sub-delegate this function to a Ranger or Authorised Officer in writing. Key features of the instrument are as follows: Applications must be received in writing on the Shire's approved form.

A site inspection of the premises must be undertaken prior to any determination, to assess suitability regarding fencing, shelter, space, and impact on neighbouring properties. Where the CEO or sub-delegate determines to refuse an application, that refusal is final at the local government level.

No right of internal review under the Local Government Act 1995 applies to decisions made under s.26A of the *Dog Act 1976*, and no right of external review to the State Administrative Tribunal is conferred by that Act in respect of such decisions.

A refusal is therefore final without legal consequences for the Shire. All determinations — approvals and refusals — must be issued in writing with reasons and saved in the Shire's Records Management System.

Outcomes and usage of the delegation are to be reported to Council in the delegations usage register.

CONSULTATION
Chief Executive Officer
Manager Regulatory Services
Ranger

STATUTORY REQUIREMENTS
Local Government Act 1995 (WA): s.5.42(1) – Authorises Council to delegate to the CEO any power or duty of the local government under the *Local Government Act 1995* or any other written law, subject to certain limitations. s.5.43 – Sets out the limitations on delegations to the CEO (no delegation of the power to borrow money, impose rates, etc. — none of which apply here).
s.5.44(1) and (2) – Authorises the CEO to sub-delegate, in writing, any power or duty delegated under s.5.42 to an employee of the local government. *Dog Act 1976 (WA)*: s.26(3) – Power of a local government to fix the number of dogs that may be kept. s.26(4) – Offence to keep more dogs than permitted without approval. s.26A – Power to approve, refuse and impose conditions on applications to keep additional dogs.
s.29(1) – Authorised person powers under the *Dog Act 1976*.

POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
The adoption of this delegation does not in itself have a financial implication. Any application fee for keeping additional dogs is set by the Shire's Schedule of Fees and Charges and is not determined by this instrument.

RISK MANAGEMENT IMPLICATIONS
Without this delegation, every application to keep more than two dogs would require determination by full Council resolution, creating unnecessary administrative burden and delay for applicants. This instrument enables timely, consistent, and properly documented decision-making at officer level. The requirement for written reasons on all decisions and mandatory site inspections prior to determination supports defensible and auditable outcomes. The express provision that refusals are final at the local government level (with no right of internal review) protects the Shire from protracted review proceedings in routine cases.

ASSET MANAGEMENT IMPLICATIONS
Nil

GREAT SOUTHERN VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS
Nil

VOTING REQUIREMENTS
Simple Majority

OFFICER RECOMMENDATION

Motion: 36/26 Moved: Cr Mitchell Seconded: Cr Mathwin

That Council pursuant to section 5.42(1) of the Local Government Act 1995 (WA), resolves to adopt Instrument of Delegation RANGER 008 – Approval to Keep More Than Two Dogs on Premises, as presented in Attachment 9.4.8.1, delegating to the Chief Executive Officer the authority to approve or refuse applications to keep more than two (2) dogs on premises within the Shire of Kojonup district under section 26A of the Dog Act 1976 (WA), effective from the date of this resolution.

AMENDMENT TO DEFER MOTION 36/26:

Moved: Cr Bilney Seconded: Cr Wieringa

That Council defer consideration of the Motion 36/26 for item 9.4.11 to the 26 May 2026 Ordinary Council Meeting.

Reason for the deferral:
To research and verify the current delegations to enforce the law and differentiate the use of Gazetted Townsites (Kojonup and Muradup) versus rural areas, and to brief Council on this at the next briefing session.

Carried 7/0

For: Cr Bilney, Cr Mathwin, Cr Wieringa, Cr Radford, Cr Mickle, Cr Michael, Cr Mitchell

Substantive Motion 36/26 is deferred and will be re-tabled at the May 26, 2026, Ordinary Council Meeting.

10 APPLICATIONS FOR LEAVE OF ABSENCE

OFFICER RECOMMENDATION

Motion 37/26: Moved: Cr Mitchell Seconded: Cr Radford

Council approve the following leave of absence:

1. **Cr Mitchell – Ordinary Council Meeting (OCM) 28 May 2026**
2. **Cr Mickle – Ordinary Council Meeting (OCM) 28 May 2026**

Carried 7/0

For: Cr Bilney, Cr Mathwin, Cr Wieringa, Cr Radford, Cr Mickle, Cr Michael, Cr Mitchell

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Cr Bilney –Does work need to be done at Bushfire Brigade level to plan future succession planning and the sustainability of the Bushfire Brigades over the next few years?

Should the Shire facilitate the meeting ourselves, or seek an independent facilitator to support the strategic discussions?

Needs to come back to Council after further consideration and discussions with the Chief Bushfire Control Officer.

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

14 MEETING CLOSED TO THE PUBLIC

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

NIL

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.

14.2

PROCEDURAL MOTION

That the meeting proceeds behind closed doors in accordance with Section 5.23(2) (e) of the *Local Government Act 1995* at _______ pm.

PROCEDURAL MOTION

That the meeting be reopened to the public at _______pm.

PUBLIC READING RESOLUTIONS THAT MAY BE MADE PUBLIC

15 CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 4:23pm.

Confirmed on 26 May 2026 as a true record –

_______________________________________ ______________________

Presiding Member Date

16 ATTACHMENTS (SEPARATE)

6.1	6.1.1	Unconfirmed Minutes of an Ordinary Council Meeting held on 16 December 2025
9.4.1	9.4.1.1	Kojonup Monthly Report 31 March 2026
9.4.2	9.4.2.1	Monthly Payment Listing March 2026
9.4.3	9.4.3.1	Rates to be written off
9.4.4	9.4.4.1	George Church Community Medical Centre Inc. Tender 162 Blackwood Road
	9.4.4.2	EOI Letter
9.4.6	9.4.6.1	Committee Terms of Reference (Draft)
	9.4.6.2	WHS Policy 2.2.14 – Work Health and Safety (Draft)
	9.4.6.3	Safety Management Plan (Draft)
	9.4.6.4	Delegation Instruments for WHS (Draft)
9.4.7	9.4.7.1	MOU – CESM – Shires of Gnowangerup, Cranbrook and Kojonup – MOU Agreement 2025-2028
	9.4.7.2	Proposed CESM Split – Options for Consideration
	9.4.7.3	CESM Proposed 30-70% Split
	9.4.7.4	CESM Proposed 40-60% Split
9.4.8	9.4.8.1	Instrument of Delegation Ranger 008 Approval to keep more than Two dogs on the premises