

# SHIRE OF KOJONUP



## Council Minutes

*19<sup>th</sup> November 2013*

**SHIRE OF KOJONUP****MINUTES FOR THE COUNCIL MEETING HELD ON 19<sup>th</sup> November 2013****TABLE OF CONTENTS**

<b>1</b>	<b>DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS</b>	<b>3</b>
<b>2</b>	<b>ATTENDANCE, APOLOGIES &amp; LEAVE OF ABSENCE</b>	<b>3</b>
<b>3</b>	<b>SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE</b>	<b>3</b>
<b>4</b>	<b>PUBLIC QUESTION TIME</b>	<b>4</b>
<b>5</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>4</b>
<b>6</b>	<b>CONFIRMATION OF MINUTES</b>	<b>4</b>
<b>7</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION</b>	<b>5</b>
<b>8</b>	<b>PETITIONS, DEPUTATIONS &amp; PRESENTATIONS</b>	<b>5</b>
<b>9</b>	<b>DECLARATIONS OF INTEREST</b>	<b>5</b>
<b>10</b>	<b>CORPORATE SERVICES REPORTS</b>	<b>6</b>
10.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY	6
10.2	MONTHLY PAYMENTS LISTING	7
10.3	2012/2013 COUNTRY LOCAL GOVERNMENT FUND (CLGF)	8
<b>11</b>	<b>WORKS &amp; ENGINEERING REPORTS</b>	<b>22</b>
<b>12</b>	<b>COMMUNITY &amp; REGULATORY SERVICES REPORTS</b>	<b>23</b>
12.1	KOJONUP CRICKET CLUB INC. – INVOICE 04042012	23
12.2	KODJA PLACE BUILDING ASSESSMENT	28
<b>13</b>	<b>EXECUTIVE &amp; GOVERNANCE REPORTS</b>	<b>30</b>
13.1	SETTING OF COUNCIL MEETING DATES 2014	30
13.2	CLOSURE OF SHIRE OFFICE AND LIBRARY OVER 2013/2014 CHRISTMAS/NEW YEAR	32
13.3	COUNCIL RECORDS ARCHIVING & DISPOSAL	33
13.4	VROC CONCEPT PROPOSAL FOR ROAD CONSTRUCTION & MAINTENANCE	35
<b>14</b>	<b>COMMITTEES OF COUNCIL</b>	<b>37</b>
14.1	REVIEW OF COMMITTEES	37
<b>15</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>60</b>
<b>16</b>	<b>NEW BUSINESS</b>	<b>60</b>
<b>17</b>	<b>CONFIDENTIAL REPORTS</b>	<b>61</b>
17.1	FOOD SAFETY ASSESSMENT	61
17.2	STAFF HOUSING	61
17.3	KOJONUP SPORTS COMPLEX COMPLIANCE ASSESSMENT	61
17.4	SPRINGHAVEN AGED CARE FACILITY HR/IR UPDATE NO: 2	61
<b>18</b>	<b>NEXT MEETING</b>	<b>64</b>
<b>19</b>	<b>CLOSURE</b>	<b>64</b>
<b>20</b>	<b>ATTACHMENTS (SEPARATE)</b>	<b>64</b>

## MINUTES

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

The Shire President declared the meeting opened at 3:01pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings 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.*

### 2 **ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE**

Cr Ronnie Fleay	Shire President
Cr Robert H. Sexton	Deputy Shire President
Cr Jane Trethowan	
Cr John Benn	
Cr Ian Pedler	
Cr Jill Mathwin	
Cr Frank Pritchard	
Cr Ned Radford	

Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Mort Wignall	Manager of Regulatory & Community Services
Miss Dominique Hodge	Personal Assistant to the CEO

Members of the Public	3
-----------------------	---

#### **APOLOGIES**

Mr Anthony Middleton	Manager of Corporate Services
----------------------	-------------------------------

*The Shire President welcomed Council and members of the gallery.*

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

Nil

*The Shire President drew the meeting attention to the disclaimer on Page 3.*

**4 PUBLIC QUESTION TIME****4.1 Kate Clayton – Representing Kojonup Occasional Care Centre**

A letter was hand delivered to Chief Executive Officer. Kojonup Occasional Care Centre is requesting an update of the proposed new Day Care building.

The Manager of Regulatory & Community Services responded that Council is anxiously awaiting formal notification from funding sources in order to progress the project.

Mrs Clayton stated that the current building does not meet compliance for the day care to become a long day care centre allowing families to be eligible for rebates from the Government.

The Manager of Regulatory & Community Services offered his assistance to alleviate any concerns raised that may hinder compliance. Council's immediate priority is the Day care facility with Stage 2 planned in 2-3 years subject to funding approvals.

**4.2 Neil Young – Chair of Medical/Health Centre Advisory Committee**

*Mr Young stated he had a presentation not a question but the Shire President allowed him to make his presentation now instead of at Item 8.*

Mr Young stated he supports the Committee being disbanded but would like the wording of the Officer Recommendation in Item 14.1.2 changed. Unfortunately the “window of opportunity” had now passed regarding funding however he and the committee are hopeful that Council as a result of the Services & Facilities Plan will achieve sustainable outcomes for the Kojonup Community.

The Shire President responded by acknowledging the Medical/Health Centre Advisory Committee for their efforts.

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6 CONFIRMATION OF MINUTES**

ORDINARY MEETING 15<sup>th</sup> October 2013

**COUNCIL DECISION**

**160/13 Moved Cr Benn, seconded Cr Mathwin that the Minutes of the Ordinary Meeting of Council held on 15<sup>th</sup> October 2013 be confirmed as a true record.**

**CARRIED 8/0**

SPECIAL MEETING 5<sup>th</sup> November 2013

**COUNCIL DECISION**

**161/13 Moved Cr Trethowan, seconded Cr Benn that the Minutes of the Special Meeting of Council held on 5<sup>th</sup> November 2013 be confirmed as a true record.**

**CARRIED 8/0**

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

Nil

8 **PETITIONS, DEPUTATIONS & PRESENTATIONS**

Nil

9 **DECLARATIONS OF INTEREST**

Cr Pedler declared a business association interest in Item 17.1.

**10 CORPORATE SERVICES REPORTS****10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY**

**AUTHOR:** Anthony Middleton – Manager of Corporate Services  
**DATE:** Wednesday, 13 November 2013  
**FILE NO:** FM.FNR.2  
**ATTACHMENT:** 10.1 Monthly Statement of Financial Activity  
 10.1 Appendix A – Springhaven Aged Care Facility Monthly Statement of Financial Activity

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To accept the Monthly Statement's of Financial Activity for the periods of 1st July 2013 to 31<sup>st</sup> October 2013.

**BACKGROUND**

Preparation and presentation to Council of monthly reports are a statutory requirement, with these to be presented at an ordinary meeting of the Council within two (2) months after the end of the period to which the statements relate.

**COMMENTS**

The attached Statement of Financial Activity for the period of 1<sup>st</sup> July 2013 to 31<sup>st</sup> September 2013 which represents four (4) months, or 33% of the year. The following items are worthy of noting:

- Surplus position of \$3.07m;
- 77.4% of rates collected; and
- Cash holdings of \$5.13m of which \$2.6m is held in cash backed reserve accounts.

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

Financial Management Regulation 34 sets out the basic information which must be included in the monthly reports to Council.

**POLICY IMPLICATIONS**

There is no policy implications for this report.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

This item is not mentioned in the Community Strategic Plan or Corporate Business Plan.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**162/13 Moved Cr Mathwin, seconded Cr Pritchard that the Monthly Statement's of Financial Activity for the periods of 1<sup>st</sup> July 2013 to 31<sup>st</sup> October 2013, as attached, be accepted.**

**CARRIED**

**8/0**

**10.2 MONTHLY PAYMENTS LISTING**

**AUTHOR:** Brodie Hueppauff – Finance Officer  
**DATE:** Wednesday, 13 November 2013  
**FILE NO:** FM.AUT.1  
**ATTACHMENT:** 10.2 Monthly Payment Listing

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To receive the list of payments that were made from 1<sup>st</sup> October 2013 to 31<sup>st</sup> October 2013.

**BACKGROUND**

Not applicable.

**COMMENT**

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

**CONSULTATION**

No consultation was required.

**STATUTORY ENVIRONMENT**

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 2.5 provides authorities and restrictions relative to purchasing commitments.

**FINANCIAL IMPLICATIONS**

All payments made in line with Council Policy.

**STRATEGIC IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**163/13 Moved Cr Benn, seconded Cr Trethowan that in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 1/10/2013 to 31/10/2013 comprising of Municipal Cheques 12898 to 12933, EFT's 10943 to 11093 and Internal Payment Vouchers 4516 to 4547 totalling \$1,005,644.32 and as attached to this agenda, be received.**

**CARRIED**

**8/0**

## 10.3 2012/2013 COUNTRY LOCAL GOVERNMENT FUND (CLGF)

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
 DATE: Tuesday, 12 November 2013  
 FILE NO: GS.PRG.22  
 ATTACHMENTS: 10.3.1 Letter to Paul Rosair, Director General at DRD (OCR3832)  
 10.3.2 Letter from Paul Rosair, Director General at DRD (ICR14361)

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Official notification received that 2012-13 CLGF allocation has been lost due to non-acquittal of 2010-11 funds.

**BACKGROUND**

The Shire of Kojonup has received a total amount of \$1,401,338 for the development or renewal of key infrastructure via the Country Local Government Fund (CLGF) between 2009/2010 and 2011/2012.

The State Government recently announced “Machinery of Government” changes, together with changing economic conditions resulting in a refocus on regional economic development. The refocus will see funding applied to regional strategic projects to deliver productivity improvements ensuring economic, business and social outcomes to the benefit of the State. In short; program delivery funds like the CLGF will refocus on maximizing benefits for Regional Western Australia.

With the adoption of the State Budget in August 2013, the CLGF allocation was changed from \$110m down to \$35m and the qualifying factors for 2012/2013 funding round eligibility was also retrospectively changed. The acquittal of CLGF 2010/2011 funds by 30/6/2013 was not previously a prerequisite for funding.

**COMMENT**

Future Royalties for Regions funding (RfR) for Local Government will be available through existing RfR programs or through the Planning and Development framework and Regional Blueprints, once completed.

The new guidelines introduced in conjunction with the State Governments 2013-14 Budget means that 2010-11 funding needed to be fully acquitted by 30 June 2013. Failure to meet this deadline resulted in exclusion from 2012-13 funding.

The Shire of Kojonup **did not meet this deadline** and as such is **not eligible to receive any 2012-13 funding.**

The table below summarises RfR funding received by the Shire of Kojonup and the status of each funding amount.

Year	Funding Amount	Acquitted
2009/10	625,454	Yes
2009/10	35,000	Yes
2010/11	394,286	24/9/13
2011/12	346,598	Unspent

**1,401,338**

The Western Australian Local Government Association (WALGA) have contacted all Country Local Governments regarding the impact of the State Governments policy decisions around the



CLGF, (particularly the acquittal of the 2010-11 funding allocation) that have unduly **affected up to 40 Local Governments**.

WALGA have stated that:

*“Many Local Governments have been ‘caught up’ in a situation that “in good faith” they thought was in hand, thus any assistance we can give you via your information would be appreciated.”*

It should be noted that 2012-13 funding through the RfR program had been allocated to the Medical Centre Project.

At its meeting held 17 September 2013, the Council resolved (130/13):

**That Council:**

- 1. Engage with WALGA in their advocacy role with respect to the Country Local Government Fund (CLGF) State Government imposed changes to have the Shire of Kojonup 2012/2013 CLGF allocation reinstated,**
- 2. A letter be sent to the Director General of Regional Development explaining the circumstances that have resulted to the late acquittal, and requesting reconsideration of the withdrawal of 2012/2013 funding allocation and for this funding to be re-instated.**
- 3. That no Capital expenditure be undertaken on the new Medical Centre Project until the outcome of the above engagement is known or until alternate funding options are sourced (this excludes costs for the scoping and planning currently included in the operation Budget in the amount of \$35,000),**
- 4. Funding be sought through the new Planning and Development framework and Regional Blueprints program via the Regional Development Commission in the absence of a reinstatement of the CLGF 2012-13 funding,**
- 5. Other funding sources be identified, and**
- 6. Once the complete Project scope and cost is known, Budget Amendments be sort, in accordance with Section 6.8 of the Local Government Act 1995, in order to recognise the full Project cost and funding sources available.**

#### **CONSULTATION**

Manager of Corporate Services, Department of Regional Development and Council Briefing Sessions.

#### **STATUTORY ENVIRONMENT**

Royalties for Regions Act 2009.

Amending the Budget requires an absolute majority decision of the Council pursuant to Section 6.8 of the Local Government Act 1995.

Council is required to review its Budget by law (Regulation 33A of the Local Government Financial Management Regulations 1996) no later than 31 March of each year.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

As a direct result of the Western Australian State Government adopting its 2013/14 Budget and 4 Year financial forecasts reflecting no new specific allocation of monies to the Shire under the Royalties for Regions (RfR), Country Local Government Fund (CLGF), the Shire of Kojonup does

not proceed with any Capital Expenditure on the Medical Centre project until such time that the recommendations of Council with respect to this item are undertaken.

#### **STRATEGIC IMPLICATIONS**

The scrapping of a program as significant as the CLGF has direct effect on the Shires ability to meet its goals set in the Community Strategic Plan.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **COUNCIL DECISION / OFFICER RECOMMENDATION**

**164/13 Moved Cr Pritchard, seconded Cr Sexton that:**

- 1. Council proceed with Decision 130/13 points 3-6.**
- 2. Members of the Medical Centre Advisory Committee be advised of the State Governments decision and thanked for their contribution.**
- 3. Council disband the Medical Centre Advisory Committee.**
- 4. The CEO prepare an Expression of Interest for an independent specialist to undertake an Aged Care/Medical/Health Services and Facilities Plan for the Shire of Kojonup for Council consideration in framing the 2014/15 Budget and Long Term Financial Planning including application to the GSDC seeking contribution.**

**CARRIED**

**8/0**



93 Albany Highway, Kojonup  
Postal Address: PO Box 163, Kojonup  
Western Australia 6395

TELEPHONE: (08) 9831 2400  
FACSIMILE: (08) 9831 1566  
E-mail: [council@kojonup.wa.gov.au](mailto:council@kojonup.wa.gov.au)  
[www.kojonup.wa.gov.au](http://www.kojonup.wa.gov.au)

## Shire of Kojonup

Your Ref: 660-09, A3572451  
Our Ref: OCR3832 – GS.PRG.22

Paul Rosair  
Director General  
Department of Regional Development  
PO Box 1143  
WEST PERTH WA 6872

24 September 2013

Dear Mr Rosair,

### **2012/2013 COUNTRY LOCAL GOVERNMENT FUND**

Thank you for your letter dated 10 September 2013 which left myself (as the new CEO) and the Manager Corporate Services (Kim Dolzadelli) astounded and disappointed that the Shire of Kojonup had failed to acquit the 2010-11 funding round.

Rather than go on a 'finger pointing' exercise, Council were immediately advised of the non-compliance and Kim set about in consultation with our Auditors and Ms Linda Leonard from your Department to complete what should have been undertaken months ago!

As part of the acquittal process Council have taken the opportunity to review and amend governance processes, audit check list and systems to prevent a re-occurrence of such an embarrassing and unprofessional situation.

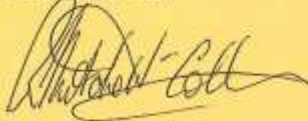
In respect of special, exceptional or mitigating circumstances, the facts are simply that Council's reliance on one person to undertake certain actions were not supported by a proven process, structure and audit trail. Yes! Funds were expended in accordance with funding criteria but I can offer no excuse as to why the acquittal was not completed and submitted prior to my commencement as CEO on 22 July 2013.

Please find attached a copy of the signed audited Country Local Government Fund 2010/2011 Acquittal. Please note this has been emailed to Ms Linda Leonard and the generic Country Local Government Fund email address this morning. The original will also be mailed to the Manager, Reporting & Evaluation Branch, Regional Investment at your department by express post today.

On behalf of Council, I extend our sincere apology and anxiously await consideration that the Shire of Kojonup is eligible for the 2012-13 funding round.

If you have any queries, please do not hesitate to contact me on 9831 2400 or email [ceo@kojonup.wa.gov.au](mailto:ceo@kojonup.wa.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rick Mitchell-Collins', written in a cursive style.

Rick Mitchell-Collins  
*Chief Executive Officer*



Government of Western Australia  
Department of Regional Development and Lands



**ROYALTIES FOR REGIONS  
2010-11 COUNTRY LOCAL GOVERNMENT FUND (CLGF)  
INDIVIDUAL COUNTRY LOCAL GOVERNMENTS**

**FINAL  
Financial Statement and Report  
for the Department of Regional Development and Lands (RDL)  
Acquittal Process**

**1. SUMMARY INFORMATION**

Organisation Details	Legal Name of Local Government:	Shire of Kojonup		
	Contact Person:	Mr Rick Mitchell-Collins		
	Position:	Chief Executive Officer		
	Email:	ceo@kojonup.wa.gov.au		
	Telephone:	9831 2400	Fax:	9831 1566
Total 2010-11 CLGF Funding (ex GST):		\$ 394,286		

**2. PROJECT OUTCOMES**

Project	Description	Performance Measures/Indicators (as per the FAA)	Achievements Target	Actual Performance Achieved	Explanation of Variances
Refurbished Recreation Complex	Completed, fit for purpose recreation facility that improves public access and utilisation	Completion of project as per milestones.	Removal of Asbestos roof and gutting/demoliation of internal structure by 31/05/2011.	completed 29/04/2011	Turnover of staff & process not followed - current staff have engaged consultant
			Construction of Pitched Roof by 30/06/2011.	completed 30/06/2011	
			Completion of refurbishment project by 30/09/2011.	Officially opened 25/02/2012	
		Building Passed in accordance with Building Code of Australia and Public Building regulations.	Building certification	Not yet achieved	
	Improved access for people with	To include	Improved ramp access and disabled		

		<p>disability.</p> <p>Ability to service co-located clubs and concurrent sporting events. (Hosting of concurrent, sports or regional carnival within 2 years)</p> <p>Facility meets community needs (Annual customer satisfaction survey of users, and reduced complaints regarding condition and access)</p>	<p>Improved access</p> <p>Ability to service</p> <p>Reduced complaints</p>	<p>toilets.</p> <p>Additional Change rooms and toilet facilities &amp; expansion of function area.</p> <p>Sports Complex committee providing feedback from users.</p>	<p>Survey to be developed</p>

Please refer to Schedule 4 of the Financial Assistance Agreement (FAA) for the agreed performance measures. Attach more information if insufficient space. If NIL, please write NIL.

**Please note that information pertaining to the financial assistance provided including the recipient, amount of financial assistance and the purpose for which it has been given, may be accessed by the public or tabled in Parliament.**

**FORWARD COMPLETED ORIGINAL SIGNED FORM TO:**

**Manager**  
**Reporting and Evaluation Branch**  
**Regional Investment**  
**Department of Regional Development and Lands**  
**PO Box 1143**  
**WEST PERTH WA 6872**

### 3. FINANCIAL OBLIGATIONS (INCLUDING AUDITED STATEMENT)

**PLEASE NOTE – This final acquittal form is NOT to be used for the acquittal of funds provided to REGIONAL GROUPS of country local governments.**

Under the Financial Assistance Agreement (FAA) between the local government and RDL, recipients are required to provide RDL with a detailed acquittal of the 2010-11 CLGF grant. This acquittal must include an audited Statement of Income and Expenditure (prepared and signed by an independent auditor), of the **entire** 2010-11 allocation. Attached is a format that auditors should follow in providing the required statement and information.

**The STATEMENT OF INCOME AND EXPENDITURE form consists of a CLGF expenditure statement detailing budgeted expenditure as per Schedule 4 of the FAA.** Actual expenditure should be inserted in the appropriate column. If actual expenditure varies significantly from the FAA Schedule 4 budget, explanations should be provided. Budgeted and actual expenditure are to be shown exclusive of GST.

To access this form please visit the Royalties for Regions website: [www.royaltiesforregions.wa.gov.au](http://www.royaltiesforregions.wa.gov.au). For further information relating to the acquittal process email the Reporting and Evaluation Branch of RDL at: [clgf@rdl.wa.gov.au](mailto:clgf@rdl.wa.gov.au).

### 4. DECLARATION

I, Rick Mitchell-Collins of Shire of Kojonup do hereby declare that:

- (i) the information provided in this Report and the attached Statement of Income and Expenditure dated 20 Sept 2013, and audited by Russell Harrison Registered Company Auditor No 14152 of the firm Lincolns Accountants and Business Advisors, an independent auditor, is a true and correct record of the acquittal of all funds expended on eligible CLGF items for the project(s) described and a correct record of funding contributions received for the project(s) from all sources.
- (ii) the Recipient has acknowledged the funding is from Royalties for Regions on information associated with the provision of funds and that signage is displayed for project(s) that received over \$100 000.

Signed:   
(Chief Executive Officer)

Date: 24 Sept 2013

Position: Chief Executive Officer

Name of Local Government: **Shire of Kojonup**  
(Referred to in this Statement as 'the Recipient')



### STATEMENT OF INCOME AND EXPENDITURE

**This page must be printed on the letterhead of the Audit /Accounting Firm.**

Under the Financial Assistance Agreement (FAA), all projects receiving financial assistance must be audited as part of the formal acquittal process. The following statement should be completed and signed by a qualified independent auditor. Country Local Government Fund (CLGF) allocations and other funding received should be accounted for separately.

#### All figures to be EXCLUSIVE OF GST

TOTAL 2010-11 CLGF FINANCIAL ASSISTANCE (ex of GST) received: \$ 394,286			
Project	Description	Allocated CLGF Budget (As per Schedule 4 of FAA) \$ (ex GST)	Actual CLGF Expenditure \$ (ex GST)
Refurbish Recreation Complex	Demolition of internal fitout and removal of asbestos	60,000	60,000
Refurbish Recreation Complex	Electrical and plumbing (inc main upgrade) to 6 change rooms and 3 toilet blocks (including tiling & fittings)	160,000	160,000
Refurbish Recreation Complex	New Roof Structure	50,000	50,000
Refurbish Recreation Complex	Refurbish General Fitout	124,286	124,286
<b>TOTAL</b>		<b>394,286 (A)</b>	<b>394,286 (B)</b>
<b>BALANCE OF FUNDS REMAINING (A – B)</b>		<b>\$ 0</b>	

SOURCE OF FUNDING RECEIVED FOR THE ABOVE PROJECT(S)* (Actual costs excluding GST)					
Project	Actual CLGF Funding	Recipient own Funding	Other Funding	Source of Other Funding (Description)	Total Actual Project Cost
Demolition of internal fitout and removal of asbestos	60,000	64,329	0		124,329
Electrical and plumbing (inc main upgrade) to 6 change rooms and 3 toilet blocks (including tiling & fittings)	160,000	172,010	0		332,010
New Roof Structure	50,000	113,927	50,000	CSRFF	213,927
Refurbish General Fitout	124,286	481,455	280,000	CSRFF	885,741
<b>TOTAL</b>	<b>394,286</b>	<b>831,721</b>	<b>330,000</b>	<b>n/a</b>	<b>1,566,007</b>

Please attach more information if insufficient space. (If NIL please write NIL).

\* Please include the local government's own funding contribution, if applicable.

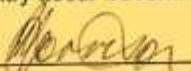


**AUDITOR'S DECLARATION**

I confirm that I have sighted sufficient appropriate evidence that:

- (i) CLGF funds were received and expended in accordance with the above Statement of Income and Expenditure that represents the agreed CLGF project(s) as outlined in the Financial Assistance Agreement executed on 17<sup>th</sup> March 2011; or otherwise outlined in writing.
- (ii) The Recipient received other funding for the project(s) as detailed above in the table 'Source of funding received for the above project(s)'.  
The table is not visible in the provided image.
- (iii) CLGF funds have not been used to fund items ineligible under the 2010-11 Guidelines for Individual Country Local Governments.

Signed: \_\_\_\_\_



Print Name: Russell Harrison

Position: Partner

Audit Firm: Lincolns Accountants and Business Advisors

Date: 20/11/2013

**INDEPENDENT AUDITOR'S REPORT  
TO THE DEPARTMENT FOR REGIONAL DEVELOPMENT AND LANDS**

**Report on the Financial Report**

We have audited the accompanying financial report of the Shire of Kojonup, being a special purpose financial report, of the Shire of Kojonup – Country Local Government Fund (CLGF), Sports Centre Refurbishment Project, which comprises the Statement of Income and Expenditure for the for the period 12 November 2010 to 17 May 2012.

**Councils' Responsibility for the Financial Report**

The council is responsible for the preparation and true and fair presentation of the Statement of Income and Expenditure and have determined the format is appropriate to meet the needs of the Council and the Department for Regional Development and Lands. The Council's responsibility also include establishing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

**Auditor's Responsibility**

Our responsibility is to express an opinion of the financial report based on our audit. No opinion is expressed as to whether the accounting policies used, are appropriate to meet the needs of the Council or the Department for Regional Development and Lands. We have conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluation the appropriateness of accounting policies used and the reasonableness of accounting estimates made by council, as well as evaluating the overall presentation of the financial report.

The financial report has been prepared for the grant acquittal purpose of Department for Regional Development and Lands, fulfilling the accountability requirements of the Shire of Kojonup to the Department for Regional Development and Lands. We disclaim any assumption of responsibility for any reliance on this report or on the financial report to which it relates other than the Council or the Department for Regional Development and Lands or for any purpose other than for which it was prepared.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

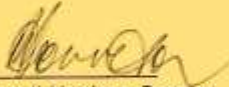
**Independence**

In conducting our audit, we have followed applicable independence requirements of Australian professional ethical pronouncements.

**Auditor's Opinion**

In our opinion, the financial report presents fairly, in all material respects, the Income and Expenditure of the Shire of Kojonup – Country Local Government Fund (CLGF), Sports Centre Refurbishment Project which comprises the Statement of Income and Expenditure for the for the period 12 November 2010 to 17 May 2012 and:

- a) CLGF funds were received and expended in accordance with the Statement of Income and Expenditure that represents the agreed CLGF project as outlined in the Financial Assistance Agreement executed on 17 March 2011 or otherwise indicated, in writing.
- b) The Shire of Kojonup did receive other funding for the project, as detailed in the table "Source of Funding Received for the Project"
- c) CLGF funds have not been used to fund items ineligible under the 2010-2011 Guidelines for Individual Country Local Governments.



Russell Harrison, Partner

Lincolns Accountants & Business Advisers

70-74 Frederick Street, Albany WA 6330

Dated this <sup>20<sup>th</sup></sup> day of September 2013



- 6 NOV 2013

ICR14361

Government of Western Australia  
Department of Regional Development

SHIRE OF KOJONUP				
FILE:	GS.PRG.22			
CEO	✓ EC or HC	NFA	MCS	MRCS
WR	SPO	WM	CDPO	PB
MCS	SLIM	PLAN		

Your ref: OCR3832 – GS.PRG.22

Our ref: 660-09, A3756626

Enquiries: Linda Leonard, ph 6552 2044

Mr Rick Mitchell-Collins  
Acting Chief Executive Officer  
Shire of Kojonup  
PO Box 163  
Kojonup WA 6395

Dear Mr Mitchell-Collins

### 2012-13 Country Local Government Funding (CLGF) Round

Thank you for your letter dated 24 September 2013 regarding eligibility for the CLGF 2012-13 funding round.

The Department of Regional Development (DRD) has reviewed the specific circumstances detailed in your letter and has sought clarification on the CGLF decision made by Government at the time of the State Budget. As a result of this clarification, I inform you that the decision made at the time of budget will remain in place, due to current budgetary constraints. This means that Local governments that had not acquitted 2010-11 funds by 30 June 2013 remain ineligible for the 2012-13 funding round.

Going forward, the focus of the Royalties for Regions program will be on regional economic development and funding applied to strategic regional projects that deliver significant productivity improvements.

The Shire should continue to pursue other funding mechanisms through the Royalties for Regions program. I encourage the Shire to continue to develop robust local plans and ensure that projects undertaken are aligned to the State Planning Strategy, Regional Infrastructure Planning frameworks and regional blueprints being developed by Regional Development Commissions.

Please refer to the pamphlet enclosed 'Aligned and integrated delivery of services to regional Western Australia' which outlines the integrated state planning and development framework for your information.

For further enquiries please contact Ms Linda Leonard Manager, Reporting and Evaluation, Regional Investment, Department of Regional Development on telephone 08 6552 2044.

Yours sincerely



Paul Rosair  
DIRECTOR GENERAL  
28 October 2013

**11      WORKS & ENGINEERING REPORTS**

Nil

## **12 COMMUNITY & REGULATORY SERVICES REPORTS**

### **12.1 KOJONUP CRICKET CLUB INC. – INVOICE 04042012**

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
DATE: Monday, 11 November 2013  
FILE NO: FM.SPN.1  
ATTACHMENT: 12.1.1 Kojonup Cricket Club Inc. Invoice 04042012  
12.1.2 Correspondence to the Kojonup Cricket Club  
12.1.3 Correspondence from the Kojonup Cricket Club

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

Outstanding request in relation to correspondence generated by Kojonup Cricket Club Inc. (KCC) dated 4 April 2012 and response issued by CEO dated 22 May 2012 for Council consideration. KCC responded by correspondence dated 31 July 2012.

#### **BACKGROUND**

The KCC at one time had a club house on the southern side of the Kojonup Oval which incurred storm damage and was subsequently demolished. Provision was to have been made in the Sports Complex upgrade to accommodate the KCC including storage; however as an interim measure KCC purchased a storage container initially for cricket gear that is now also used by the Kojonup Football Club given the limited storage area within the complex.

The CEO at the time indicated that he would consider KCC request and present same to Council. Council records indicate that a report was never tabled for consideration and the matter remains unresolved.

#### **COMMENT**

The Manager Regulatory and Community Services, Community Services Officer and I met with Mr Gary Cavanagh at the Sports Complex on Friday, 25 October 2013 to discuss a number of items regarding the change over from Football to Cricket at which time this matter was raised.

It is very disappointing that this matter has not been previously resolved and storage continues to be an area of concern at the Sports Complex.

#### **CONSULTATION**

Kojonup Cricket Club Inc., Kojonup Football Club Inc. and Council Officers.

#### **STATUTORY ENVIRONMENT**

Building Code of Australia  
Risk Management – Principles and guidelines AS/NZS ISO 31000:2009  
Australian Accounting Standards

#### **POLICY IMPLICATIONS**

Need to improve governance, reporting and tracking requirements which are currently being reviewed by the new CEO and Senior Management Team.

#### **FINANCIAL IMPLICATIONS**

\$4,730 not budgeted for which will necessitate continued operational and procedural efficiencies to alleviate future surprises of this nature or alternatively an allocation be made from the Community Grant Scheme.

**STRATEGIC IMPLICATIONS**

Overall Strategic Direction of Sporting Precinct identified and awareness/understanding of need for User Agreements to be undertaken prior to March 2014.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**165/13 Moved Cr Sexton, seconded Cr Trethowan that:**

- 1. Council reimburse the Kojonup Cricket Club Inc. a sum of \$4,730 inclusive of GST for the purchase of a storage shipping container presently located on the Eastern side of the Kojonup Oval with ownership of the container reverting to the Shire of Kojonup.**
- 2. A User Agreement between The Kojonup Cricket Club Inc., Kojonup Football Club Inc. and Shire of Kojonup be prepared clearly establishing usage entitlements of the container.**
- 3. The Shipping Container be recorded on the Shire of Kojonup's Asset Register.**
- 4. Council support as a matter of priority the CEO's review of governance, tracking and reporting requirements.**

**CARRIED**

**8/0**



## *Kojonup Cricket Club Inc.*

*ABN 93 496 701 466  
PO Box 308 Kojonup W A 6395*

*4<sup>th</sup> April 2012*

*Shire of Kojonup  
PO Box 163  
Kojonup W A 6395*

### *Tax Invoice 04042012*

*Please find copies of invoices for reimbursement of storage container and freight as per discussion with Stephen Gash.*

*U - Move Australia                      \$4180.00 incl gst*

*Kojonup Transport                      \$ 550.00 incl gst*

*Total for reimbursement              \$4730.00 incl gst*

*Please forward cheque at earliest convenience.*

*Regards Gary Cavanagh Treasurer  
0429 311125*

COPY 0LR2063



# Shire of Kojonup

93 Albany Highway, Kojonup  
Postal Address: PO Box 163, Kojonup  
Western Australia 6395

TELEPHONE: (08) 9831 2400  
FACSIMILE: (08) 9831 1566  
E-mail: [council@kojonup.wa.gov.au](mailto:council@kojonup.wa.gov.au)  
[www.kojonup.wa.gov.au](http://www.kojonup.wa.gov.au)

Your Ref:  
Our Ref: FM.SPN.1

Gary Cavanagh  
Treasurer  
Kojonup Cricket Club Inc.  
PO Box 308  
KOJONUP WA 6395

Dear Gary,

**RE: INVOICE 40402012 – KOJONUP CRICKET CLUB INC.**

Thank you for your invoice received on the 12 April 2012 requesting reimbursement for the storage container and freight as per discussion with Stephen Gash totalling \$4,730.00inc GST

Please note I advised that I would consider the request and present it to Council.

To progress this please advise if any other clubs are using the storage container, and what the on-going storage requirements are for the Kojonup Cricket Club?

Please forward the information requested in writing to PO Box 163, Kojonup 6395 or email [council@kojonup.wa.gov.au](mailto:council@kojonup.wa.gov.au). For any further enquiries please contact myself at the Shire Office (08) 9831 2400.

Yours sincerely,

A handwritten signature in cursive script that reads 'Stephen Gash'.

Stephen Gash  
*Chief Executive Officer*

22 May 2012

COPY

ICR9356

## *Kojonup Cricket Club Inc.*

*ABN 93 496 701 466  
PO Box 308 Kojonup W A 6395*

*31<sup>st</sup> July 2012*

*Shire of Kojonup  
PO Box 163  
Kojonup W A 6395*

*Re: Tax Invoice 04042012*

*Dear Stephen,*

*Apologies for the delay in replying to your letter dated 22<sup>nd</sup> May 2012.*

*The Cricket club along with the Junior and Senior Football club all utilise the container to store their equipment.*

*The Cricket club would have an ongoing need to store its gear (cricket bags/marker cones and the like) during the season and also to store the practice nets and poles in the off season.*

*The Football clubs would require similar arrangements.*

*Regards Gary Cavanagh Treasurer  
0429 311125*

## 12.2 KODJA PLACE BUILDING ASSESSMENT

AUTHOR: Mort Wignall – Manager Regulatory & Community Services  
DATE: Thursday, 7 November 2013  
FILE NO: CP.MTC.28  
ATTACHMENT: 12.2 Report from Brown Consulting (WA) Pty Ltd (ICR14194)

### **DECLARATION OF INTEREST**

Nil

### **SUMMARY**

Brown Consulting (WA) Pty Ltd has undertaken a scoping visit and reported on their findings from an assessment of the structural integrity of the Kodja Place premises and I now seek Council's approval to further engage the consultant to develop a scope of works and specification for remedial works to be carried out to the building.

### **BACKGROUND**

Over recent years there has been evidence of cracking and deterioration of portion of the rammed earth walls and a feature stone wall at Kodja Place that has necessitated assessment by a consultant structural engineer to assess the structural integrity of the building. That report is now tabled for Council's consideration.

### **COMMENT**

The consultant's report has identified a problem with several portions of the rammed earth walls of the premises which in the consultant's opinion may be attributed to insufficient cement in the rammed earth mix and poor compaction. Cracking in the feature stone wall is able to be repaired.

The consultant has recommended we seek advice from suitably qualified tradesmen or a company experienced in rammed earth construction on how to best repair the defective walls. Based on that advice I seek Council's endorsement to further engage the consultant to prepare a scope of works, specification and methodology for the remedial works required. This information will then be used to seek written quotations for the works which will be presented to Council for their consideration and issue of a purchase order for the contractor/business to undertake the necessary work.

### **CONSULTATION**

There has been consultation between myself, representatives of Kodja Place, Michael Prandi and the consultant over this matter. I have also briefed Council on two separate occasions as to how this matter is being progressed.

### **STATUTORY REQUIREMENTS**

Building Code of Australia

### **POLICY IMPLICATIONS**

There are no known policy implications

### **FINANCIAL IMPLICATIONS**

Until we receive written quotations for the scope of works it is difficult to estimate the likely cost of remedial work to be carried out. If the cost is unable to be met from the building maintenance account it may be necessary to utilise building reserve funds or delay some works until next financial year when this item can be included in the 2014-15 draft budget for consideration.

### **STRATEGIC IMPLICATIONS**

There is reference to Kodja Place and specifically Kojonup Tourist Association relating to its improved utilization and local tourism initiatives in the draft Corporate Business Plan Strategy 1.5.1.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**166/13 Moved Cr Sexton, seconded Cr Benn that Council engage Brown Consulting (WA) Pty Ltd to provide a scope of works, specification and methodology for remedial works to be carried out on all building defects identified in their Property Condition Report, Project No 14-052, the Kodja Place Visitor & Interpretive Centre, received on 1st October 2013**

**That upon receipt of the above documentation, the Manager Regulatory & Community Services obtain written quotations from suitably qualified persons to undertake the necessary works and present a report to Council summarising the quotations received and preferred contractor for Council's consideration.**

**CARRIED****8/0**

**13 EXECUTIVE & GOVERNANCE REPORTS****13.1 SETTING OF COUNCIL MEETING DATES 2014**

AUTHOR: Dominique Hodge – Personal Assistant to the CEO  
DATE: Wednesday, 13 November 2013  
FILE NO: GO.CNM.6  
ATTACHMENT: Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council is being asked to resolve to adopt Council Meeting dates for the 2014 year.

**BACKGROUND**

In October 2005 Council resolved that Council meetings be held on the third Tuesday of each month commencing at 3.00pm except where the date clashes with a public holiday or internal staffing management.

**COMMENTS**

The above practice has continued since inception with the only variation being no January meeting being held. It is proposed that Council continue with what is current practice and also consider that December's Council Meeting will be held on the second Tuesday, so not to interfere with timeframes and arrangements in the lead up to Christmas/New Year closures.

Regulation 12 of the Local Government (Administration) Regulations 1996 requires that at least once per year a local government is to give local public notice of the dates on which and time and place which the ordinary meetings will be held.

**CONSULTATION**

None necessary

**STATUTORY ENVIRONMENT**

Local Government (Administration) Regulations 1996 – regulation 12 and Local Government Act 1995 section 5.25

**POLICY IMPLICATIONS**

None applicable

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**167/13 Moved Cr Trethowan, seconded Cr Benn that:**

- 1. Council meetings be held on the third Tuesday of each month, excluding January where no meeting will be held and December where the meeting will be held on the second Tuesday, to provide sufficient timeframes and arrangements in the lead up to Christmas/New Year closures. All meetings are to commence at 3.00pm,**
  
- 2. The following dates be approved for the 2014 year:**
  - **Tuesday, 18<sup>th</sup> February 2014**
  - **Tuesday, 18<sup>th</sup> March 2014**
  - **Tuesday, 15<sup>th</sup> April 2014**
  - **Tuesday, 20<sup>th</sup> May 2014**
  - **Tuesday, 17<sup>th</sup> June 2014**
  - **Tuesday, 15<sup>th</sup> July 2014**
  - **Tuesday, 19<sup>th</sup> August 2014**
  - **Tuesday, 16<sup>th</sup> September 2014**
  - **Tuesday, 21<sup>st</sup> October 2014**
  - **Tuesday, 18<sup>th</sup> November 2014**
  - **Tuesday, 9<sup>th</sup> December 2014**
  
- 3. That Local Public Notice be given of the approved Council Meeting dates for the 2014 year.**

**CARRIED**

**8/0**

**13.2 CLOSURE OF SHIRE OFFICE AND LIBRARY OVER 2013/2014 CHRISTMAS/NEW YEAR**

DATE: Wednesday, 13 November 2013  
AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
FILE NO: CM.PRO.1  
ATTACHMENT: Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To approve the Office and Library closure over the 2013/2014 Christmas and New Year period.

**BACKGROUND**

Closing the Office and Library temporarily for a few days over the Christmas and New Year holiday period has become normal practice in recent years. A similar approach is once again suggested for the 2013/2014 period.

**COMMENT**

It is proposed that the Office will be closed for the Christmas / New Year break from 4.30pm on Tuesday 24<sup>th</sup> December 2013 and reopen on Monday 6<sup>th</sup> January 2014 at 8.30am.

**CONSULTATION**

The proposed closures will be advertised in the local press once approved by the Council.

**STATUTORY REQUIREMENTS**

There are no known statutory requirements.

**POLICY IMPLICATIONS**

There are no known policy implications.

**FINANCIAL IMPLICATIONS**

The financial costs will be minimal – advertising.

**STRATEGIC IMPLICATIONS**

As the annual Christmas/New Year period is usually quiet and is an opportunity for staff to take annual leave, as required. This has been accepted practice in the past.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**168/13 Moved Cr Mathwin, seconded Cr Trethowan that approval be granted to close the Office and Library for the period Wednesday 25<sup>th</sup> December 2013 to Sunday 5<sup>th</sup> January 2014 inclusive and that local notice be given as required.**

**CARRIED**

**8/0**



### 13.3 COUNCIL RECORDS ARCHIVING & DISPOSAL

AUTHOR: Dominique Hodge – Personal Assistant to the CEO  
DATE: Wednesday, 13 November 2013  
FILE NO: IM.RCM.3  
ATTACHMENT: Nil

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

The purpose of this item is to seek the Council's agreement to engage a consultant to undertake Councils Records Archives and Disposal.

#### **BACKGROUND**

The Shire has not undertaken records archiving or disposal in many years, primarily because of a lack of staff resources and training has not been available to staff. Records are currently being stored from the 1970's to date, which is unacceptable especially following the introduction of the State Records Act in 2000. Requirements on local government for record retention, disposal and appropriate storage has increased substantially. Records need to be disposed of in accordance with the Local Government General Disposal Authority 2010.

At this present time, records are being housed at the Council Depot in conditions that do not comply with the State Records Act. Records are also housed in the Archives Room in the Administration Building, which is now at full capacity, this is the opportune time to comply with the Act.

#### **COMMENT**

The longer we leave this task the bigger it is going to become and therefore a bigger cost!

Records that are sentenced as permanent or long term destruction will be archived in the Broomehill Repository as part of the Southern Link VROC (Voluntary Regional Organisation of Councils) MOU adopted by Council in May 2013.

Records that are sentenced as Short Term Destruction will continue to be housed in the Archives Room in the Administration Building and disposed of in accordance with the Local Government General Disposal Authority 2010.

There is currently a large backlog of records that are overdue for archiving and disposal and this is a specialized task. Quotation have been obtained to outsource this task and it is recommended that 400 hours of work be undertaken as soon as possible to commence this task. At present, the Shire doesn't have any records in a suitable format to deposit in the Broomehill Archive Repository.

It is proposed that the consultant will be accommodated in the vacant Council Property (unit) at 8A Newton Street and will work out of the Council Chambers and Reception Lounge and will work around Council Meetings as to not cause any disruption.

#### **CONSULTATION**

Consultation has occurred with the Shire of Broomehill-Tambellup as they have used the consultant in the past.

#### **STATUTORY REQUIREMENTS**

State Records Act 2000

Shire of Kojonup Record Keeping Plan 2010

Local Government General Disposal Authority 2010

**POLICY IMPLICATIONS**

Council Policy 2.4, Records Management, sets out a framework for the reliable and systematic management of Shire Records in accordance with legislative requirements.

**FINANCIAL IMPLICATIONS**

Costs can be met from the Administration Consultants Account (g/1 2072) which has a remaining budget of \$36,000. Based on the quote, the recommended 400 hours will be approximately \$34,000.

**STRATEGIC IMPLICATIONS**

This report contributes to the following strategic directions in the Shire of Kojonup 'Plan for the Future' 2010-2015:

**1.1 Maintain Robust Systems and Controls**

1.1.1 Ensure Statutory Compliance

**1.4 Support Regional Collaboration and Resource Sharing**

1.4.1 Participate as an active partner in the Southern Link VROC

1.4.2 Commit appropriate staff and resources to support regional planning, initiatives and services

**2.4 Pursue Cost Reduction Strategies**

2.4.1 Examine regional resource sharing opportunities

2.4.2 Pursue cost efficiencies from operations

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**169/13 Moved Cr Pedler, seconded Cr Benn that Council engage a consultant to undertake Councils Records Archiving and Disposal in accordance with the Local Government General Disposal Authority 2010 for 400 hours, to be reviewed by the Chief Executive Officer after 200 hours.**

**CARRIED**

**8/0**

**13.4 VROC CONCEPT PROPOSAL FOR ROAD CONSTRUCTION & MAINTENANCE**

**AUTHOR:** Rick Mitchell-Collins – Chief Executive Officer  
**DATE:** Monday, 11 November 2013  
**FILE NO:** GR.LRL.2  
**ATTACHMENT:** Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Councillors were provided background information of the concept via an inter-office memo dated 4 November 2013. The matter was discussed at the recent VROC meeting held at Tambellup on Wednesday 6 November 2013 with the Shire President and Cr Mathwin in attendance.

The only Shire to formally consider the concept at a formal meeting of Council was Plantagenet; however remaining member Councils had discussed the concept at Briefing Sessions. The concept is now tabled for formal consideration by the Shire of Kojonup.

**BACKGROUND**

Local Government has long recognised the ever increasing gap in maintaining their various road networks let alone being able to inject new capital into asset renewals including bridges, culverts and headwalls.

Road Construction and Maintenance remains a core business of Council and as such a tremendous amount of funding is injected into the provision of plant and equipment. From a pure business perspective is our plant and equipment fully utilised each year or does it stand idle for 4 -5 months not generating any revenue due to inappropriate weather conditions or lack of funds? Conversely sitting idle does not produce wear and tear but is this approach a good investment on capital outlaid?

Another option is outsourcing road construction and maintenance to contractors however what studies have been undertaken in our region to qualify/quantify which approach, if any achieves triple bottom line outcomes?

What are the implications of Council building up its plant & equipment pool only to see it form part of a new body and potentially operated by other employees?

Will Council works programmes be affected if regional priorities vary and will another level of bureaucracy be created taking the 'Local' aspect of road and maintenance works away from Shires and with it asset planning?

Should a new body be created, 25% ownership will be reverted to the Shire of Kojonup allaying some concerns regarding loss of control; however it is imperative that the input of existing work managers and employees be obtained as part of the process.

These questions and others need to be answered, hence the comments on page 16 of the concept proposal to undertake a viability study that also addresses Risk Management, Governance, HR, Insurance etc. requirements.

**COMMENT**

I applaud the VROC Councils for thinking outside the square and at least looking at alternatives to the norm.

Member Councils at the VROC meeting generally supported 'in principle' the concept of undertaking a feasibility study subject to Member CEO's preparing a more detailed Terms of

Reference that addressed questions raised above and any generated from each Member Council since the VROC meeting for further consideration at the next full VROC Meeting to be held at Kojonup on 26 February 2014.

An initial quote has been received from Keston Technologies with Kojonup's share in the order of \$4000; however I anticipate this figure will increase to approximately \$8000 based on a more detailed Terms of Reference ensuring ALL member council issues are addressed in developing a business case.

### **CONSULTATION**

VROC Member Councils

Elected Members and Senior Management Team via Briefing Session held 5 November 2013

### **STATUTORY ENVIRONMENT**

Division 4 Regional Local Governments – Local Government Act 1995

### **POLICY IMPLICATIONS**

Minimal (if any) as proposal is merely a concept at this time and is the start of the journey not the end!

### **FINANCIAL IMPLICATIONS**

Budget allowance may need to be made for a \$8000 contribution to undertake a 'Business Case.' Allocation of CEO and Senior Management Team time to assess Terms of Reference and discussion with Council on questions required to be addressed in greater detail regarding the concept. Account 2078 has a \$15,000 budget for VROC Projects.

### **STRATEGIC IMPLICATIONS**

Community Strategic Plan 2013-23: "Being well governed" – explore shared services options with neighbouring local governments to improve efficiencies.

Draft Corporate Business Plan: Strategy 1.1.3 "Support regional collaboration and resource sharing."

### **VOTING REQUIREMENTS**

Simple Majority

### **COUNCIL DECISION / OFFICER RECOMMENDATION**

**170/13 Moved Cr Benn, seconded Cr Mathwin that subject to Southern Link VROC CEO's preparing a comprehensive Terms of Reference which addresses Member Council individual and collective concerns or request for additional information the Shire of Kojonup agrees in principle to the allocation of approximately \$8000 towards the development of a 'Business Case' based on the concept for a regional based approach to road construction and maintenance.**

**CARRIED**

**8/0**

## **14 COMMITTEES OF COUNCIL**

### **14.1 REVIEW OF COMMITTEES**

AUTHOR: Rick Mitchell-Collins - Chief Executive Officer  
DATE: Monday, 28 October 2013  
FILE NO: GO.CNM.9  
ATTACHMENT: Nil

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

To review the Councillor representation on committees.

#### **BACKGROUND**

All appointments to committees, whether the person is an elected member, employee or community member expired on the 19<sup>th</sup> October 2013.

In March 2004, the Council dispensed with the structure of four standing committees and one council meeting per month. Since then, the Council has established an Audit Committee. As there has not been any directive given on changing the current system of one council meeting per month, the matter is not considered.

However, there are a number of other committees that have been established by the Council and a review of and appointments to these committees should be considered and separate reports are included for Council's consideration.

#### **COMMENT**

Committee representation should be considered on the basis of equitable distribution amongst Councillors, utilisation of specific skills where appropriate or to add diversity to existing groups to ensure the appropriate mix of skills are present.

Individual Councillors are entitled to be members of at least one committee, which comprises elected members only or elected members and employees. Therefore, Council needs to determine how many members should comprise each Committee.

The Act does not specifically mention anything about Deputies or proxies other than Deputy President and Deputy Presiding members. One of the pillars upon which the new Act is built is for better decision-making and more efficient and effective local government. (Ref: Section 1.3 (2)). Consequently, there is nothing that precludes Council from appointing one or two deputies for each Committee.

#### **Committee Composition**

Individual Councillors are entitled to be members of at least one committee, which comprises elected members only or elected members and employees. Therefore, Council needs to determine how many members should comprise each Committee.

#### **CONSULTATION**

No consultation has occurred.

#### **STATUTORY REQUIREMENTS**

The election / appointment of members to Committees and their operation is set out in Sections 5.8 to 5.25 inclusive plus the Local Government (Administration) Regulations, 1995.

Council may by **absolute majority** establish Committees comprising of 3 or more persons, be it members, employees and/ or other persons to exercise the powers and discharge the duties of the local government that can be delegated to committees.

A committee is to have as its members, persons appointed by **absolute majority** by the Council. Ref. Section 5.10 of the Act.

#### **POLICY IMPLICATIONS**

There are no known policy implications.

#### **FINANCIAL IMPLICATIONS**

There are no known financial implications.

#### **STRATEGIC IMPLICATIONS**

There are no known strategic implications as long as an appropriate hand over is conducted for any change in membership.

#### **VOTING REQUIREMENTS**

Absolute Majority

*Cr Sexton announced Council's Decision 159/13 from the Special Meeting of Council held on 5<sup>th</sup> November 2013 had not been dealt with.*

*The Chief Executive Officer apologized for this omission.*

#### **COUNCIL DECISION**

**171/13 Moved Cr Sexton, seconded Cr Benn that the question of the Council's standing committees, occasional committees, council delegations, their appropriateness, their membership of and the terms of reference be placed on the notice paper for debate as a matter of priority at the first briefing in February.**

**CARRIED BY ABSOLUTE MAJORITY**

**8/0**

**FORMAL ADVISORY COMMITTEES**

*Established under the Local Government Act, these Committees are an immediate extension of the Council. Each meeting shall be called, conducted and recorded in accordance with the Local Government Act 1995 (i.e. local public notice of meetings, Standing Orders Local Law, formal minutes, etc).*

*Minutes of these meetings will be presented to the Council and all recommendations considered through a written report.*

**14.1.1 AUDIT COMMITTEE**Summary

Established under section 7.1 of the Local Government Act (every local government must have an audit committee)

Terms of Reference

The duties and responsibilities of the committee are:

- a) Provide guidance and assistance to the Council as to the carrying out the functions of the local government in relation to audits;
- b) Develop and recommend to Council an appropriate process for the selection and appointment of a person as the Shire's auditor;
- c) Develop and recommend to Council –
  - a list of those matters to be audited; and
  - the scope of the audit to be undertaken;
- d) Recommend to the Council the person or persons to be appointed as auditor;
- e) Develop and recommend to the Council a written agreement for the appointment of the auditor.
- f) Meet with the auditor once in each year and provide a report to the Council on the matters discussed and outcome of those discussions;
- g) Liaise with the CEO to ensure that the Shire does everything in its power to:
  - assist the auditor to conduct the audit and carry out his or her other duties under the *Local Government Act 1995*; and
  - ensure that audits are conducted successfully and expeditiously;
- h) Examine the reports of the auditor after receiving a report from the CEO on the matters and –
  - determine if any matters raised require action to be taken by the Shire; and
  - ensure that appropriate action is taken in respect of those matters;
- i) Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to the Council for adoption prior to the end of the next financial year (or 6 months after the last report prepared by the auditor is received, whichever is the latest);
- j) Review the scope of the audit plan and program and its effectiveness;
- k) Consider and recommend adoption of the annual financial report to the Council;
- l) Address issues brought to the attention of the committee, including responding to requests from Council for advice that are within the parameters of the committee's terms of reference;
- m) Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee's terms of reference following authorisation from the Council; and
- n) Review the Statutory Compliance Return and make a recommendation on its adoption to Council.

Membership

Committee of nine (9):

- All eight (8) Councillors
- Mr David Prasser-Jones (Independent community member).

Previous members:

The entire Council plus Mr David Prasser-Jones (Independent community member).

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**172/13 Moved Cr Trethowan, seconded Cr Pedler that the Audit Committee consist of all eight (8) Councillors and Mr David Prasser-Jones (Independent Community Member).**

**CARRIED BY ABSOLUTE MAJORITY**

**8/0**



**14.1.2 MEDICAL/HEALTH CENTRE ADVISORY COMMITTEE**

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
DATE: Wednesday, 30 October 2013  
FILE NO: GO.CNM.9  
ATTACHMENT: Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this item is to ascertain the need for a Skilled Based approach to assist Council and the Community develop a supported Strategic Direction with associated Cost/Benefit /Needs analysis on Service provision, Infrastructure and Governance required for the Shire of Kojonup in the provision of Aged/Medical/Health Services both now and in the future.

**BACKGROUND**

Council Decision 110/12 (16 October 2012) established the present Medical/Health Centre Advisory Committee with the following Terms of Reference:-

- Develop a communications plan to guide the consultation process, feedback mechanisms, surveys, public meetings, record keeping, and media releases from the Council and committee.
- To assess the needs for medical/ health centre accommodation:
- Review the current medical centre and hospital accommodation for Doctors and other primary health providers.
- Consider options under the Primary Health Care Demonstration Site model of the Southern Inland Health Initiative and advise Council on whether to participate in any call for expressions of interest.
- Review previous medical centre plans, options, and feedback / submissions from the community to guide the committee.
- Provide a short list of options for consideration of Council to allocate resources for detailed work up of plans.
- Develop a scope of works for appropriate architectural / design consultant / or building support for the options above based on the outcomes of the needs analysis and liaison with key stakeholders/ users.
- Review the detailed options and provide advice to Council on the outcome of detailed work up based on:
  - Meeting the identified community needs;
  - Meeting the identified functional needs of users;
  - Value for money
- Provide advice on funding, timing, and delivery of the project.
- Provide advice to Council on any other issue that the committee view relevant to the Medical / Health Centre consideration

**Membership**

Committee of eleven (11):

- Three (3) Councillors
- Eight (8) Community Members

Previous members: Cr Mathwin, Benn and Hewson

Council Decision 112/12 endorsed the following recommendation of the Medical / Health Centre Advisory Committee:

- *The Acting Chief Executive Officer to investigate the possibility of the development of a Community Health Plan for Kojonup, drafted together with the Kojonup's Integrated Plan by 361 Degrees Stakeholder Management Service.*
- *The Acting Chief Executive Officer obtain quotes for the additional work required to complete a Community Health Plan.*

#### **COMMENT**

It is an unreasonable expectation for the present Medical/Health Centre Advisory Committee to fulfil the requirements of a skilled Board of Directors specialized in Aged Care/Medical/Health Services and Facilities. It is imperative that the needs of the community in this area are clearly identified and that any proposed actions are incorporated into a long term strategy.

#### **CONSULTATION**

Extensive public input previously undertaken which is well documented.

#### **STATUTORY REQUIREMENTS**

Section 5.8 Local Government Act 1995

#### **POLICY IMPLICATIONS**

2.13 Council Advisory Committees Council Minute Ref: 75/13

#### **FINANCIAL IMPLICATIONS**

In order to ensure the process is transparent and 'expert' advice obtained from all key stakeholders by an independent facilitator/project manager and council/community engagement continues a sum of ≥\$50000 is required.

#### **STRATEGIC IMPLICATIONS**

Community Strategic Plan Focus Area 1.6: Being Healthy

Draft Corporate Business Plan Strategy 1.6.1 – Ensure and promote adequate health services are available in Kojonup.

Community understanding of and recognition for a skill based approach towards the provision of Aged Care/Medical/Health Services and Facilities in Kojonup.

#### **VOTING REQUIREMENTS**

Absolute Majority

#### **OFFICER RECOMMENDATION**

It is an unreasonable expectation for the present Medical/Health Centre Advisory Committee or indeed Council to fulfil the requirements of a skilled based Board of Directors specialized in Aged Care/Medical/Health Services and for this very important reason:-

1. The present Medical/Health Centre Advisory Committee be disbanded and
2. The CEO prepare an Expression of Interest for an independent specialist to undertake an Aged Care/Medical/Health Services and Facilities Plan for the Shire of Kojonup for Council consideration in framing the 2014/15 Budget and Long Term Financial Planning.

## COUNCIL DECISION

/13 Moved Cr Mathwin, seconded Cr Pritchard it is an unreasonable expectation for the present Medical/Health Centre Advisory Committee or indeed Council to fulfil the requirements of a Board of Directors specialized in Aged Care/Medical/Health Services and for this very important reason:-

1. The present Medical/Health Centre Advisory Committee be disbanded and
2. The CEO prepare an Expression of Interest for an independent specialist to undertake an Aged Care/Medical/Health Services and Facilities Plan for the Shire of Kojonup for Council consideration in framing the 2014/15 Budget and Long Term Financial Planning.

CARRIED/LOST /

*The decision was moved and seconded but the Chief Executive Officer advised that Item 14.1.2 did not need to be considered because the decision at Item 10.3 supersedes this and Item 14.1.2 could not be withdrawn given previous Council Decision 158/13.*

**14.1.3 KODJA PLACE ADVISORY COMMITTEE**Summary

Established under section 5.8 of the Local Government Act 1995.

Terms of Reference

To advise the Council on the following requirements at The Kodja Place:

- Prioritisation of capital works within the Shire of Kojonup budget allocation;
- Consider the current purpose and future planning of the precinct;
- The requirements of individual stakeholders within the precinct;
- Improve stakeholder communication;
- Identification of opportunities and improvements to current operations; and
- Methods to integrate all aspects of the precinct into one seamless customer experience and a singular attraction.

Membership

Seven (7):

- One (1) representative of the Kojonup Tourist Association
- One (1) representative of the Kojonup Aboriginal Corporation
- One (1) representative of the Kodja Place Community Fund Inc.
- One (1) community representative involved with the rose maze
- One (1) community representative involved with the story place
- Two (2) Councillor representatives

Previous members and deputy member:

Cr Trethowan and Hewson (Members)

Cr Pedler (Deputy)

**OFFICER RECOMMENDATION**

That the Kodja Place Advisory Committee consist of

- Kojonup Tourist Association – Delegate Glenys Russell, proxy John Benn
- Kojonup Aboriginal Corporation – Delegate Craig McVee
- Kodja Place Community Fund Inc – Delegate William Harvey, Proxy Roger Bilney
- Rose Maze – Delegate Cathy Wright, Proxy Katie O'Halloran
- Story place – Delegate Barbara Hobbs, Proxy Wendy Thorn
- Shire – Cr \_\_\_\_\_ and Cr \_\_\_\_\_, Proxy Cr \_\_\_\_\_.

**COUNCIL DECISION**

**173/13 Moved Cr Fleay, seconded Cr Benn that the Kodja Place Advisory Committee consist of**

- **Kojonup Tourist Association – Delegate Glenys Russell, proxy John Benn**
- **Kojonup Aboriginal Corporation – Delegate Craig McVee**
- **Kodja Place Community Fund Inc – Delegate William Harvey, Proxy Roger Bilney**
- **Rose Maze – Delegate Cathy Wright, Proxy Katie O'Halloran**
- **Story place – Delegate Barbara Hobbs, Proxy Wendy Thorn**
- **Shire – Cr Fleay and the Chief Executive Officer, Proxy Cr Sexton.**

**CARRIED BY ABSOLUTE MAJORITY**

**8/0**

**REASON FOR CHANGE: Council felt it was appropriate to include the CEO as a delegate rather than an additional Councillor.**

#### 14.1.4 SPRINGHAVEN ADVISORY COMMITTEE

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
DATE: 25 October 2013  
FILE NO: CS.SVP.12  
ATTACHMENT: Nil

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

The purpose of this item is to ascertain the relevance of the Springhaven Advisory Committee in its present format and future need.

#### BACKGROUND

Council at a Special Meeting held 5 May 2003 passed resolutions 146/03, 147/03, 148/03 and 149/03 to establish the Springhaven Redevelopment Committee to advise and report to Council following the broad guidelines on the overall development of Springhaven Lodge:

- (a) To liaise with the appointed Project Manager and Design Consultant on the layout plan as approved and adopted by the Council;
- (b) To oversee the preparation of the Brief for Professional Services;
- (c) To advise the Project Manager and Design Consultant on the detailed plans and specifications for the new building works and the refurbishment of the existing buildings;
- (d) To advise on the interior design, landscaping design, interior decorating and soft furnishings.

At a Council Meeting held 31 January 2005 the following decision 18/05 was passed:-

**“That having regard to the Shire’s financial situation, loss of key personnel in the Shire’s management team and limited operating financial information the Commonwealth Department of Health and Ageing be advised that the Shire reluctantly cannot continue with the redevelopment program at Springhaven Lodge in the immediate future.”**

Council Decision 21/05 passed at the same meeting states:

**“That the Springhaven Redevelopment Committee be retained to consider health issues and small projects at Springhaven Lodge.”**

Council Decision 114/05 passed at a Special Meeting held 9 May 2005 states:

**“That the Springhaven Redevelopment Advisory Committee be renamed as the Springhaven Advisory Committee.”**

The committee continues in the same form today with minutes tabled at Council meetings for information.

#### COMMENT

A review of past minutes reveals the following common elements of discussion by the Advisory Committee:-

- Receive and discuss Managers Report which includes information on:
  - Resident numbers,
  - Staffing,
  - Education & Training,
  - Community relations,
  - Complaints/compliments,
  - Maintenance, operational issues,
  - Legislation updates,
  - Continuous improvement

All the above can and should be dealt with at a Senior Management Level as presently occurs with the Managers of Corporate Services, Regulation and Community Services, Engineering and Works with detailed reports, discussion papers etc. being presented or discussed at Briefing Sessions or Council Meetings to ensure full Council and Managers have input to, knowledge and understanding of the 'BUSINESS' of Springhaven and possible implications to Council.

Tabling of minutes does not provide Council ownership or a comprehensive appreciation of a community facility that must meet certain standards to retain accreditation which has a 2013/14 Budget allocation in excess of \$1.2 million and a projected operational deficit of \$55 872.

**It is an unreasonable expectation for the present Springhaven Advisory Committee to fulfil the requirements of a skilled Board of Directors specialized in Aged Care Facilities.**

#### **CONSULTATION**

CEO attendance at Springhaven Advisory Committee Meeting held 12 September 2013.

Report tabled at Council Briefing Session held 15 October 2013.

Senior Managers and HR/IR Consultant – Anne Lake

#### **STATUTORY REQUIREMENTS**

Aged Care Act 2010

Section 5.8 Local Government Act 1995

#### **POLICY IMPLICATIONS**

1.4 Springhaven Policy Manual (Draft) under review

2.13 Council Advisory Committees Council Minute Ref: 75/13

#### **FINANCIAL IMPLICATIONS**

Minimal, if any financial implications as existing Committee operates on predominately a volunteer basis. Report on Skilled Board Structure or directly reporting to Council via CEO will be subject of a further report.

#### **STRATEGIC IMPLICATIONS**

Community Strategic Plan Focus Area 1.6: Being Healthy

Draft Corporate Business Plan Strategy 1.6.1 – Ensure and promote adequate health services are available in Kojonup.

Community understanding of and recognition for a skill based approach towards the provision of Aged Care Facilities in Kojonup, in particular the continued viability of Springhaven Lodge.

#### **VOTING REQUIREMENTS**

Absolute Majority

*4:07pm Mr Mort Wignall left the Chamber.*

*4:10pm Mr Mort Wignall returned to the Chamber.*

#### **COUNCIL DECISION / OFFICER RECOMMENDATION**

**174/13 Moved Cr Mathwin, seconded Cr Pedler it is an unreasonable expectation for the present Springhaven Advisory Committee to fulfil the requirements of a skilled based Board of Directors specialized in Aged Care Facilities and for this very important reason the present Springhaven Advisory Committee be disbanded and the CEO prepare a discussion paper on a new management model and structure for Aged Care/Health Services for the Shire of Kojonup.**

**CARRIED BY ABSOLUTE MAJORITY**

**8/0**

**OTHER SHIRE COMMITTEES**

*These Committees are less formal groups established by the Council. While they play an equally important advisory role to the Council's decision making process, they are deliberately less formal than the Advisory Committee's to better reflect the subject matter concerned. Minutes of these meetings will be presented to the Council to ensure information flow.*

**14.1.5 KOJONUP TOURIST RAILWAY ADVISORY COMMITTEE****Summary**

Established under section 5.8 of the Local Government Act 1995 (*established on 28 January 2003*).

This Committee currently operates as an external group using the Shire as a legal entity.

**Terms of Reference**

- That in recognition of the services to be provided by the Shire of Kojonup Tourist Railway Committee, the Council grants the Kojonup Tourist Railway Committee unencumbered exclusive rights to use the land between the Farrar Reserve and Albany Highway defined in the Kojonup – Farrar Railway Order 2002 for the purpose of conducting tourist railway activities.
- That the Shire of Kojonup Tourist Railway Committee shall have regard to all conditions imposed within the Order although these conditions may be imposed upon the Council.
- Any costs associated with meeting any of the requirements of the Order shall be met by the Shire of Kojonup Tourist Railway Committee.
- The Council will arrange for all necessary insurances associated with the conduct of the tourist railway activities.
- All activities to be undertaken by the Shire of Kojonup Tourist Railway Committee within the defined land shall be undertaken in accordance with the requirements of the Rail safety Act 1998;
- Advise the Council on recommended landscaping and other required facilities surrounding the railway station precinct; and
- Compliance with the MOU and deed of easement

**Membership**

Nine (9)

- One (1) Councillor;
- One (1) representative of the Chief Executive Officer;
- Seven (7) Community Member

Previous members and deputy member: Cr Benn (Member), Cr Baulch (Deputy)

**OFFICER RECOMMENDATION**

That the Kojonup Tourist Railway Advisory Committee consist of:

- Cr \_\_\_\_\_;

**COUNCIL DECISION**

**175/13 Moved Cr Radford, seconded Cr Benn that the Kojonup Tourist Railway Advisory Committee consist of:**

- **Cr Benn as a member and Cr Sexton as a deputy;**
- **One (1) representative of the Chief Executive Officer;**
- **Community Members: Peter Mason, Brent Simpson, Ned Radford, Don Hair, Rhonda Hair, John Lewis & Bob Oliffe.**

**CARRIED BY ABSOLUTE MAJORITY**

**8/0**

**REASON FOR CHANGE:** Council felt the wording should be include instead of consist of, as the committee does not only consist of Councillors.



#### 14.1.6 BUSHFIRE ADVISORY COMMITTEE

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
DATE: Thursday, 31 October 2013  
FILE NO: GO.CNM.9  
ATTACHMENT: Nil

#### DECLARATION OF INTEREST

Nil

#### SUMMARY

Presently the Council gets its advice from a combination of the following two groups:

- Kojonup Bush Fire Control Association; and
- Bush Fire Advisory Committee.

The above two groups, more or less, contain the same people, talk about the same issues and regularly meet on the same day.

The Council has previously received written legal advice about the constitution of the Association, which questions their legal standing. Both groups only exist through the authority of the Council.

The Association is not an incorporated body and there is no legal requirement as Bush Fire Advisory Committees are established under section 67 of the Bush Fires Act 1954. Section 39(1) of the Bush Fires Act indicates that the powers of bush fire control officers are extensive and quite significant. This imposes a duty of care on the Shire to ensure that appropriate people are appointed to those positions and the process of selection provided for in the Constitution is not consistent with the Shire fulfilling that duty.

A review committee comprising, Robert Sexton, Digby Stretch, Michael Baxter, John Benn, Denise Berryman, Tim Johnston, Mort Wignall, Rick Mitchell-Collins and Robert Cowie met for their first meeting on the 12 August 2013. Below are extracts from notes of the meeting.

*The first subject to be addressed was the question “Does Kojonup need an organisation such as the Association to represent the Bushfire Brigades”. The committee discussed at length the history of the Association, the circumstances causing the creation of the Association and the working of the organisation. The recent blurring of identity between the Association and the Bushfire Advisory Committee was also discussed at some length, and it was generally agreed that a single issue was not causing the confusion rather it was a number of circumstances that have colluded to create the present situation.*

*There was a clear consensus from the panel that the association was a very useful way for the Brigades and individual members to address issues in an open forum where all involved in Bushfire matters could have a fair hearing and be well represented.*

*The panel agreed by consensus that the Association should continue but with a more modern constitution to reflect present practice.*

*The second question to be addressed was the question “Is the present Bushfire Advisory Committee the best way to advise the Council on Bushfire matters”. Again the discussion was wide ranging with all present having served with the committee or similar committees in the past; this meant that the views expressed carried a good deal of collective wisdom. It was acknowledged that the present committee although having been effective in the past was quite large and a better way to reflect the views of the Brigades to the council should be sought. Having considered all of the views the general consensus was that a smaller committee and a strengthening of the Association would a better way of advising the Council on Bushfire matters.*

*The panel agreed by consensus that they would recommend to the Association and the Council that a smaller Bushfire Advisory Committee be formed with the association membership spelt out in the Constitution.*

*The review panel having agreed that the Association should continue and that the membership of the Advisory Committee be changed, then the updating of the Constitution to reflect those changes was addressed. The Constitution is at least fifty years old and the last changes were made thirty years ago. It was generally agreed that many parts of the Constitution did not reflect current practice or member expectations nor did the Constitution comply with the local government act in certain parts. The panel then examined each line in the Constitution, rewriting parts to reflect present practice, deleting parts that were no longer relevant and adding new sections to reflect current thinking.*

*The review committee was very mindful not to overload the membership with an unnecessary amount of written information, the information given as to how the panel arrived at their recommendations as a consequence is quite minimal. However, the panel offers to the Brigades or member on request, any and all minutes of proceedings , papers or other information that the review relied on in the formulation their recommendations. Further, the President (on behalf of the review committee) offers to attend any Brigade meeting to make further explanation of the recommended changes.*

### RECOMMENDATIONS

- *That the Kojonup Bushfire Association continue as the body representing the Brigades in the Shire of Kojonup*
- *It is recommended to the Shire Council that a Bushfire Advisory Committee which includes in its membership, the President of the Association, the Chief Fire Control Officer, deputy Chief Fire Control Officer and two senior Fire Control Officer will be the best way for the Council to receive advice on bushfire matters.*
- *That the circulated constitution with changes, alterations and additions be adopted as the Constitution of the Association.*

### **COMMENT**

Only one group is required, and considering the qualified advice received surrounding the legal entity of the Association, statutory provisions of the Bush Fires Act 1954, Local Government Act 1995, Fire Brigades Act 1942 as they now apply and the above review committee comments it is suggested that it be the Bush Fire Advisory Committee (BFAC).

Every member of these two groups is volunteering their time for the benefit of the Kojonup Community.

### Terms of Reference

Section 67 of the Bush Fires Act 1954 states:

A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of:

- advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires,
- the planning of the layout of fire-breaks in the district,
- prosecutions for breaches of this Act,
- the formation of bush fire brigades and the grouping thereof under group brigade officers,
- the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities; and

- any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.

A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee.

The committee shall elect one of their number to be chairman thereof.

In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —

- make rules for the guidance of the committee;
- accept the resignation in writing of, or remove, any member of the committee; and
- where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.

A committee appointed under this section—

- may from time to time meet and adjourn as the committee thinks fit;
- shall not transact business at a meeting unless the quorum fixed by the local government is present;
- is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

In addition to the legislative requirements above, the regular input required from brigades could be added to the terms of reference, including:

- Recommendations on Fire Control Officer positions;
- Feedback on the Council's Fire Break Notice;
- Specific requirements from each brigade with regard to:
  - PPE;
  - Equipment;
  - Vehicles, etc
- Training Requirements
- Other Bush Fire related issues

The format of BFAC meetings is suggested as follows:

- The Committee to meet at the start and end of the fire season, October and April;
- The notice of meeting and draft agenda to be sent to all Committee members and brigades one month prior to the meeting date by Representative Group Coordinator;
- Brigades to meet prior to the BFAC meeting to enable Bush Fire Control Officers to put forward a brigade point of view at the BFAC meeting.

## **CONSULTATION**

Consultation undertaken as indicated above.

## **STATUTORY REQUIREMENTS**

Bush Fires Act 1954

Fire Brigades Act 1942

Local Government Act 1995

## **POLICY IMPLICATIONS**

Advisory Committee will align with present day statutory requirements.

## **FINANCIAL IMPLICATIONS**

Minimal (if any) variance from existing budget allocations.

**STRATEGIC IMPLICATIONS**

Draft Corporate Business Plan Strategy 1.4.4 – Maintain a community driven response to bush fire risk management.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

That a Bush Fire Advisory Committee be established, comprising of:-

1. General Membership:  
The following is suggested:  
Membership of Twenty (20)
  - The Bush Fire Control Officer from each brigade (12)
  - Chief Bush Fire Control Officer
  - Deputy Chief Bush Fire Control Officer
  - Two (2) Councillors (member and deputy)
  - Group Secretary as nominated by Brigades
  - CEO and two nominated officers one of whom will act as Representative Group Coordinator.
  
2. New provision for a “Representative Group” which reports directly to Council consisting of:-
  - Chief Bush Fire Control Officer
  - Deputy Bush Fire Control Officer
  - Four Bush Fire Control Officers as nominated by the Brigades representing the Northern, Eastern, Southern and Western Districts of the Shire
  - Representative Group Coordinator
  - Member Councillor or in absence Deputy Member
  
3. The draft Terms of Reference be forwarded to Council’s Legal Advisor to ensure legal compliance.

*Cr Sexton foreshadowed a motion:*

*That a Bushfire Advisory Committee be established comprising of;*

- *The Bushfire Control officer from each Brigade (12)*
- *The Chief Bush Fire Control Officer*
- *The Deputy Chief Bush Fire Control Officer*
- *Muradup Town FCO*
- *The President of the Bushfire Association*
- *One Councillor and proxy*
- *CEO and two Council Officers*
- *The secretary of the Association as an observer*

**COUNCIL DECISION**

**176/13 Moved Cr Sexton, seconded Cr Benn that a Bushfire Advisory Committee be established comprising of;**

- **The Bushfire Control officer from each Brigade (12)**
- **The Chief Bush Fire Control Officer**
- **The Deputy Chief Bush Fire Control Officer**
- **Muradup Town FCO**
- **The President of the Bushfire Association**
- **Cr Radford, Proxy Cr Benn**
- **CEO and two Council Officers**
- **The secretary of the Association as an observer**

**CARRIED BY ABSOLUTE MAJORITY**

**8/0**

**REASON FOR CHANGE: Council felt Cr Sexton's foreshadowed motion would retain the status quo of the committee until the completion of the 2013/2014 harvest and fire season.**

**14.1.7 SPORTING PRECINCT MANAGEMENT COMMITTEE**Terms of Reference

A user group of the Kojonup Sporting Complex established to provide feedback to staff and Council on the needs, wants, issues for the operation of the complex and input into future planning and upgrade of Kojonup Recreational facilities.

Membership

Everyone welcome, but generally:

- One representative per sporting organisation at the Complex;
- Schools
- Councillor(s)
- Representative(s) of the Chief Executive Officer;

Previous members and deputy member:

Cr Marsh, Trethowan and Baulch (Members)

Cr Mathwin (Deputy)

**OFFICER RECOMMENDATION**

That the Sporting Precinct Management Committee consist of:

- Cr \_\_\_\_\_ and Cr \_\_\_\_\_

**COUNCIL DECISION**

**177/13 Moved Cr Fleay, seconded Cr Benn that the Sporting Precinct Management Committee include:**

- **Cr Fleay and Cr Sexton**

**CARRIED BY ABSOLUTE MAJORITY**

**8/0**

**REASON FOR CHANGE:** Council felt the wording should be include instead of consist of, as the committee does not only consist of Councillors.

**14.1.8 MURADUP MEMORIAL PRECINCT COMMITTEE**

Previous delegate: Cr Marsh (Member)

**OFFICER RECOMMENDATION**

That the Muradup Memorial Precinct Committee consist of:

- Cr \_\_\_\_\_

**COUNCIL DECISION**

**178/13 Moved Cr Sexton, seconded Cr Radford that the committee be disbanded and the committee thanked.**

**CARRIED BY ABSOLUTE MAJORITY**

**8/0**

**REASON FOR CHANGE:** Council felt that the committee has achieved what it was originally set up to achieve.

*The Council then moved to Item 14.1.10.*

**14.1.9 Other Committees as determined by Council****COUNCIL DECISION**

/13 Moved Cr \_\_\_\_\_, seconded Cr \_\_\_\_\_

**CARRIED/LOST**

**/**

**14.1.10 DELEGATES TO OTHER LOCAL AND REGIONAL ORGANISATIONS**

*This category lists the outside organisations that the Shire is either:*

- *A member of, and therefore needs representatives to attend meetings; or*
- *Invited to have a delegate to represent the Shire.*

**OFFICER RECOMMENDATION**

Moved Cr \_\_\_\_\_, seconded Cr \_\_\_\_\_ that Council endorse the following appointments of Councillors as delegates to local and regional organisations.

**GREAT SOUTHERN ZONE OF THE WA LOCAL GOVERNMENT ASSOCIATION**

Previous delegates and deputies:

Cr Trethowan and Cr Benn (Members)  
Cr Pritchard and Cr Mathwin (Deputies)

**NEWLY ELECTED MEMBERS**

Members  
Deputies

**SOUTHERN LINK VROC (Voluntary Regional Organisation of Councils)**

Previous delegate and deputy:

Cr Trethowan and Mathwin (Members)  
Cr Benn (Deputy)

**NEWLY ELECTED MEMBERS**

Members  
Deputy

**GREAT SOUTHERN REGIONAL ROAD GROUP**

Previous delegate and deputy:

Cr Trethowan (Member)  
Cr Pedler and Cr Baulch (Deputies)

**NEWLY ELECTED MEMBERS**

Member  
Deputies

**KOJONUP HOMES FOR THE AGED COMMITTEE**

Previous delegate and deputy: Cr Hewson (Member), Cr Mathwin (Deputy)

**NEWLY ELECTED MEMBERS**

Member  
Deputy



KOJONUP TOURIST ASSOCIATION

Previous delegate and deputy: Cr Pedler (Member), Cr Pritchard (Deputy)

NEWLY ELECTED MEMBERS

Member

Deputy

KOJONUP HISTORICAL SOCIETY

Previous delegate and deputy: Cr Pritchard (Member), Cr Hewson (Deputy)

NEWLY ELECTED MEMBERS

Member

Deputy

KOJONUP COMMUNITY RESOURCE CENTRE ADVISORY COMMITTEE (formerly known as Telecentre)

Previous delegate and deputy: Cr Pedler (Member), Cr Baulch (Deputy)

NEWLY ELECTED MEMBERS

Member

Deputy

SCHOOL BUS ADVISORY COMMITTEE

Previous delegate and deputy: Cr Hewson (Member), Cr Trethowan (Deputy)

NEWLY ELECTED MEMBERS

Member

Deputy

REGIONAL RECREATION ADVISORY GROUP

Previous delegate and deputy: Cr Trethowan (Member), Cr Mathwin (Deputy)

NEWLY ELECTED MEMBERS

Member

Deputy

**COUNCIL DECISION**

**179/13 Moved Cr Sexton, seconded Cr Pritchard that Council endorse the following appointments of Councillors as delegates to local and regional organisations.**

**GREAT SOUTHERN ZONE OF THE WA LOCAL GOVERNMENT ASSOCIATION****NEWLY ELECTED MEMBERS**

<b>Members</b>	<b>Cr Fleay and Cr Mathwin</b>
<b>Deputies</b>	<b>Cr Benn and Cr Pritchard</b>

**SOUTHERN LINK VROC (Voluntary Regional Organisation of Councils)****NEWLY ELECTED MEMBERS**

<b>Members</b>	<b>Cr Fleay and Cr Mathwin</b>
<b>Deputy</b>	<b>Cr Benn</b>

**GREAT SOUTHERN REGIONAL ROAD GROUP****NEWLY ELECTED MEMBERS**

<b>Member</b>	<b>Cr Benn</b>
<b>Deputy</b>	<b>Cr Sexton</b>

**KOJONUP HOMES FOR THE AGED COMMITTEE****NEWLY ELECTED MEMBERS**

<b>Member</b>	<b>Cr Mathwin</b>
<b>Deputy</b>	<b>Cr Pritchard</b>

**KOJONUP TOURIST ASSOCIATION****NEWLY ELECTED MEMBERS**

<b>Member</b>	<b>Cr Sexton</b>
<b>Deputy</b>	<b>Cr Radford</b>

**KOJONUP HISTORICAL SOCIETY****NEWLY ELECTED MEMBERS**

<b>Member</b>	<b>Cr Pritchard</b>
<b>Deputy</b>	<b>Cr Pedler</b>

**SCHOOL BUS ADVISORY COMMITTEE****NEWLY ELECTED MEMBERS**

<b>Member</b>	<b>Cr Trethowan</b>
<b>Deputy</b>	<b>Cr Pedler</b>

**REGIONAL RECREATION ADVISORY GROUP****NEWLY ELECTED MEMBERS**

<b>Member</b>	<b>Cr Trethowan</b>
<b>Deputy</b>	<b>Cr Fleay</b>

**CARRIED BY ABSOLUTE MAJORITY****8/0**

**REASON FOR CHANGE: Council felt there was no need to nominate a member and deputy to the Kojonup Community Resource Centre Advisory Committee (formerly known as Telecentre).**

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

Nil

**16     NEW BUSINESS**

(of an urgent nature, introduced by a decision of the meeting).

Nil

**17 CONFIDENTIAL REPORTS**

- 17.1 FOOD SAFETY ASSESSMENT
- 17.2 STAFF HOUSING
- 17.3 KOJONUP SPORTS COMPLEX COMPLIANCE ASSESSMENT
- 17.4 SPRINGHAVEN AGED CARE FACILITY HR/IR UPDATE NO: 2

AUTHOR: Rick Mitchell-Collins – Chief Executive Officer  
 DATE: Wednesday, 6 November 2013  
 FILE NO: PH.INS.5 & CP.ACD.7 & CP.MTC.28 & PE.IRS.1  
 ATTACHMENT: 17.1 Confidential Report & Attachment  
 17.2 Confidential Report  
 17.3 Confidential Report & Attachment  
 17.4 Confidential Report & Attachment

**SUMMARY**

- The purpose of this item is to seek Council's endorsement for the matter to be referred to Council's solicitors with a view to instigating legal proceedings for breach of the Food Act 2008.
- The purpose of this report is to consider staff housing assets.
- The purpose of this item is to consider the Urgent Action Items, Non Urgent Items and Shire to consider & Advise Items (STCAA) outlined in the Summary on pages 27 & 28 of the consultant's report relating to the Kojonup Sporting Complex.
- The purpose of this item to provide an update on actions undertaken and to be taken at the Springhaven Aged Care Facility in order to achieve legislative obligations for human resource and industrial practices including organisational restructure.

**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.

### VOTING REQUIREMENTS

Simple Majority

#### COUNCIL DECISION / OFFICER RECOMMENDATION

**180/13 Moved Cr Trethowan, seconded Cr Benn that the meeting be closed to the public in accordance with s5.23 of the Local Government Act 1995 to discuss:**

- **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**
- **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**
- **a matter that if disclosed, would reveal 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**
- **a matter affecting an employee or employees.**

**CARRIED**

**8/0**

*The Members of the Public left the Chamber.*

*4:52pm Meeting adjourned.*

*5:04pm All Councillors and Staff returned to the Council Chambers.*

*Item 17.1 was next on the Agenda to discuss and the Manager of Regulatory & Community Services advised the technology in the Reception Lounge was required to present photographic evidence.*

*All Staff and Councillors except Cr Pedler (declaration of business interest) moved to the Reception Lounge.*

#### COUNCIL DECISION

**181/13 Moved Cr Benn, seconded Cr Mathwin that the meeting recommence.**

**CARRIED**

**7/0**

*5:31pm Cr Sexton left the Reception Lounge.*

*5:35pm Cr Sexton returned to the Reception Lounge.*

#### COUNCIL DECISION / OFFICER RECOMMENDATION

**182/13 Moved Cr Pritchard, seconded Cr Benn that the matter be referred to Council's solicitors with instructions to instigate legal proceedings against the operator for breach of the Food Act 2008.**

**CARRIED**

**7/0**

*6:10pm All Councillors and Staff returned to the Council Chambers to continue the remainder of the Confidential Items.*

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**183/13 Moved Cr Trethowan, seconded Cr Mathwin that:-**

- 1. The CEO's Report be received and action in relation to the sale of 25 Vanzuilecom Street for an amount of \$255,000 be endorsed, and**
- 2. The Sale of Contract be duly executed by the Shire President and Chief Executive Officer.**

**CARRIED****8/0****COUNCIL DECISION / OFFICER RECOMMENDATION**

**184/13 Moved Cr Pritchard, seconded Cr Mathwin that Council receives both reports of the consultant, Statewide Building Certification WA outlining recommended corrective actions for various compliance issues relating to the Kojonup Sporting Complex Pavilion.**

**Staff meets with the builder, Michael Prandi of Prandi Builders to discuss the compliance items with a view to establishing whose responsibility it is to carry out the necessary remedial work.**

**Staff obtains a cost estimate of any remedial work that is determined to be the responsibility of Council to undertake, and prepare a report on the cost estimates against each item for Council's information and consideration as appropriate.**

**That where staff and builder are unable to reach agreement as to who is responsible for the cost of carrying out any aspect of the remedial work, Council authorize the Chief Executive Officer to seek legal advice in the matter with a view to determining the party responsible for costs associated in carrying out those compliance items under dispute.**

**CARRIED****8/0****COUNCIL DECISION / OFFICER RECOMMENDATION**

**185/13 Moved Cr Sexton, seconded Cr Benn that the CEO Report and Anne Lake Consultancy Reports be received and actions endorsed.**

**CARRIED****8/0****COUNCIL DECISION / OFFICER RECOMMENDATION**

**186/13 Moved Cr Sexton, seconded Cr Pritchard that the meeting be reopened to the public.**

**CARRIED****8/0**

**18**     **NEXT MEETING**

Tuesday, 17<sup>th</sup> December 2013 commencing at 3:00pm.

**19**     **CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 7:04pm.

**20**     **ATTACHMENTS (SEPARATE)**

Item 10.1	Monthly Statement of Financial Activity 1st July 2013 to 31 <sup>st</sup> October 2013
Item 10.1	Appendix A – Springhaven Aged Care Facility Monthly Statement of Financial Activity 1st July 2013 to 31 <sup>st</sup> October 2013
Item 10.2	Monthly Payment Listing
Item 12.2	Report from Brown Consulting (WA) Pty Ltd (ICR14194)
Item 17.1	Confidential Report & Attachment
Item 17.2	Confidential Report
Item 17.3	Confidential Report & Attachment
Item 17.4	Confidential Report & Attachment

\_\_\_\_\_  
Presiding Member

\_\_\_\_\_  
Date