

SHIRE OF KOJONUP



Special Council Minutes

5th November 2013

at 9.00am

SHIRE OF KOJONUP

MINUTES FOR THE SPECIAL COUNCIL MEETING HELD ON 5th November 2013

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MINUTES

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

Being the first meeting following the declaration of the results from the ordinary election, the Chief Executive Officer presided over the meeting, in accordance with Schedule 2.3 (3) of the Local Government Act, 1995 until such time as the office of President was filled.

The Chief Executive Officer declared the meeting opened at 9:00am 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 Ned Radford	
Cr Frank Pritchard	(9.12am to 9.24am) Dial In by Telephone as per Regulation 14A of the Local Government (Administration) Regulations 1996

Note: Declaration of Office from Cr Frank Pritchard was received in the prescribed form on 28 October 2013.

Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Anthony Middleton	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory and Community Services
Mr Craig McVee	Works Manager
Miss Dominique Hodge	Personal Assistant to the CEO
Ms Joanne Macri	Community Services Officer

Hon Heather Marland	Justice of the Peace
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Members of the Public	4
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APOLOGIES

Nil

The Chief Executive Officer declared that the nominations for President and Deputy President were currently still open and will close at 9:05am.

9:03am Hon. Heather Marland, JP left the Chamber.

9:05am Hon. Heather Marland, JP returned to the Chamber.

2.1 SWEARING IN OF NEW COUNCILLORS

The Chief Executive Officer called upon each of the newly elected Councillors to make an oath or affirmation of allegiance and declaration in the prescribed manner before Hon Heather Marland, JP before commencing duties as a Councillor.

Councillors Elect Ronnie Fleay, Robert H. Sexton and Ned Radford made the declaration and an affirmation of allegiance in the prescribed manner before Hon. Heather Marland, JP.

2.2 ELECTION OF PRESIDENT (2 year term)

The Chief Executive Officer announced that nominations for the position of Shire President were now closed.

The Chief Executive Officer announced that there was three nominations received (nominations were made in writing to the CEO) and there would be an election. Nominations were received from Cr Mathwin, Cr Trethowan & Cr Fleay.

9:12am Cr Pritchard entered the meeting (via electronic communication).

The procedure for conducting the election of the President was in accordance with *Local Government Act 1995 Section 2.6(3), Schedule 2.3 & 4.1 and the Local Government (Constitution) Regulations 1998.*

At the conclusion of voting the Chief Executive Officer and Hon. Heather Marland, JP counted the votes and declared Cr Fleay elected as President of the Shire of Kojonup for a 2 (two) year term having received 5 (five) votes.

Cr Fleay made the declaration in the prescribed manner before Hon. Heather Marland, JP and commenced duties as the President of the Council.

2.3 ELECTION OF DEPUTY PRESIDENT (2 year term)

The Chief Executive Officer announced that there were three nominations received (nominations made in writing to the CEO) and there would be an election. Nominations were received from Cr Sexton, Cr Mathwin and Cr Trethowan.

The procedure for conducting the election of the Deputy President was in accordance with *Local Government Act 1995 Section 2.6(3), Schedule 2.3 & 4.1 and the Local Government (Constitution) Regulations 1998.*

At the conclusion of voting the Chief Executive Officer and Hon. Heather Marland, JP counted the votes and declared Cr Sexton elected as Deputy President of the Shire of Kojonup for a 2 (two) year term having received 4 (four) votes.

Cr Sexton made the declaration of Deputy Shire President before Hon. Heather Marland, JP.

Cr Fleay thanked Council for their support and confidence in electing her to the office of Shire President and that she would carry out her duties to the best of her ability for her term in office. Cr Fleay recognized the previous President, Cr Trethowan and thanked her for her commitment and hard work during her time in office.

The Shire President then welcomed the newly elected Deputy Shire President to his role.

3 PUBLIC QUESTION TIME

Nil

4 DECLARATIONS OF INTEREST

Nil

9:24am Cr Pritchard left the meeting (via electronic communication).

COUNCIL DECISION

158/13 Moved Cr Sexton, seconded Cr Benn that the remainder of this agenda from item 5 (page 6) to item 5.1.10 (page 26) inclusive, lay on the table to be dealt with at the next ordinary meeting of the Council.

CARRIED 6/1

COUNCIL DECISION

159/13 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 next ordinary meeting of the Council.

CARRIED 7/0

The Council then moved to Item 6 (Page 27).

5 ITEMS

5.1 REVIEW OF COMMITTEES

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

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 19th 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 two council meetings 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

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.

5.1.1 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).

OFFICER RECOMMENDATION

That the Audit Committee consist of all eight (8) Councillors and Mr David Prasser-Jones (Independent Community Member).

COUNCIL DECISION

/13 Moved Cr , seconded Cr

CARRIED/LOST /

5.1.2 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 , seconded Cr

CARRIED/LOST /

5.1.3 KODJA PLACE ADVISORY COMMITTEESummary:

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**
- **Story place – Delegate Barbara Hobbs, Proxy Wendy Thorn**
- **Shire – Cr _____ and Cr _____, Proxy Cr _____.**

COUNCIL DECISION

/13 Moved Cr _____, seconded Cr _____

CARRIED/LOST

5.1.4 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

Simple Majority

OFFICER RECOMMENDATION

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.

COUNCIL DECISION

/13 Moved Cr

, seconded Cr

CARRIED/LOST

/

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.

5.1.5 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, the cost of which is to be reimbursed to the Council by the Kojonup Tourist Railway Committee.
- 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

/13 Moved Cr _____, seconded Cr _____

CARRIED/LOST

/

5.1.6 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.

COUNCIL DECISION

/13 Moved Cr

, seconded Cr

CARRIED/LOST

/

5.1.7 SPORTING PRECINCT MANAGEMENT COMMITTEETerms 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

/13 Moved Cr _____, seconded Cr _____

CARRIED/LOST /

5.1.8 MURADUP MEMORIAL PRECINCT COMMITTEE

Previous delegate: Cr Marsh (Member)

OFFICER RECOMMENDATION

That the Muradup Memorial Precinct Committee consist of:

- Cr _____

COUNCIL DECISION

/13 Moved Cr _____, seconded Cr _____

CARRIED/LOST /

5.1.9 Other Committees as determined by Council

COUNCIL DECISION

/13 Moved Cr _____, seconded Cr _____

CARRIED/LOST /

5.1.10 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

CARRIED/LOST /

6 **CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 9:32 am.

7 **ATTACHMENTS (SEPARATE)**

Nil

Shire President

Date