

# SHIRE OF KOJONUP



## Special Council Minutes

***31<sup>st</sup> January 2007***

**SHIRE OF KOJONUP****31<sup>st</sup> JANUARY 2007****THE PURPOSE OF THE SPECIAL MEETING:**

- TO RECEIVE THE ANNUAL FINANCIAL STATEMENTS FOR 2005/2006 AND AUDIT REPORT
- TO RECEIVE THE ANNUAL REPORT FOR 2005/2006
- TO SET THE DATE FOR THE ANNUAL ELECTORS MEETING
- TO CONSIDER THE SHIRE OF KOJONUP DRAFT STANDING ORDERS

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

The President alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points.

The President read the following statement:

*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 Jill Mathwin	Shire President
Cr Jane Trethowan	Deputy Shire President
Cr John Benn	
Cr Pat Bunny	
Cr Will Carrington-Jones	
Cr Rosie Hewson	
Cr Ernie Graham	
Cr Greg Marsh	
Cr Frank Pritchard	
Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mrs Rosemary Cussons	Personal Assistant

**APOLOGIES**

Cr Geoff Thorn

**3 PUBLIC QUESTION TIME****4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

Cr Jane Trethowan applied for Leave of Absence from 12<sup>th</sup> February 2007 to 28<sup>th</sup> February 2007 inclusive.

**COUNCIL DECISION**

<b>01/07</b>	<b>MOVED Cr Carrington-Jones that Leave of Absence be granted to Cr Trethowan for the period from 12<sup>th</sup> February 2007 to 28<sup>th</sup> February 2007 inclusive.</b>	<b>CARRIED</b>	<b>9/0</b>
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**6 CONFIRMATION OF MINUTES**

Nil

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

The Presiding Member, Cr Jill Mathwin, announced that the Minister for Local Government, Hon John Bowler JP MLA, will be visiting Kojonup on approximately 14<sup>th</sup> February 2007 (date to be confirmed) and will meet with elected members of the Shire of Kojonup and surrounding Shires.

**8 PETITIONS, DEPUTATIONS & PRESENTATIONS**

Nil

**9 DECLARATIONS OF INTEREST**

Nil

**10 CORPORATE & COMMUNITY SERVICES REPORTS****10.1 2005/06 ANNUAL REPORT AND ELECTORS MEETING**

DATE: 24<sup>th</sup> January 2007  
 AUTHOR: Stephen Gash, Chief Executive Officer  
 FILE NO: 3.03.01

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To accept the Shire of Kojonup's 2005/06 Annual Report as circularised with the Agenda, including the Annual Financial Report and Audit report, and then to set a date for the annual electors meeting.

**BACKGROUND**

Each local government is to prepare an annual report for each financial year. The report is a record of the Shire's activities for the financial year and is part of the accountability principles established for local government.

**COMMENT**

The Council is to accept the annual report by 31<sup>st</sup> December following the year end or no later than two months after receiving the audit report. The Audit Report was received on 20<sup>th</sup> December 2006 and a copy forwarded directly to the Department of Local Government and Regional Development.

The Audit Report and Management Letter will be the subject of an Audit Committee meeting where the committee will consider any action that may be required from the management letter. The Audit Report forms part of the Annual Report and the management letter is provided as an attachment to this meeting for transparency, even though it will have separate consideration via the Audit Committee.

The Annual elector's meeting must be held within 56 days of accepting the annual report with appropriate notice of the meeting given.

**CONSULTATION**

The annual report includes the financial report and this has been the subject of close examination by the appointed auditors, Lincolns Accountants and Business Advisors.

Immediately prior to this Special Council Meeting the Audit Committee, comprising all Councillors and Mr David Prasser-Jones will have a meeting with the Shire's external auditor, Mr Russell Harrison, and discuss any actions required from the Management Letter.

**STATUTORY ENVIRONMENT**

Section 5.26 to 5.33; 5.53 & 5.54 - Local Government Act 1995

Regulation 51(2) of the Local Government (Financial Management) Regulations 1996

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS** - ABSOLUTE MAJORITY to accept the Annual Report (Recommendation 1)

**OFFICER RECOMMENDATION**

That Council

1. Accepts the Annual Report including the Annual Financial Report for the 2005/2006 year;
2. Hold the Annual Electors meeting on Monday 26<sup>th</sup> February 2007 in the Lesser Hall, Kojonup, commencing at 7:00pm;
3. Receives the Audit Report and Management Letter;
4. Note the minutes of the Audit Committee of 31<sup>st</sup> January 2007 will be presented to the next ordinary meeting of Council

**COUNCIL DECISION**

**02/07      MOVED Cr Hewson that Council**

- 1.      Accepts the Annual Report including the Annual Financial Report for the 2005/2006 year;**
- 2.      Hold the Annual Elector's meeting on Monday 26<sup>th</sup> February 2007 in the Lesser Hall, Kojonup, commencing at 7:00pm;**
- 3.      Receives the Audit Report and Management Letter;**
- 4.      Note that the minutes of the Audit Committee of 31<sup>st</sup> January 2007 will be presented to the next ordinary meeting of Council.**

**CARRIED**

**9/0**

*REASON FOR CHANGE:* In point 4, the word 'that' was included after the word 'Note' in order to provide clarity that as the Audit Committee Meeting was held today, 31<sup>st</sup> January 2007, and the minutes of that meeting are yet to be endorsed.

## 10.2 DRAFT STANDING ORDERS

DATE: 24<sup>th</sup> January 2007  
AUTHOR: Stephen Gash, Chief Executive Officer  
FILE NO:

### **DECLARATION OF INTEREST**

Nil

### **SUMMARY**

To consider a trial of the draft standing orders prior to initiating the formal local law process.

### **BACKGROUND**

Council approached Mr John Gilfellon to assist with a review of its current standing orders.

### **COMMENT**

The draft Standing Orders and feedback from Mr Gilfellon is attached. This is based on the model local laws adopted by other Shires and allows a more structured approach to guide Council debate and process.

Councils current standing orders were gazetted in 1997. A copy is attached and provides that "*The President shall decide all questions of order, procedure, debate, or otherwise, in respect of which no provision or insufficient provision is made in the standing orders or the Act*".

The President has expressed a desire to trial the draft Standing Orders for a period of time to determine if any amendments are suggested, before starting the formal process of initiating the new Standing Orders as a local law. It is envisaged that the broad and brief nature of the existing standing orders should not provide any barrier to trialling the draft standing orders in this informal way.

Mr Gilfellon recommends a trial of the arrangements, which the author also believes would be prudent when Council is not used to working with prescriptive rules of debate. The formal process for reviewing, repealing and creating local laws will be outlined when the draft standing orders are reviewed.

### **CONSULTATION**

All Councillors have had the opportunity for initial input through internal briefing sessions and consideration of Standing Orders from other local governments.

### **STATUTORY ENVIRONMENT**

Sections 3.5 to 3.17 of the Local Government Act 1995.  
Shire of Kojonup Local Laws Relating to Standing Orders 1997.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil.

### **VOTING REQUIREMENTS - SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

1. That Council endorse a trial of the draft Standing Orders for a period of two Council Ordinary Council meetings.
2. That at the conclusion of the two month trial period a report be submitted to Council by the Chief Executive Officer after compiling any suggested amendments from Councillors.

**COUNCIL DECISION****03/07    MOVED Cr Trethowan**

- 1. That Council endorse a trial of the draft Standing Orders for a period of two Council Ordinary Council meetings.**
- 2. That at the conclusion of the two month trial period a report be submitted to Council by the Chief Executive Officer after compiling any suggested amendments from Councillors.**

**CARRIED****8/1****11    CLOSURE**

There being no further notice of business for the Special Meeting under section 5.5 of the Local Government Act 1995, the President thanked the members for their attendance and declared the meeting closed at 4.15pm.

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