

**SHIRE OF KOJONUP**



# **MINUTES**

**Ordinary Council Meeting**

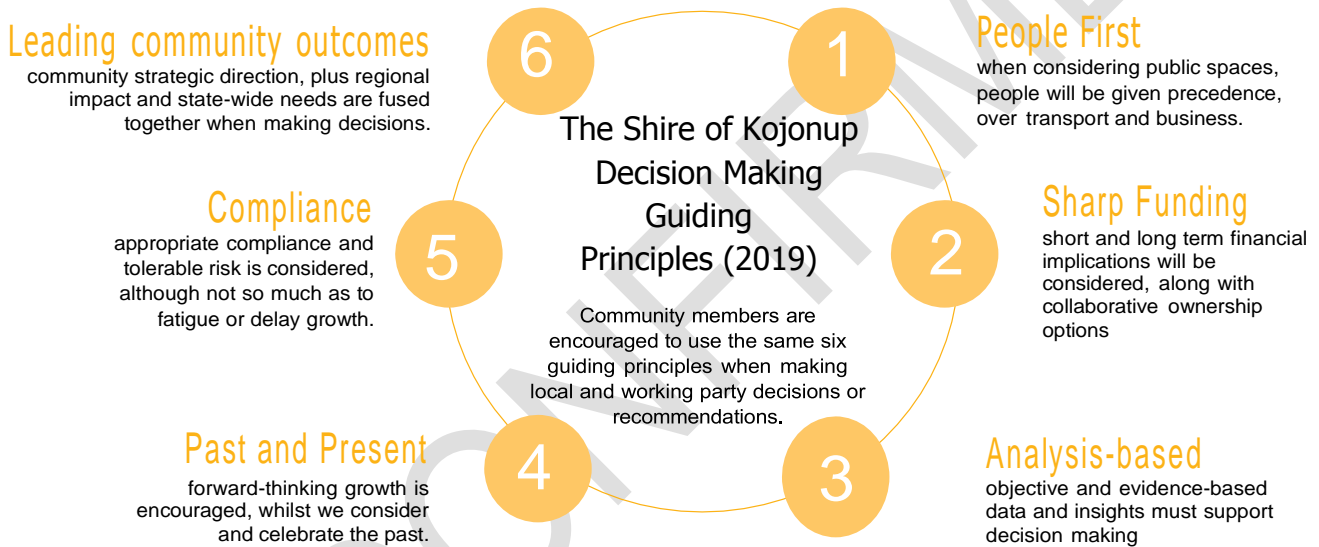
**16 March 2021**

**MINUTES OF THE COUNCIL MEETING HELD ON 16 MARCH 2021**

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



MINUTES

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

The Shire President declared the meeting open at 3.00pm and drew the meeting's attention to the disclaimer below:

*Disclaimer*

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

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

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

**Acknowledgement of Country**

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

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

**Prayer – Cr Pedler**

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

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

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

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

**2 ATTENDANCE AND APOLOGIES**

**COUNCILLOR**

Cr Benn

Shire President

Cr Radford

Deputy Shire President

Cr Fleay

Cr Gale

Cr Pedler

Cr Webb

Cr Wieringa

Cr Singh

**STAFF**

Anthony Middleton

Acting Chief Executive Officer

Rob Cowie

Payroll and Emergency Management Officer

Marina Murray

Horticultural Supervisor (to 3.07pm)

Judy Stewart

Senior Administration Officer

Lorraine Wyatt

Executive/Human Resource Coordinator

**LEAVE OF ABSENCE**

Nil

**APOLOGIES**

Rick Mitchell-Collins

Chief Executive Officer

Emily Sleight

Sport and Recreation Officer

**MEMBERS OF THE PUBLIC**

1

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

Nil.

**4 PUBLIC QUESTION TIME**

Nil

**5 PETITIONS, DEPUTATIONS AND PRESENTATIONS**

Nil

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 CONFIRMATION OF MINUTES**

**7.1 COUNCIL MEETING 16 FEBRUARY 2021**

Minutes of the Council Meeting which was held on 16 February 2021 were previously circulated under separate cover and are at [Attachment 7.1.1](#).

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**16/21 Moved Cr Pedler, seconded Cr Radford**

**That the Minutes of the Council Meeting held on 16 February 2021 be confirmed as a true record.**

**CARRIED 8/0**

**7.2 SPECIAL COUNCIL MEETING 23 FEBRUARY 2021**

Minutes of the Special Council Meeting which was held on 23 February 2021 were previously circulated under separate cover and are at [Attachment 7.2.1](#).

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**17/21 Moved Cr Fleay, seconded Cr Pedler**

**That the Minutes of the Special Council Meeting held on 23 February 2021 be confirmed as a true record.**

**CARRIED 8/0**

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

The Shire President informed the meeting that he has attended Regional Road Group meetings in Albany and Tambellup.

On behalf of Council, the Shire President commemorated the passing of Jack Cox and paid tribute to this valued and respected member of the community. Elected Members were reminded that Jack's service which will take place on Thursday, 18 March 2021 at The Kodja Place.

**9 DECLARATIONS OF INTEREST**

Nil

**10 KEY PILLAR 1 – ‘PLACE’ REPORTS**

10.1 ROSE MAZE REPORT ADOPTION

<b>AUTHOR</b>	Marina Murray, Horticultural Supervisor
<b>DATE</b>	Tuesday, 2 March 2021
<b>FILE NO</b>	CP.MTC.21
<b>ATTACHMENT(S)</b>	<a href="#">10.1.1 - Kojonup Rose Maze Report</a>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP 1 - Place	1.2 Be a happy, healthy, connected and inclusive community driven by the provision of high standard sport, recreation and open space facilities and programs.	Develop and Adopt a Public Open Space Plan

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

To consider and adopt the Kojonup Rose Maze Report written by Colin Barlow, Director of Gardens from Eden.

**BACKGROUND**

The Rose Maze was constructed and planted between 2003 and 2005. In July 2020, roses started dying back completely or suffered defoliation in different sections of the maze. Colin Barlow investigated the problems affecting the Rose Maze and has provided a comprehensive solution to manage, maintain and rectify identified problems including a yearly maintenance schedule. The investigation involved an on-site visit, analysis, and soil and plant tissue sampling to compare the Rose Maze with specified industry standards for plant and soil nutritional levels. Irrigation water salt level testing was undertaken after initial tests.

**COMMENT**

The investigation and analysis of the survey data concerning the rose health issues affecting the Rose Maze indicates that there are a number of serious rose, soil and maintenance issues present that need to be addressed.



The attached month by month maintenance schedule which commenced in January 2021, highlights the key activities that should be carried out at the Kojonup Rose Maze each calendar year.



Roses were seriously defoliated with very little foliage



The existing soil around the roses was mounded, extremely dry, hydrophobic and covered with a woodchip mulch.

Footpath bunding to capture irrigation and contain soil conditioner/mulch will require separate budget consideration.



**CONSULTATION**

Gardens from Eden  
Briefing Session – 2 March 2021

**STATUTORY REQUIREMENTS**

*Land Administration Act 1997, Section 46. Care, control and management of reserves*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The annual budget will address maintenance and other funding for capital works may be sourced externally.

**RISK MANAGEMENT IMPLICATIONS**

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
5) Employment Practices	Key/single person dependencies	Staff multiskilling and rotation	Nil
	Limited staff availability	Workforce planning	
6) Engagement	Inadequate involvement with or support of community groups	Community engagement and networking	Review and assess Community Engagement Strategy and Plan
	Miscommunication or poor communication		
Risk Rating - Adequate			
IMPLICATIONS			
If the suggested applications, maintenance requirements and construction projects as outlined in the report are not implemented, there is a great chance that the roses will continue to die and salinity levels will increase.			

**ASSET MANAGEMENT IMPLICATIONS**

Nil

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

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**18/21 Moved Cr Fleay, seconded Cr Radford  
That Council adopt the Kojonup Rose Maze Report.**

**CARRIED 8/0**

Senior Horticulturalist, Marina Murray left the meeting at 3.07pm and did not return.

UNCONFIRMED

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

11.1 BUSH FIRE ADVISORY COMMITTEE MEETING MINUTES - 25 FEBRUARY 2021

<b>AUTHOR</b>	Rob Cowie, Payroll and Emergency Management Officer
<b>DATE</b>	Friday, 5 March 2021
<b>FILE NO</b>	ES.CIR.2
<b>ATTACHMENT(S)</b>	<a href="#">11.1.1 - Kojonup Bush Fire Advisory Committee Minutes 25 February 2021</a>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP 2 - Connected	2.3 – Be providing for a safe and secure environment by working with State and Federal authorities.	2.3.1 - Maximise community safety through safe urban design and advocate for enhanced emergency service provisions.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to consider the minutes from the Bush Fire Advisory Committee meeting held 25 February 2021.

**BACKGROUND**

The Bush Fire Advisory Committee (BFAC) is established under Section 67 of the *Bush Fires Act 1954* and plays an important role in the Council’s decision making process. Minutes of these meetings are presented to Council to be received.

It is to be noted as per Council decision 148/20 made at the 17 November Council meeting, that the suggestion regarding a possible change to the 20/21 Fire Break Order be considered by Council at the April 2021 Council Meeting.

**COMMENT**

Nil

**CONSULTATION**

Members of the Bush Fire Advisory Committee.

**STATUTORY REQUIREMENTS**

Section 67 of the *Bush Fires Act 1954*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2) Business Disruption	Lack of (or inadequate) emergency response/business continuity plans. Lack of training for specific individuals or availability of appropriate emergency response.	Regular LEMC, DEMC Meetings	Nil
Risk Rating - Adequate			
<b>IMPLICATIONS</b>			
Under legislation, the Shire may establish and maintain a BFAC. The risk of not having a BFAC is that staff, and Councillors do not necessarily possess the relevant knowledge or experience regarding bushfires. The Shire is reliant on the advisory committee to be able to provide this knowledge.			

**ASSET MANAGEMENT IMPLICATIONS**

Nil.

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

Nil.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**19/21 Moved Cr Gale, seconded Cr Pedler**

**That the minutes of the Bush Fire Advisory Committee Meeting held 25 February 2021 be received.**

**CARRIED 8/0**

11.2 LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) MINUTES 9 FEBRUARY 2021

<b>AUTHOR</b>	Rob Cowie – Payroll & Emergency Management Officer
<b>DATE</b>	Friday 5 March 2021
<b>FILE NO</b>	ES.MET.1
<b>ATTACHMENT(S)</b>	<a href="#">11.2.1 - LEMC Minutes 9 Feb 2021</a>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP 2 - Connected	2.3 – Be providing for a safe and secure environment by working with State and Federal authorities.	2.3.1 - Maximise community safety through safe urban design and advocate for enhanced emergency service provisions.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to receive the minutes from the Local Emergency Management Committee meeting held 9 February 2021.

**BACKGROUND**

The Local Emergency Management Committee (LEMC) is established under Section 38 of the *Emergency Management Act 2005* and plays an important role in the Council’s decision making process. Minutes of these meetings are presented to Council to be received.

**COMMENT**

Nil

**CONSULTATION**

Members of the Local Emergency Management Committee

**STATUTORY REQUIREMENTS**

Section 38 of the *Emergency Management Act 2005*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2) Business Disruption	Lack of (or inadequate) emergency response/business continuity plans. Lack of training for specific individuals or availability of appropriate emergency response.	Regular LEMC, DEMC Meetings	Nil
Risk Rating - Adequate			
IMPLICATIONS			
The Shire is legislated to establish and maintain a LEMC. The risk of not having a LEMC is that all staff, Councillors and relevant Community members need to be able to work together under pressure in times of extreme stress should an emergency situation arise.			

**ASSET MANAGEMENT IMPLICATIONS**

Nil

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

Nil

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**20/21 Moved Cr Gale, seconded Cr Pedler**

**The minutes of the Local Emergency Management Committee Meeting held 9 February 2021 be received.**

**CARRIED 8/0**



11.3. LOCAL GOVERNMENT CHILD SAFETY OFFICERS AND PROPOSED REPORTABLE CONDUCT SCHEME

<b>AUTHOR</b>	Emily Sleight – Sport and Recreation Officer
<b>DATE</b>	Monday, 8 March 2021
<b>FILE NO</b>	CS.SVP.2
<b>ATTACHMENT(S)</b>	<b>11.3.1 – Discussion paper on the implementation of child safety officers in local governments</b>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP 2 – Connected	2.2 – Have enhanced our aged care and health provisions by progressing out connections with regional and state-wide groups	2.2.1 – Work with regional, state and national health providers to develop innovative health services

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to provide the Council’s position on proposed State Government reforms arising from the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, whereby the State Government is:

- Developing a system of independent oversight to improve child safety in organisations; and
- Developing a State policy position on the Royal Commission’s recommendation 6.12 specifying that local governments should designate child safety officers from within existing staff profiles.

**BACKGROUND**

The Department of Local Government, Sport and Cultural Industries (DLGSC) on behalf of the Western Australian Government (State Government) is implementing reforms from the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission).

The Royal Commission was established to investigate systemic failures by institutions in relation to allegations and incidents of child sexual abuse. The Royal Commission found that across many decades, many of society’s institutions failed to protect children.

In response to the Royal Commission, the State Government is proposing:

- Developing a system of independent oversight to improve child safety in organisations; and
- Developing a State policy position on the Royal Commission’s recommendation 6.12 specifying that local governments should designate child safety officers from within existing staff profiles.

The State Government is seeking a formal response to the discussion paper, preferably through the relevant council, from local governments by 2 April 2021. Responses will inform the development of the State Government’s policy position.

The Royal Commission’s final report contained 409 recommendations directed towards the development of effective government regulation, improvement in institutional governance and increased community awareness of child sexual abuse in institutions.

The development of an independent oversight system comprises the following four areas:

- Organisations to report certain types of misconduct by their employees (including contractors and volunteers) involving children (known as reportable conduct) to an independent oversight body;
- Organisations engaged in child related work to comply with child safe standards (known as the National Principles for Child Safe Organisations) and their compliance be monitored by an independent oversight body;
- Out-of-home care providers be accredited by an independent oversight body; and
- Youth detention environment to comply with the National Principles and their compliance be monitored by an independent oversight body.

Ombudsman WA has drafted the Parliamentary Commissioners Amendment (Reportable Conduct) Bill 2020 (Attachment 2).

The Bill obliges heads of organisations, including local governments, to notify an independent body of misconduct involving children, known as reportable conduct, by their employees, volunteers and contractors. Consultation on the draft legislation closed 31 January 2021.

The Royal Commission recommended 10 child safe standards to improve child safe cultures and practices across all sectors providing services to children and young people. The standards have since been incorporated into the National Principles for Child Safe Organisations which were endorsed by the Council of Australian Governments in February 2019. The National Principles for Child Safe Organisations are:

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
6. Processes to respond to complaints and concerns are child focused.

7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
9. Implementation of the national child safe principles is regularly reviewed and improved.
10. Policies and procedures document how the organisation is safe for children and young people.

Royal Commission Recommendation 6.12 states that local governments should designate child safety officer positions from within existing staff profiles. The Department of Communities and DLGSC have drafted a discussion paper for the WA Local Government sector to better understand and respond to this recommendation (Attachment 11.3.1).

#### **COMMENT**

The Royal Commission cited the fundamental role local governments play in assisting and resourcing communities across Australia, particularly in regional and remote areas, where access to resources and services is often more limited than for their urban counterparts.

The Royal Commission highlighted the important roles local governments play in communities that impact on the safety of children including:

- providing services to children, for example libraries, swimming pools and childcare;
- providing spaces for community activities, for example halls, theatres and sports grounds;
- funding or contracting services;
- facilitating community education or outreach programs;
- regulating planning and development approvals, infrastructure and property services; and
- water and food inspection.

The active role local governments take in community development and community safety, particularly roles that impact on child safety, was recognised as an opportunity to integrate their direct responsibilities to children with their wider role within the community.

The Commission adds “Local governments are recognised as well placed to support smaller organisations within their communities to implement the National Principles and create child safe environments”.

Through this consultation process the State Government has two key aims:

- to develop a better understanding of the current role of local governments in promoting child safety and how the outcomes of this work are reported internally, to executive and to council; and
- to use this understanding of current work promoting child safety to inform the development of an approach to meet recommendation 6.12 of the Royal Commission in implementing the child safety officer role.

Recommendation 6.12 of the Royal Commission recommended that, with support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:

**1. Developing child safe messages in local government venues, grounds and facilities**

Developing child safe messages in local government venues, grounds and facilities promotes the knowledge and understanding of child safety by community members. Public messaging promotes the rights of children to feel safe as well as increasing the understanding of child safety by staff, volunteers and community members and acting as a deterrent for those who may intend to cause harm to children.

To implement this function would include:

- Working with key stakeholders including CCYP and the Working with Children Screening Unit to ensure that nationally consistent child safe messages are identified for use in local governments' venues, grounds and facilities.
- Working with internal communication teams to print posters/signs outlining nationally consistent child safe messages for their various venues, grounds and facilities.

**2. Assisting local institutions to access online child safe resources**

Institutions in local communities such as sole traders (i.e. music teachers, tennis coaches), private and community organisations (i.e. arts, cultural, community, sport and recreation groups, clubs and associations) may require assistance to access online child safe resources.

To implement this function would include:

- Facilitating the inclusion of information about child safety on their local government website including links to online child safe resource created by CCYP and the National Office of Child Safety. This would be in line with the current practice of many local governments in providing information and a link to Kidsport on their websites.
- Signposting local government staff and local organisations to CCYP, the National Office of Child Safety, and other relevant resources on the local government's website.

Other local government resources may also assist in facilitating this function. Community Resource Centres and libraries provide physical access to computers and the internet, and library staff could provide support to access suitable online child safe resources. Community, Club Development and Community Safety Officers may signpost to online resources within newsletters.

**3. Provide child safety information and support to local institutions on a need's basis**

Child safety officers are expected to provide general advice around promoting child safety and the implementation of the National Principles within organisations. For some local governments this may include hosting workshops/seminars with external providers.

It is expected that child safety officers would be supported by relevant agencies, such as CCYP, the National Office of Child Safety, or in the case of child protection concerns, the Western Australia Police Force or Department of Communities in meeting this function.

While it is not the intention of the Royal Commission for local government child safety officers to be a direct point of contact for community members or staff seeking advice on

child protection matters, it would be important for anyone in this role to have appropriate knowledge and understanding of child abuse and neglect, as well as local child safeguarding procedures, in order to provide appropriate information, guidance and signposting. It is important for the local government to consider what support mechanisms are in place, to ensure the wellbeing of child safety officers when dealing with these matters and what specific areas of training would be required to build upon existing skills and knowledge of staff.

**4. Support local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds**

Communities within local government areas differ based on social demographics. The needs of supporting children from diverse backgrounds will differ based on the local population.

To implement this function would include:

- Identifying needs within the local community and key services providing support in meeting these needs.
- Working collaboratively with local government staff, responsible for supporting disability inclusion and access and promoting the needs of Aboriginal and culturally diverse children, to provide advice and support to local organisations on implementing child safe approaches that are accessible and inclusive for children with diverse needs.
- Linking local institutions with key services, including disability advocacy services, Aboriginal family support services or professional interpreters.

**CONSULTATION**

WALGA Webinar held 23 February 2021

**STATUTORY REQUIREMENTS**

There are no current relevant statutory implications. The proposal includes new legislation that will mandate the role of anyone involved in provision of children's facilities or services to ensure that the relevant employee reports potential misconduct and the relevant organisation via its Principal Officer (or Chief Executive Officer) has appropriate mechanisms in place to encourage and receive reporting.

The requirement for every local government in Australia to mandate a Child Safety Officer, either as a new position dedicated to the role, or an existing employee with designated responsibility, is a suggested approach (by the Royal Commission and State Government) to meet the principles espoused by the Commonwealth via the Royal Commission.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The requirement to put in place appropriate mechanisms is largely administrative and of no direct financial outlay. The requirement or expectation to appoint (and implement) State and Commonwealth principles associated with Child Safety Officers at every local government in Australia however, will come at a cost, either by reducing services in another area or adding

cost to rates, without appropriate financial and administrative resources from the government agencies already entrusted with this role.

The risk, over time, if not initially, is that this burden will grow and expectation of service delivery will grow, such that it will be seen as part of the ‘business’ of local government, without appropriate resources.

### RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3) Compliance	Lack of training, awareness and knowledge	Councillor / Staff Training	Nil
6) Engagement	Inadequate documentation or procedures  Budget / funding issues	Community engagement / networking	Review and assess Community Engagement Strategy and Plan
8) Errors, Omissions, Delays	Inadequate formal procedures or training  Lack of trained staff  Changes to legislation  Lack of understanding	Policies and procedures  Staff training	Nil
10) Facilities-Venues	Unaccompanied minors/children	Accompanied by an adult age restrictions at aquatic facilities	Nil
12) Misconduct	Sharing of confidential information	Induction process	Nil
14) Safety & Security	Inadequate training, supervision or mentoring of staff	Health and Wellbeing programs  Staff inductions	Nil
<i>Risk rating MODERATE</i>			



**IMPLICATIONS**

*The implementation of required staffing positions for the management of child safety imposes risks to Council that will necessitate extensive staff training, alteration of position descriptions and formation of new policies and procedures. The risks must be mitigated with the assistance and involvement of all staff, Councillors, management and state and federal government departments.*

**ASSET MANAGEMENT IMPLICATIONS**

Nil

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

Nil, although all VROC members will need to consider this issue and their position on the matter.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**21/21 Moved Cr Fleay, seconded Cr Radford**

**That with respect to Local Government Child Safety Officers and the proposed Reportable Conduct Scheme, Council:**

- 1. Respond to the Department of Local Government, Sport and Cultural Industries' Discussion Paper, in accordance with the comments contained within the Officers' Report advising that Council have concerns regarding the functions specified in Recommendation 6.12, specifically the training of staff for this role and funding the increased position requirements;**
- 2. Endorse the principles outlined in the National Principles for Child Safe Organisations;**
- 3. Endorse the principles of local governments being able to support and promote messages about child safety in its venues, facilities and services it provides to children; and**
- 4. Endorse the principles of the draft bill and request the Chief Executive Officer to ensure that the Shire and its employees comply with any requirements of the Shire, or its employees, in implementing any Child Safety Reportable Conduct Scheme, should such laws be enacted.**

**CARRIED 8/0**

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

### 12.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (FEBRUARY 2021)

<b>AUTHOR</b>	Anthony Middleton – Manager Corporate & Community Services
<b>DATE</b>	Saturday, 6 March 2021
<b>FILE NO</b>	FM.FNR.2
<b>ATTACHMENT(S)</b>	<b>12.1.1 – February 2021 Monthly Financial Statements</b>

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

#### **DECLARATION OF INTEREST**

Nil.

#### **SUMMARY**

The purpose of this report is to note the Monthly Financial Statements for the period ending 28 February 2021.

#### **BACKGROUND**

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

#### **COMMENT**

The attached Statement of Financial Activity for the period 1 July 2020 to 28 February 2021 represents eight (8) months, or 67% of the year.

The following items are worthy of noting:

- Closing surplus position of \$1.44m;
- Operating results:
  - 64% of budgeted operating revenue has been received; and
  - 70% of budgeted operating expenditure spent;
- Capital expenditure achieved 22% of budgeted projects;
- Cash holdings of \$4.64m of which \$3.46m is held in cash backed reserve accounts and \$235,788 is a grant held for other parties; and

- Page 9 & 10 of the statements detail major variations from year to date (amended) budgets in accordance with Council Policy 2.1.6.

#### **CONSULTATION**

Nil.

#### **STATUTORY REQUIREMENTS**

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

#### **POLICY IMPLICATIONS**

Council Policy 2.1.6 defines the content of the financial reports.

#### **FINANCIAL IMPLICATIONS**

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

#### **RISK MANAGEMENT IMPLICATIONS**

Nil

#### **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications for this report.

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

Nil.

#### **VOTING REQUIREMENTS**

Simple Majority.

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

**22/21 Moved Cr Radford, seconded Cr Gale**

**That the monthly financial statements for the period ending 28 February 2021, as attached, be noted.**

**CARRIED 8/0**

12.2 MONTHLY PAYMENTS LISTING FEBRUARY 2021

<b>AUTHOR</b>	Vivicka Kahn - Finance Officer
<b>DATE</b>	Sunday, 7 March 2021
<b>FILE NO</b>	FM.AUT.1
<b>ATTACHMENT</b>	<a href="#">12.2.1 – Monthly Payment Listing 29/01/2021 to 28/02/2021</a>

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

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To receive the list of payments covering the month of February 2021.

**BACKGROUND**

Not applicable.

**COMMENT**

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

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

**CONSULTATION**

No consultation was required.

**STATUTORY REQUIREMENTS**

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

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

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer then

a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

All payments made in line with Council Policy.

**RISK MANAGEMENT IMPLICATIONS**

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

**ASSET MANAGEMENT PLAN IMPLICATIONS**

There are no asset management implications for this report.

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

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**23/21 Moved Cr Singh, seconded Cr Radford**

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

FROM – 29 January 2021		TO – 28 February 2021
Municipal Cheques	14289 - 14290	\$1,788.73
EFTs	27563 - 27753	\$671,571.33
Direct Debits		\$381,854.46
<b>Total</b>		<b>\$1,055,214.52</b>

be received.

**CARRIED 8/0**

12.3 FINANCIAL MANAGEMENT – MID-YEAR BUDGET REVIEW 2020/2021

<b>AUTHOR</b>	Anthony Middleton – Manager Corporate & Community Services
<b>DATE</b>	Friday, 5 March 2021
<b>FILE NO</b>	FM.FNR.2
<b>ATTACHMENT</b>	<a href="#">12.3.1 – Budget Review 2020/2021</a>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
Community Strategic Plan 2017 – 2027 “Smart Possibilities – Kojonup 2027+”		Corporate Business Plan 2017 – 2021 “Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP – 3 Performance	3.4 – Be organised and transparent with our financial management.	3.4.1 - Increase regularity of readable financial reporting to the community. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

**DECLARATION OF INTEREST**

Nil.

**SUMMARY**

The purpose of this report is to consider the mid-year review of the Annual Budget for 2020/2021.

**BACKGROUND**

The *Local Government (Financial Management) Regulations 1996* state that a local government must undertake a budget review annually.

Regardless of statutory requirements, conducting a budget review at least once each year is sound financial management practice. It enables the Council to analyse the financial performance of the year to date and make changes to the authorisations that it puts in place for the performance of the local government’s functions.

**COMMENT**

The detailed budget review papers are attached to this agenda as a separate document. Previous years’ reviews have entailed a detailed line-by-line review process, culminating in many minor adjustments being made to numerous accounts. This budget review has been performed focussing on major changes only, with a more holistic assessment being made at a sub-program level. The items proposed for change are contained within page 9 and 10 of the budget review document.



## **CONSULTATION**

The Senior Management Team, Ranger/Building Maintenance Coordinator and Senior Horticulturalist have assisted in the compilation of the Budget Review document.

## **STATUTORY REQUIREMENTS**

*Local Government (Financial Management) Regulation 33A states:*

### ***“Review of budget***

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.*
- (3) A Council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*  
*\*Absolute majority required.*
- (4) Within 30 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department.”*

## **POLICY IMPLICATIONS**

Nil.

## **FINANCIAL IMPLICATIONS**

The budget review recommends changes to the adopted budget and, therefore, changes the projects previously authorised by the Council. Whilst individual projects have varying financial implications, the resulting changes maintain a balanced budget (Refer to page 6 of the Budget Review document.)

The financial implications of the suggested changes to adopted budget figures are as follows:

- Budget remains in balance - Final budgeted position remains at \$0 (zero based budgeting);
- Operating Result - The Statement of Comprehensive Income shows a surplus net position improvement of \$261,911;
- Capital Expenditure – An increase in capital investment of \$322,711 has been achieved in the proposed changes;
- Reserve Accounts – The budgeted 30 June 2021 closing position of all reserve accounts has decreased by \$45,000;
- Loans - The budgeted 30 June 2021 loans balance has decreased by \$119,000;

## **RISK MANAGEMENT IMPLICATIONS**

Nil.

## **ASSET MANAGEMENT IMPLICATIONS**

Nil.

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

Nil.

**VOTING REQUIREMENTS**

Absolute Majority.

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**24/21 Moved Cr Fleay, seconded Cr Wieringa**

**That the 2020/2021 Annual Budget be amended in accordance with the proposed changes outlined in the attached 2020/2021 Mid-Year Budget Review document.**

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

UNCONFIRMED

12.4 COMPLIANCE AUDIT RETURN 2020

<b>AUTHOR</b>	Judy Stewart – Senior Administration Officer
<b>DATE</b>	Thursday, 4 March 2021
<b>FILE NO</b>	CM.REP.1
<b>ATTACHMENT(S)</b>	<a href="#">12.4.1 - Compliance Audit Return 2020</a>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP3 - Performance	3.4 – Be organised and transparent with our financial management	3.4.3 – Commit to future state-wide measurement systems testing local government performance

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is for Council’s adoption of the Compliance Audit Return for 2020.

**BACKGROUND**

Completion of the Compliance Audit Return (CAR) is mandatory for each local government. Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996* require a local government to carry out a compliance audit for each calendar year. A local government’s audit committee must review the CAR and report same to Council to adopt after which a certified copy, together with a copy of the section of Council minutes adopting the CAR plus any other relevant information, must be submitted to the Department of Local Government, Sport and Cultural Industries (Department) by 31 March each year.

This item has also been included within the Audit and Risk Committee meeting agenda to be held on Tuesday 16 March 2021.

**COMMENT**

The 2020 CAR has been completed following a review of processes and documentation for each activity/area in which compliance is being assessed against the *Local Government Act 1995* and its associated regulations.

Responses to the Compliance Audit Return indicate positive outcomes with the exception of two negative responses listed below.

**Disclosure of Interest**

5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2020?	No
15	Rules of Conduct Reg 11(1), (2) & (4)	Where a council member had an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person, did they disclose the interest in accordance with Rules of Conduct Reg 11(2)?	No

## CONSULTATION

Audit and Risk Committee  
Chief Executive Officer  
Manager Corporate and Community Services  
Executive Assistant/Human Resources Coordinator

## STATUTORY REQUIREMENTS

### 14. **Compliance audits by local governments**

- 1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- 2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
- 3) *After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —*
  - a. *presented to the council at a meeting of the council; and*
  - b. *adopted by the council; and*
  - c. *recorded in the minutes of the meeting at which it is adopted.*

*[Regulation 14 inserted: Gazette 23 Apr 1999 p. 1724-5; amended: Gazette 30 Dec 2011 p. 5580-1.]*

### 15. **Certified copy of compliance audit return and other documents to be given to Departmental CEO**

- 1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*
  - a. *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
  - b. *any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.*
- 2) *In this regulation —*

**certified** *in relation to a compliance audit return means signed by —*

  - a. *the mayor or president; and*
  - b. *the CEO.*

*[Regulation 15 inserted: Gazette 23 Apr 1999 p. 1725; amended: Gazette 26 Jun 2018 p. 2386.]*

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil

**RISK MANAGEMENT IMPLICATIONS**

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
<i>3. Failure to Fulfil Compliance Requirements (Statutory/Regulatory)</i>	<i>Inadequate compliance framework</i>	<i>Compliance Audit Report</i>	<i>Nil (key control being undertaken)</i>
<i>Risk rating - Adequate</i>			

IMPLICATIONS
Maximising compliance with legislation mitigates risk of damage to image and reputation as well as penalties associated with non-compliance; compliance demonstrates that best practice methodology is in place.

**ASSET MANAGEMENT IMPLICATIONS**

Nil

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

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**25/21 Moved Cr Gale, seconded Cr Wieringa  
That the Compliance Audit Return for 2020, as attached, be adopted.**

**CARRIED 8/0**

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

Nil

UNCONFIRMED

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

Nil

UNCONFIRMED

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

Nil

**16**    **NEW BUSINESS**

Nil

**17**    **CONFIDENTIAL REPORTS**

Nil

**18**    **NEXT MEETING**

Ordinary Council Meeting Tuesday, 20 April 2021 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 3.23pm.

UNCONFIRMED



**20     ATTACHMENTS (SEPARATE)**

Item 7.1	7.1.1	Unconfirmed Minutes of the Council Meeting held on 16 February 2021
Item 7.1	7.2.1	Unconfirmed Minutes of the Special Council Meeting held on 23 February 2021
Item 10.1	10.1.1	Kojonup Rose Maze Report
Item 11.1	11.1.1	Kojonup Bush Fire Advisory Committee Minutes 25 February 2021
Item 11.2	11.2.1	LEMC Minutes 9 Feb 2021
Item 11.3	11.3.1	Discussion paper on the implementation of child safety officers in local governments
	11.3.2	Parliamentary Commissioners Amendment (Reportable Conduct) Bill 2020
Item 12.1	12.1.1	February 2021 Monthly Financial Statements
Item 12.2	12.2.1	Monthly Payment Listing 29/1/2021 to 28/02/2021
Item 12.3	12.3.1	Budget Review 2020/2021
Item 12.4	12.4.1	Compliance Audit Return 2020

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