

SHIRE OF KOJONUP

Kojonup



MINUTES

Ordinary Council Meeting

27 July 2021

MINUTES FOR THE COUNCIL MEETING HELD ON 27 JULY 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.

Leading community outcomes

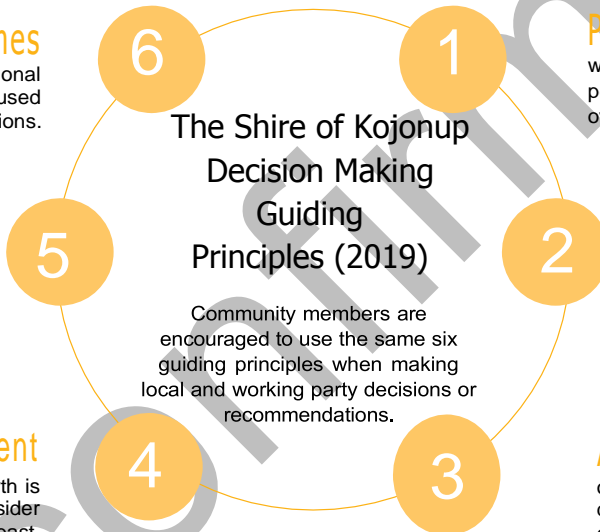
community strategic direction, plus regional impact and state-wide needs are fused together when making decisions.

Compliance

appropriate compliance and tolerable risk is considered, although not so much as to fatigue or delay growth.

Past and Present

forward-thinking growth is encouraged, whilst we consider and celebrate the past.



People First

when considering public spaces, people will be given precedence, over transport and business.

Sharp Funding

short and long term financial implications will be considered, along with collaborative ownership options

Analysis-based

objective and evidence-based data and insights must support decision making

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 are established for all Australians.

Gracious Father, Here we are standing on the thresh hold of a new beginning and yet attempting to complete and implement projects for the betterment of the people of our community. We pray for our new CEO, Grant, that he and his family will settle in quickly in Kojonup and that they will find their feet within the community. We also pray for Rick as he finishes over 30 years in Local Govt. We pray for his new beginning and that he will settle well into retirement.

Lastly Gracious Father, we pray for ourselves. We ask that you might grant 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

Rick Mitchell-Collins

Chief Executive Officer (incumbent)

Grant Thompson

Chief Executive Officer

Anthony Middleton

Manager Corporate and Community Services

Emily Sleight

Sport and Recreation Officer

Robert Jehu

Manager Regulatory Services (From 3.26pm)

Craig McVee

Manager Works & Services

LEAVE OF ABSENCE

Nil

APOLOGIES

Judy Stewart

Senior Administration Officer

Lorraine Wyatt

Executive/Human Resource Coordinator

GALLERY

Reno Guidi

Jill Mathwin

Judith Warland

Susanne Bilney

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

4.1 Susanne Bilney – Kojonup Historical Society

Response provided

Dear Susanne

Public Question Time – Council Meeting held 15 June 2021

I refer to your attendance at the June Ordinary Meeting of Council where you asked the following two (2) questions in relation to the Historical Society Machinery Shed and one (1) question regarding the deficit at the Kodja Place.

1. Why did Council only approve \$12,000 being allocated in the 21/22 Annual Budget when the estimated cost is around \$20,000 based on previous officer reports?

Response:

Council Decision 52/21

“That Council consider a financial contribution of \$12,000 within the 2021/2022 Annual Budget to progress the subdivision of the Machinery Shed located on part of Lot 2 Soldier Road owned by J & R Potter.

CARRIED 8/0

Reason: The \$ allocation would allow Council to commence the subdivision process in 21/22 financial year and clearly establish full costs of the process as a separate title owned by the Shire of Kojonup.”

The above decision recognises that as part of the subdivision process, state authorities such as Water Corp and Western Power have the ability to impose their own conditions to the new lot being created, which will require Council to allocate additional funds in order to complete the subdivision process. The \$12,000 will ensure Council’s nominated land surveyor can prepare the subdivision plans, and lodge with the Planning Commission in the first half of the 21/22 financial year.

By the time Council undertakes the half yearly budget review in February/March 2022, actual conditions from Water Corp and Western Power should be known to allow Council to consider a budget variation with known costs, not estimates. Council considers this approach prudent financial planning.

2. Councillors Benn and Radford in a meeting with Historical Society Members Arthur Collins and Hugh Carder, advised that they had no intention of moving the Machinery Shed, yet Council Decision 135/17 clearly indicated the Council’s intention. Where is their professional integrity?

Response:

An Elected Member's role (as per s. 2.10 of the *Local Government Act 1995*) is to:

- *represent the interests of electors, ratepayers and residents of the district;*
- *provide leadership and guidance to the community in the district;*
- *facilitate communication between the community and the council;*
- *participate in decision-making processes at council and committee meetings; and*
- *perform such other functions as are given to a councillor by the Act or any other written law.*

Elected members have a duty to attend all meetings to ensure that electors are adequately represented. An elected member has an obligation to vote on all matters before the Council, (except where there is a conflict of interest* as provided for by circumstances specified in the *Act* when in most cases it is an offence to vote). To

be able to vote responsibly, elected members are also obliged to make themselves informed and conversant with those matters which come before the Council. So, while a Councillor may have a view on any given subject matter, once Council has voted on a matter then the decision of full Council stands.

Consultation with the community is vital to the work of Council. In addition to adding value to decision making and complying with statutory requirements, it assists in building partnerships with key stakeholders and allows for community input and feedback. Council's Strategic Community Plan is based on consultation with the community, and whilst formal consultation must occur every four years, Council may consult with the community at any time. The Shire keeps the community informed by way of documentation being available both online and in hard copy via, for example, agendas and minutes of meetings and other relevant information in local paper based and electronic media forms.

Council is required to make decisions that will not be to the satisfaction of all of the Shire's constituents. It must be emphasised that decisions should be well informed and for the 'greater good' where at all possible.

Councillors and indeed, staff, contractors and volunteers, have certain obligations to fulfil which are listed in Council policies such as Code of Conduct and Elected Member Charter which can be accessed via the Shire of Kojonup website.

3. What is the expected 20/21 operating loss for the Kodja Place and does Council intend to fund such losses into the future?

Response:

The monthly financial statement up to 30 April 2021 was tabled at the 18 May 2021 Council Meeting as attachment 12.2.1. On page 18 a graph indicated that the Net Operating Result for the Kodja Place was aligned to the adopted Budget projections in a period where COVID-19 had created great uncertainty and threatened the livelihood of tourist operators, staff and businesses who service the industry.

Page 33 of the Monthly Financial Statements show the 20/21 Total Budget, 20/21 YTD Budget and 20/21 YTD Actuals with a small \$3859 variance between the YTD Budget and YTD Actuals. In simple terms this indicates that income/expenditure is tracking very closely to original budget forecasts.

As advised in previous correspondence on the Kodja Place financials, Council was always going to subsidise the facility between \$150-200K per annum plus depreciation and re-allocation of admin totalling \$200k per annum.

After 20 years of operation this position is unchanged.

Thank you for continuing to take an interest in the activities of the Shire of Kojonup and please contact me if you require further clarification on the above.

Kind Regards

Rick Mitchell-Collins
Chief Executive Officer

4.2 Susanne Bilney – Kojonup Historical Society

Ms Bilney advised that she has not received a response to questions presented to Council 18 May 2021 and advised that a further three points would now be added.

Please add points A to c in the Shire's response.

- A. In the December 2017 minutes it was stated that the Kojonup Shire withdrew the Land Transfer in 2011. When did the Shire Coucillors, Fleay, Benn, and Pedler become aware of this.
- B. In the meetings that John Benn and Ned Radford in 2021 have had with Arthur Collins, Did John Benn and Ned Radford not think that they had any duty to inform Arthur of the outcome of the Dec 2017 meeting. In the interests of transparency, respecting people and working together to come to a solution that was going to be agreeable to both parties, were John Benn and Ned Radford behaving according to both the Shires 'Values' and/or the values of organizations that they belong to.
- C. In January 2021, there was a meeting between Arthur Collins, Barbara Hobbs, myself and Rick Mitchell-Collins in relation to submit an application for the Heritage Trails. The Historical Society would like a copy of this grant submission and we understand that funding has been secured. What is the involvement of the Historical Society? In my contacts with the Shire, I have received a message to say that Emily's boss has been advised of my request but I have heard nothing.

Shire President Response:

The above additional questions have been taken on notice and will be added to the response to be provided for the Questions on Notice from the 18 May 2021 Council Meeting.

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

7.1 COUNCIL MEETING 15 JUNE 2021

Minutes of the Council Meeting which was held on 15 June 2021 were previously circulated under separate cover and are at [Attachment 7.1.1](#).

OFFICER RECOMMENDATION/COUNCIL DECISION

78/21 Moved Cr Pedler, seconded Cr Gale

That the Minutes of the Council Meeting held on 15 June 2021 be confirmed as a true record.

CARRIED 8/0

8 ANNOUNCEMENTS by the Presiding Member without discussion

Shire President welcomed new CEO Grant Thompson to his first Council Meeting and thanked retiring CEO, Rick Mitchell-Collins for his contribution to the Shire of Kojonup and wished him all the very best for the future.

9 DECLARATIONS OF INTEREST

Nil

10 KEY PILLAR 1 – ‘PLACE’ REPORTS

10.1. KOJONUP COMMUNITY MEN’S SHED INC. – LICENCE AGREEMENT

AUTHOR	Judy Stewart, Senior Administration Officer
DATE	14 July 2021
FILE NO	CP.LEA.1
ATTACHMENT(S)	<p>10.1.1 - Excerpt from Council Ordinary Meeting Minutes October 2020</p> <p>10.1.2 - Kojonup Community Men’s Shed Inc. – correspondence</p> <p>10.1.3 - Current Licence Agreement (showing changes)</p> <p>10.1.4 - Draft Licence Agreement (clean copy)</p> <p>10.1.5 - Licence Agreement Appendix A</p> <p>10.1.6 - Australian Bureau of Statistics – annual Perth CPI to March Quarter</p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP1 - 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.	1.2.3 – Provide community infrastructure that attracts outsourced or privately run facilities and programs.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this Report is to consider renewing a licence agreement with the Kojonup Community Men’s Shed Inc. (Men’s Shed) for the use of premises at 133/135 Albany Highway, Kojonup.

BACKGROUND

Council, at its 21 April 2020 Ordinary Meeting, resolved to pause fees (rent/lease payments) for a number of community organisations, including Men’s Shed, from 1 March 2020:

“That:

1. *The application by Kojonup Child Care Centre Inc. for the retrospective reimbursement of Shed Application fees totalling \$339.55 be approved and funds dispersed to their nominated bank account*
2. *The following organisations fees are paused from 1 March 2020*
 - *Kojonup Child Care Centre Inc. lease payment*
 - *Kojonup Men’s Shed*

- *Kojonup Toy library*
 - *Kojonup Play Group*
 - *Kojonup Croquet Club*
 - *Kojonup Squash Club*
3. *The following organisations 2019/2020 fees and charges are waived*
 - *Kojonup Football Club*
 - *Kojonup Hockey Club*
 - *Kojonup Netball Club*
 4. *The loss of income as a result of points 1-3 above be funded by a budget amendment that reduces account C370 (Digital Signage) by \$8,500 and the corresponding income accounts by a total of \$8,500;*
 5. *St Luke’s Family Practice request for rental relief be declined.*
 6. *F Ebner’s request for waiving of six (6) months of rates and garbage collection be declined.*
 7. *The CEO be delegated authority to consider any further requests to the Shire in relation to the reduction, postponement or waiving of fees and charges or rent for Shire owned facilities due to situations caused by the COVID-19 Pandemic.”*

In October 2020, Council considered a request from Men’s Shed for *ongoing* financial assistance (by way of Shire payment of outgoings or removal of rental charges) and resolved as follows:

That Council, conditional upon the Men’s Shed contributing an amount to be negotiated towards the architectural designs of a new Benn Parade joint facility,

1. Agrees to amend its licence agreement with the Kojonup Community Men’s Shed Inc. (Men’s Shed) for 133/135 Albany Highway, Kojonup, by foregoing rental charges until the expiry of the current licence agreement (30 June 2021) and that both parties re-consider this arrangement prior to the expiry of the licence agreement on 30 June 2021 if wishing to continue the licence arrangement after that date;

AND

2. Agrees to Men’s Shed’s use of the space previously leased to another party, as per the attached diagram and within the scope of the above existing licence agreement.

Further information pertaining to Council’s October 2020 resolution above is contained within an excerpt from the minutes of Council’s October 2020 Ordinary Meeting (please see attachment 10.1.1) .

COMMENT

Since October 2020, Men’s Shed has had preliminary plans drawn up to assist in a grant application for a new, purpose built, shared facility (for construction on Lot 507, Reserve 51700). It is anticipated that the outcome of the grant application, if successful, would see a new facility built and ready for occupation by 30 June 2023. Men’s Shed has requested continued foregoing of rental charges to be considered for another year whilst awaiting the outcome of the grant application and identifying any contributions required towards building plans.

Officers have been in contact with the Department of Planning, Lands and Heritage (Department) and the Heritage Council of Western Australia (Heritage Council) respectively with regard to changing the purpose of Reserve 51700 (currently *Tourist Railway*) and applying for permission to conduct works on Reserve 51700 (Reserve). Lot 507, the lot that would be used for a new construction, has two memorials (buildings) over it (K208114 and L786246), both under the *Heritage of WA Act 1990*. Subject to the Heritage Council being fully supportive of replacing buildings or conducting any works, the Department has indicated that it would investigate a change of Reserve purpose to include additional community uses or, alternatively, the excision of a portion out of the Reserve.

It is, therefore, recommended to extend the current licence agreement for a further year with the option to automatically extend to two years (30 June 2023) should the grant application be successful, and to review the licence agreement by 30 June 2022 if the grant application should not be successful. Other changes to the existing agreement are shown within Attachment 10.1.3 including the volunteer rate being increased to \$25.25 per hour per person in accordance with annual Perth CPI to March 2021 (for charging to the Shire of maintenance etc., to the Shire's outdoor furniture, bridges, and litter bins in accordance with Schedule Item 5 and as detailed in Appendix A of the licence agreement).

CONSULTATION

Department of Planning, Lands and Heritage
Graeme Hobbs, Secretary, Kojonup Community Men's Shed Inc.
Manager Corporate and Community Services

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Men's Shed has previously retrospectively paid \$2,600 per annum (\$50 per week) to operate out of 133/135 Albany Highway, Kojonup. This amount was initially waived (Council Motion 44/20), along with fees/rentals for other community organisations, due to situations caused by COVID-19. Following the initial waiving of fees and rentals, Men's Shed's financial position and its intention to apply for grant funding for a new facility was considered by Council in October 2020 resulting in rent foregone for the remainder of the licence agreement to 30 June 2021 (Council Motion 132/20).

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
6 – Engagement	Inadequate involvement with or support of community groups	Support local community Volunteer groups	Nil
10 – Management of Facilities, Venues and Events	Stressful interactions with hirers/users (financial issues or not adhering to rules of use of facility)	Lease agreements for Shire facilities	
Adequate/Adequate			
IMPLICATIONS			
<p>Two risks are evident should the Men’s Shed become financially unsustainable due partly to the combined costs of outgoings and rental payments (the latter imposed by the Shire). These risks include:</p> <ul style="list-style-type: none"> • <i>reputation</i> given that three like or larger sized Men’s Sheds in surrounding areas are provided premises at a peppercorn rate by their local governments; and • <i>health</i> given that the loss of an activity dedicated to men’s health and wellbeing would no longer be available within the community at a time when men’s mental health is a major health focus both nationally and in country areas. 			

ASSET MANAGEMENT IMPLICATIONS

Regular and continued use of the existing facility ensures that the building has occupants who report to Council should damage occur or the need for repairs arise.

If a grant application for the construction of a new, shared facility is successful, Council, as the owner of the new facility, would incur asset management responsibilities some of which would be dependent on future licence agreement arrangements with users of the facility.

The existing facility sits within the Shire’s Building Assessment Framework with an assessment score of 23% (buildings scoring less than 30% being those on the threshold for disposal consideration).

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

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

79/21 Moved Cr Fleay, seconded Cr Radford

That:

- 1) The draft Licence Agreement (Agreement) with the Kojonup Community Men’s Shed Inc. (Men’s Shed), as amended and attached, be endorsed for a further twelve months to 30 June 2022; and**
- 2) The Agreement be automatically extended to 30 June 2023 if:**
 - i) By 30 June 2022, a grant application is successful to build a new, community shared facility on Lot 507, Reserve 51700; and**
 - ii) The Shire of Kojonup has obtained permission from the Department of Planning, Lands and Heritage and The State Heritage Council respectively, by 30 June 2022, to change the purpose of Reserve 51700 to include community uses and to place a new building on Lot 507, Reserve 51700.**

CARRIED 8/0

11 KEY PILLAR 2 – ‘CONNECTED’ REPORTS

11.1 SHIRE OF KOJONUP ADVERSE EVENTS PLAN

AUTHOR	Emily Sleight – Sport and Recreation Officer
DATE	Monday, 19 July 2021
FILE NO	ES.COM.1
ATTACHMENT(S)	11.1.1 - Shire of Kojonup Adverse Events Plan

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
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 2.3.3 – Business Continuity and Disaster Recovery Plan

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is for Council to consider the Shire of Kojonup Adverse Events Plan (AEP) (Attachment 11.1.1).

BACKGROUND

As part of the Drought Communities Programme federal funding initiative, Local Governments who receive funding are required to complete an Adverse Events Plan.

COMMENT

The requirement by the Federal Government for all recipients of the Drought Communities Programme funding to complete an AEP is guided by a section in the grant agreement. An email from Adam Smith, District Emergency Management Supervisor, Department of Fire and Emergency Services (DFES) was received by the CEO 14 May 2021 in relation to AEP’s, with an excerpt as follows:

“Over the past weeks I have been asked to provide comment on a number of Adverse Events Plans being developed under the Drought Communities Program. There are a number of local governments in the region who have received funding under this Commonwealth program and have engaged the services of a range of consultants to develop the plan or who have looked to develop the plan in house.

I have observed a trend for the Local Recovery Plan to be used and the State’s Emergency Management Arrangements being hybridised to create the Adverse Events Plan. Whilst there are some commonalities between the two areas I need to bring to your attention the [Drought Communities Program Grant Opportunity Guidelines](#). The Guidelines state:

6.1. Adverse Event Plans

Eligible Councils, publicly announced from 1 July 2019, must submit an Adverse Event Plan with their final project report. Eligible Councils without an Adverse Event Plan already in place can use part of their funding under the program to develop an Adverse Event Plan. Eligible Councils must develop an Adverse Event Plan which meets the needs of their community, and give consideration to the following:

- *natural resource management (i.e. managing water supply, ground cover, trees, erosion, biodiversity)*
- *economic diversification and community resilience (i.e. infrastructure planning, tourism investment, diversifying local industries, capacity building for local leadership)*
- *communication and coordination (i.e. how to let people know what's available – now, and in the future; how do you communicate in hard times and for recovery)*

The Local Recovery Plan and State Emergency Management Arrangements have not been designed to meet these requirements. I suggest other local government plans such as the Strategic Community Plan, Corporate Business Plan and other strategies such as financial, workforce and asset management plans are a more appropriate starting point. The Adverse Events Plan may require the development of new strategies around the three key areas.

The Drought Communities Program is a Commonwealth program. Any hybridisation of the State's Emergency Management Arrangements to suit this need would not be an accepted practice. Documents such as the Local Emergency Management Arrangements including the Local Recovery Plan are required to be noted by the District and State Emergency Management Committee and are unlikely to be noted in these circumstances."

The AEP completed by Shire staff has had input from DFES and our Community Emergency Services Manager (CESM), which has ensured our Plan does not contradict any existing management procedures from that Department. The AEP includes references to other relevant Shire plans, especially items and issues contained within our Corporate Business Plan and Strategic Community Plan.

The AEP contains practical information and tools for Shire staff and the community to utilise in a situation of emergency.

CONSULTATION

Chief Executive Officer

Manager Regulatory Services

Manager Corporate and Community Services

Kevin Bransby – CESM

Adam Smith – District Emergency Management Supervisor, DFES

STATUTORY REQUIREMENTS

Section 38 and Section 41, *Emergency Management Act 2005*

This Act requires Local Governments to establish local Emergency Management Committees (LEMC) and ensure that Local Emergency Management Arrangements (LEMA) are in place for their local government area. Both the LEMC and those involved in the LEMA will need to be familiar with the AEP and its role as part of other Council policies and plans relating to emergency situations.

Part 10 of *Local Government Act 1995 – Provisions for COVID-19 Pandemic*

The addition of Part 10 into the *Local Government Act 1995* includes references to declared states of emergency as per 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	Cyclone, storm, fire, earthquake. Terrorism, sabotage, criminal behavior. Epidemic, pandemic. Extended utility outage. Loss of key infrastructure	Business Continuity Framework Bushfire Risk Management Plans Emergency Management Plan LEMA & Recovery Plans	Review and test LEMA plan Bushfire Risk Management Plan
7.Environment Management	All potential causes are relevant in emergency situations	Environmental Management compliance	Nil
8.Errors, Omissions, Delays	Incorrect Information Miscommunication Inadequate formal procedures or training	Staff training Policies & Procedures	Nil

10.Facilities-Venues	Inadequate oversight or provision of peripheral services. Failed chemical/health requirements	Cleaning schedule Facility Inspections Chlorine gas / chemical inspections	Nil
11.IT & Communications	Weather Impacts Disaster Recovery Processes Power outage on sire or at service provider	Disaster Recovery Plan Generator (admin building)	Additional generator input points (Admin building)
14.Safety & Security	All potential causes are relevant in Emergency situations	All Key Controls are relevant in Emergency Situations	Annual evacuation drills at all facilities

Risk rating HIGH

IMPLICATIONS

The continued additions to and improvements in the Shire’s Risk Management Framework, which the AEP will become part of, will have risk reducing effects across all Profiles by ensuring there are adequate procedural resources during emergency situations.

The addition of the AEP alongside existing Shire plans (Business Continuity and Disaster Recovery Plan, Local Emergency Management Arrangements, Local Recovery Plan, Risk Management Policy & Procedures) as well as State and Federal Plans increases the information available to Shire staff, the community and Councillors in managing emergency situations.

ASSET MANAGEMENT IMPLICATIONS

Nil.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

All Shire’s within the VROC who received funding through the Drought Communities Programme are required to complete an AEP.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

80/21 Moved Cr Radford, seconded Cr Fleay

That Council endorse the “Shire of Kojonup Adverse Events Plan” as attached.

CARRIED 8/0

12 KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS

12.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (JUNE 2021)

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Tuesday, 20 July 2021
FILE NO	FM.FNR.2
ATTACHMENT(S)	12.1.1 – June 2021 Monthly Financial Statements

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“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 note the Monthly Financial Statements for the period ending 30 June 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 30 June 2021 represents twelve (12) months, or 100% of the year.

It is important to note that these financial statements do not represent an end of year audited financial position of the Shire of Kojonup. There remains some balance day adjustments, accrual provisions and other transactions to be completed which may amend the net financial position shown in these statements. The final 2020/2021 figures will be shown in the Annual Report for the Shire.

The following items are worthy of noting:

- Closing surplus position of \$995,851;
- Operating results:

- 92% of budgeted operating revenue has been received; and
- 101% of budgeted operating expenditure spent;
- Capital expenditure achieved 45% of budgeted projects;
- Cash holdings of \$3.96m of which \$3.54m is held in cash backed reserve accounts and \$247,986 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

There are no risk management implications for this report.

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

81/21 Moved Cr Gale, seconded Cr Singh

That the monthly financial statements for the 30 June 2021, as attached, be noted.

CARRIED 8/0

12.2 MONTHLY PAYMENTS LISTING - JUNE 2021

AUTHOR	Vivicka Kahn - Finance Officer
DATE	Monday 16 July 2021
FILE NO	FM.AUT.1
ATTACHMENT	12.2.1 – Monthly Payment Listing 1/06/2021 to 30/06/2021

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
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 June 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.

STRATEGIC/CORPORATE IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

82/21 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 – 1 June 2021		TO – 30 June 2021
Municipal Cheques	14296 - 14301	\$33,786.31
EFTs	28270 - 28504	\$865,755.12
Direct Debits		\$394,776.05
Total		\$1,294,317.48

be received.

CARRIED 8/0

12.3 BUDGET ADOPTION – 2021/2022 PROPERTY RATES

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Tuesday, 20 July 2021
FILE NO	FM.BUD.2
ATTACHMENT(S)	Nil.

STRATEGIC/CORPORATE IMPLICATIONS		
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 set the property rates and associated conditions for the 2021/2022 financial year.

BACKGROUND

Property rates are the primary income source for most local governments in WA. This agenda item sets the rating levels and associated parameters based on the *Local Government Act 1995* (‘the Act’) and the Shire’s previous practices.

All recommendations contained within this report are consistent with previous year’s practices, with the exception of:

- The maximum penalty interest charge allowable under the Act for the non-payment of rates has been reduced by the State Government from 8% to 7%.; and
- It is proposed to introduce a rates incentive prize draw to encourage timely payment and therefore assist with the debtor collections requirements and cash flow (refer to item 12.4 in this agenda).

COMMENT

Level of Rates/Calculation

There are several different methods available for rating within local government in WA. These include:

- General – based on valuation type;
- Differential - based on different land uses or zoning;

- Specified Area rates – definable area for facilities such as sewerage rates;
- Service Charges – As defined by the Act; or
- Voluntary levies – such as a land care levy

The Shire of Kojonup rates are based on the first dot point, general rates, and a rate in the dollar is set for both valuation types. In the 2020/2021 financial year, 23% of rates raised were from properties on a gross rental valuation (GRV) (predominately within the townsite), and 77% unimproved valuation (UV)(rural).

The draft 2021/2022 Annual Budget has been prepared based on a 5% proposed rate increase, following on from a 0% change in the 2020/2021 draft budget due to COVID-19 recovery efforts. As a reference point, 1.0% of rates represents an additional \$40,377 of revenue which is minimal when comparing the additional cost of doing business over the previous two (2) years and management have therefore worked hard to find additional operating efficiencies elsewhere to balance the budget. For example:

- Springhaven Lodge operating loss has increased by \$253,000;
- Road Maintenance expenses have increased by \$73,800; and
- Enterprise Bargaining Agreement mandatory wage increase totals \$51,000.

The above three examples alone are equivalent to a rate increase of 9.35% which will compound year on year.

All unimproved values (UV) have been revalued by the Valuer General's Office in accordance with relevant statutory legislation and have increased approximately 10% in total. As always, individual UV properties are likely to receive a greater variance (both increased and decreased) than the 10% average, creating unavoidable inequities between properties. For example, the West of the Shire UV's have increased substantially. This is beyond the Shire's control and anyone in this situation is encouraged by Shire staff to contact the Valuer General's Office.

It is proposed that the minimum rate of \$720 from last year be increased to \$750 to ensure all rate payers contribute equitably.

Instalments:

It is recommended that the Council continue to offer the following three (3) payment options as in previous years:

1. To pay the total rates and charges included on the rate notice in full by the 35th day after the date of issue of the rates notice (this option defined by legislation); or
2. To pay by two equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the second instalment four calendar months after this date; or
3. To pay by four equal instalments. The first instalment will be due on the 35th day after the date of issue of the rates notice and the remainder at two calendar month intervals after this date.

Instalment Fee:

It is recommended that an instalment fee of \$9.00 be charged for each instalment reminder issued after the first instalment is paid. This is the same as that charged in at least the nine previous financial years and covers postage, printing and handling of reminder notices.

Interest on Instalments:

It is recommended that the maximum allowable interest rate of 5.5% per annum be applied to instalment payments, unless deemed to be suffering financial hardship in accordance with Council Policy 2.1.12. Again, this is consistent with the previous year's charges and statutory requirements, with the exception of the Financial Hardship Policy 2.1.12 which was adopted in 2020 as a response to the COVID-19 pandemic.

Late Payment Penalty Interest:

It is recommended that the Council adopt a late payment penalty interest of 7% per annum. It is proposed that the late payment penalty interest will apply to rates that remain unpaid where no election was made to pay the rate by instalments and on overdue instalment payments where an election was made to pay by instalments. This charge has been reduced from 8% last year and 11% prior to that due to changes to legislation.

CONSULTATION

Setting the rating levels for 2021/2022 has been discussed at Council briefing sessions and senior management team meetings. All other rating parameters are as per previous years except where indicated above.

STATUTORY REQUIREMENTS

Section 6.25 to 6.82 of the *Local Government Act 1995* and Sections 52 to 78 of the *Local Government (Financial Management) Regulations 1996* relate to property rating requirements and procedures.

Clause 7-14 of the *Local Government (COVID-19 Response) Ministerial Order 2020* has modified sections 6.2, 6.13, 6.33, 6.34, 6.35, 6.36, 6.45 and 6.51 of the *Act* which relate to adopting the budget and/or setting rates.

POLICY IMPLICATIONS

Policy 2.1.12 Financial Hardship relates to the setting of instalment interest and was adopted as a result of the Shire's COVID-19 recovery efforts.

FINANCIAL IMPLICATIONS

The property rates proposed have been established on the basis of delivering a balanced budget and in accordance with the goals set in *SMART Implementation* and the adopted Long Term Financial Plan of the Shire. The rate set considers the limiting revenue options encountered last financial year due to the Council's COVID-19 stimulus programs.

RISK MANAGEMENT IMPLICATIONS

A control measure to raise rate revenue to offset budget expenditure as listed in the 2021/2022 budget, whilst ensuring compliance with applicable legislation.

ASSET MANAGEMENT IMPLICATIONS

Rating revenue assists to fund the required asset management activities in accordance with the Asset Management Plan 2017.

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

Nil.

VOTING REQUIREMENTS

Absolute Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

83/21 Moved Cr Fleay, seconded Cr Radford

That:

1. The following rate levels be adopted for the 2021/2022 financial year:
 - a) For all rateable properties where Gross Rental Valuations are applied a rate of 13.25 cents in the dollar with a Minimum Rate of \$750 is to apply.
 - b) For all rateable properties where Unimproved Valuations are applied, a rate of 0.8053 cents in the dollar with a Minimum Rate of \$750 is to apply.
2. Where payments are received after the due date, penalty interest at a rate of seven percent (7%) per annum, to be calculated on a daily basis will be imposed on all outstanding rates and service charges. Pensioners who are registered in accordance with the *Rates Rebates and Deferments Act 1993* are to be exempt from this provision.

3. The following rate instalment payment options be offered:

Option 1 - Payment in full.

Total amount of rates and charges included on the rate notice to be paid in full by 3 September 2021.

Option 2 - Payments to be made by two (2) instalments as detailed on the rates notice, with the following dates:

First Instalment	3 September 2021
Second Instalment	8 January 2022

Option 3 - Payments to be made by four (4) instalments, as detailed on the rate notice, with the following dates:

First Instalment	3 September 2021
Second Instalment	4 November 2021
Third Instalment	8 January 2022
Fourth Instalment	12 March 2022

4. Where payments are made by instalment, an administration charge of \$9 for each instalment after the first instalment shall apply. Interest on instalments shall be 5.5% p.a. calculated daily from the date the first installment is due until the date each subsequent installment is due, in accordance with the *Local Government Act 1995*. In accordance with clause 13 of the *Local Government (COVID-19 Response) Ministerial Order 2020* this administration charge and instalment interest cannot be applied to an excluded person that has been determined as suffering financial hardship as a consequence of the COVID-19 pandemic in accordance with Council Policy 2.1.12, Financial Hardship.
5. The George Church Community Medical Centre Inc. 2021/2022 property rates for Lot 2 & 3 Spring Street, Kojonup up to a maximum of \$1,500 be written off. This write off to be expensed to account 3364 ('Other Health' Operating Expenditure).

CARRIED 8/0

Unconfirmed

12.4 BUDGET ADOPTION – 2021/2022 RATES INCENTIVE PRIZE DRAW

AUTHOR	Emily Sleight – Sport and Recreation Officer
DATE	Friday, 2 July 2021
FILE NO	RV.RTP.3
ATTACHMENT(S)	12.4.1 - Rates Incentive Prize Draw - Terms and Conditions

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP 3– Performance	3.4 – Be organised and transparent with our financial management	3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money
KP 4 – Prosperity	4.4 – Have collaborated to enhance and attract diverse retail to ensure a successful and renewed Main Street	4.4.2 – Further develop Council policies and business incentives to enhance a ‘shop local’ philosophy

DECLARATION OF INTEREST

As a property owner, the author may be eligible to win the draw if chosen at random.

SUMMARY

The purpose of this report is to consider conducting a rates incentive prize draw and set the terms and conditions of such a draw.

BACKGROUND

The Shire has previously offered a discount for the early payment of rates in full. This discount was removed for the 2020/2021 financial year with the financial constraints incurred via COVID-19 legislative changes.

COMMENT

The introduction of a Rates Incentive Prize draw is aimed at increasing the percentage of rate accounts paid by the due date. This will improve debtor collection and the Shire’s cash flow.

Implementing a prize draw through the creation of ‘Kojonup Dollars’, which can only be redeemed at participating local businesses, will also benefit local businesses by ensuring the prize money is spent within the Kojonup economy.

Small businesses in Kojonup have been impacted financially by COVID-19 and the creation and implementation of ‘Kojonup Dollars’ will assist our local businesses. Although Kojonup Dollars will initially be created for the Rates Incentive Prize Draw, there is no reason they can’t be used for other applications if successful.

Implementation of Kojonup Dollars will require the agreement of local businesses to honour them as a form of payment. Businesses will then attend the Shire Administration Office to redeem the vouchers for payment. Each Kojonup Dollar will be numbered individually to ensure they cannot be used multiple times. Kojonup Dollars will be printed in small denominations, giving recipients the ability to pay for small or large purchases as required. An expiration date of 1 June 2022 will ensure the winner has adequate time to spend the prize while the ensuring they are accounted for within the 2021/2022 financial year.

CONSULTATION

Council Briefing Session – 15 June 2021

Senior Finance Officer

Manager Corporate and Community Services

STATUTORY REQUIREMENTS

Section 6.46 (Discounts) of the *Local Government Act 1995* states:

'Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may, when imposing a rate or service charge, resolve to grant a discount or other incentive for the early payment of any rate or service charge.*

** Absolute majority required.'*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

It is anticipated that the Rates Incentive Prize draw will increase the percentage of rates received prior to the due date, thereby greatly assisting with cash flow and collection efforts.

The provision of ten (10) \$500 'Kojonup Dollars' prizes will cost the Shire an additional \$5,000 for the financial year. This provision has been included in the draft budget.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
6. Engagement	Inadequate documentation or procedures	Public notices, local papers, website communication	Nil
7. Errors, Omissions, Delays	Human Error Inadequate formal procedures or training	Staff training Policies and procedures	Nil

12. Misconduct	Lack of internal checks Poor enforcement of policies and procedures	Strong management culture	Nil
<i>Risk rating: Moderate</i>			
IMPLICATIONS			
<p>With the implementation of Terms and Conditions as per the attachment, the risks associated with errors or staff misconduct are reduced significantly. Information regarding the incentive program will be mailed to all ratepayers with their rates notice, and included as an attachment for those ratepayers who receive their rates notices via email.</p> <p>The Terms and Conditions will be published on the Shire website. Each Kojonup Dollar will be individually numbered to reduce the risk of counterfeiting.</p>			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

84/21 Moved Cr Gale, seconded Cr Webb

That a Rates Incentive Prize Draw Program be conducted for 2021/2022 financial year to encourage the payment of rate accounts in full by the due date and the Terms and Conditions, as attached, be adopted.

CARRIED 8/0

12.5 BUDGET ADOPTION – 2021/2022 FEES & CHARGES

AUTHOR	Anthony Middleton – Manager Corporate and Community Services
DATE	Friday, 2 July 2021
FILE NO	FM.FEE.1
ATTACHMENT(S)	12.5.1 – Draft 2021/2022 List of Fees & Charges

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“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 adopt the list of fees and charges for the 2021/2022 financial year.

BACKGROUND

The Council is required by the *Local Government Act 1995* to adopt a list of fees and charges annually.

The draft list of fees and charges has undergone a review from all staff, the Audit & Risk Committee and the 18 May 2021 Council Briefing Session.

COMMENT

Comparative figures are shown in the list of fees and charges with the previous two financial years to enable changes to be easily highlighted and also a contents page improves navigation within the document.

CONSULTATION

All staff have been given the opportunity to provide input. A review has also been conducted by the Audit & Risk Committee and the 18 May 2021 Council Briefing Session.

STATUTORY REQUIREMENTS

Section 6.15 to 6.19 of the *Local Government Act 1995* legislates the imposition of fees and charges for a local government. Section 6.19 of this Act requires a local government to advertise the imposition of fees and charges that are not included in the annual budget. This item is being completed in conjunction with the adoption of the annual budget and therefore advertising is not required.

Some fees are adopted under, or provided by, other legislation, such as:

- *Dog Act 1976*
- *Health (Miscellaneous Provisions) Act 1911*
- *Cemeteries Act 1986*
- *Waste Avoidance and Resources Recovery Act 2007*
- *Building Act 2011*

POLICY IMPLICATIONS

There is no Council policy applicable to this item.

FINANCIAL IMPLICATIONS

The list of fees and charges, when adopted, sets the level of many revenue items contained within the budget. Significant consideration needs to be given when setting each fee and charge and the effect that it will have on the usage of that facility and therefore the total revenue level obtained. For example, simply doubling a fee may not double the revenue, as the number of 'sales' may be affected by increased prices.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
Asset Sustainability	Insufficient budget to maintain or replace assets	Routine Maintenance Schedule - Buildings	Nil
Engagement	Relationship breakdown with community groups. Budget/Funding issues	Support local community volunteer groups. Community engagement/networking	Review and assess community engagement strategy / plan
Risk rating - Moderate			

IMPLICATIONS

Inadequate income from Fees and Charges and Rent affects the budget position regarding building maintenance and renewal as costs are continually increasing. This will in turn affect the Shire's ability to continue with any planned maintenance or upgrades to the facilities the income would have supported.

A thorough and complete list of fees and charges assists with legislative compliance and ensures the generation of adequate revenue.

ASSET MANAGEMENT IMPLICATIONS

An appropriate list of fees and charges can assist to fund the required asset management activities.

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

Nil

VOTING REQUIREMENTS

Absolute Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

85/21 Moved Cr Fleay, seconded Cr Radford

That the 2021/2022 List of Fees and Charges, as attached, be adopted.

CARRIED 8/0

12.6 BUDGET ADOPTION – 2021/2022 ANNUAL BUDGET

AUTHOR	Anthony Middleton – Manager Corporate and Community Services
DATE	Wednesday, 21 July 2021
FILE NO	FM.BUD.2
ATTACHMENT(S)	12.6.1 – Draft 2021/2022 Annual Budget

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“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 adopting the 2021/2022 Annual Budget, with or without modification.

BACKGROUND

The *Local Government Act 1995*, requires each Local Government to prepare a budget each financial year. The form, manner and content of the budget are prescribed in the Act and the *Local Government (Financial Management) Regulations 1996*. The Council must adopt its budget by an Absolute Majority no later than 31 August in the budget year unless the Minister for Local Government has granted an extension.

The Council and its staff has been working on the components of the 2021/2022 Annual Budget since March, including the consideration of the plant replacement program, road construction program, fees and charges and property rating details. The Council briefing sessions have enabled a detailed analysis of the draft budget by staff and elected members.

The previous items in this agenda have dealt with the major items in the budget and have been adopted individually to simplify the requirements of the *Local Government Act 1995*. These included the List of Fees & Charges and Property Rates.

COMMENT

The budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996*, *Australian Accounting Standards* and *International Financial Reporting Standards*.

The Chief Executive Officer has prepared the following introduction to the budget:

“The Shire of Kojonup has an excellent Community Strategic Plan – “SMART Possibilities”, with 5 Key Pillars being PLACE, CONNECTED, PERFORMANCE, PROSPERITY and DIGITAL. The Corporate Business Plan – “SMART Implementation” is continually being refined to reflect what can realistically be achieved over a four-year period for the community we represent which flows into our annual budget process.

COVID-19 changed the world in an instant resulting in State and National Emergency Measures including state border and regional lockdowns, self-isolation, business/public facility/ buildings/park, etc., closures, job losses, working from home and Zoom meetings becoming the norm not the exception, panic buying, extensive sanitation of facilities, social distancing, wearing of masks becoming compulsory at airports and within various regions, and the real threat of a second wave in Australia now a reality and ongoing uncertainty regarding public acceptance of vaccinations and continuity of supply.

Precautionary measures continue to affect our daily way of life as will the pressure on economic viability and social cohesion. ‘Business as Usual’ no longer applies and the national debt burden will be with us for at least the next decade on present estimates by the Federal Treasurer.

The State Government required Local Government to freeze Rates, Fees and Charges to 2019/20 levels, offer assistance to those organisations in financial difficulty who could not conduct sporting or other events or keep facilities open, bring forward capital projects by increasing borrowings or using reserve funds in addition to Job Keeper, Job Seeker and other assistance packages being made available from the State and Federal Government which ceased and new incentives introduced as the Delta strain spreads in the Eastern States.

COVID-19 continues to have short/medium/long-term consequences and with it changes that will not necessarily be for the better. Community members still need to pay mortgages, service debt and provide for their families. Market opportunities may occur in some sectors but for how long? The Shire of Kojonup is still required to operate a 21 Bed Aged Care Facility, 365 days 24/7, undertake maintenance on road and other infrastructure, ensure licencing and operating regulations are met for essential services but we are ever mindful of value for money outcomes and ability to pay.

The Shire of Kojonup has benefitted immensely from the Drought Communities Fund with new storage dams and tanks installed just in time for the recent rainfall events. Unfortunately, demand for bitumen contractors has prevented completion of the reseal program which is now carried over to the 21/22 financial year. Availability of materials has hampered the building and construction sector including labour shortages for trades and other supply chains have been delayed not only in Australia but throughout the world. COVID continues to disrupt our lives in so many ways.

So, what does the 2021/22 Budget consist of in these unprecedented and uncertain times?

- The largest capital works programme ever budgeted by the Shire, totalling \$9.69m (largest on record was 2019/2020's \$9.3m due to the Great Southern Housing Initiative). This expenditure is heavily focussed on infrastructure upgrade and renewal in both roads and recreation, highlighting the Council's focus of looking after its assets;
- \$3.52m is being invested into Sporting, Recreation and Cultural assets such as reconstruction of the four netball courts, including a new roof over all four courts, new oval lighting, new playground and outdoor gym at the Sporting Complex, Swimming Pool upgrades, Trail signage and interpretation, Memorial Hall repairs and new public toilets at Harrison Place;
- \$3.41m road construction program, an increase from \$2.07m last year;
- A rates increase of 5%, taking into consideration last year's freeze on rates and Fees & Charges to stimulate a COVID-19 community recovery; and
- An estimated surplus of \$906,911 is anticipated to be brought forward from 30 June 2021, however this is not audited and may change. Any change will be addressed as part of a future budget review.

Reserve Accounts

Reserve accounts are utilised to set aside funds for use in a future financial year. This year's budgeted movement in reserve accounts sees a decrease in reserves of \$259,092 as follows:

- Opening balance (1 July 2021) - \$3.54m
- Closing budgeted balance (30 June 2022) - \$3.28m

The figures above include \$2.05m of cash-backed bonds paid by residents of Springhaven Lodge. As such, 30 June 2022 reserve accounts available for future Shire projects and statutory obligations only totals \$1.23m.

Loans

The Council are currently taking advantage of exceptionally low interest rates by utilising loan funds as a financing and inter-generational funding tool. The outstanding loan balance at 30 June 2021 is \$2.92m and this budget includes the raising of new loans of \$2.49m as follows:

- Netball Court Reconstruction & Roof - \$1.39m;
- Sub-division at Katanning Road - \$586,833;
- Harrison Place Toilets & Park - \$400,000; and
- Katanning Rd Houses - \$110,000

Following the raising of these new loans, it is budgeted that the loan balance outstanding as at 30 June 2022 will be \$5,150,595. Further information on these loans can be seen at Note 6 of this budget.

So what is in the Budget?

General Purpose Funding:

- Rates increase – 5% (0% last year)
- Rates Incentive Prize Draw - \$5,000
- GRV Revaluation Expenses - \$21,000

Governance:

- Records Software Implementation - \$11,800
- Improve disabled access to Shire Admin Centre - \$25,000
- Election Expenses - \$9,000
- Integrated Planning Expenses - \$15,000
- New Payroll Software - \$45,000
- Fair Value Revaluations - \$30,000

Law, Order & Public Safety:

- Bush Fire Communications Tower - \$109,767 (100% reserve funded)

Education & Welfare

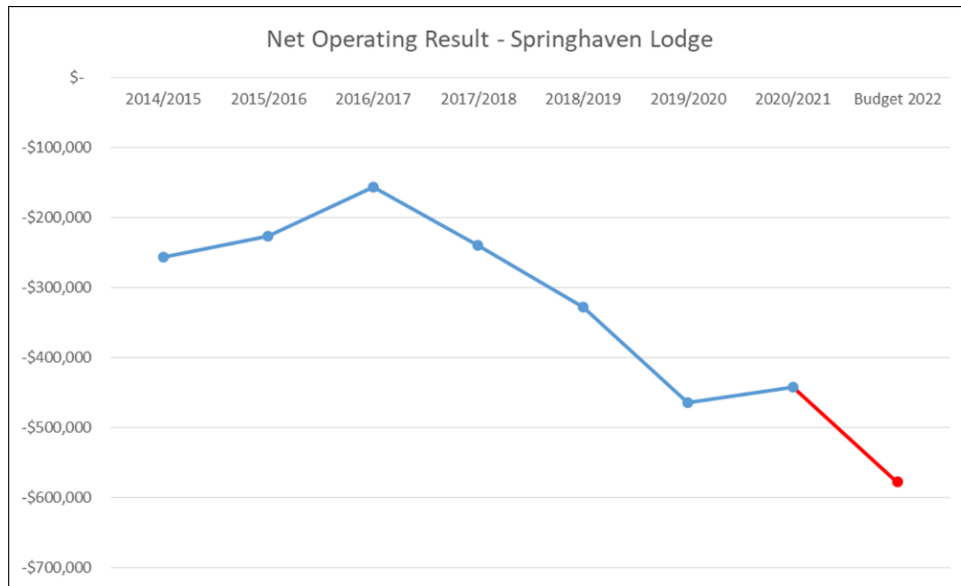
- New Shade Sails at Old School Site - \$13,500 (Playgroup Contributing 50%)

Housing:

- Great Southern Housing Initiative – Finalisation - \$119,000 (funded by \$100k loans)
- 15 Loton Close – New Air Conditioner - \$18,000
- Bagg Street Units – Finish Off (fencing & carport) - \$15,000
- Unit B Newton St – Paint, Floor Coverings, etc. - \$12,000
- Jean Sullivan/Independent Living Unit's Building Renewal – \$22,000

Springhaven Lodge:

- Furniture - \$10,000
- Building (Safety Glass & Refurb Rooms) - \$44,000
- ACAR Grant - Vinyl Flooring & Handrails - \$285,000 (\$282,000 Grant)
- Operating loss continually worsening through expenditure increasing & steady revenue
 - \$151,000 budget to budget (19/20);
 - \$95,000 budget to budget (20/21); and
 - \$284,000 budget to budget (21/22)
 - Beds getting harder to fill



Community Amenities:

- Refuse Site - \$30,521
- Town Furniture - \$40,000
- New Cemetery On-line Database - \$7,000
- Verge Pick-up – Hard Waste - \$10,000
- Future Drought Fund - NRM Drought Resilience Program - \$104,150 (\$49,950 Grant)
- Local Planning Strategy & Scheme Review - \$10,416

Recreation & Culture:

- Historical Buildings – Repairs to The Barracks - \$12,000
- Sub-division - Harness Display Shed - \$12,000
- Memorial Hall:
 - Roof, Front Southern room - \$69,018
 - Furniture - \$10,000
- Harrison Place Toilets & Park - \$627,387
- Swimming Pool:
 - Shade Repair - \$6,000
 - Half-Court basketball - \$10,000
 - Eastern Fence & Old filter removal - \$80,000
- Sporting Complex:
 - Playground & Outdoor Gym - \$418,210
 - Netball Courts Reconstruction & Roof - \$1,896,566 (Loan \$1.39m, Drought Grant \$250,000 & DSR \$238,795)
 - Oval Lights - \$264,483
 - Audio Visual - \$58,000
- Trails Construction - \$54,676
- Project Development:
 - Develop Spencer St Youth Precinct Plan and Benn Parade Multi-use Facility - \$30,000
 - Contribution to GSCORE Trails grant (signage design & fabrication) - \$20,000
 - Commence Grant for wet decks and plant room upgrades (Swimming Pool) - \$10,000

Transport:

- *Road Maintenance budget down \$30,000*
- *Plant (as per 12 year plan)*
 - *Net Cost \$581,000 – 12 year average*
 - *Gross \$1.08m / Trade-In \$319,080 / Reserve Transfer \$179,279*
- *Signage Upgrades - \$10,000*
- *Footpaths - \$63,000*
- *Kerbing - \$25,000*
- *Albany Highway Pram Ramps - \$20,000*
- *Drainage & Culverts - \$100,000*
- *Road Construction (As per 10 year Program)*
 - *Widening – Kojonup Darken Road - \$1.584m*
 - *Reconstruct - Kojonup-Frankland Road - \$117,786*
 - *Widening - Shamrock Road - \$124,850*
 - *Widening - Shamrock Road - \$450,000*
 - *Widening – Broomehill-Kojonup Road - \$120,000*
 - *Bitumen Reseal - Boscabel Chittinup Rd - \$100,000*
 - *Bitumen Reseal - Kojonup-Frankland Road - \$88,928*
 - *Spring Street - \$200,000*
 - *Bitumen Reseal - Broomehill-Kojonup Road - \$87,571*
 - *Seal - Mather Rd - \$150,000*
 - *Seal - Hillier Rd - \$215,559*
 - *Soldier Road – Drainage & Kerbing - \$70,000*

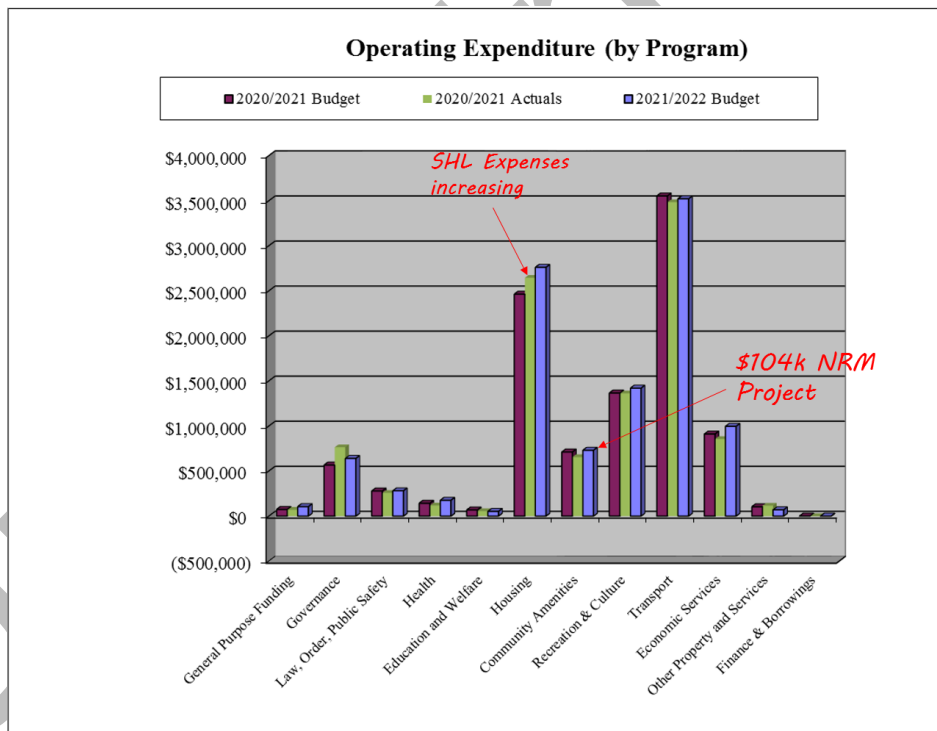
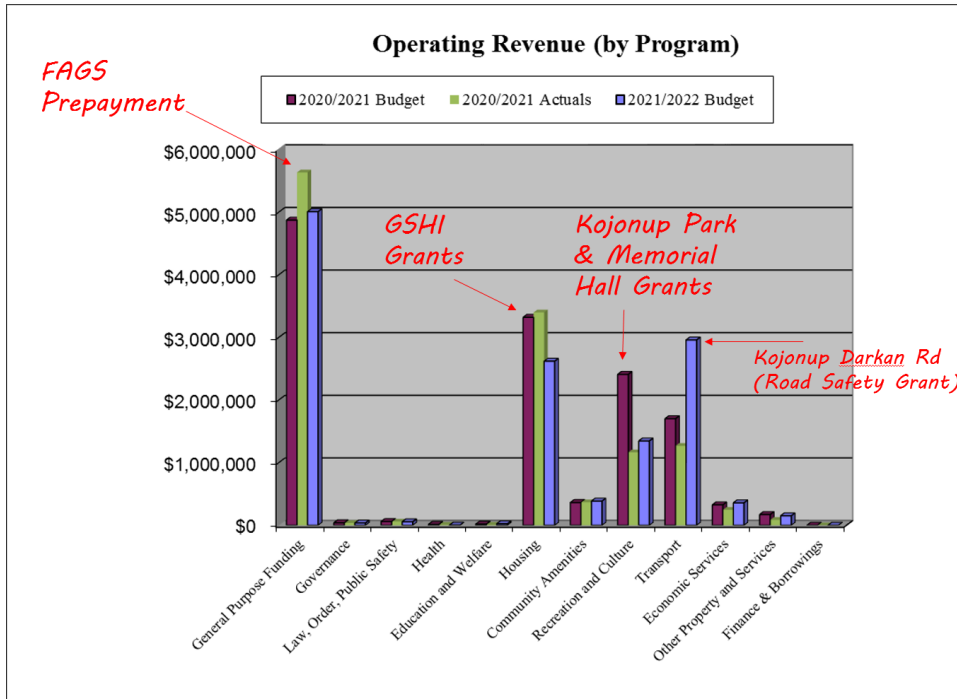
Economic Services:

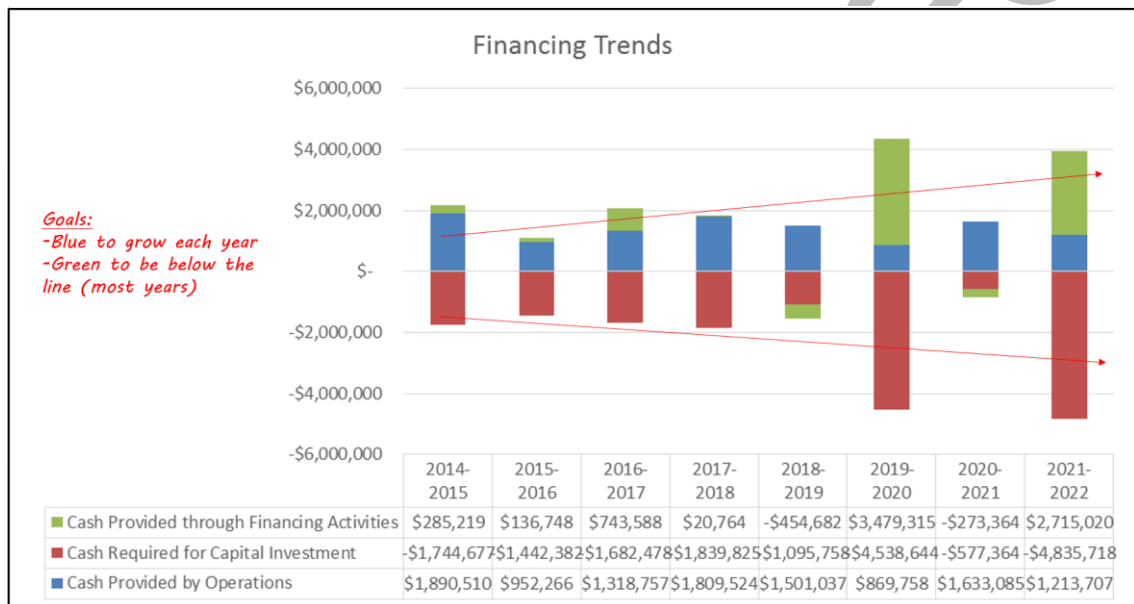
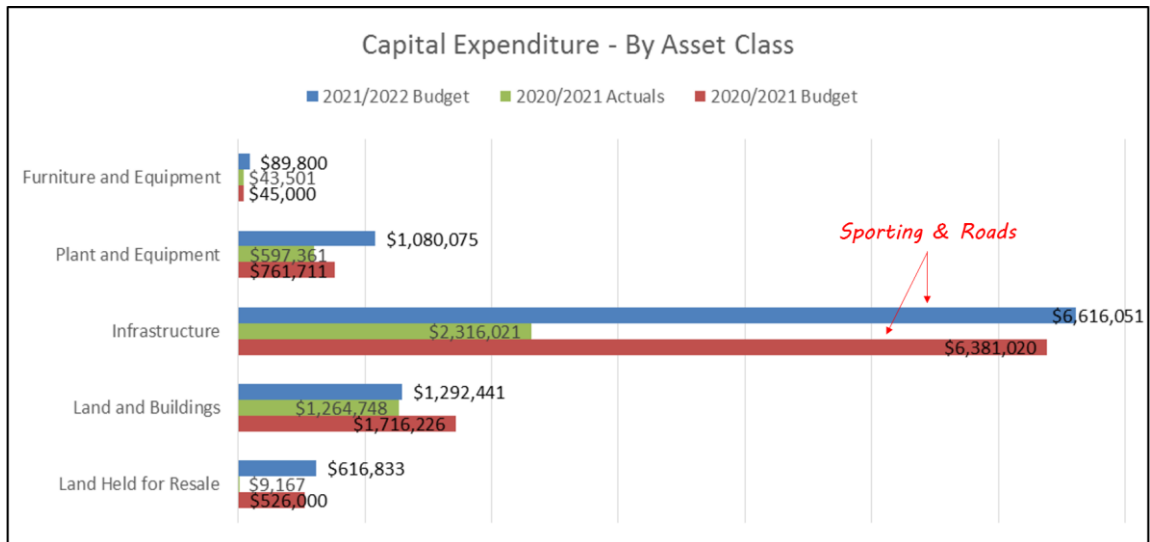
- *The Kodja Place:*
 - *Roof & Stormwater Repairs - \$6,000*
 - *Rose Maze Report Implementation - \$23,500*
 - *Update website - \$20,000*
- *Promotional Signage at Air Strip - \$30,000*
- *Water Harvesting & Re-use - \$117,635 (Drought Grant)*
- *Sub-division Katanning Road - \$616,833*
- *Saleyards Decommissioning - \$30,000*
- *EV Charging Station Revenue - \$8,000*

Other Property & Services:

- *ICT for Depot Staff - \$5,000*
- *Land Survey & Leasing Costs (Showgrounds boundary issues and Kojonup-Darkan Road realignment) - \$20,000*
- *Chemical Shed Upgrade - \$7,800*

Budget & Financial Summary





For more information on the ratios and trends, please refer to note 15 in the budget.

I express my sincere gratitude to Councillors who continually assess, review and evaluate the strategic direction of Council on behalf of the community they represent which is reflected in the quality of decisions made, backed by sound business planning including “whole of life” costs, and analysis of social, economic, environmental, cultural, historical, heritage values and resource requirements – human and physical. With Local Government Elections occurring in October 2021, I wish the new council all the very best.

Private Sector Investment in our Shire from building activity, expansion of engineering/agricultural support services, retail, commerce and tourism sector and diversified agricultural base is not taken for granted and reinforces the new Community Strategic direction of SMART Kojonup and the possibilities we can collectively achieve now and in the future.

To all my team – Thank you for your commitment, continuous improvement, to be innovative and continually rising to the challenge. To grasp opportunities such as resource sharing and

whilst our population remains static, we are making a positive difference which is being recognised by others because we strive to be better rather than ‘more of the same!’

To the community members whom I, Council and staff have been involved with over the past year and the many volunteers who have contributed time and energy supporting various clubs, groups and organisations thank you for your input and feedback and I look forward to this productive association continuing with new CEO Grant Thompson in the year ahead.

To the businesses who continue to support our community a big thank you! Council recognises the pressures being placed on our community and the need to work together. To everyone who has attended Forums, Briefing Sessions, Advisory meetings, Work Shops, lodged submissions, made suggestions or requests thank you for taking the time to be interested in the past, present and future direction of the Shire of Kojonup.

I commend this budget to Council for adoption for the 2021/22 Financial Year despite the disruptions and uncertainties of COVID now and in the future and thank you for the privilege of being CEO for the past 8 years.

*Rick Mitchell-Collins
Chief Executive Officer*

20 July 2021”

CONSULTATION

All staff have had input into the components of the budget. The Council has been consulted during three (3) budget workshops to assess the priorities of proposed capital works, plant replacement, abnormal operating items, reserve transfers and property rate parameters. The Audit Committee have had input into the fees and charges.

STATUTORY REQUIREMENTS

Section 6.2 of the *Local Government Act 1995* and regulations 22-33 of the *Local Government (Financial Management Regulations) 1996* legislate the requirements of the annual budget.

Section 6.2(1) of the *Local Government Act 1995* requires that prior to 31 August each year, the Council adopt a budget for its municipal fund for the proceeding financial year.

The annual budget is to incorporate:

- a) particulars of the estimated expenditure proposed to be incurred by the local government;
- b) detailed information relating to the rates and service charges which will apply to land within the district including:
 - i. the amount it is estimated will be yielded by the general rate; and
 - ii. the rate of interest (if any) to be charged by the local government on unpaid rates and service charges.
- c) the fees and charges proposed to be imposed by the local government;
- d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
- e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;

- f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and such other matters as are prescribed.

This year additional legislation has affected the budget preparation, being the *Local Government (COVID-19 Response) Ministerial Order 2020*.

POLICY IMPLICATIONS

There is no Council policy applicable to this item.

FINANCIAL IMPLICATIONS

The adopted budget of the Shire sets the financial direction for the proceeding financial year and is prepared following consideration of the Corporate Business Plan, Long Term Financial Plan and all other informing documents and strategies.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications for the adoption of the budget, apart from minimizing exposure to risks (particularly financial) through a thoroughly prepared and legislative compliant annual budget process.

ASSET MANAGEMENT IMPLICATIONS

The 2021/2022 budget makes provision for numerous new asset purchases, asset renewal and upgrades and major maintenance items for the coming financial year.

Importantly, from an asset management point of view, the budget contains considerably more expenditure on asset renewal than will be incurred in depreciation expense. That is the Shire is renewing its assets faster than they depreciate.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

86/21 Moved Cr Fleay, seconded Cr Gale

That the 2021/2022 Annual Budget, as attached, be adopted.

CARRIED 8/0

12.7 TENANCY OF 10 ELVERD STREET, KOJONUP - KOJONUP CHILD CARE CENTRE INC.

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Thursday, 9 July 2021
FILE NO	CS.SVP.2; CP.LEA.1
ATTACHMENT(S)	<p>12.7.1 - Existing Tenancy Agreement – showing changes</p> <p>12.7.2 - Draft Tenancy Agreement - clean copy</p> <p>12.7.3 - Memorandum of Understanding</p> <p>12.7.4 - Aerial map</p>

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
KP3 – Performance	3.1 – Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.	3.17 – Determine responsibilities for all assets and review and update lease conditions where other entities have partial or full responsibility for assets on Council managed land.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to consider a Tenancy Agreement between the Shire of Kojonup (Shire) and Kojonup Child Care Centre Inc. (KCCC) for 10 Elverd Street, Kojonup.

BACKGROUND

Kojonup Child Care Centre Inc. has been leasing the Shire’s purpose built child care facility on 10 Elverd Street, Kojonup since February 2016 when the newly built facility was officially opened. In addition to the Tenancy Agreement, both parties agreed to a Memorandum of Understanding, in July 2020, to partner to provide high quality and sustainable childcare services in the local community.

COMMENT

The current tenancy agreement between the Shire and the KCCC expired on 31 January 2021 and arrangements within the agreement have continued while the new draft Tenancy Agreement has been negotiated in readiness to be presented to Council with this report.

Proposed changes to the existing tenancy agreement include:

- Increased term from 5 to 10 years
- Tenant’s name made consistent with Tenant’s Certificate of Incorporation name
- Rental payment terms
- Annexure A - Gardening responsibilities
 - Cleaning responsibilities
 - Chattel – inclusion of dishwasher to responsibility

CONSULTATION

Chairperson, Kojonup Child Care Centre Inc.
Chief Executive Officer
Manager Corporate and Community Services

STATUTORY REQUIREMENTS

The KCCC would be exempt from the usual compliance requirements for the disposal of property (s. 3.58) of the *Local Government Act 1995*, as it falls within the categories applying in r. 30 of the Local Government (Functions and General) Regulations as follows:

3.58. Disposing of property

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

30. Dispositions of property excluded from Act s. 3.58

(1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*

(2) *A disposition of land is an exempt disposition if —*

(a) *the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —*

(i) *its market value is less than \$5 000; and*

(ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*

or

(b) *the land is disposed of to a body, whether incorporated or not —*

(i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*

(ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The proposed new Tenancy Agreement operates as per the previous agreement with March quarter Perth CPI being applied annually. As of the commencement of this Agreement, revenue of \$2,664 will be received per annum plus any CPI increases for the term of the Agreement. The revenue is placed in a Reserve Account set aside to fund future major building maintenance items.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
10 - Facilities-Venues	Failure to effectively manage the day to day operations of facilities, venues and/or events; Lack of Lease/Contract/Agreement/MOU/Licence documentation	Lease agreements for Shire facilities	Nil
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
A written agreement provides for an understanding of each party's responsibilities, lessens ambiguity if issues should arise during the term of the Agreement, and allows for more accuracy in budgeting for both parties.			

ASSET MANAGEMENT IMPLICATIONS

The current child care building was constructed in 2015 at a cost in excess of \$1m. The proposed Tenancy Agreement defines responsibilities that assist in maintaining the integrity of the building. The rent income generated from the tenancy of the building is placed into the Day Care Building Maintenance Reserve to offset major building maintenance obligations into the future.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

87/21 Moved Cr Gale, seconded Cr Radford

That the attached Tenancy Agreement between the Shire of Kojonup and Kojonup Child Care Centre Inc. for the tenancy of the Kojonup Child Care Centre, 10 Elverd Street, Kojonup from 1 July 2021 to 30 June 2031 be endorsed.

CARRIED 8/0

12.8 INFORMATION STATEMENT 2021/2022

AUTHOR	Jenny Clark – Records Administration Officer
DATE	Thursday, 8 July 2021
FILE NO	IM.FOI.4
ATTACHMENT(S)	12.8.1 - Information Statement 2021/2022

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - Performance	3.2 – Be exceptional in two-way communication within our community, and market our brand outside of our community.	3.2.3 – Develop and implement a formal media two-way communications strategy. 3.2.7 – Develop and adopt a communications strategy.

DECLARATION OF INTEREST

Nil

SUMMARY

To review, prior to annual publishing, the Shire of Kojonup’s Information Statement.

BACKGROUND

Section 96(1) of the *Freedom of Information Act 1992* requires each government agency, including local governments, to prepare and publish annually an Information Statement.

Section 94 of the *Freedom of Information Act 1992* states that the Information Statement must set out:

- The Agency’s Mission Statement;
- Details of legislation administered;
- Details of the agency structure;
- Details of decision-making functions;
- Opportunities for public participation in the formulation of policy and performance of agency functions;
- Documents held by the agency; and
- The operation of Freedom of Information (FOI) in the agency.

COMMENT

The Shire of Kojonup’s Information Statement 2021/2022 is attached. The document complies with the requirements of the *Freedom of Information Act 1992*, as outlined above.

A copy of the Information Statement will be forwarded to the Information Commissioner as required. The previous version was adopted by the Council at its ordinary meeting held 16 July 2020.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

This item is required under the *Freedom of Information Act 1992*. Section 94 states:

94. Term used: information statement

A reference in this Act to an *information statement*, in relation to an agency, is a reference to a statement that contains—

- (a) a statement of the structure and functions of the agency;
- (b) a description of the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public;
- (c) a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the performance of the agency's functions;
- (d) a description of the kinds of documents that are usually held by the agency including —
 - i. which kinds of documents can be inspected at the agency under a written law other than this Act (whether or not inspection is subject to a fee or charge); and
 - ii. which kinds of documents can be purchased; and
 - iii. which kinds of documents can be obtained free of charge;
- (e) a description of the agency's arrangements for giving members of the public access to documents mentioned in paragraph (d)(i), (ii) or (iii) including details of library facilities of the agency that are available for use by members of the public;
- (f) a description of the agency's procedures for giving members of the public access to the documents of the agency under Part 2 including —
 - i. the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and
 - ii. the address or addresses at which access applications can be lodged;
- (g) a description of the agency's procedures for amending personal information in the documents of the agency under Part 3 including —
 - i. the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and
 - ii. the address or addresses at which applications for amendment of personal information can be lodged.

POLICY IMPLICATIONS

The Information Statement is the Policy for access to information under the *Freedom of Information Act 1992*, and is linked to the Records Management Policy and Recordkeeping Plan 2015.

FINANCIAL IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

The review of this document ensures compliance with legislation and is a vital tool in ensuring open and accountable local governance.

ASSET MANAGEMENT IMPLICATIONS

Nil.

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

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

88/21 Moved Cr Singh, seconded Cr Wieringa

That the 2021/2022 Information Statement as attached be adopted and published in accordance with the *Freedom of Information Act 1992*.

CARRIED 8/0

Unconfirmed

12.9 ELECTED MEMBERS CHARTER - REVIEW

AUTHOR	Lorraine Wyatt
DATE	Monday, 19 July 2021
FILE NO	CM.POL.2
ATTACHMENT(S)	12.9.1 – Elected Members Charter

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - 3 Performance	3.1 - Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.	3.1.5 – Implement strategies to improve Councillors’ role as community leaders and asset custodians.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is for Council to conduct an annual review of its Elected Members Charter.

BACKGROUND

The Elected Members Charter (the Charter) was designed to assist elected members to understand their roles and responsibilities and to serve as an enduring resource throughout the Elected Members term.

The Charter is planned for review annually unless requiring amendment in the interim and will be available via the Docs on Tap Application under the folder ‘Useful Documents’.

A separate induction program, relevant to the Shire of Kojonup, is also conducted post biennial election.

COMMENT

The *Local Government (Model Code of Conduct) Regulations 2021* were gazetted on Tuesday 2 February 2021 and took effect on 3 February 2021. Council subsequently adopted the “Model Code of Conduct for Elected Members, Committee Members and Candidates” (the Code), on 18 May 2021 and resolved to include the Code in the Elected Members Charter.

The Code has been developed to guide the decisions, actions and behaviours of members, in council, on council committees and candidates running for election as a council member. Elected Members, Committee Members and Candidates *must comply* with the provisions of the Code in fulfilling their role and responsibilities, as set out in the *Local Government Act 1995*.

Local Government Elections will be held on 16 October 2021. Candidates are subject to the same requirements as an Elected Member while they are campaigning. Feedback obtained from Elected Members (via the Briefing Session held 13 July 2021) indicated that Elected Members had felt ill prepared for the challenges which are part and parcel of their role, and that prior knowledge of what was involved (in addition to undertaking the DLGSC induction), would have been helpful. Elected Members advised that the “Charter” was a helpful resource and, as such, it is the author’s recommendation that Candidates are provided with a copy of the Elected Members Charter upon submitting their nomination.

Upon review of the Charter, the only change which has been made is the inclusion of the Model Code of Conduct for Elected Members, Committee Members and Candidates.

CONSULTATION

Elected Members - Briefing Session held 13 June 2021

STATUTORY REQUIREMENTS

In accordance with *Section 4.48 and 4.49* of the *Local Government Act 1995*, potential candidates for election to Council are required to have ‘completed the course of induction’.

While it is considered best practice for local governments to have policies, procedures and guidelines that provide guidance to both staff and elected members, there is no statutory requirement to produce this Charter in particular.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3. Compliance	Ineffective policies & processes	Councillor/Staff Induction Process	Nil
Risk rating: Adequate			
IMPLICATIONS			
Robust systems and controls, including guidance documents such as an Elected Members Charter, provide for good governance and reduce risk associated with lack of training and reference material.			

ASSET MANAGEMENT IMPLICATIONS

Nil

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

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

89/21 Moved Cr Gale, seconded Cr Wieringa

That

- 1. Council endorses the updated Elected Members Charter, as presented; and**
- 2. The Elected Members Charter be provided to candidates in the Local Government Elections.**

CARRIED 8/0

Unconfirmed

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

17.1 KOJONUP SPORTS PLAY SPACE - TENDER 4 of 2020/21

AUTHOR	Emily Sleight – Sport and Recreation Officer
DATE	Monday, 19 July 2021
FILE NO	GS.PRG.19

STATUTORY REQUIREMENTS

Section 5.23(2) of the Local Government Act 1995 permits the Council to close a meeting, or part of a meeting, to members of the public if the meeting deals with any of the following:

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person; and
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government’s property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*.

Subsection (3) requires a decision to close a meeting, or part of a meeting and the reason for the decision to be recorded in the minutes.

PROCEDURAL MOTION/COUNCIL DECISION

90/21 Moved Cr Fleay, seconded Cr Webb

That the meeting proceed behind closed doors in accordance with Section 5.23(2)(a)-(c) of the *Local Government Act 1995* at 3.22pm.

Manager Regulatory Services entered the room 3.26pm

OFFICER RECOMMENDATION/COUNCIL DECISION

91/21 Moved Cr Gale, seconded Cr Fleay

That:

- 1. The Tender received from Environmental Industries for Tender 4 of 2020/21 – ‘Construction of New Play Space at Kojonup Sports Ground’ of \$550,521 be accepted;**
- 2. Staff be requested to seek savings throughout the construction process, in conjunction with the Netball Court reconstruction project and oval lighting project, to reduce the final cost of the project; and**
- 3. The 2021/2022 Annual Budget be amended by:**
 - a. Increasing account C411, Sporting Complex – Playground & Outdoor Gym to \$550,521; and**
 - b. An additional transfer from the Sporting Facility Reserve Account of \$18,300.**

CARRIED 8/0

PROCEDURAL MOTION/COUNCIL DECISION

92/21 Moved Cr Gale, seconded Cr Singh

That the meeting be reopened to the public at 3.40pm.

CARRIED 8/0

18 NEXT MEETING

Ordinary Council Meeting Tuesday, 17 August 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 3.41pm.

20 ATTACHMENTS (SEPARATE)

Item 7.1	7.1.1	Unconfirmed Minutes of the Council Meeting held on 15 June 2021
Item 10.1	10.1.1	Excerpt from Council Ordinary Meeting Minutes October 2020
	10.1.2	Kojonup Community Men’s Shed Inc. – correspondence
	10.1.3	Current Licence Agreement (showing changes)
	10.1.4	Draft Licence Agreement (clean copy)
	10.1.5	Licence Agreement Appendix A
	10.1.6	Australian Bureau of Statistics – annual Perth CPI to March Quarter
Item 11.1	11.1.1	Shire of Kojonup Adverse Events Plan
Item 12.1	12.1.1	Monthly Financial Statement June 2021
Item 12.2	12.2.1	Monthly Payment Listing 1/06/2021 to 30/06/2021
Item 12.4	12.4.1	Rates Incentive Prize Draw - Terms and Conditions
Item 12.5	12.5.1	Draft 2021-2022 List of Fees and Charges
Item 12.6	12.6.1	Draft 2021/2022 Annual Budget
Item 12.7	12.7.1	Existing Tenancy Agreement – showing changes
	12.7.2	Draft Tenancy Agreement - clean copy
	12.7.3	Memorandum of Understanding
	12.7.4	Aerial map
Item 12.8	12.8.1	Information Statement 2021-2022
Item 12.9	12.9.1	Elected Members Charter

Unconfirmed