SHIRE OF KOJONUP

Kojonup

One community, many choices

MINUTES

Ordinary Council Meeting

20 February 2024

MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 20 FEBRUARY 2024

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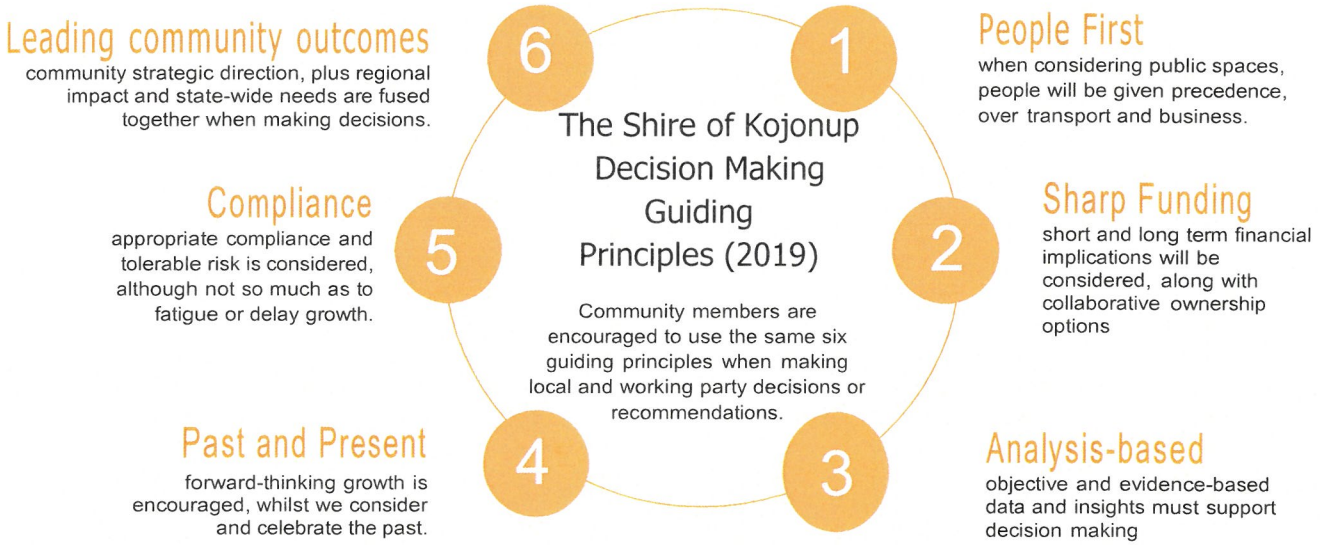
The Shire of Kojonup has a set of six guiding principles it uses when making decisions. These principles are checked and enhanced every two years in line with the Strategic Community Plan review schedule.



MINUTES

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President declared the meeting open at 3.04pm 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

Almighty God, we pray for wisdom for our reigning monarch King Charles.

We ask for guidance in our decision making and pray for the welfare of all the people of Kojonup.

Grant us grace to listen and work together as a Council to nurture the bonds of one community.

Amen

2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

2.1 CERTIFICATE OF APPRECIATION FOR 20 YEARS OF SERVICE TO LOCAL GOVERNMENT – LORREEN GREEUW – SENIOR LIBRARY OFFICER

The President, Cr Bilney, acknowledged Lorreen Greeuw's loyalty and commitment to the Shire of Kojonup over the last twenty years and thanked her for all the work she has undertaken in that time. Lorreen commenced with the Shire of Kojonup on 3 December 2003 serving at the front counter, supporting other departments and later taking on cemetery administration. The Library function has expanded to include the following: author visits, Early Years Partnership (early childhood development, health and learning), A Smart Start Program (parenting resources including books for 1-4 year olds), Be Connected (tech support for older people), and Play in the Park (held at Apex Park and the RSL Hall). The Cemetery administration role has seen the digitisation of cemetery records in recent years. On behalf of the Shire, Cr Bilney acknowledged and thanked Lorreen for all her efforts.

3 ATTENDANCE

COUNCILLORS

Cr Bilney	Shire President
Cr Radford	
Cr Webb	
Cr Mathwin	
Cr Mickle	

STAFF

Grant Thompson	Chief Executive Officer
Estelle Lottering	Project Manager and Community Services
Jill Johnson	Manager Financial and Corporate Services
Tonya Pearce	Finance and Rates Officer

3.1 APOLOGIES

Cr Wieringa	
Cr Egerton-Warburton	
Judy Stewart	Manager Governance and Administration
Craig McVee	Manager Works and Services

3.2 APPROVED LEAVE OF ABSENCE

Nil

4 DECLARATION OF INTEREST

Nil

5 PUBLIC QUESTION TIME

5.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
Not applicable

5.2 PUBLIC QUESTION TIME
Nil

6 CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING 12 DECEMBER 2023
Unconfirmed Minutes of an Ordinary Council Meeting held 12 December 2023 are at Attachment 6.1.1.

OFFICER RECOMMENDATION/COUNCIL DECISION

1/24 Moved Cr Radford Seconded Cr Mathwin
That the Minutes of an Ordinary Council Meeting held 12 December 2023 be confirmed as a true record.

CARRIED 5/0

For: Cr Bilney, Cr Radford, Cr Webb, Cr Mathwin, Cr Mickle

7 PRESENTATIONS

7.1 PETITIONS
Nil

7.2 PRESENTATIONS
Nil

7.3 DEPUTATIONS
Nil

7.4 DELEGATES' REPORTS
Nil

8 METHOD OF DEALING WITH AGENDA BUSINESS
Nil

9 REPORTS

9.1 KEY PILLAR 'LIFESTYLE' REPORTS

Nil

9.2 KEY PILLAR 'ECONOMICS' REPORTS

Nil

9.3 KEY PILLAR 'VISITATION' REPORTS

Nil

9.4 KEY PILLAR 'PERFORMANCE' REPORTS

9.4.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENTS OF FINANCIAL ACTIVITY (DECEMBER 2023 AND JANUARY 2024)

AUTHOR	Jill Johnson – Manager Financial and Corporate Services
DATE	Monday, 12 February 2024
FILE NO	FM.FNR.2
ATTACHMENT(S)	9.4.1.1 – Monthly Financial Statements - 1 to 31 December 2023 9.4.1.2 – Monthly Financial Statements - 1 to 31 January 2024

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be *"The Cultural Experience Centre of the Great Southern"* STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	**Community Goal/s**	**Corporate Objective/s**
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to note the Monthly Financial Statements for the months ending 31 December 2023 and 31 January 2024.

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 Statements of Financial Activity for the period 1 July 2023 to 31 January 2024 represent seven (7) months, or 58% of the year.

The following items are worthy of noting:

- Closing surplus position of $3,273,172.
- Capital expenditure achieved 43.2% of budgeted projects.
- Cash holdings of $8,422m of which $4,354m is held in cash backed reserve accounts and $4,068m is unrestricted cash.
- Rates debtors outstanding equate to 22% of total rates raised for 2023/2024.
- Page 11 of the statements detail major variations comparing year to date (amended) budgets to year to date actuals in accordance with Council Policy 2.1.6.

CONSULTATION

D L Consulting – Monthly Financial Statements

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 of Kojonup. The recommendation does not in itself have a financial implication.

RISK MANAGEMENT IMPLICATIONS
Nil

ASSET MANAGEMENT IMPLICATIONS
Nil

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

VOTING REQUIREMENTS
Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

2/24 Moved Cr Webb Seconded Cr Mickle
That the Monthly Financial Statements for the periods ending 31 December 2023 and 31 January 2024, as attached, be noted.

CARRIED 5/0

For: Cr Bilney, Cr Radford, Cr Webb, Cr Mathwin, Cr Mickle

9.4.2 MONTHLY PAYMENTS LISTINGS – DECEMBER 2023 AND JANUARY 2024

AUTHOR	Tonya Pearce – Finance and Rates Officer
DATE	Monday, 12 February 2024
FILE NO	FM.AUT.1
ATTACHMENT	9.4.2.1 – Monthly Payments Listing 1 to 31 December 2023 9.4.2.2 – Monthly Payments Listing 1 to 31 January 2024

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be *"The Cultural Experience Centre of the Great Southern"* STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST
Nil

SUMMARY
To receive the list of payments covering the months of December 2023 and January 2024.

BACKGROUND
Nil

COMMENT
The attached lists of payments are submitted for receipt by the Council.

Any comments or queries regarding the list of payments is to be directed to the Chief Executive Officer prior to the meeting.

CONSULTATION
Nil

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 are 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

3/24 Moved Cr Mathwin 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 December 2023		TO – 31 January 2024
Municipal Cheques	14374-14376	$48,185.77
EFTs	33237 - 33505	$1,926,046.37
Direct Debits		$1,442,589.34
Total		$3,416,821.48

be received.

CARRIED 5/0

For: Cr Bilney, Cr Radford, Cr Webb, Cr Mathwin, Cr Mickle

9.4.3 FINANCIAL MANAGEMENT – RATES WRITE-OFF REQUEST – A9852

AUTHOR	Tonya Pearce – Finance and Rates Officer
DATE	Monday, 12 February 2024
FILE NO	A9852R
ATTACHMENT(S)	UNDER SEPARATE COVER 9.4.3.1 – A9852 – Newstead Road

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be *"The Cultural Experience Centre of the Great Southern"* STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST
Nil

SUMMARY
The purpose of this report is to consider the write-off of rates that were raised against the property A9852.

BACKGROUND
Interest continues to accrue daily in the rate system.

COMMENT
An attachment of the email from the property owner is for consideration. There are multiple online payment options available, if not able to pay in person.

CONSULTATION
Nil

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.

POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
Nil

RISK MANAGEMENT IMPLICATIONS
Nil

ASSET MANAGEMENT IMPLICATIONS
Nil

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

VOTING REQUIREMENTS
Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

4/24 Moved Cr Mickle Seconded Cr Mathwin
That Council:
1. does not write off the outstanding rate debt on property A9852, applying a consistent approach to all landowners; and
2. contacts the landowner of property A9852 to discuss a suitable payment plan for the outstanding rates.

CARRIED 5/0

For: Cr Bilney, Cr Radford, Cr Webb, Cr Mathwin, Cr Mickle

9.4.4 FINANCIAL MANAGEMENT – RATES WRITE-OFFS

AUTHOR	Tonya Pearce – Finance and Rates Officer
DATE	Wednesday, 07 February 2024
FILE NO	A13243, A8763, A10595, A11460, A11452
ATTACHMENT(S)	9.4.4.1 - Rate Write-offs – Various Properties

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be *"The Cultural Experience Centre of the Great Southern"* STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST
Nil

SUMMARY
The purpose of this report is to consider the write-off of interest rates that were raised against various properties during the time the Shire of Kojonup (Shire) reviewed rate issues in respect to those properties.

BACKGROUND
Interest continues to accrue daily in the rate system.

COMMENT
Councillors are referred to attachment 9.4.4.1 detailing various properties that have been incorrectly charged by the Shire's rating system.

CONSULTATION
Nil

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.

POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
Nil

RISK MANAGEMENT IMPLICATIONS
Nil

ASSET MANAGEMENT IMPLICATIONS
Nil

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

VOTING REQUIREMENTS
Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

5/24 Moved Cr Webb Seconded Cr Mathwin
That the rate amounts listed on the following properties, as presented, be credited due to being incorrectly charged by the Shire of Kojonup's rating system:

- A13243
- A8763
- A10595
- A11460
- A11452

CARRIED 5/0

For: Cr Bilney, Cr Radford, Cr Webb, Cr Mathwin, Cr Mickle

9.4.5 ADVISORY COMMITTEES OF COUNCIL – APPOINTMENT OF COMMUNITY REPRESENTATIVES – AUDIT AND RISK COMMITTEE/NATURAL RESOURCE MANAGEMENT COMMITTEE/KOJONUP AGING IN PLACE COMMITTEE

AUTHOR	Judy Stewart, Manager Governance and Administration
DATE	Thursday, 15 February 2024
FILE NO	GO.CNM.9
ATTACHMENT(S)	9.4.5.1 – Terms of Reference – Advisory Committees of Council **UNDER SEPARATE COVER** 9.4.5.2- Expression of Interest – Community Representative Position – Audit and Risk Committee 9.4.5.3 – Expressions of Interest – Community Representative Positions – Natural Resource Management Committee 9.4.5.4 – Agreement to appointment – Community Representatives – Kojonup Aging in Place Committee 9.4.5.5 – Agreement to appointment – Community Representative – Kojonup Aging in Place Committee

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be *"The Cultural Experience Centre of the Great Southern"* STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	**Community Goal/s**	**Corporate Objective/s**
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST
Nil

SUMMARY
To endorse community representatives for membership on Council's Audit and Risk Committee and Natural Resource Management Committee and retrospectively appoint community representatives to the Kojonup Aging in Place Committee.

BACKGROUND
Council, at its 12 December 2023 Ordinary Meeting, appointed one community representative as a member of its Audit and Risk Committee leaving one community representative vacancy on this committee. Council also appointed three community members to the Kojonup Historical, Tourism and Cultural Committee at this meeting.

Further advertising, subsequent to the initial advertising via flyer, noticeboards, Shire of Kojonup (Shire) website and social media and as requested by Council, was placed in the Kojonup News, on noticeboards, the Shire website and social media platforms, to close 8 February 2024.

The current Terms of Reference for Council's Advisory Committees are at attachment 9.4.5.1.

COMMENT

Council has received one community representative nomination for its Natural Resource Management (NRM) Committee, a second community member nomination for its Audit and Risk Committee and agreement from two community representatives to be appointed to its Kojonup Aging In Place Committee for endorsement by Council (the latter for retrospective endorsement). Two community representatives are still required for the NRM Committee and four community representative vacancies still exist on Council's Disability Access and Inclusion Committee.

CONSULTATION

Chief Executive Officer

STATUTORY REQUIREMENTS

The appointment of members to Committees and their operation is set out in *Sections 5.8 to 5.25 of the Act and Regulations 14 to 14B of the Local Government (Administration) Regulations, 1995*.

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

Individual Councillors are entitled to be members of at least one committee, which comprises elected members only or elected members and employees.

Section 5.10 allows the Shire President to be a member on any Committee that has an elected member and also the CEO (or their representative) to be on any Committee that has an employee as a member.

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

There are no known financial implications.

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

6/24 Moved Cr Radford Seconded Cr Mickle
That Council appoints the following membership to its Formal Advisory Committees as follows:

AUDIT AND RISK COMMITTEE
Community Member – Jill Mathwin (for a period of one year to February 2025)

KOJONUP NATURAL RESOURCE MANAGEMENT (NRM) ADVISORY COMMITTEE
Community Member - Kath Mathwin

KOJONUP AGING IN PLACE COMMITTEE
Community Member – Jill Mathwin
Community Member – Kevin Broom

CARRIED 5/0

For: Cr Bilney, Cr Radford, Cr Webb, Cr Mathwin, Cr Mickle

9.4.6 LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) MEETING MINUTES – 5 FEBRUARY 2024

AUTHOR	Estelle Lottering – Project Manager and Community Services
DATE	Tuesday, 6 February 2024
FILE NO	ES.MET.1
ATTACHMENT(S)	9.4.6.1– Unconfirmed LEMC Meeting minutes 5 February 2024

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be "The Cultural Experience Centre of the Great Southern" STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST
Nil

SUMMARY
The purpose of this report is to receive the unconfirmed minutes of a LEMC Meeting held 5 February 2024.

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

COMMENT
All matters contained within the minutes are considered in this agenda item.

CONSULTATION
Members of the Local Emergency Management Committee.

STATUTORY REQUIREMENTS
Section 38 of the *Emergency Management Act 2005*

POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
Nil

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS
Nil

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

VOTING REQUIREMENTS
Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

7/24 Moved Cr Webb Seconded Cr Mathwin
That the unconfirmed minutes of a Local Emergency Management Committee Meeting held 5 February 2024 be received.

CARRIED 5/0

For: Cr Bilney, Cr Radford, Cr Webb, Cr Mathwin, Cr Mickle

9.4.7 BUSH FIRE ADVISORY COMMITTEE (BFAC) MEETING MINUTES - 14 FEBRUARY 2024

AUTHOR	Estelle Lottering – Project Manager and Community Services
DATE	Thursday, 15 February 2024
FILE NO	ES.CIR.2
ATTACHMENT(S)	9.4.7.1 – Unconfirmed BFAC Minutes – 14 February 2024

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be "The Cultural Experience Centre of the Great Southern" STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST
Nil

SUMMARY
The purpose of this report is to receive the unconfirmed minutes of a BFAC meeting held 14 February 2024.

BACKGROUND
The BFAC is established under Section 67 of the *Bush Fires Act 1954* and plays an important role in the Council's decision-making process. Minutes of these meetings are presented to Council to be received.

COMMENT
Unconfirmed minutes of BFAC meeting held 14 February 2024 are attached for Council to receive.

CONSULTATION
Members of the Bush Fire Advisory Committee

STATUTORY REQUIREMENTS
Section 38, 40 & 67 of the *Bush Fires Act 1954*

POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2 - Business Disruption	Lack of (or inadequate) emergency response/business continuity plans. Lack of training for specific individuals or availability of appropriate emergency response.	Regular LEMC, DEMC Meetings	Nil
Risk Rating - *Adequate*			
IMPLICATIONS			
Under legislation, the Shire of Kojonup (Shire) may establish and maintain a BFAC. The risk of not having a BFAC is that Staff and Councillors do not necessarily possess the relevant knowledge or experience regarding bush fires. The Shire is reliant on the BFAC to be able to provide this knowledge and to support volunteer bush fire efforts, training and resourcing requirements in protecting community safety and assets.			

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

8/24 Moved Cr Radford Seconded Cr Webb

That the unconfirmed minutes of a Bush Fire Advisory Committee meeting held 14 February 2024 be received.

CARRIED 5/0

For: Cr Bilney, Cr Radford, Cr Webb, Cr Mathwin, Cr Mickle

9.4.8 ENDORSEMENT OF COMMUNITY EMERGENCY SERVICES MANAGER AS A FIRE CONTROL OFFICER IN THE SHIRE OF KOJONUP

AUTHOR	Estelle Lottering – Project Manager and Community Services
DATE	Wednesday, 7 February 2024
FILE NO	ES.CIR.2
ATTACHMENT(S)	9.4.8.1 – Memorandum of Understanding (MOU) between Department of Fire and Emergency Services and the Shires of Cranbrook, Gnowangerup and Kojonup

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be "The Cultural Experience Centre of the Great Southern" STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST
Nil

SUMMARY
The purpose of this report is to endorse the Community Emergency Services Manager, Shane Harris, as a Fire Control Officer in the Shire of Kojonup for the 2023/2024 fire season and a Dual Fire Control Officer with the Shires of Cranbrook and Gnowangerup.

BACKGROUND
A Memorandum of Understanding (MOU) was signed between the Department of Fire and Emergency Services and the Shires of Cranbrook, Kojonup, and Gnowangerup. The MOU is intended to identify and document the respective roles and responsibilities of the Shires of Cranbrook, Kojonup and Gnowangerup and the Department of Fire and Emergency Services as considered necessary to manage the position of a Community Emergency Services Manager for the Shires. Part of the conditions of employment for the Community Emergency Services Manager (CESM) is a requirement from all Shires to officially appoint the Community Emergency Services Manager as a Fire Control Officer in the Shire.

COMMENT
The Memorandum of Understanding between Department of Fire and Emergency Services and the Shire's of Cranbrook, Kojonup and Gnowangerup, requires endorsement of the CESM as a Fire Control Officer for the 2023/2024 fire season. It is also recommended that the CESM is appointed as a Dual Fire Control Officer with the Shires of Cranbrook and Gnowangerup.

CONSULTATION
Department of Fire and Emergency Services
Community Emergency Services Manager

STATUTORY REQUIREMENTS
Section 38, 40 & 67 of the *Bush Fires Act 1954*

POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
2 - Business Disruption	Lack of (or inadequate) emergency response/business continuity plans. Lack of training for specific individuals or availability of appropriate emergency response.	Regular LEMC, DEMC Meetings	Nil
Risk Rating - *Adequate*			
IMPLICATIONS			
Under legislation, the Shire of Kojonup (Shire) may establish and maintain a BFAC. The risk of not having a BFAC is that Staff and Councillors do not necessarily possess the relevant knowledge or experience regarding bush fires. The Shire is reliant on the BFAC to be able to provide this knowledge and to support volunteer bush fire efforts, training and resourcing requirements in protecting community safety and assets.			

ASSET MANAGEMENT IMPLICATIONS
Nil

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

VOTING REQUIREMENTS
Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

9/24 Moved Cr Radford Seconded Cr Mickle
That Council:
1. endorses the appointment of Shane Harris as a Fire Control Officer for the remainder of his contract of employment; and
2. endorses the appointment of Shane Harris (Community Emergency Services Manager) as a Dual Fire Control Officer with the Shires of Cranbrook and Gnowangerup.

CARRIED 5/0

For: Cr Bilney, Cr Radford, Cr Webb, Cr Mathwin, Cr Mickle

9.4.9 DISPOSAL BY LEASE - PORTION OF LOT 9999 THORNBURY CLOSE, KOJONUP

AUTHOR	Judy Stewart – Manager Governance and Administration
DATE	Friday, 9 February 2024
FILE NO	A22323; LP.PLN.2
ATTACHMENT(S)	9.4.9.1 – Portion A, Lot 9999 Thornbury Close, Kojonup 9.4.9.2 – Sworn Valuation, Portion A Lot 9999 Thornbury Close, Kojonup 9.4.9.3 – Minute Item 13.1 - 15 February 2020 Ordinary Meeting **UNDER SEPARATE COVER** 9.4.9.4 - Correspondence from Syd Matthews & Co Pty Ltd – 9 January 2024

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be "The Cultural Experience Centre of the Great Southern" STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Economics	5. Assisted New Business	5.1 Industrial Land Release

DECLARATION OF INTEREST
Nil

SUMMARY
The purpose of this report is for Council to consider endorsing another lease of Portion A of Lot 9999 Thornbury Close, Kojonup (as shown on attachment 9.4.10.1) to Syd Matthews & Co Pty Ltd in accordance with a current sworn valuation and until such time that subdivision of Lot 9999 Thornbury has been finalised and the current lessee considers a first option to buy same.

BACKGROUND
The current lease on Portion A of Lot 9999 Thornbury Close, Kojonup, expires at the end of February 2024 following the exercising of an option to extend by a further two years on the original two year lease commencing in 2020. The lease also grants an option to purchase Portion A, at market value, when subdivision of the land has occurred.

The permitted use for the property is *transport depot and grain cleaning/storage facility purposes.*

COMMENT
Subdivision of Lot 9999 Thornbury Close, Kojonup has taken longer than anticipated and, therefore, the current lease will expire prior to a first option to buy being exercisable.

Neville Matthews, Managing Director of Syd Matthews & Co Pty Ltd, has indicated that he wishes to continue leasing the property until such time as the subdivision has been finalised and he can exercise the first option to buy (attachment 9.4.10.4).

In line with legislative requirements, Council is required to obtain a sworn valuation prior to disposal (by lease) of the property (a current sworn valuation is at attachment 9.4.10.2) and is required to advertise for public submissions.

Due to the statutory requirement for Council to advertise and consider any public submission or comment regarding a disposal of land before agreeing to its disposal, the proposed lease commencement date (if nil public submissions are received for consideration by Council) is recommended to be 15 March 2024 which will allow the mandatory two weeks advertising for public comment to occur. Should a submission/s be received, the matter will be brought before Council for further consideration and a 15 March 2024 lease commencement date would not apply.

CONSULTATION

Nil

STATUTORY REQUIREMENTS

Section 3.58 of the *Local Government Act 1995* – Disposing of Property*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.
(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
(a) it gives local public notice of the proposed disposition —
(i) describing the property concerned; and
(ii) giving details of the proposed disposition; and
(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
and
(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
(a) the names of all other parties concerned; and
(b) the consideration to be received by the local government for the disposition; and
(c) the market value of the disposition —
(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
The current lease is valued at $9,500 + GST (previous sworn valuation) per year. Any potential future lease agreement and amount will depend on Council deliberating to accept the new sworn valuation or otherwise. The new sworn valuation values the property at $12,000 inc GST.

Disposal of the land places the responsibility for maintenance of the land with the lessee and, therefore, reduces costs associated with same.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risks Description/Cause	Key Controls	Current Action
10 – Management of Facilities, Venues and Events	Lack of Lease/Contract/Agreement/MOU/Licence documentation	Lease agreements for Shire facilities	Develop Lease agreements register for all Shire facilities
IMPLICATIONS			
The formation of leases for Shire owned or managed land defines the terms that apply to all parties and lessens the ambiguity if an issue arises during the term of the lease. *Risk management also applies in relation to the use/maintenance and fire hazard risk reduction.*			

ASSET MANAGEMENT IMPLICATIONS
Disposing of this portion of Lot 9999, Thornbury Close, Kojonup transfers asset management implications from the Shire to the Lessee.

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

VOTING REQUIREMENTS
Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

10/24 Moved Cr Mathwin Seconded Cr Radford

That Council advertises its intention to lease Portion A of Lot 9999 Thornbury Close, Kojonup, as shown on the presented map and in accordance with s. 3.58 of the *Local Government Act 1995*, to Syd Matthews & Co Pty Ltd for $12,000 inc GST per year or pro rata thereof until such time as the subdivision of Lot 9999, Thornbury Close is finalised and:

1. if nil public submissions are received, authorises the Chief Executive Officer to proceed with a new lease to commence on 15 March 2024 as above inclusive of a first option to buy the land upon finalisation of subdivision occurring; or

2. if a public submission/s are received in response to the aforementioned advertising, this matter be returned to Council for further deliberation.

CARRIED 5/0

For: Cr Bilney, Cr Radford, Cr Webb, Cr Mathwin, Cr Mickle

9.4.10 MINUTES OF AN AUDIT AND RISK COMMITTEE MEETING HELD 6 FEBRUARY 2024

AUTHOR	Judy Stewart – Manager Governance and Administration
DATE	Friday, 9 February 2024
FILE NO	GO.CNM.96
ATTACHMENT(S)	9.4.10.1– Unconfirmed minutes of an Audit and Risk Committee Meeting held 6 February 2024

DECLARATION OF INTEREST
Nil

SUMMARY
The purpose of this report is to receive the unconfirmed minutes of an Audit and Risk Committee meeting held 6 February 2024.

BACKGROUND
The Audit and Risk Committee is established under Section 71A of the *Local Government Act 1995* ensuring transparency in the Shire of Kojonup's financial management and decision making process. The Audit and Risk Committee was established with defined terms of reference and a membership consisting of six (6) committee members being four (4) Councillors and two (2) Community Members.

COMMENT
This item is solely the Council receiving the minutes of its Audit and Risk Committee meeting held 6 February 2024; any items from within the minutes are presented separately in this agenda.

CONSULTATION
Nil

STATUTORY REQUIREMENTS
Sections 7.1A to 7.1C of the *Local Government Act 1995*

POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3. Failure to Fulfil Compliance Requirement's	3rd party adverse findings against Shire	Audit and Risk Committee	4 Meetings held per annum
Risk rating: Low			
IMPLICATIONS			
As per s.7.1A of the *Local Government Act 1995,* a local government is to establish an audit and risk committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.			

ASSET MANAGEMENT IMPLICATIONS
Nil

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

VOTING REQUIREMENTS
Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

11/24 Moved Cr Mathwin Seconded Cr Micklle
That Council receive the unconfirmed minutes of the Audit and Risk Committee meeting held 6 February 2024.

CARRIED 5/0

For: Cr Bilney, Cr Radford, Cr Webb, Cr Mathwin, Cr Mickle

9.4.11 ANNUAL FINANCIAL REPORT 2022/2023 AND GENERAL MEETING OF ELECTORS

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Tuesday, 23 January 2024
FILE NO	FM.AUD.2 & FM.FNR.1
ATTACHMENT(S)	9.4.11.1 - Annual Financial Report - Shire of Kojonup - 30 June 2023 9.4.11.2 - Final Management Letter - Shire of Kojonup - 30 June 2023 9.4.11.3 - Transmittal Letter to CEO - Shire of Kojonup - 30 June 2023 9.4.11.4 - Opinion - Shire of Kojonup - 30 June 2023

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be *"The Cultural Experience Centre of the Great Southern"* STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	Community Goal/s	Corporate Objective/s
Performance	12. A High Performing Council	12.1 SoK finances and funding 12.2 SoK monitoring and reporting

DECLARATION OF INTEREST
Nil

SUMMARY
The purpose of this report is to consider the 2022/2023 Annual Financial Report, incorporating the Audit Report.

BACKGROUND
Each local government is to prepare an annual report for each financial year. The report is a record of the Shire of Kojonup's (Shire) activities for the financial year and is an integral part of the accountability principles established for local governments in Western Australia.

The Audit Report and Annual Financial Report was considered by the Audit and Risk Committee at its 6 February 2024 Ordinary Meeting and recommended to Council for consideration, as follows (please see attachment 9.4.11.1):

That it be recommended to the Council that:

1. The 2022/2023 Audited Annual Financial Report be adopted;
2. The Chief Executive Officer be requested to forward a copy of this Audit Committee recommendation, and the Council agenda item, to the Minister for Local Government and place them on the Shire of Kojonup website in accordance with Section 7.12A (Duties of local government with respect to audits) of the Local Government Act 1995;
3. The matters raised in the Auditor's Management Letter be noted, a report produced internally on how the significant items will be addressed, and those actions be included in the Committee Status Report of future Audit and Risk Committee agendas; and
4. The Council direct the Chief Executive Officer to complete the Annual Report compilation and schedule:

- *a Special Council Meeting to be held at 3.00pm, Tuesday, 5 March 2024 to adopt the Annual Report; and*
- *an Annual Electors Meeting to be held at 6.00pm, Tuesday, 16 April 2024 at the Kojonup Sporting Complex.*

COMMENT

The Auditor's Management Letter is provided as additional information to the Committee and Council for transparency and full disclosure. It is suggested that the Annual Report, incorporating the aforementioned documents, be considered by Council at a Special Council Meeting to be called for 3.00pm, Tuesday, 5 March 2024.

The Annual Electors Meeting must be held within 56 days of the Council accepting the Annual Financial Report, with appropriate time being allowed after adoption to give notice of the meeting, say 14 days. This effectively means that the Annual Electors Meeting needs to be held by 30 April 2024. In previous years, the Annual Electors Meeting has been held in the evening following the Council Ordinary Meeting. It is recommended that the Annual Electors Meeting be held after the 16 April 2024 Ordinary Meeting at the Kojonup Sporting Complex.

The Annual Electors Meeting will be publicised in the Great Southern Herald, on the Shire website and Shire Facebook page as soon as possible after the date is set, and in the next available Kojonup News and Shire mediums.

Significant Matters Raised in the Audit:

Contained within the 2022/2023 Audit Report were matters identified as significant by the Auditor. The matters raised as significant by the Auditor were as follows:

1. Cost reallocation journal procedures
Finding
During the final audit several general journals posted to roads infrastructure job ledgers (for reallocation and allocation of capital costs) that were not adequately supported by documented evidence outlining the reasons and purpose of these journals.

Implication
Journals posted without appropriate evidence supporting adjustments to the

financial report significantly increases the risk of material misstatement whether due to fraud or error, particularly in respect of capital costs recognised during the period. The implications could also extend to the Shire's responsibilities for performing acquittals of grants funding received, these acquittal reports rely on the accurate recognition and treatment of capital costs within the Shire's annual financial report.

Recommendation
The Shire should ensure procedures for reviewing and recognising cost allocation journals are adequately designed and implemented at all times. Reasons for allocations and adjustments should be documented and evidence for every journal posted, including appropriate rationale for capitalising costs associated with roads and other infrastructure projects with direct reference to the actual costs incurred.

Management comment
A process has been put in place to ensure that journals are justified with supporting documents before they are processed, along with two approval signatures. This two-step verification will include the Finance Officer raising the journal and the Manager Financial & Corporate Services approving as a second check. Re-journaling should decline materially over the next twelve months as we procure better oversight of the financial controls across the organisation.

2. General Journal Review Processes

Finding
While testing general journals four out of the ten tested general journals were not recorded as being reviewed by an authorised reviewer.

We also noted that journals being prepared by your external consultant are not being reviewed and approved by an authorised reviewer at the Shire.

In 2022 5 out of the 30 general journals that tested were not marked as being reviewed by an independent authorised officer. This has been upgraded from moderate to significant.

Implication
In the absence of adequate review of all general journals posted, there is an increased risk of unauthorised journals being posted whether due to fraud or error which may result in errors posted to the annual financial report.

Recommendation
We recommend that all general journals are reviewed by an appropriate person who is independent of the person performing the tasks. All general journals and supporting documentation should be reviewed by an appropriate officer and signed as evidence of review.

Management comment
Journals (along with backing paperwork) received from the External Consultant will be reviewed and signed by the Manager Financial & Corporate Services.

The Shire acknowledges that a number of previous journals did not follow due process.

With a restructure and appointment of new financial people in March 2023, the Shire believes these audit findings are the lag time between the business process changes.

3. Employee related provisions

Finding
During the auditors review of employee long-service leave provisions at 30 June 2023 it was noted provisions balances still exist for 51 employees that are no longer employed by the Shire. The estimated overstatement of the Shire's long-service leave provision is $92,840 at 30 June 2023.

This finding was present in previous periods, however in 2023 the balance has continued to grow with no improvement in the Shire's processes for recording and reviewing provisions balances.

Implication
Where inaccurate employee data is used to estimate the Shire's employee related provisions, there is an increased risk of material errors occurring in the annual financial report.

Recommendation
The Shire should review the employee data used to develop and recognise employee related provisions and ensure this is current and up to date each year. Adjustments should be recognised to reduce the liability balances for any entitlements paid or where the entitlement is no longer required to be recognised.

Management comment
The Shire is committed to fixing this problem of our payroll records and processes removing ex-employees from the system as the benefits are paid out.

The LSL entitlements are currently being reviewed by the Finance Payroll Officer. These will be amended as required and any payments outstanding forwarded to the Australian Taxation Office for distribution to terminated employees.

An LSL reconciliation process will become part of the EOFY process (along with other leave entitlements) to ensure all leave balances are correctly calculated and recorded.

All other findings can be read in the management letter attached.

CONSULTATION
Auditors – Lincolns Accountants Albany
The Office of the Auditor General
Manager Financial and Corporate Services

STATUTORY REQUIREMENTS
Section 5.26 to 5.33; 5.53 & 5.54 of the *Local Government Act 1995*
Section 7.12A (Duties of local government with respect to audits) of the *Local Government Act 1995*
Regulation 50(1) (c) of the Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS
There are no policy implications for this report.

FINANCIAL IMPLICATIONS
This item reports on the financial position of the Shire as at 30 June 2023. 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
Absolute Majority

OFFICER RECOMMENDATION/COMMITTEE RECOMMENDATION/COUNCIL DECISION

12/24 Moved Cr Mathwin Seconded Cr Webb
That:
1. The 2022/2023 Audited Annual Financial Report be adopted;
2. The Chief Executive Officer be requested to forward a copy of this Audit Committee recommendation, and the Council agenda item, to the Minister for Local Government and place them on the Shire of Kojonup website in accordance with Section 7.12A (Duties of local government with respect to audits) of the *Local Government Act 1995*;
3. The matters raised in the Auditor's Management Letter be noted, a report produced internally on how the significant items will be addressed, and those actions be included in the Committee Status Report of future Audit and Risk Committee agendas; and
4. The Council direct the Chief Executive Officer to complete the Annual Report compilation and schedule:
- a Special Council Meeting to be held at 3.00pm, Tuesday, 5 March 2024 to adopt the Annual Report; and
- an Annual Electors Meeting to be held at 6.00pm, Tuesday, 16 April 2024 at the Kojonup Sporting Complex.

CARRIED BY ABSOLUTE MAJORITY 5/0
For: Cr Bilney, Cr Radford, Cr Webb, Cr Mathwin, Cr Mickle

9.4.12 COMPLIANCE AUDIT RETURN 2023

AUTHOR	Judy Stewart – Manager Governance and Administration
DATE	Friday, 2 February 2024
FILE NO	CM.REP.1
ATTACHMENT(S)	9.4.12.1 - Compliance Audit Return 2023

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be *"The Cultural Experience Centre of the Great Southern"* STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	**Community Goal/s**	**Corporate Objective/s**
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST
Nil

SUMMARY
The purpose of this report is to consider adoption of the Compliance Audit Return for 2023.

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

Items of note in the 2022 CAR included the following:

- all relevant persons to have lodged an annual return by 31 August annually;
- delayed receipt of the Shire's Audit Report;
- the need to complete a report on the training completed by Council members in the 2021/2022 year, by 31 July 2022; and
- the need for Council to adopt and publish a policy dealing with attendance of Council members and the Chief Executive Officer (CEO) at events.

All of the above requirements have been dealt with accordingly. A policy dealing with Councillor and CEO attendance at events was adopted by Council at its 12 December 2023 Ordinary Meeting (CM 141/23).

The 2023 Compliance Audit Return was considered by the Audit and Risk Committee at its 6 February 2024 Ordinary Meeting and recommended to Council for consideration, as follows (please see attachment 9.4.11.1):

That it be recommended to the Council that the Compliance Audit Return for 2023, as attached, be adopted.

COMMENT

The 2023 CAR has been completed following a review of processes and documentation for each activity/area in which compliance is being assessed against the *Local Government Act 1995* and its associated regulations.

Items of note in the 2023 CAR include the following:

Finance – Question 5 – Due to the date of receipt of the Auditor's Report (19 December 2023), Council can still comply with the requirement to provide a copy of the Auditor's Report to the Minister within the required three month timeframe; however, cannot state that it has done so already.

Integrated Planning and Reporting – Question 2 – Council has not yet adopted its Corporate Business Plan; it is anticipated that this will occur at its 20 February 2024 Ordinary Meeting.

Following the Audit and Risk Committee's consideration and recommendation to Council for adoption, and subsequent adoption by Council, the 2023 CAR will be submitted to the Department by 31 March 2024.

CONSULTATION

Chief Executive Officer
Project Manager/Community Services

STATUTORY REQUIREMENTS

14. Compliance audits by local governments

(1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.

(2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.

(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.

(3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —

(a) presented to the council at a meeting of the council; and

(b) adopted by the council; and

(c) recorded in the minutes of the meeting at which it is adopted.

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

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

(1) After the compliance audit return has been presented to the council in accordance

with regulation 14(3) a certified copy of the return together with —

(a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and

(b) any additional information explaining or qualifying the compliance audit,

is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.

(2) In this regulation —

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

(a) the mayor or president; and

(b) the CEO.

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

POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3. Failure to Fulfil Compliance Requirements (Statutory/Regulatory)	Inadequate compliance framework	Compliance Audit Report	Nil (key control being undertaken)
Risk rating – Adequate			
IMPLICATIONS			
Maximising compliance with legislation mitigates risk of damage to image and reputation as well as penalties associated with non-compliance; compliance demonstrates that best practice methodology is in place.			

ASSET MANAGEMENT IMPLICATIONS
Nil

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

VOTING REQUIREMENTS
Simple Majority

OFFICER RECOMMENDATION/COMMITTEE RECOMMENDATION/COUNCIL DECISION

13/24 Moved Cr Radford Seconded Cr Mathwin
That the Compliance Audit Return for 2023, as attached, be adopted.

CARRIED 5/0

For: Cr Bilney, Cr Radford, Cr Webb, Cr Mathwin, Cr Mickle

9.4.13 REVIEW OF VOLUNTEER HANDBOOK

AUTHOR	Judy Stewart – Manager Governance and Administration
DATE	Friday, 2 February 2024
FILE NO	CM.POL.1
ATTACHMENT(S)	9.4.13.1 - Volunteer Handbook – existing (2022) copy showing proposed change

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be *"The Cultural Experience Centre of the Great Southern"* STRATEGIC/CORPORATE IMPLICATIONS		
Key Strategic Pillar/s	**Community Goal/s**	**Corporate Objective/s**
Performance	12. A High Performing Council	12.2 SoK monitoring and reporting

DECLARATION OF INTEREST
Nil

SUMMARY
The purpose of this report is to review the Shire of Kojonup's (Shire) Volunteer Handbook.

BACKGROUND
The Shire's Volunteer Management Handbook (Handbook) was originally produced in 2016 in line with Council's adoption of its Volunteer Management Policy (Policy 2.3.8). Significant changes were made in November 2018 to form a less cumbersome and more user friendly Handbook and further reviews have been undertaken on an annual basis.

With the exception of volunteer firefighters who are recognised and supported via the Bush Fire Advisory Committee and relevant legislation, the Handbook represents a detailed point of reference for other Shire volunteers, provides guidance to managers overseeing volunteer programmes and recognises volunteers as an integral part of our organisation. The provision of a Handbook for volunteers is also in keeping with Work Health and Safety best practice principles, working to protect the employer and the volunteer.

The Shire has many different activities that volunteers engage in (mainly at the Kodja Place precinct, Springhaven Frail Aged Lodge, the Kojonup Library and as Friends of Myrtle Benn) working alongside staff to deliver and enhance services and initiatives offered by the Shire. Without the support and contribution provided by volunteers, some of these services and initiatives would be difficult to sustain into the future.

The review of Council's Volunteer Handbook was considered by the Audit and Risk Committee at its 6 February 2024 Ordinary Meeting and recommended to Council for consideration, as follows (please see attachment 9.4.14.1):

> *That it be recommended to Council that the revised Volunteer Handbook 2024, as attached, be adopted.*

COMMENT

There are nil suggested updates as of this review – the only change has been to the document's date of review (attachment 9.4.14.1).

CONSULTATION

Chief Executive Officer
Managers
Senior Horticulturist
Senior Library Officer

STATUTORY REQUIREMENTS

Section 5.40 (e) of the *Local Government Act 1995*

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

(e) employees are to be provided with safe and healthy working conditions in accordance with the Work Health and Safety Act 2020;

Division 4, Subdivision 1 - 4. - *Work Health and Safety Act 2020 (replacing OSH Act 1984)* - Definitions –

***volunteer** means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses);*

Section 7. Meaning of worker

(1) A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as —

(h) a volunteer;

POLICY IMPLICATIONS

Policy 2.3.8 – Volunteer Management

FINANCIAL IMPLICATIONS

In addition to the social and community benefits associated with volunteering, the value adding that occurs without incurring wage expenses contributes to the ongoing provision of services and initiatives that otherwise may not happen.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
5 - Employment Practices	Failure to effectively manage and lead human resources (full-time, part-time, casuals, temporary and volunteers). Inadequate induction practices.	Induction process	Nil
14 - Safety and Security	Inadequate policy, frameworks, systems and structure to prevent the injury of visitors, staff, volunteers, contractors and/or tenants.	Contractor/Staff/Volunteer site inductions	Nil
Risk rating – Adequate/Adequate			
IMPLICATIONS			
A Volunteer Handbook ensures that the Shire's volunteers, and their managers, are provided with the necessary information to ensure duties are undertaken in a safe manner and volunteers are informed of their rights and obligations.			

ASSET MANAGEMENT IMPLICATIONS
Nil

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

VOTING REQUIREMENTS
Simple Majority

OFFICER RECOMMENDATION/COMMITTEE RECOMMENDATION/COUNCIL DECISION

14/24 Moved Cr Radford Seconded Cr Mickle
That the revised Volunteer Handbook 2024, as attached, be adopted.
CARRIED 5/0
For: Cr Bilney, Cr Radford, Cr Webb, Cr Mathwin, Cr Mickle

9.4.14 MINUTES OF A KOJONUP AGING IN PLACE COMMITTEE MEETING HELD 7 FEBRUARY 2024

AUTHOR	Judy Stewart – Manager Governance and Administration
DATE	Thursday, 15 February 2024
FILE NO	GO.CNM.96
ATTACHMENT(S)	UNDER SEPARATE COVER 9.4.14.1– Unconfirmed minutes of a Kojonup Aging in Place Committee Meeting held 7 February 2024

DECLARATION OF INTEREST
Nil

SUMMARY
The purpose of this report is to receive the unconfirmed minutes of a Kojonup Aging in Place Committee meeting held 7 February 2024.

BACKGROUND
The former Springhaven Working Group (Group) was established in February 2022 with an objective of recommending to Council on matters related to the Springhaven Aged Care Facility. In November 2023 the Group was renamed the Kojonup Aging in Place (KAIP) Committee with updated terms of reference and an objective of recommending to Council on matters related to future proofing infrastructure and facilities for the aged and aged care in Kojonup. The membership of the KAIP Committee remains the same being three councillor delegates and external independent person/s with relevant expertise in aged care, as appropriate. Currently, Councillor delegates are Cr Bilney, Cr Mathwin and Cr Mickle with Jill Mathwin and Kevin Broom being community representatives.

COMMENT
This item is solely for the Council to receive the minutes of its KAIP Committee meeting held 7 February 2024.

CONSULTATION
Nil

STATUTORY REQUIREMENTS
Sections 7.1A to 7.1C of the *Local Government Act 1995*

POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
4. Document Management	Failure to adequately capture, store, archive, retrieve, provide or dispose of documentation.	Record Keeping Plan	Nil
Risk rating: Low			
IMPLICATIONS			
The Kojonup Aging in Place Committee is an advisory committee that reports and makes recommendations for Council consideration; timely receipt of the minutes of this Committee and consideration of items, if any, is conducive to quality management of accommodation, infrastructure and services for the aged and aged care in Kojonup.			

ASSET MANAGEMENT IMPLICATIONS
Nil

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

VOTING REQUIREMENTS
Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

15/24 Moved Cr Mathwin Seconded Cr Webb
That Council receive the unconfirmed minutes of a Kojonup Aging in Place Committee meeting held 7 February 2024.

CARRIED 5/0

For: Cr Bilney, Cr Radford, Cr Webb, Cr Mathwin, Cr Mickle

9.4.15 CORPORATE BUSINESS PLAN – JULY 2023 to JUNE 2027

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Tuesday, 13 February 2024
FILE NO	CM.CIR.1
ATTACHMENT(S)	9.4.15.1 – Corporate Business Plan July 2023 to June 2027

'PLACEMAKING' STRATEGIC COMMUNITY PLAN JULY 2023 TO JUNE 2033 To be *"The Cultural Experience Centre of the Great Southern"* STRATEGIC/CORPORATE IMPLICATIONS		
Integrated Planning Requirement		
Key Pillar	**Community Outcomes**	**Corporate Actions**
	None at this stage	*Placemaking* is a replacement Strategic Community Plan and, therefore, will set the strategic direction and implications for all future activities.

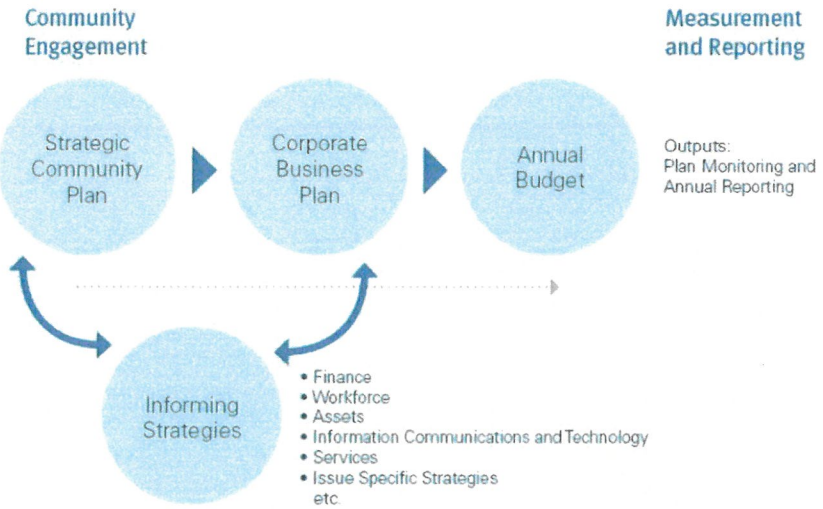
DECLARATION OF INTEREST
Nil

SUMMARY
The purpose of this report is to consider for adoption the Shire of Kojonup's (Shire) updated and revised Corporate Business Plan Community 2023-2027 (Plan).

BACKGROUND
The Shire of Kojonup's first Corporate Business Plan was adopted in 2013 and a desktop review was undertaken in 2015. A SMART strategy was created in 2017 and has been the subject of a major re-write in 2023, now titled "*Placemaking Strategy*".

The Corporate Business Plan is the Shire's internal execution component of the integrated planning and reporting process for local government in Western Australia.

This process can be summarised as follows:



Elements of Integrated Planning and Reporting Framework

COMMENT

Kojonup's Corporate Business Plan (CBP) results in a four-year business plan and four-year actions to focus our internal resources to complete.

There is global research that has assisted the Shire in realising how to sustain, and even grow, a region just like Kojonup.

Placemaking sets the strategic direction for the Community for the next ten (10) years and the CBP helps us execute it with the what and the how.

The CBP is the Shire's plan that complements the Community's Strategic Plan (SCP) and is based primarily on enabling the SCP.

As a result of consultation, the vision for the Shire of Kojonup is to be:

"THE CULTURAL EXPERIENCE CENTRE OF THE GREAT SOUTHERN"

Placemaking sets out four (4) *'key pillars'* or areas of focus for the community. These are as follows:

1. Lifestyle;
2. Visitation;
3. Economics; and
4. Performance.

These key pillars, and the re-aligned strategic goals, give the Shire direction on investment, services, and management of assets. The next step is to build the Corporate Business Plan focusing on achieving these strategic outcomes; this CBP will determine the future financial and budget decisions for the next four years.

It is envisaged that decisions the Shire ratifies and executes will be measured against achieving these deliverables. The Corporate Business Plan directs all of the Shire's decision making and resources to align to the strategic outcomes.

The attached CBP *'Placemaking'* contains achievable milestones and goals and, if implemented effectively, may grow Kojonup as a population and a hub for a cultural experience in the Great Southern Region.

It is recommended that it be adopted by the Council.

CONSULTATION

Development of Kojonup's Corporate Business Plan was undertaken straight from the Strategic Community Plan after it was developed.

STATUTORY REQUIREMENTS

As part of the integrated planning and reporting process for local governments in WA, Local Government (Administration) Regulations 1996 require:

'19C. Corporate Business Plans, requirements for (Act s. 5.56)

(1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

(2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.

(3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.

(4) A local government is to review the current strategic community plan for its district at least once every 4 years.

(5) In making or reviewing a strategic community plan, a local government is to have regard to —

a) the capacity of its current resources and the anticipated capacity of its future resources; and

b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and

c) demographic trends.

(6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.

(7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

(8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

(9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.

(10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.'

Long term planning will also be completed as an essential measure of good governance as a part of the Corporate Business Plan.

POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
Placemaking guides the future direction and vision for the Shire. The Corporate Business Plan will be primarily based on the contents of the SCP and will then flow into future budget and financial considerations.

Placemaking strategies have an unforeseen financial impact that, until the initiatives have been developed further, cannot be forecast at this stage. The adoption of the report by the Council does not have a direct financial impact.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
Risk rating – Nil			
IMPLICATIONS			
The Corporate Business Plan is a vital document guiding the future direction and actions of the Shire; legislation requires timely review of this document and this item is in accordance with said legislation thereby mitigating risk of non-compliance.			

ASSET MANAGEMENT IMPLICATIONS
Nil

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

VOTING REQUIREMENTS
Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

16/24 Moved Cr Webb Seconded Cr Radford
That the Shire of Kojonup's Corporate Business Plan 2023-2027, as attached, be adopted.

CARRIED BY ABSOLUTE MAJORITY 5/0
For: Cr Bilney, Cr Radford, Cr Webb, Cr Mathwin, Cr Mickle

10 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

14 MEETING CLOSED TO THE PUBLIC

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.1.1 QUOTATION FOR EDGE LINE MARKING AND AUDIBLE LINE MARKING

AUTHOR	Craig McVee – Manager Works and Services
DATE	Monday, 12 February 2024
FILE NO	FM.TND.13
ATTACHMENT(S)	**CONFIDENTIAL** 14.1.1.1 - Quotation– Line Marking Kojonup-Darkan Rd – Intersectional Line Markers 14.1.1.2 – Quotation - Installation of Audible Edge Lines Kojonup-Darkan Rd – Workforce Road Services

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

17/24 Moved Cr Radford Seconded Cr Mickle
That the meeting proceed behind closed doors in accordance with Section 5.23(2) (e) of the *Local Government Act 1995* at 3:53 pm.

CARRIED 5/0

For: Cr Bilney, Cr Radford, Cr Webb, Cr Mathwin, Cr Mickle

PROCEDURAL MOTION

19/24 Moved Cr Webb Seconded Cr Mathwin
That the meeting be reopened to the public at 4:01pm.

CARRIED 5/0

For: Cr Bilney, Cr Radford, Cr Webb, Cr Mathwin, Cr Mickle

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

14.2.1 QUOTATION FOR EDGE LINE MARKING AND AUDIBLE LINE MARKING

OFFICER RECOMMENDATION

That Council approves the quote of $303,900 and contracts Intersectional Line-markers to undertake the edge line marking and audible marking for 62kms on Kojonup-Darkan Road.

COUNCIL DECISION

18/24 Moved Cr Radford Seconded Cr Webb
That Council approves the quote of $303,900 excluding GST and contracts Intersectional Line-markers to undertake the edge line marking and audible marking for 62kms on Kojonup-Darkan Road.

CARRIED BY ABSOLUTE MAJORITY 5/0

For: Cr Bilney, Cr Radford, Cr Webb, Cr Mathwin, Cr Mickle

Reason for change to Officer Recommendation: to include the wording 'excluding GST' after '$303,900'.

15 CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 4:02 pm.

16 ATTACHMENTS (SEPARATE)

(USC – Under Separate Cover)

6.1	6.1.1	Unconfirmed Minutes of an Ordinary Meeting of Council held on 12 December 2023
9.4.1	9.4.1.1	Monthly Financial Statements – 1 to 31 December 2023
	9.4.1.2	Monthly Financial Statements – 1 to 30 January 2024
9.4.2	9.4.2.1	Monthly Payments Listing – 1 to 31 December 2023
	9.4.2.2	Monthly Payments Listing – 1 to 30 January 2023
9.4.3	9.4.3.1 **USC**	A9852 – Newstead Road
9.4.4	9.4.4.1	Rate Write-offs – Various Properties
9.4.5	9.4.5.1	Terms of Reference – Advisory Committees of Council
	9.4.5.2 **USC**	Expression of Interest – Community Representative Position – Audit and Risk Committee
	9.4.5.3 **USC**	Expression of Interest – Community Representative Position – Natural Resource Management Committee
	9.4.5.4 **USC**	Agreement to appointment – Community Representative Position – Kojonup Aging in Place Committee
	9.4.5.5 **USC**	Agreement to appointment – Community Representative Position – Kojonup Aging in Place Committee
9.4.6	9.4.6.1	Unconfirmed LEMC Meeting minutes 5 February 2024
9.4.7	9.4.7.1	Unconfirmed BFAC Minutes – 14 February 2024
9.4.8	9.4.8.1	Memorandum of Understanding (MOU) between Department of Fire and Emergency Services and the Shires of Cranbrook, Gnowangerup and Kojonup

9.4.9	9.4.9.1	Portion A, Lot 9999 Thornbury Close, Kojonup
	9.4.9.2	Sworn Valuation, Portion A Lot 9999 Thornbury Close, Kojonup
	9.4.9.3	Minute Item 13.1 - 15 February 2020 Ordinary Meeting
	9.4.9.4 **USC**	Correspondence from Syd Matthews & Co Pty Ltd – 9 January 2024
9.4.10	9.4.10.1	Unconfirmed minutes of an Audit and Risk Committee Meeting held 6 February 2024
9.4.11	9.4.11.1	Annual Financial Report - Shire of Kojonup - 30 June 2023
	9.4.11.2	Final Management Letter - Shire of Kojonup - 30 June 2023
	9.4.11.3	Transmittal Letter to CEO - Shire of Kojonup - 30 June 2023
	9.4.11.4	Opinion - Shire of Kojonup - 30 June 2023
9.4.12	9.4.12.1	Compliance Audit Return 2023
9.4.13	9.4.13.1	Volunteer Handbook – existing (2022) copy showing proposed change
9.4.14	9.4.14.1 **USC**	Unconfirmed minutes of a Kojonup Aging in Place Committee Meeting held 7 February 2024
9.4.15	9.4.15.1	Corporate Business Plan July 2023 to June 2027

CONFIDENTIAL

14.1.1	14.1.1.1	Quotation– Line Marking Kojonup-Darkan Rd – Intersectional Line Markers
	14.1.1.2	Quotation - Installation of Audible Edge Lines Kojonup-Darkan Rd – Workforce Road Services

Confirmed on 19 March 2024 as a true record –

Roger Bilney
Presiding Member

19. March 2024
Date