

Kojonup



SHIRE OF KOJONUP

AGENDA

Ordinary Council Meeting

21 August 2018

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is hereby given that a meeting of the Council will be held in the Council Chambers, Administration Building, 93 Albany Highway, Kojonup on Tuesday, 21 August 2018 commencing at 3:00pm.

Qualified Persons Advice, etc.

I certify that with respect to all advice, information or recommendation provided to the Council in or with this Agenda:

- i. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- ii. Where any advice is directly given by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Your attendance is respectfully requested.


RICK MITCHELL-COLLINS
CHIEF EXECUTIVE OFFICER
17 August 2018

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 21 AUGUST 2018

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AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President shall declare the meeting open at pm and alert the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw 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.

2 ATTENDANCE and APOLOGIES

Cr Ronnie Fleay	President
Cr Ned Radford	Deputy President
Cr John Benn	
Cr Graeme Hobbs	
Cr Jill Mathwin	
Cr Ian Pedler	
Cr Sandra Pedler	
Cr Judith Warland	

STAFF

Rick Mitchell-Collins	Chief Executive Officer
Anthony Middleton	Manager of Corporate and Community Services
Craig McVee	Manager Works and Services
Heather Marland	Senior Finance Officer
Michelle Dennis	Development Services Coordinator
Lorraine Wyatt	Executive Assistant

LEAVE OF ABSENCE

APOLOGIES

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING 24 JULY 2018

Minutes of the previous Ordinary Council Meeting which was held on 24 July 2018 were previously circulated under separate cover and are at **Attachment 7.1.1**

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 24 July 2018 be confirmed as a true record subject to Council Decision 88/18 being amended to Folio 470 not Folio 47 to correct a typographical error.

8 ANNOUNCEMENTS by the Presiding Member without discussion

9 DECLARATIONS OF INTEREST

10 KEY PILLAR 1 – ‘PLACE’ REPORTS

10.1 Ten (10) YEAR ROAD PROGRAM

AUTHOR	Craig McVee, Manager Works and Services
DATE	6 August 2018
FILE NO	RO.PRG.1
ATTACHMENT(S)	10.1.1 - Worksheets

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP – 1 Place	1.1 Have maximised our “One Community” program through specific events, celebrations of built form and enhancement of our environment.	1.1.5 Develop and adopt a 10 year Road Program 1.1.6 Develop and adopt a 10 year Footpath Program

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the adoption of a ten (10) Year Road Program including footpaths, kerbing and drainage works.

BACKGROUND

The ten (10) Year Road Program is a living document based on funding allocated and capital work requirements into the future. State Government funding is available through Regional Road Group and Commodity Routes funding. Roads to Recovery is via commonwealth funding.

COMMENT

The ten (10) Year Road Program is reviewed every year and updated dependent on funding received however the following distribution is presently used;

	RRG	R2R	COUNCIL
Gravel Re-Sheeting		\$350 – 450k pa	
Rural Reseals		100%	
Bitumen Reseals	2/3rds		1/3rd
Commodity Routes	2/3rds		1/3rd
Road Widening	2/3rds		1/3rd
Drainage		100%	
Town Kerbing			100%
Town Footpaths			100%

Council endeavours to allocate a minimum annual amount of \$65,000 and \$45,000 respectively for kerbing and footpath renewal.

CONSULTATION

Council Briefing Session - 15 May 2018

STATUTORY REQUIREMENTS

Local Government Act 1995 - Division 5 — Annual reports and planning

5.56. Planning for the future

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

POLICY IMPLICATIONS

Policy 2.1.7 Major Grant Applications - To assist Council in the sustainable delivery of infrastructure and ensure adequate matching financial resources are available.

FINANCIAL IMPLICATIONS

State and Federal Government road funding is essential to maintain our extensive road network which has changed dramatically from the 1960's with the introduction of bigger road trains, agricultural equipment, SUV's, mobile homes, etc.

The 2018/19 Capital Road Works Budget is \$1.3m of which \$900,000 is government funded. Another \$1.15m is allocated for maintenance of existing roads and related assets. Road grading alone averages \$440,000 per annum.

RISK MANAGEMENT IMPLICATIONS

Continued funding from State and Federal Government is paramount if Council aims to fulfil road related maintenance let alone renewal of the Shires road network. Reduction in road funding will severely affect the Council's ability to perform the annual road program.

ASSET MANAGEMENT IMPLICATIONS

The ten (10) Year Road Program is based upon the presumption that road assets continue to be utilized indefinitely requiring the asset to be maintained, renewed or replaced when its condition reaches an intervention condition.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council adopt the Ten (10) Year Road Program commencing the 2018/2019 Financial Year.

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

10.2 NATURAL RESOURCE MANAGEMENT ADVISORY COMMITTEE MINUTES

AUTHOR	Jane Kowald, NRM/Landcare Officer
DATE	Thursday, 9 August 2018
FILE NO	GO.CNM.9
ATTACHMENT	10.2.1 – Unconfirmed Minutes for the Natural Resource Management Committee meeting 24 May 2018

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
KP1 – Place	1.2 Be happy, healthy, connected and inclusive community driven by the provision of high standard sport, recreation and open space facilities and programs.	1.2.6 Develop environmental management plans for significant Shire Reserves (N1.2.2)

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to receive the unconfirmed minutes of the Natural Resource Management (NRM) Advisory Committee held on the 24 May 2018.

BACKGROUND

The Natural Resource Management Advisory Committee reports to Council on its efforts to fulfil the Committees adopted Terms of Reference via minutes of meetings.

COMMENT

Nil

COMMITTEE DECISION

Nil

CONSULTATION

Members of the Natural Resource Management Advisory Committee

STATUTORY REQUIREMENTS

Established under Section 5.8 of the Local Government Act 1995 to advise Council on NRM matters and projects that should be promoted or pursued utilising Council, Landcare Trust funds or sourcing external funds.

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

That Council receive the Natural Resource Management Advisory Committee unconfirmed minutes for the meeting held 24 May 2018.

COUNCIL DECISION

/18 Moved: Cr Seconded: Cr

CARRIED/LOST /

10.3 NATURAL RESOURCE MANAGEMENT ADVISORY COMMITTEE
RECOMMENDATION

AUTHOR	Jane Kowald, NRM/Landcare Officer
DATE	Thursday, 9 August 2018
FILE NO	GO.CNM.9
ATTACHMENT	10.3.1 - RHDV1 K5: Frequently asked questions (FAQ)

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
KP1 – Place	1.2 Be happy, healthy, connected and inclusive community driven by the provision of high standard sport, recreation and open space facilities and programs.	1.2.6 Develop environmental management plans for significant Shire Reserves (N1.2.2)

DECLARATION OF INTEREST

Nil.

SUMMARY

For Council to consider recommendation 15/18 from the Natural Resource Management Advisory Committee minutes from 24 May 2018 regarding the RHDV1 K5 virus for the removal of rabbits.

BACKGROUND

Rabbits are increasingly becoming a problem around town and a number of complaints have been made about their numbers. Annabelle Garratt, Recognised Biosecurity Group Project Officer is able to source vials of the variant of rabbit haemorrhagic disease virus (RHDV1).

RHDV is a Schedule 4 restricted chemical product and can only be supplied to persons who are authorised to use the product under the laws of their state or territory.

RHDV is spread by insect vectors, such as bushflies and blowflies. Direct contact between a rabbit and a rabbit carcass with RHDV is also an avenue of spread. Animals that predate on rabbit carcasses such as foxes, dogs and cats may also excrete the virus in their faeces. As such, the best time for the release of the virus is when flies are at their highest numbers, early summer.

See Attachment for more information or visit <https://www.pestsmart.org.au/rhdv-k5-frequently-asked-questions/>.

At the NRMAC meeting held 24 May 2018, the committee made a recommendation to Council:

15/18 To use funds from the Natural Resource Management Reserve account to purchase a vial of the RHDV1 K5 virus to be released in the town during summer 2018/19, if the vials cannot be sourced earlier at no cost.

COMMENT

CEO – Discussions with various farmers indicates that a reduction in rabbit population has seen an increase in fox related incidents during lambing as a reduced food source (rabbits) has forced foxes to look at other options (lambs/ewes).

Such is the dilemma of dealing with one nuisance but transferring the problem elsewhere. Achieving a balance without affecting native animals as an alternative fox food source is also a challenge.

Other questions/observations:

Is the virus going to affect pets (specifically pet rabbits and how many pet rabbits are within the township of Kojonup)?

Council has not received any formal complaints other than general comments that rabbit numbers appear to have increased. Of particular concern to Council has been rabbit burrows undermining headstones at the cemetery however, improved compaction around graves has reduced the undermining of graves and headstones.

CONSULTATION

Members of the Natural Resource Management Advisory Committee

STATUTORY REQUIREMENTS

The Kojonup Natural Resource Management Advisory Committee is established under Section 5.8 of the Local Government Act 1995 to advise Council on NRM matters and projects that should be promoted or pursued utilising Council, Landcare Trust funds or through sourcing external funds.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

15/18 - \$170 for purchase of a RHDV1 K5 vial for townsite rabbit control.

RISK MANAGEMENT IMPLICATIONS

Risk of killing domestic pets and damage to corporate reputation.

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council authorise the CEO to:

- 1. Seek community feedback on the nature, type and number of rabbit related problems in the town site.**
- 2. Ascertain from community members the number of pet rabbits kept within the town site.**
- 3. Liaise with farmers to ascertain/monitor the number of fox related lambing type incidents in the Shire which may be a direct result of a decreased rabbit population.**

Or alternatively;

That Council approves:

- 1. To use funds from the Natural Resource Management Reserve account to purchase a vial of the RHDV1 K5 virus to be released in the town during summer 2018/19, if the vials cannot be sourced earlier at no cost.**

COUNCIL DECISION

/18 Moved: Cr Seconded: Cr

CARRIED/LOST /

11 KEY PILLAR 2 – ‘CONNECTED’ REPORTS

Nil

12 KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS

12.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (JULY 2018)

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Monday, 13 August 2018
FILE NO	FM.FNR.2
ATTACHMENT(S)	12.1.1 – July 2018 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 31 July 2018.

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 2018 to 31 July 2018 represents one (1) month, or 8% of the year.

The following items are worthy of noting:

- Closing surplus position of \$4.45m;
- Operating results:
 - 45% of budgeted operating revenue has been received; and
 - 6% of budgeted operating expenditure spent;
- Capital expenditure achieved 3% of budgeted projects;
- The value of outstanding rates equates to 102.7% of 2018/2019 rates raised as rates have been raised but are not yet due and payable;
- Cash holdings of \$3.45m of which \$3.3m is held in cash backed reserve accounts; and

- Page 10 & 11 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

That the monthly financial statements for the period 1 July 2018 to 31 July 2018, as attached, be noted.

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

12.2 MONTHLY PAYMENTS LISTING

AUTHOR	Melissa Binning – Finance Officer
DATE	Monday, 9 August 2018
FILE NO	FM.AUT.1
ATTACHMENT	12.2.1 – Monthly Payment Listing 01/07/2018 to 31/07/2018

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

To receive the list of payments covering the month of July 2018.

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

Refer to the VROC Strategic Plan

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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 July 2018		TO – 31 July 2018
Municipal Cheques	14044 – 14054	\$41,196.08
EFTs	21651 – 21892	\$604,891.87
Direct Debits		\$388,678.26
Total		\$1,034,766.21

be received.

CARRIED/LOST /

12.3 INSURANCE POLICIES 2018/2019

AUTHOR	Heather Marland Senior Finance Officer
DATE	Tuesday 17 July, 2018
FILE NO	RM.REG.1
ATTACHMENT(S)	12.3.1 - Vehicle and Plant Register 12.3.2 - Property Register

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions
3.4.2	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.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to inform the Council of the insurance levels and associated costs held by the Shire for the 2018/2019 financial year.

BACKGROUND

Insurance is one of the Shire’s largest annual expenses and most important risk management tasks and therefore it is appropriate that the Audit Committee and Council, in addition to staff, be comfortable with the levels of insurance taken out.

COMMENT

The Shire of Kojonup obtains insurance cover through LGIS (Local Government Insurance Services). LGIS is partly owned by Western Australian Local Government Association (WALGA) and offer insurance through their Scheme Membership and also through policies taken out with insurers. LGIS are able to obtain policies from main stream insurers at a reduced rate as they broker on behalf of all its scheme members.

Below is a list of insurance held by the Shire for the 2018/2019 financial year including the insurance provider, limit of liability and the cost of premium.

Policy	2018/19 Contribution	Insurer	Liability	Interest Protected
LGIS Bushfire	\$22,646.25.00	Scheme	\$500k	Volunteer Bushfire members, medical expenses, loss of salary/wages and death benefits
LGIS Liability	\$33,151.98	Scheme	\$500m	Public liability - Death or Personal Injury, Loss or Damage to Property
Casual Hirers Liability	\$ 0.00	Covered by Scheme	\$10m	Legal liability to third parties for death, illness or personal injury and loss of damage to property at

				hired facility still covered by scheme.
Crime	\$867.89	Scheme	\$400k	Direct financial loss sustained by member.
LGIS Property	\$99,995.50	Scheme	\$600m	Physical loss, destruction or damage to property including Machinery breakdown and electronic equipment
LGIS Workcare	\$102,774.52	Scheme	\$500k	Workers Compensation and Injury Management including Journey Accident Cover (based on actual wages).
Corporate Travel	\$825.00	Chubb Insurance	\$10m	External Journey beyond 50km
Cyber Liability	\$1,650.00	Chubb Insurance	\$1m	Data stolen/accessed/altered
Management Liability	\$29,993.70		\$4.25m	Councillors and Officers Liability and Employment practices Liability
Marine Cargo	\$660.00	QBE	\$400k	All goods &/or interests belonging &/or appertaining whilst in transit by land, air, water and parcel post.
Motor Vehicle	\$56,126.58	Zurich Australia	\$3.2m	All motor vehicles and trailers owned leased or mortgaged under hire purchase or hired in or let out. Includes volunteer bushfire brigade member's vehicles.
Personal Accident - Volunteers, Councillors	\$467.50	Chubb Insurance	\$300k	Elected members and volunteers if injured or death whilst engaged in work for the Shire if said work is authorised by the Shire.
Medical Malpractice Liability	\$5,775.00	Vero Insurance	\$20m	Cover of Medical Practice lawsuits for Springhaven
	\$354,933.92			

CONSULTATION

David Woods – Account Manager LGIS

Anthony Middleton – Manager Corporate and Community Services

STATUTORY REQUIREMENTS

- *Local Government Act 1995* Section 5.42(1)

Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - a) this Act other than those referred to in section 5.43; or
 - b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* *Absolute majority required.*

- Delegation Register – Admin 007 – Entering into Contracts of Insurance
The Chief Executive Officer is Delegated Authority to enter into appropriate contracts of insurance. In exercising the delegation the CEO is to have regard to the provisions of the Annual Budget.

POLICY IMPLICATIONS

2.1.8 – Financial Governance – Management of financial risk prudently, having regard to economic circumstances.

FINANCIAL IMPLICATIONS

Insurance is an annual expense which is included in the budget each year. The figure shown above of \$354,933.92 for 2018/2019 shows an approx. 10% increase on the previous year. This increase in relative terms represents approximately 1% of the 4% increase in the 2018/2019 annual budget.

RISK MANAGEMENT IMPLICATIONS

Insurance is the most important risk management task undertaken each year. Insurance is our single largest ongoing external cost, and without adequate cover the Shire is extremely exposed to financial and property loss and open to liability

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

That Council receives and notes the level and extent of coverage of the Shire’s Insurance for the 2018/2019 financial year.

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

12.4 ASBESTOS MANAGEMENT PLAN

AUTHOR	Mort Wignall – Manager Regulatory Services
DATE	Monday, 4 July 2018
FILE NO	PE.OHS.5
ATTACHMENT(S)	12.4.1 - Reviewed Asbestos Management Plan

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

To seek Council’s endorsement of the annual review of the Shires Asbestos Management Plan.

BACKGROUND

In respect to the *Occupational Health & Safety Regulations 1996* and Code of Practice for the Management and Control of Asbestos in Workplaces, the Shire of Kojonup has a duty of care to ensure that its employees have access to a current and up-to-date Asbestos Management Plan. To ensure this plan is up-to-date, it is reviewed annually to assess any changes to the physical condition of any building with asbestos containing material (ACM) and where necessary, amend the plan to reflect the current status of the respective building, structure or appurtenances, etc.

COMMENT

An assessment of all buildings included in the ACM Building Register has been undertaken and the Asbestos Management Plan has been amended accordingly.

CONSULTATION

Council Staff.

Tenants of any of the buildings.

Management committees or their Chairperson as appropriate.

STATUTORY REQUIREMENTS

Occupational Health & Safety Regulations 1996

Code of Practice for the Management and Control of Asbestos in Workplaces

POLICY IMPLICATIONS

Council Policy 2.3.4 Occupational Health and Safety applies. Key objectives of the policy include: reduce, eliminate and control workplace hazards and provide employees with safety information, training and learning appropriate to hazards they are likely to encounter.

FINANCIAL IMPLICATIONS

Funding for ongoing repair, maintenance and removal of buildings with ACM is considered as part of the annual draft budget process with funds allocated to the respective buildings listed on the ACM Building Register as necessary.

RISK MANAGEMENT IMPLICATIONS

Occupational Safety and Health is one of the “Organisational Risk Assessment Categories” listed in our Risk Management Plan. Under Appendix Four of the Risk Management Plan one of the key objectives is “providing for the ongoing health and safety of all employees at the workplace”.

ASSET MANAGEMENT IMPLICATIONS

Section 12 of our Asset Management Plan relates to Council buildings and refers to the Shire providing buildings and associated structures to service community needs and support the Shire to deliver its services.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council endorse the annual review of the Asbestos Management Plan.

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

12.5 PUBLIC INTEREST DISCLOSURE PROCEDURE

AUTHOR	Lorraine Wyatt – Executive Assistant
DATE	Monday, 13 August 2018
FILE NO	CM.DIR.1
ATTACHMENT(S)	12.5.1- Public Interest Disclosures Procedure

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - 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.

DECLARATION OF INTEREST

Nil.

SUMMARY

In December 2014 the *Corruption and Crime Commission Amendment (Misconduct) Act 2014* (CCM) was given royal ascent making consequential changes to the *Corruption Crime and Misconduct Act 2003* and other related legislation. The changes gave distinction between the terms “serious” and “minor” misconduct (nature and type), and defined the appropriate reporting authorities and subsequent responsibilities of agencies.

BACKGROUND

The *Public Interest Disclosure Act 2003* (PID Act) facilitates the disclosure of public interest information, and provides protection for those making such disclosures as well as those who are the subject of disclosures. The PID Act provides a system for the matters disclosed to be investigated and for appropriate action to be taken.

In accordance with the *CCM Act 2014*, if it is suspected that a public officer has done something wrong (either in performing the duties of their job, or it affects their fitness to do their job), it should be reported. Reporting builds the integrity of government and is an important part of the accountability framework.

Under section 45H of the *CCM Act 2014*, principal officers (normally a CEO or Director General) are required to notify the Public Sector Commission (PSC) of all reasonable suspicions of minor misconduct in writing. Under section 28 of the *CCM Act 2014* principal officers are required to notify all reasonable suspicions of serious misconduct to the Corruption and Crime Commission (CCC).

The PID Act requires the Principal Executive Officer of each public authority to prepare and publish internal procedures relating to their authority’s obligations under the PID Act. These internal procedures must be consistent with these guidelines.

COMMENT

A public interest disclosure is made when a person discloses to a proper authority information that tends to show past, present or proposed future improper conduct by a public body in the exercise of public functions.

The PID Act does not confer additional powers on public authorities to investigate or take action in relation to public interest disclosures. Rather, it provides for protection to persons who make disclosures that may result in a proper authority exercising its existing powers to investigate and take action in relation to the subject matter of the disclosure. In some circumstances the PID Act requires a public authority to investigate a matter and to notify the person making the disclosure of the action taken.

Principal Officers must now make an informed decision about whether a matter constitutes minor or serious misconduct as defined in the CCM Act, and notify either the PSC or the CCC accordingly.

Public authorities are required to amend their notification practices to accommodate the changes.

This is a matter of legal compliance and the Shire of Kojonup did not previously have a procedure regarding this. The attached procedure will not only ensure Shire of Kojonup remains compliant, but will also provide clear procedural guidelines for officers, should the need to enforce them, arise.

CONSULTATION

Chief Executive Officer

Manager Corporate & Community Services

STATUTORY REQUIREMENTS

Corruption Crime and Misconduct Act 2003

public authority means —

- (a) a notifying authority; or
- (b) a body mentioned in Schedule V Part 3 to the *Constitution Acts Amendment Act 1899*; or
- (c) **an authority, board, corporation, commission, council, committee, local government, regional local government, regional subsidiary or similar body established under a written law; or**
- (d) a body that is the governing authority of a body referred to in paragraph (b) or (c); or
- (e) a contractor or subcontractor;

Public Interest Disclosures Act 2003

public authority means —

- (a) a department of the Public Service established under section 35 of the *Public Sector Management Act 1994*;
- (b) an organisation specified in column 2 of Schedule 2 to the *Public Sector Management Act 1994*;
- (c) a non-SES organisation within the meaning of that term in section 3(1) of the *Public Sector Management Act 1994*;
- (d) **a local government, a regional local government or a regional subsidiary;**
- (e) a body that is established or continued for a public purpose under a written law;
- (f) a body that is established by the Governor or a Minister;

- (g) any other body or the holder of an office referred to in subsection (2) that is declared by the regulations to be a public authority;

Local Government Act 1995

Division 6 – Disclosure of Financial Interest

Division 7 – Section 5.93. Improper Use of Information

Division 8 - Local Government Payments and Gifts to its Members

Division 9 - Conduct of Certain Officials

Local Government (Rules of Conduct) Regulations 2007,

Part 2 – Rules of Conduct

Public Sector Management Act 1994

The mechanism for reporting to the PSC is achieved via Part 4A — Misconduct: Role of Public Sector Commissioner, [Subdivision 3: Duty to Notify] section 45 H of the CCM Act.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

The introduction of this procedure does not mitigate risk associated with minor or serious misconduct, rather, it communicates accountability and compliance across the whole of Shire.

ASSET MANAGEMENT IMPLICATIONS

Nil

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council endorse the Public Interest Disclosures Procedure as the Shire of Kojonup is committed to:

- **Comply with the aims and objectives of the Act;**
- **Communicate information on the public interest disclosures procedures to the public and employees;**
- **Provide employees with training in the processes and responsibilities to manage disclosures;**
- **Support and encourage disclosures of public interest;**
- **Provide protection to disclosers from detrimental action in reprisal for the making of a public interest disclosure; and**
- **Maintain confidentiality for disclosers and any person who may be the subject of a public disclosure.**

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

13 KEY PILLAR 4 – ‘PROSPERITY’ REPORTS

Nil

14 KEY PILLAR 5 – ‘DIGITAL’ REPORTS

14.1 POLICY – REVIEW OF ELECTED MEMBERS INFORMATION, COMMUNICATION & TECHNOLOGY (ICT)

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Sunday, 12 August 2018
FILE NO	FM.FNR.2
ATTACHMENT(S)	14.1.1 Proposed revised Council Policy 3.18 - Tracked Changes 14.1.2 Final: Policy 3.18

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
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 3.2 – Be exceptional in two-way communication within our community, and market our brand outside of our community	3.1.5 - Implement strategies to improve Councillors role as community leaders and asset custodians 3.2.2 - Engage with our residents and industry members through increased use of social media.
KP5 - Digital	5.1 – Be fuelling our analytical knowledge to support business growth, operational excellence and farming productivity.	5.1.2 - Improve technology to enable 24 hour two-way digital communication strategy with, within, and outside of the Shire. 5.1.3 - Move to a fully Electronic Record Keeping System by 2019 5.1.5 - Develop and adopt an Information & Communications Technology Plan.

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to consider proposed amendments to Council Policy 3.18 – ‘Elected Members Information, Communication & Technology (ICT)’ to better define organisational requirements.

BACKGROUND

The Council moved to iPad/tablet communications in early 2014 to reduce the time and expense incurred in distributing paper copies of the agenda and minutes and to also increase the accessibility to Shire corporate documents by Councillors.

COMMENT

As the training of elected members in the use of electronic communications develops further, it is considered advantageous to develop a list of software programs suitable for use to get the most out of the devices, enabling Councillors to undertake their roles with efficiency. The identification of this list and incorporation into Policy 3.18 will also assist new and prospective Councillors settle into their role.

A list of major applications (Apps) to undertake most tasks has been developed and included in the policy. These Apps have been chosen based on:

- Integration with the Shire of Kojonup systems and processes;
- Price and availability;
- Usability; and
- Integration between apps.

CONSULTATION

Council Briefing Session – 3 July 2018.

STATUTORY REQUIREMENTS

Section 7B(2) of the *Salaries and Allowances Act 1975* requires the Salaries and Allowances Tribunal, at intervals of not more than 12 months, to inquire into and determine the amount of:

- Fees, or the minimum and maximum amounts of fees, to be paid under the *Local Government Act 1995* to elected Council members for attendance at meetings;
- Expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the LG Act to elected Council members; and
- Allowances, or the minimum and maximum amounts of allowances, to be paid under the LG Act to elected Council members.

Clause 9.2 of the Tribunals 11 April 2017 determination states:

(1) In this section:

ICT expenses means:

- (a) rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the LG Regulations; or
- (b) any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations;

(2) For the purposes of section 5.99A(b) of the LG Act, the minimum annual allowance for ICT expenses is \$500 and the maximum annual allowance for ICT expenses is \$3,500.

POLICY IMPLICATIONS

This item recommends the amendment of an existing Council policy.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

RISK MANAGEMENT IMPLICATIONS

There are no known Risk Management implications.

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no known Asset Management Plan implications.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple

OFFICER RECOMMENDATION

That Council Policy 3.18 – ‘Elected Member Information, Communication & Technology (ICT)’, be amended in accordance with the attached.

COUNCIL DECISION

/18 Moved Cr , seconded Cr

CARRIED/LOST /

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16 NEW BUSINESS

17 CONFIDENTIAL REPORTS

18 NEXT MEETING

Tuesday, 18 September 2018 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 pm.

20 ATTACHMENTS (SEPARATE)

- Item 7 7.1.1 Minutes of the Ordinary Council Meeting held 24 July 2018
- Item 10.1 10.1.1 Worksheets
- Item 10.2 10.2.1 Unconfirmed Minutes for the Natural Resource Management
 Committee Meeting held 24 May 2018
- Item 10.3 10.3.1 RHVD1 K5 – Frequently Asked Questions
- Item 12.1 12.1.1 June 2018 Monthly Financial Statement.
- Item 12.2 12.2.1 Monthly Payments Listing 1/5/2018 to 31/5/2018
- Item 12.3 12.3.1 Vehicle and Plant Register
- 12.3.2 Property Register
- Item 12.5 12.5.1 Public Interest Disclosures Procedure
- Item 12.4 12.4.1 Reviewed Asbestos Management Plan
- Item 14.1 14.1.1 Proposed Revised Council Policy 3.18 (Tracked Changes)