



*Shire of*  
**Koorda**

*Drive in, stay awhile*

# MINUTES

## Ordinary Council Meeting

Held in Shire of Koorda Council Chambers

10 Haig Street, Koorda WA 6475

Monday 18 December 2023

Commencing 6.00pm

CONFIRMED

## NOTICE OF MEETING

Dear Elected Members,

Notice is hereby given that the next Ordinary Meeting of Council of the Shire of Koorda will be held on Monday, 18 December 2023 in the Shire of Koorda Council Chambers, 10 Haig Street, Koorda.

The format of the day will be:

4.00pm	Grants Committee Meeting
5.00pm	Audit & Risk Committee Meeting
5.45pm	Council Elect Swearing-In Ceremony
6.00pm	Council Meeting
Following conclusion of Council Meeting	Council Forum

Lana Foote  
Acting Chief Executive Officer  
15 December 2023

## DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Koorda for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire of Koorda disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, and statement or intimation of approval made by a member or officer of the Shire of Koorda during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Koorda.

The Shire of Koorda warns that anyone who has any application lodged with the Shire of Koorda must obtain and should only rely on **written confirmation** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Koorda in respect of the application.

To be read aloud if any member of the public is present.

Signed



Lana Foote  
Acting Chief Executive Officer

## Table of Contents

1. Declaration of Opening .....	4
2. Record of Attendance, Apologies and Leave of Absence .....	4
3. Swearing In of Councillors Elect .....	4
4. Public Question Time.....	4
5. Disclosure of Interest.....	5
6. Applications for Leave of Absence .....	6
7. Petitions and Presentations .....	6
8. Confirmation of Minutes from Previous Meetings .....	7
8.1. Ordinary Council Meeting held on 15 November 2023 .....	7
8.2. Special Meeting Minutes for meeting held 4 December 2023 .....	7
9. Minutes of Committee Meetings to be Received .....	8
9.1. Minutes of Shire of Koorda Committee Meetings to be Received .....	8
9.2. Minutes of External Committee Meetings to be Received .....	8
10. Recommendations from Committee Meetings for Council Consideration.....	10
10.1. Adoption of Koorda Grants Committee Terms of Reference .....	10
10.2. Consideration of 2022/2023 Round 1 Koorda Community Grant Program Applications.....	12
10.3. Adoption of Koorda Audit and Risk Committee Terms of Reference .....	15
10.4. 2022/2023 Annual Report and Annual Electors Meeting.....	17
10.5. Quarterly Reporting of Integrated Strategic Plan and Workforce Plan.....	21
10.6. Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls.....	23
10.7. Shire of Koorda Risk Management Framework.....	26
10.8. Shire of Koorda Risk Profile Report.....	28
11. Announcements by the President without Discussion .....	31
12. OFFICER'S REPORTS – CORPORATE & COMMUNITY .....	31
12.1. List of Accounts Paid .....	31
13. OFFICER'S REPORTS – GOVERNANCE & COMPLIANCE .....	34
13.1. 2024 Ordinary Council Meeting Dates .....	34
13.2. Application to keep Rooster, 19 Best Street, Koorda.....	37
14. OFFICER'S REPORTS – WORKS & ASSETS.....	40
14.1. Closure of Stockyard Road Reserve, Koorda.....	41
14.2. Koorda Recreation Ground Synthetic Bowling Green Project.....	43
15. Urgent Business Approved by the Person Presiding or by Decision.....	46
15.1. Monthly Financial Statements.....	46
15.2. Appointment of Temporary CEO .....	48
16. Elected Members' Motions .....	51
17. Matters Behind Closed Doors .....	51
18. Closure .....	51

**Shire of Koorda  
Ordinary Council Meeting  
6.00pm, Monday 18 December 2023**



**1. Declaration of Opening**

The Presiding person welcomes those in attendance and declares the meeting open at 6.00pm.

**2. Record of Attendance, Apologies and Leave of Absence**

**Councillors:**

Cr JM Stratford	President
Cr GW Greaves	Deputy President
Cr NJ Chandler	
Cr GL Boyne	
Cr KM Burrell	
Cr CL Nairn	
Cr KA Fuchsbichler	

**Staff:**

Miss L Foote	Acting Chief Executive Officer
Mrs K Harrap	Governance Officer

**Members of the Public:**

**Apologies:**

**Visitors:**

**Approved Leave of Absence:**

**3. Swearing In of Councillors Elect**

Prior to the Ordinary Council Meeting and in accordance with Section 2.29 of the *Local Government Act 1995*, Mrs Linda Longmuir, JP witnessed the declarations of Council Elect:

1. Mr KA Fuchsbichler
2. Ms CL Nairn

**4. Public Question Time**

Nil.

## 5. Disclosure of Interest

The following Councillors have disclosed an interest in item *10.2 - Consideration of 2022/2023 Round 1 Koorda Community Grant Program Applications*

### Cr Gary Greaves

Impartiality – Life member of the Koorda Football Club and member of the Koorda Golf Club of whom are applicants.

### Cr Nicholas Chandler

Impartiality – Applicant for the Koorda Football Club. President of the Koorda Football Club, member of the Koorda Golf Club and committee member of Koorda CRC who auspice and write applications of whom are applicants.

### Cr Gina Boyne

Impartiality – Closely associated (spouse) is on a committee of the Koorda Football Club who is an applicant.

### Cr Kylie Burrell

Impartiality – Applicant for the Koorda Darts Club. Vice President of Koorda Darts Club and closely associated (parent) of a member in the Youth Group of whom are applicants.

### Cr Christina Nairn

Impartiality – Guide and member for the Koorda Museum who is an applicant.

The following Councillors have disclosed an interest in item *14.1 – Closure of Stockyard Road Reserve, Koorda.*

### Cr Jannah Stratford

Financial – A shareholder in CBH Ltd (CBH) (as grower member/farmer) who holds one share valued at \$2.00 in CBH, a non-distributing co-operative governed under the Co-operatives Act 2009, and which is also a registered charity.

### Cr Gary Greaves

Financial - A shareholder in CBH Ltd (CBH) (as grower member/farmer) who holds one share valued at \$2.00 in CBH, a non-distributing co-operative governed under the Co-operatives Act 2009, and which is also a registered charity.

### Cr Gina Boyne

Financial - Closely associated (spouse) with a shareholder in CBH Ltd (CBH) (as grower member/farmer) who holds one share valued at \$2.00 in CBH, a non-distributing co-operative governed under the Co-operatives Act 2009, and which is also a registered charity.

### Cr Kurt Fuchsbichler

Financial - A shareholder in CBH Ltd (CBH) (as grower member/farmer) who holds one share valued at \$2.00 in CBH, a non-distributing co-operative governed under the Co-operatives Act 2009, and which is also a registered charity.

### Cr Nicholas Chandler

Financial – Employee of CBH.

***Due to a potential loss of a quorum resulting from the above financial interest disclosures, the Acting CEO has applied for statutory participation approval for Councillors Stratford, Boyne, Greaves and Fuchsbichler under s5.69(3) of the Local Government Act 1995 so that item 14.1 may be addressed at this meeting.***

Accordingly, Approval is granted to Cr Gina Boyne, Cr Jannah Stratford, Cr Gary Greaves and Cr Kurt Fuchsbichler to fully participate in the discussion and decision making relating to the following agenda item at the Shire's Ordinary Council Meeting, on 18 December 2023, as follows:

#### **14.1. CLOSURE OF STOCKYARD ROAD RESERVE, KOORDA**

Conditions of the approval:

1. The approval is only valid for the 18 December 2023 Ordinary Council Meeting when agenda item 14.1 is considered;
2. The above-mentioned councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;
3. The Chief Executive Officer (CEO) is to provide a copy of the Department of Local Government, Sport and Cultural Industries (DLGSC's) letter of approval to the abovementioned councillors;
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;
5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to DLGSC, to allow DLGSC to verify compliance with the conditions of this approval; and
6. The approval granted is based solely on the interests disclosed by the abovementioned councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

### **6. Applications for Leave of Absence**

#### **RESOLUTION 051223**

**Moved Cr GL Boyne**

**Seconded Cr KM Burrell**

**That Cr GW Greaves be approved a leave of absence for the February 2023 Council Meeting.**

**CARRIED 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn, Cr KA Fuchsbichler

### **7. Petitions and Presentations**

Nil.

## 8. Confirmation of Minutes from Previous Meetings

### 8.1. Ordinary Council Meeting held on 15 November 2023

[Click here to view the previous minutes](#)

**Voting Requirements**     Simple Majority     Absolute Majority

#### Officer Recommendation RESOLUTION 061223

Moved Cr GW Greaves

Seconded Cr NJ Chandler

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, the Minutes of the Ordinary Council Meeting held 15 November 2023, as presented, be confirmed as a true and correct record of proceedings.

**CARRIED 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn, Cr KA Fuchsbichler

### 8.2. Special Meeting Minutes for meeting held 4 December 2023

[Click here to view](#)

**Voting Requirements**     Simple Majority     Absolute Majority

#### Officer Recommendation RESOLUTION 071223

Moved Cr GL Boyne

Seconded Cr GW Greaves

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, Council receives the Minutes of the Special meeting held 4 December 2023, as tabled.

**CARRIED 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn, Cr KA Fuchsbichler

## 9. Minutes of Committee Meetings to be Received

### 9.1. Minutes of Shire of Koorda Committee Meetings to be Received

- a. Koorda Awards Committee Meeting held 15 November 2023  
[Koorda Awards Committee Minutes](#)
- b. CEO Recruitment Committee Meeting held 27 November 2023  
[CEO Recruitment Committee Minutes](#)
- c. LEMC Meeting held 30 November 2023  
[LEMC Minutes](#)

**Voting Requirements**       Simple Majority       Absolute Majority

#### Officer Recommendation RESOLUTION 081223

Moved Cr GL Boyne

Seconded Cr NJ Chandler

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, Council receives the Minutes of the below Internal Committee meetings, as tabled;

- a. Koorda Awards Committee Meeting, held 15 November 2023;
- b. CEO Recruitment Committee Meeting, held 27 November 2023;
- c. LEMC Meeting, held 30 November 2023

**CARRIED 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn, Cr KA Fuchsbichler

### 9.2. Minutes of External Committee Meetings to be Received

- a. NEWTRAVEL AGM & General Meeting Minutes for meetings held 26 October 2023  
[NEWTRAVEL AGM Minutes](#); [NEWTRAVEL General Minutes](#)
- b. SRRG Meeting Minutes for meeting held 14 November 2023  
[SRRG Meeting Minutes](#)
- c. GECZ Meeting Minutes for meeting held 20 November 2023  
[GECZ Meeting Minutes](#)
- d. NEWROC Council Meeting Minutes for meeting held 4 December 2023  
[NEWROC Council Minutes](#)



**Voting Requirements**

Simple Majority

Absolute Majority

**Officer Recommendation  
RESOLUTION 091223**

**Moved Cr NJ Chandler**

**Seconded Cr GW Greaves**

**That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995*, Council receives the Minutes of the below External Committee meetings, as tabled;**

- a. NEWTRAVEL Annual General Meeting and General Meeting, held 26 October 2023;**
- b. SRRG Meeting, held 14 November 2023;**
- c. GECZ Meeting, held 20 November 2023;**
- d. NEWROC Council Meeting, held 4 December 2023**


**CARRIED 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn, Cr KA Fuchsbichler

CONFIRMED

## 10. Recommendations from Committee Meetings for Council Consideration

### 10.1. Adoption of Koorda Grants Committee Terms of Reference

<b>Governance and Compliance</b>		
<b>Date</b>	11 December 2023	
<b>Location</b>	Not Applicable	
<b>Responsible Officer</b>	Lana Foote, Acting Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	Nil	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input checked="" type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	<a href="#">Koorda Grants Committee Terms of Reference</a>	

#### **Background:**

The Koorda Grants Committee was established at the Special Meeting of Council held 23 October 2023 (RES: 191023), following the 2023 Ordinary Local Government Elections.

The Koorda Grants Committee's Terms of Reference have been drafted and are presented to the Committee, as attached, for consideration and adoption prior to recommending adoption at the Ordinary Council Meeting to be held, 18 December 2023.

#### **Comment:**

Appointment of Elected Members to the Koorda Grants Committee was determined by Council following ordinary local government elections, for a term to expire on the date of the subsequent Ordinary Local Government Elections.

An item will be presented for Council to adopt the terms of reference following this committee meeting.

#### **Consultation:**

Nil.

#### **Statutory Implications:**

The Koorda Grants Committee was established by Council (in its current format) under section 5.8 of the Local Government Act 1995 (the Act) (RES: 191023). Part 5, Subdivision 2 of the Act provides for committees including establishment and appointment of members. Part 5, Subdivision 3 of the Act provides for the quorum, voting, decisions and minutes of committees. The Local Government (Administration) Regulations 1996 also make provisions in regards to committees.

#### **Policy Implications:**

##### **Shire of Koorda Code of Conduct for Council Members, Committee Members and Candidates**

Section 10 of the Shire of Koorda Code of Conduct for Council Members, Committee Members and Candidates provides an expected standard of conduct for council members and committee members appointed to a Committee.

#### **Strategic Implications:**

Shire of Koorda Integrated Strategic Plan 2022

4.1 - Open and Transparent Leadership.

**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation**  
**RESOLUTION 101223**

**Moved Cr KM Burrell**

**Seconded Cr NJ Chandler**

**That the Koorda Grants Committee Terms of Reference be adopted.**

**CARRIED 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn,  
Cr KA Fuchsbichler

CONFIRMED

The following Councillors have disclosed an interest in item 10.2 - *Consideration of 2022/2023 Round 1 Koorda Community Grant Program Applications*

Cr Gary Greaves

Impartiality – Life member of the Koorda Football Club and member of the Koorda Golf Club of whom are applicants.

Cr Nicholas Chandler

Impartiality – Applicant for the Koorda Football Club. President of the Koorda Football Club, member of the Koorda Golf Club and committee member of Koorda CRC who auspice and write applications of whom are applicants.

Cr Gina Boyne

Impartiality – Closely associated (spouse) is on a committee of the Koorda Football Club who is an applicant.

Cr Kylie Burrell

Impartiality – Applicant for the Koorda Darts Club. Vice President of Koorda Darts Club and closely associated (parent) of a member in the Youth Group of whom are applicants.

Cr Christina Nairn

Impartiality – Guide and member for the Koorda Museum who is an applicant.

**10.2. Consideration of 2022/2023 Round 1 Koorda Community Grant Program Applications**

<b>Governance and Compliance</b>		
<b>Date</b>	11 December 2023	
<b>Location</b>	Not Applicable	
<b>Responsible Officer</b>	Lana Foote, Acting Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	Nil	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	<a href="#">2023 11 13 Koorda Youth Group \$945.36</a> <a href="#">2023 11 23 Koorda Golf Club \$2,985.45</a> <a href="#">2023 11 28 Country Bratz Playgroup \$4,325.09*</a> <a href="#">2023 11 28 Koorda Community Garden \$1,360.00</a> <a href="#">2023 11 28 Koorda Darts Club \$909.09</a> <a href="#">2023 11 30 Koorda Football Club \$2,200.00*</a> <a href="#">2023 11 30 Museum \$499.00*</a>	

**Background:**

The Shire of Koorda is committed to recognising the value of all community organisations and has developed a clear and powerful vision “To build a vibrant and sustainable community with shared social values, in which we can live and work in harmony with our environment”.

The Community Grants Program is allocated from within Council's general revenue budget each year to provide financial support to community organisations that meet the objectives of the Community Grants Program ("CGP").

The CGP objectives are to support projects that promote community capacity, improve social participation and inclusion as well as enhance community harmony and social cohesion.

The Shire of Koorda CGP assists community groups and Not for Profit organisations with their vital work and programmes to:

- Promote community capacity, community harmony and social cohesion;
- Encourage people and organisations to help themselves;
- Ensure fair distribution of activities and services throughout Koorda; and
- Encourage resident participation in activities which benefit the community in Koorda.

A pool of \$10,000 is available in the inaugural round of the CGP, with Grants of up to \$5,000 (exc GST) being available to community organisations. Applications opened from 1 November to 30 November.

### Comment:

The Koorda Grants Committee is to recommend to Council the successful applicants for this based on the below selection criteria;

- Applicant History: Has the applicant applied previously? Did the applicant adhere to the guidelines and acquittal requirements?
- Does the project meet a broader community need?
- Does the project benefit a sufficiently broad, or diverse, target group?
- Does the organisation have the capacity to undertake and manage the project?
- Does the application represent value for money?
- Collaborative community wide projects are encouraged.

A list of the applications for 2022/2023 Round 1 are included below;

Group	Project	Project Cost (exc GST)	Requested Amount
Koorda Youth Group	Transforming Spaces (10 x Beanbags)	1,791.61	945.36
Koorda Golf Club	Refurbish Koorda Golf Club Tee Boxes	9,659.99	2,985.45
Country Bratz Playgroup	Jungle Music	4,711.20	4,325.09*
Koorda Darts Club	Portable Dart Boards & Mats	963.63	909.09
Koorda Community Garden	Solid Foundation	3,976.56	1,360.00
Koorda Football Club	Entertainment - mental health focus "wellbeing night"	2,790.00	2,200.00*
Koorda Museum	Rechargeable Vacuum Cleaner	544.55	499.00*
		<b>TOTAL</b>	<b>13,223.99</b>

The "Requested Amounts" marked with an \* indicate organisations not registered for GST, and if approved, would not be able to claim GST on their claim invoice to the Shire.

### Consultation:

Koorda CGP Applicants

### Statutory Implications:

Nil.

### Policy Implications:

Policy "[F - Grants - Community Grants Program](#)" covers all aspects of the Koorda CGP.

**Strategic Implications:**

Shire of Koorda Integrated Strategic Plan 2022

1.2.1 - Recognise and support the value of our community volunteers and provide meaningful opportunities to contribute to Shire projects and improving local living.

1.2.2 - Develop and implement a Community Grants Program.

1.2.3 - Make available a list of current grant opportunities to local businesses, clubs and community groups.

**Financial Implications:**

An allocation of \$10,000 is included in the 2023/2024 Budget for the inaugural round of the Shire of Koorda Community Grants Program.

**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation**

**RESOLUTION 111223**

**Moved Cr GW Greaves**

**Seconded Cr KM Burrell**

**That Council, endorse the recipients and funding allocation, for the below applicants of the 2022/2023 Koorda Community Grant Program, as determined at the Grants Committee Meeting held on 18 December 2023;**

<b>1. Koorda Golf Club</b>	<b>\$2,985.45;</b>
<b>2. Koorda Football Club</b>	<b>\$1,800.00;</b>
<b>3. Country Bratz Playgroup</b>	<b>\$2,325.19;</b>
<b>4. Koorda Youth Group</b>	<b>\$945.36;</b>
<b>5. Koorda Community Garden</b>	<b>\$1,360.00;</b>
<b>6. Koorda Museum</b>	<b>\$499.00.</b>

**CARRIED 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Naim, Cr KA Fuchsbichler

### 10.3. Adoption of Koorda Audit and Risk Committee Terms of Reference

<b>Governance and Compliance</b>		 Shire of <b>Koorda</b> <small>Drive in, stay awhile</small>
<b>Date</b>	11 December 2023	
<b>Location</b>	Not Applicable	
<b>Responsible Officer</b>	Lana Foote, Acting Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	Nil	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input checked="" type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	<a href="#">Koorda Audit and Risk Committee Terms of Reference</a>	

#### **Background:**

The former Koorda Audit Committee was re-established as the Koorda Audit and Risk Committee at the Special Meeting of Council held 23 October 2023 (RES: 191023), following the 2023 Ordinary Local Government Elections.

The Koorda Audit and Risk Committee's Terms of Reference have been drafted and are presented to the Committee, as attached, for consideration and adoption prior to recommending adoption at the December 2023 Ordinary Council Meeting.

#### **Comment:**

Appointment of Elected Members to the Koorda Audit and Risk Committee was determined by Council following ordinary local government elections, for a term to expire on the date of the subsequent Ordinary Local Government Elections.

An item will be presented for Council to adopt the terms of reference following this committee meeting.

#### **Consultation:**

Nil.

#### **Statutory Implications:**

The Koorda Audit and Risk Committee was re-established by Council (in its current format) under section 5.8 of the Local Government Act 1995 (the Act) (RES: 191023). Part 5, Subdivision 2 of the Act provides for committees including establishment and appointment of members. Part 5, Subdivision 3 of the Act provides for the quorum, voting, decisions and minutes of committees. The Local Government (Administration) Regulations 1996 also make provisions in regards to committees.

#### **Policy Implications:**

##### **Shire of Koorda Code of Conduct for Council Members, Committee Members and Candidates**

Section 10 of the Shire of Koorda Code of Conduct for Council Members, Committee Members and Candidates provides an expected standard of conduct for council members and committee members appointed to a Committee.

#### **Strategic Implications:**

Shire of Koorda Integrated Strategic Plan 2022

4.1 - Open and Transparent Leadership.

**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation**  
**RESOLUTION 121223**

**Moved Cr KM Burrell**

**Seconded Cr GL Boyne**

**That the Koorda Audit & Risk Committee Terms of Reference be adopted.**


**CARRIED 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn,  
Cr KA Fuchsbichler

CONFIRMED



## 10.4. 2022/2023 Annual Report and Annual Electors Meeting

<b>Governance and Compliance</b>		
<b>Date</b>	12 December 2023	
<b>Location</b>	Not Applicable	
<b>Responsible Officer</b>	Lana Foote, Acting Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	<i>Local Government Act 1995 Section 6.10 &amp; 7.9(1)</i> <i>Local Government Financial Management Regulation 1996 Part 2</i> <i>Local Government (Audit) Regulations 1996 – Reg 10</i>	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input checked="" type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	<a href="#">8.2a. 2022/2023 Annual Report</a> <a href="#">8.2b. 2022/2023 Annual Financial Statements</a> <a href="#">8.2c. 2022/2023 Independent Auditors Report</a>	

### Background:

This item presents the 2022/2023 Annual Report and Audited Financial Report to the Audit & Risk Committee for consideration and, if satisfactory, recommendation to Council for adoption.

The Annual Financial Statements for the year ended 30 June 2023 have been audited by Dry Kirkness, under the Office of the Auditor General (OAG).

The 2022/2023 Annual Report, audited financial report and OAG's Opinion Letter are included as attachments to this item.

### Comment:

Pursuant to its Terms of Reference, it is relevant that the Audit & Risk Committee considers the 2022/2023 Annual Report and where appropriate, makes recommendation(s) in respect of the report.

In accordance with Section 7.9 of the *Local Government Act 1995*, an Auditor is required to examine the accounts and annual financial report submitted by a local government for audit. The Auditor is also required, by 31 December following the financial year to which the accounts and report relate, to prepare a report thereon and forward a copy of that report to:

1. The Mayor or President;
2. The CEO of the local government; and
3. The Minister.

The Opinion Letter included as Attachment 8.2c provides an overview of the audit process and outcomes. A separate management letter has been issued and circulated to Council and the Executive Management Team for findings identified during the audit and recommendations to rectify the findings identified. The findings have been listed under heading "Discussions with the OAG and Auditors" later in this item.

The Financial Report and Draft Audit Opinion were received on 11 December 2023, and Council Members and the Acting CEO Lana Foote met with representatives from Dry Kirkness and the OAG for the Auditors Exit Meeting.

Local governments are required to conduct an Annual Electors Meeting not more than 56 days after adopting the Annual Report. A requirement of setting the date is that 14 days Local Public Notice is required for advertising the meeting. To meet reporting requirements the Annual Electors Meeting should be held before Monday 12 February 2024.

### **Discussions with the OAG and Auditors:**

Representatives from the OAG and Dry Kirkness conducted the Exit Interview which discussed the Opinion Letter and other relevant matters with the President Jannah Stratford, Deputy President Gary Greaves, Cr Gina Boyne, Cr Kylie Burrell and Acting CEO Lana Foote via Microsoft Teams on Monday 11 December 2023.

There were no significant findings. There were eight moderate findings with regard to Information Systems as listed below:

1. IT Governance, Policies and Procedures;
2. Disaster Recovery Plan Testing;
3. Service Level Agreement with IT Service Provider;
4. Access Management;
5. IT Risk Register;
6. Change Management;
7. Vulnerability Assessment and Penetration Testing (VAPT); and
8. Endpoint Security - Macros.

### **Consultation:**

Marius van der Merwe, Partner, Dry Kirkness

Eoin Condon, Manager, Dry Kirkness

Ann Ang, Director, Office of the Auditor General for WA

Council Members

Local Public Notice is required to be provided on the availability of the Annual Report and the Annual Electors Meeting.

### **Statutory Implications:**

Sections 5.27, 5.29, 5.53 and 5.54 of the Local Government Act 1995 are applicable and state:

#### **“5.27. Electors’ general meetings**

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors’ meetings are to be those prescribed.*

#### **5.29. Convening electors’ meetings**

- (1) *The CEO is to convene an electors’ meeting by giving —*
  - (a) *at least 14 days’ local public notice; and*
  - (b) *each council member at least 14 days’ notice, of the date, time, place and purpose of the meeting.*

#### **5.53. Annual reports**

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain —*
  - (a) *a report from the mayor or president; and*
  - (b) *a report from the CEO; and*
  - [(c), (d) *deleted*]
  - (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*

- (f) *the financial report for the financial year; and*
- (g) *such information as may be prescribed in relation to the payments made to employees; and*
- (h) *the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and*
- (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
- (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including —*
  - (i) *the number of complaints recorded in the register of complaints; and*
  - (ii) *how the recorded complaints were dealt with; and*
  - (iii) *any other details that the regulations may require; and*
- (i) *such other information as may be prescribed.*

#### **5.54. Acceptance of annual reports**

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.*

*\* Absolute majority required.*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

Regulation 3A of the *Local Government (Administration) Regulations 1996* stipulates the requirements for providing Local Public Notices and states:

#### **"3A. Requirements for local public notice (Act s. 1.7)**

- (1) *For the purposes of section 1.7(a), notice of a matter must be published on the local government's official website for —*
  - (a) *the period specified in or under the Act in relation to the notice; or*
  - (b) *if no period is specified in relation to the notice — a period of not less than 7 days.*
- (2) *For the purposes of section 1.7(b), each of the following ways of giving notice of a matter is prescribed —*
  - (a) *publication in a newspaper circulating generally in the State;*
  - (b) *publication in a newspaper circulating generally in the district;*
  - (c) *publication in 1 or more newsletters circulating generally in the district;*
  - (d) *publication on the official website of the Department or another State agency, as appropriate having regard to the nature of the matter and the persons likely to be affected by it, for —*
    - (i) *the period specified in or under the Act in relation to the notice; or*
    - (ii) *if no period is specified in relation to the notice — a period of not less than 7 days;*
  - (e) *circulation by the local government by email, text message or similar electronic means, as appropriate having regard to the nature of the matter and the persons likely to be affected by it;*
  - (f) *exhibition on a notice board at the local government offices and each local government library in the district for —*
    - (i) *the period specified in or under the Act in relation to the notice; or*
    - (ii) *if no period is specified in relation to the notice — a period of not less than 7 days;*
  - (g) *posting on a social media account administered by the local government for —*
    - (i) *the period specified in or under the Act in relation to the notice; or*
    - (ii) *if no period is specified in relation to the notice — a period of not less than 7 days.*

The *Local Government (Audit) Regulations 1996* provides the legislative framework for the conduct of audits in local government, and the role of the Audit & Risk Committee in considering the results of those audits.

**Policy Implications:**

Nil

**Strategic Implications:**

Shire of Koorda Integrated Strategic Plan 2022

4.1.1 - Ensure the use of resources is effective, efficient and reported regularly.

**Financial Implications:**

Nil

**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation**

**RESOLUTION 131223**

**Moved Cr NJ Chandler**

**Seconded Cr KM Burrell**


**That, by Absolute Majority, in accordance with Sections 5.27, 5.29, 5.53 and 5.54 of the *Local Government Act 1995*, Council;**

- 1. Accepts the 2022/2023 Annual Report and Annual Financial Statements, as presented and attached to this item;**
- 2. Conducts the Annual Electors Meeting on 7 February 2024, at the Shire of Koorda Council Chambers, 10 Haig Street Koorda, commencing at 6pm.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn, Cr KA Fuchsbichler

## 10.5. Quarterly Reporting of Integrated Strategic Plan and Workforce Plan

<b>Governance and Compliance</b>		
<b>Date</b>	12 December 2023	
<b>Location</b>	Not Applicable	
<b>Responsible Officer</b>	Lana Foote, Acting Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	<i>Local Government Act 1995; Local Government (Administration) Regulations 1996</i>	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input checked="" type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	<a href="#">Quarterly Scorecard October to December 2023</a>	

### Background:

This report is to inform the Committee and Council of its obligations in relation to the integrated planning and reporting (IPR) requirements under the Local Government Act 1995, the Local Government (Administration) Regulations 1996.

Following the Committee's recommendation of 28 September 2022, the quarterly scorecard reporting document approach was adopted by Council on 26 October 2022.

### Comment:

Council adopted its Integrated Strategic Plan and Workforce Plan at its meeting held on 20 April 2022.

To assist Council to meet its IPR requirements under the Local Government Act 1995, the Local Government (Administration) Regulations 1996, Shire staff have prepared draft quarterly reporting documents (provided as confidential attachment) for the Committee to consider and, if appropriate, recommend to Council that the fourth quarterly scorecard be adopted and the Integrated Strategic Plan and Workforce Plan components be endorsed for publication.

### Consultation:

Nil.

### Statutory Implications:

Local Government Act 1995 and relevant subsidiary legislation.

### Policy Implications:

Nil

### Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2022

4.1.1 - Ensure the use of resources is effective, efficient and reported regularly. (e.g. Financial Management)

### Financial Implications:

Nil

**Voting Requirements:**  Simple Majority  Absolute Majority

**Officer Recommendation  
RESOLUTION 141223**

**Moved Cr KM Burrell**

**Seconded Cr GW Greaves**

**That Council:**


- 1. Adopts the fourth quarterly reporting documents (October to December 2023) as attached to this item; and**
- 2. Endorses the publication of the Integrated Strategic Plan and Workforce Plan components for community information.**

**CARRIED 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn, Cr KA Fuchsbichler

CONFIRMED

## 10.6. Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls

<b>Governance and Compliance</b>		
<b>Date</b>	11 December 2023	
<b>Location</b>	Not Applicable	
<b>Responsible Officer</b>	Lana Foote, Acting Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	<i>Local Government Act 1995 Section 7.13 (i)</i> <i>Local Government (Audit) Regulations 1996 – Reg 13, 14 and 15</i>	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	<a href="#">FMR Action Plan - December 2023</a>	

### Background:

The Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance.

At the May 2023 Audit Committee Meeting, the Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls was presented for consideration with the below committee recommendation being resolved at the May 2023 Council Meeting.

### Committee Recommendation RESOLUTION 050523

Moved CR GW Greaves

Seconded CR BG Cooper

That Council:

1. Receives Moore's Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls report, dated April 2023 (Attachment A);
2. Directs the CEO to provide a report, on a quarterly basis, to the Audit Committee to enable the Committee to monitor the Shire's progress in addressing the recommendations, pursuant to Regulation 16 (d) of the Local Government (Audit) Regulations 1996; and
3. Directs the CEO at the first quarterly review to provide proposed actions, including expected completion dates, to the recommendations identified in the report.

**CARRIED BY ABSOLUTE MAJORITY 6/0**

### Comment:

This report has been presented to the Audit & Risk committee as the committee has a role in supporting Council in fulfilling its governance and oversight responsibilities and provide the audit committee with the opportunity to raise any issues that the document has identified or ask any other questions, they may have in relation to our risk management and compliance activities.

An initial report was tabled at the June 2023 Audit Committee Meeting and the attached Action Plan is an update on actions that have been taken within the past quarter to align with the quarterly reporting on the Integrated Strategic Plan.

**Consultation:**

Administration Staff

**Statutory Implications:**

Regulation 16 of the Local Government (Audit) Regulations 1996 prescribes the functions of an Audit Committee which includes;

*“16 (c) to review a report given to it by the CEO under regulation 17(3) and is to –*

- (i) Report to the council the results of that review; and*
- (ii) Give a copy of the CEO’s report to the council.”*

*“16 (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under –*

- (i) Regulations 17 (1); and*
- (ii) The Local Government (Financial Management) Regulations 1996 regulation 5(2)(c).”*

Regulation 17 of the Local Government (Audit) Regulations 1996 reads as follows;

*“(1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to —*

- a) risk management; and*
- b) internal control; and*
- c) legislative compliance.*

*(2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*

*(3) The CEO is to report to the audit committee the results of that review.”*

Regulation 5 (2) (c) of the Local Government (Financial Management) Regulations 1996 states that -  
*“the CEO is to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.”*

**Policy Implications:**

The review recommended some potential improvement opportunities to some of the Council’s policy. These will be considered separately by the Policy Review Committee and Council at the completion of the review process. Comments made in the FM Review relating to specific Policies and Procedures will be taken on-board as part of the review process.

**Strategic Implications:**

Shire of Koorda Integrated Strategic Plan 2022

4.1.1 - Ensure the use of resources is effective, efficient and reported regularly. (e.g. Financial Management)

4.1.2 - Identify business improvement opportunities to enhance operational effectiveness.

**Financial Implications:**

Nil.



**Voting Requirements:**  Simple Majority  Absolute Majority

**Officer Recommendation**  
**RESOLUTION 151223**

**Moved Cr KM Burrell**

**Seconded Cr NJ Chandler**


**That Council as per the quarterly report document (to December 2023) as attached to this item, notes and endorses the actions taken to the identified improvements highlighted in the Financial Management, Risk Management, Legislative Compliance and Internal Controls review.**

**CARRIED 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nair,  
Cr KA Fuchsbichler

CONFIRMED

## 10.7. Shire of Koorda Risk Management Framework

<b>Governance and Compliance</b>		
<b>Date</b>	13 December 2023	
<b>Location</b>	Not Applicable	
<b>Responsible Officer</b>	Lana Foote, Acting Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	<i>Local Government Act 1995; Local Government (Audit) Regulations 1996, AS/NZS ISO 31000:2018</i>	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input checked="" type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	<a href="#">Draft Risk Management Framework</a>	

### Background:

Council is responsible for determining the strategic direction of the Shire. The Audit & Risk Committee is responsible for advising Council on matters relating to risk management.

Following the Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls undertaken in May 2023 by Moore and the adoption of updated Risk Management Policy at the Ordinary Council Meeting held 28 June 2023 as per Resolution: 120623, Shire Staff met with Ben Galvin, Head of Strategic Risk at LGIS and undertook a thorough review of the Shire's risk management systems.

Following the Risk Profile workshop undertaken in October 2023, the attached Risk Management Framework is proposed for endorsement to align to the Shire of Koorda Risk Management Policy, the Audit & Risk Committee Terms of Reference, and tie together the Risk Management facets.

Page 14 of the attached Risk Management Framework outlines to process for the Risk Profiling undertaken by the Executive Management Team and Governance Officer, as per following Item 8.6 *Shire of Koorda Risk Profile*.

### Comment:

The proposed risk management framework is as attached to this item.

The framework, provided by LGIS, sets out the Shire's approach to the identification, assessment, management, reporting and monitoring of risks. All components of the documents are based on AS/NZS ISO 31000:2019 Risk Management - Guidelines.

The framework aims to balance a documented, structured and systematic process with the current size and complexity of the Shire.

The Shire has adopted a "Three Lines of Defence" model for management of risk. All operational areas of the Shire are considered "1<sup>st</sup> Line," the executive team as the "2<sup>nd</sup> Line" and internal and external audit are the "3<sup>rd</sup> line" of defence.

The framework clearly defines the roles of each body within the lines of defence.

The Shire has quantified its broad risk appetite through the Shire's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Framework.

All organisational risks are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. These assessments will be incorporated into the December 2023 Council Agenda under the "Risk Implication" heading within each item.

**Consultation:**

Ben Galvin, Divisional Manager - Risk Services, LGIS

Darren West, Works Supervisor

Kristyn Harrap, Governance Officer

Upon the Committee's recommendation, the framework will be presented to Council for adoption.

Once adopted the framework will be placed on the Shire's website.

**Statutory Implications:**

Local Government Act 1995

Local Government (Audit) Regulations 1996

AS/NZS ISO 31000:2018

**Policy Implications:**

Policy "G - Risk Management" states;

**Risk Assessment and Acceptance Criteria**

*The Shire quantified its broad risk appetite through the development and endorsement of the Shire's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Framework and as a component of this policy.*

*All organisational risks are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisations appetite and are to be noted within the individual risk assessment.*

**Strategic Implications:**

Shire of Koorda Integrated Strategic Plan 2022

4.1.1 - Ensure the use of resources is effective, efficient and reported regularly.

4.1.2 - Identify business improvement opportunities to enhance operational effectiveness.

**Financial Implications:**

Nil

**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation**

**RESOLUTION 161223**

**Moved Cr GW Greaves**


**Seconded Cr GL Boyne**

**That Council adopts the Shire of Koorda Risk Management Framework, as attached to this item.**

**CARRIED 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn, Cr KA Fuchsbichler

## 10.8. Shire of Koorda Risk Profile Report

<b>Governance and Compliance</b>		
<b>Date</b>	13 December 2023	
<b>Location</b>	Not Applicable	
<b>Responsible Officer</b>	Lana Foote, Acting Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	<i>Local Government Act 1995; Local Government (Audit) Regulations 1996, AS/NZS ISO 31000:2018</i>	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input checked="" type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	<a href="#">Shire of Koorda Risk Profile - October to December 2023</a>	

### Background:

The Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance.

At the May 2023 Audit Committee Meeting, the Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls was presented for consideration with the below committee recommendation being resolved at the May 2023 Council Meeting.

This item is an addition to the “Risk Management” facet of the Financial Management, Risk Management, Legislative Compliance and Internal Controls Review as tabled in Item 8.4 of this agenda, and is an outcome of the Risk Management Strategy attached for endorsement in previous Item 8.5.

### Comment:

This report has been presented to the Audit & Risk committee as the committee has a role in supporting Council in fulfilling its governance and oversight responsibilities and provide the audit committee with the opportunity to raise any issues that the document has identified or ask any other questions, they may have in relation to our risk management and compliance activities.

The Risk Profile workshop was facilitated by LGIS in October 2023, and Shire Staff worked through 15 risk themes to identify what is the risk of this occurring at the Shire, both with and without controls, and what controls are, or should be in place.

Under the Risk Management Framework, the Shire utilises risk profiles to capture its operational and strategic risks. The profiles assessed are:

- Asset Sustainability
- Business and Community Disruption
- Community Engagement
- Compliance Obligations
- Document Management
- Employment Practices
- Environment Management
- Errors, Omissions and Delays
- External Theft and Fraud
- IT, Communication Systems and Infrastructure
- Management of Facilities, Venues and Events
- Misconduct
- Project / Change Management
- Purchasing and Supply
- WHS

For each category, the profile contains the following:

- Objective.
- Risk Event.
- Potential Causes.
- Key Controls / Control Type.
- Control Adequacy.
- Control owner.
- Risk Rating.
- Actions and Responsibility.

The attachment includes the initial report, and the updated register to December 2023 with any changes and additional comments included. It should be noted, since the initial report was released in October, the Regional Risk Coordinator and Staff have undertaken significant works in the “WHS” risk theme to move the control effectiveness from “Inadequate” to “Adequate.”

Like the FRM Action Plan, the Risk Register report will be tabled at the quarterly Audit & Risk Committee workshops as a tracking tool to determine progress made against the key themes and improvements towards any identified areas of improvement.

**Consultation:**

Ben Galvin, Divisional Manager - Risk Services, LGIS  
Chris Gilmour, Regional Risk Coordinator, LGIS  
Darren West, Works Supervisor  
Kristyn Harrap, Governance Officer

**Statutory Implications:**

*Local Government Act 1995*  
*AS/NZS ISO 31000:2018*

Regulation 16 of the Local Government (Audit) Regulations 1996 prescribes the functions of an Audit Committee which includes;

*“16 (c) to review a report given to it by the CEO under regulation 17(3) and is to –*

- (ii) Report to the council the results of that review; and*
- (iii) Give a copy of the CEO’s report to the council.”*

*“16 (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under –*

- (i) Regulations 17 (1); and*
- (ii) The Local Government (Financial Management) Regulations 1996 regulation 5(2)(c).”*

Regulation 17 of the Local Government (Audit) Regulations 1996 reads as follows;

*“(1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to —*

- a) risk management; and*
- b) internal control; and*
- c) legislative compliance.*

*(2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*

*(3) The CEO is to report to the audit committee the results of that review.”*

**Policy Implications:**

Policy “G - Risk Management” states;

**Risk Assessment and Acceptance Criteria**

*The Shire quantified its broad risk appetite through the development and endorsement of the Shire’s Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Framework and as a component of this policy.*

*All organisational risks are to be assessed according to the Shire’s Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisations appetite and are to be noted within the individual risk assessment.*

**Strategic Implications:**

Shire of Koorda Integrated Strategic Plan 2022

4.1.1 - Ensure the use of resources is effective, efficient and reported regularly.

4.1.2 - Identify business improvement opportunities to enhance operational effectiveness

**Financial Implications:**

Resource requirements are in accordance with existing budgetary allocation.

**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation**  
**RESOLUTION 171223**

**Moved Cr NJ Chandler**

**Seconded Cr KM Burrell**

**That Council:**

- 1. Receives the Risk Profile report, as attached to this item; and**
- 2. Directs the Acting CEO to provide a report, on a quarterly basis, to the Audit & Risk Committee to enable the Committee to monitor the Shire’s progress in addressing the recommendations, pursuant to Regulation 16 (d) of the Local Government (Audit) Regulations 1996.**

**CARRIED 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn, Cr KA Fuchsbichler

## 11. Announcements by the President without Discussion

Congratulations and welcome to new Councillors Christina Nairn and Kurt Fuchsbichler.

The President expressed condolences to the Lawrence family on the passing of Ian, to the Wilson family on the passing of Bill and to the Mews family on the passing of Dorothy.

Congratulations to our Koorda Community Award winners and to all the nominees.

Linda Longmuir – Citizen of the Year


Bruno Luers – Senior Citizen of the Year

Blair Chandler – Youth Citizen of the Year

Wishing everyone a Merry Christmas and a safe holiday period. Look forward to seeing everyone in the New Year.

## 12. OFFICER'S REPORTS – CORPORATE & COMMUNITY

### 12.1. List of Accounts Paid

<b>Corporate and Community</b>		
<b>Date</b>	13 December 2023	
<b>Location</b>	Not Applicable	
<b>Responsible Officer</b>	Lana Foote, Acting Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	<a href="#">List of Accounts Paid</a>	

#### **Background:**

This item presents the List of Accounts Paid, paid under delegated authority, for the period 9 November 2023 to 13 December 2023.

#### **Comment:**

The List of Accounts Paid as presented has been reviewed by the Acting Chief Executive Officer.

The Department of Local Government, Sport and Cultural sent out an LG Alert on 19 October to advise of the regulation amendments that; from 1 September 2023, local governments are required to disclosure information about each transaction made on a credit card, debit card or other purchasing cards. Purchase cards may include the following: business/corporate credit cards, debit cards, store cards, fuel cards and/or taxi cards.

The Shire has corporate credit cards which meet reporting requirements. Additional reporting is required for use of Fuel Cards, which has been included as part of this item as the LG Alert was released following the October Meeting, and no Fuel Card purchases were paid as per the report to the November Council Meeting.

**Consultation:**

Finance Team

**Statutory Implications:**

Regulation 12 and 13 of the *Local Government (Financial Management) Regulations 1996* requires that a separate list be prepared each month for adoption by Council showing creditors paid under delegate authority.

**Policy Implications:**

Finances have been managed in accordance with the Shire of Koorda policies. Payments have been made under delegated authority.

**Strategic Implications:**

Shire of Koorda Integrated Strategic Plan 2022

4.1.1 - Ensure the use of resources is effective, efficient and reported regularly. (e.g. Financial Management)

**Risk Implications:**

<b>Risk Profiling Theme</b>	Failure to fulfil statutory regulations or compliance requirements
<b>Risk Category</b>	Compliance
<b>Risk Description</b>	No noticeable regulatory or statutory impact
<b>Consequence Rating</b>	Insignificant (1)
<b>Likelihood Rating</b>	Rare (1)
<b>Risk Matrix Rating</b>	Low (1)
<b>Key Controls (in place)</b>	Governance Calendar
<b>Action (Treatment)</b>	Nil
<b>Risk Rating (after treatment)</b>	Adequate

**Financial Implications:**

Funds expended are in accordance with Council's adopted 2023/2024 Budget.



**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation**  
**RESOLUTION 181223**

**Moved Cr KM Burrell**

**Seconded Cr GW Greaves**

**That Council, by Simple Majority, pursuant to Section 6.8(1)(a) of the *Local Government Act 1995* and Regulation 12 & 13 of the *Local Government (Financial Management) Regulations 1996*;**

**1. Receives the report from the Acting Chief Executive Officer on the exercise of delegated authority in relation to creditor payments from the Shire of Koorda Municipal Fund, as presented in the attachment, and as detailed below:**

**For the period 9 November 2023 to 13 December 2023.**

<b>Municipal Voucher V305 to V370</b>	<b>Totalling \$ 323,452.68</b>
<b>Purchase Card Transactions (V311, V343 &amp; V355)</b>	<b>Totalling \$ 6,436.03</b>
	<b>Total \$ 329,888.71</b>

**2. Notes the transaction detail of purchases made on purchase cards from 1 September 2023 to 9 November 2023 as included at the bottom of the attachment to this item.**


<b>Purchase Card Transactions (V216 &amp; V281)</b>	<b>Totalling \$ 1,601.07</b>
---	------------------------------

**CARRIED 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn, Cr KA Fuchsbichler

## 13. OFFICER'S REPORTS – GOVERNANCE & COMPLIANCE

### 13.1. 2024 Ordinary Council Meeting Dates

<b>Governance and Compliance</b>		 Shire of <b>Koorda</b> <small>Drive in, stay awhile</small>
<b>Date</b>	7 December 2023	
<b>Location</b>	Not applicable	
<b>Responsible Officer</b>	Lana Foote, Acting Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	<i>Local Government Act 1995</i>	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	Nil	

#### Background:

This Item presents the proposed dates for the 2024 Ordinary Council Meetings to Council for consideration and, if satisfactory, adoption.

#### Comment:

In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996 and Policy "G - Council Meeting System," the Chief Executive Officer is to present an Item to Council no later than December each year requesting Council confirm the dates for the Ordinary Meetings of Council for the following year.

As such, the Shire of Koorda is required to advertise the meeting dates for the Ordinary Meetings of Council for 2024.

#### Consultation:

Nil.

#### Statutory Implications:

Regulation 12 of the Local Government (Administration) Regulations 1996 is applicable and states:

#### **"12. Meetings, public notice of (Act s. 5.25(1)(g))**

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
  - (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,Are to be held in the next 12 months.*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*
- (3) *Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.*
- (4) *If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable."*

**Policy Implications:**

G - Council Meeting Systems states:

**Meeting frequency and starting time**

*In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996 the Chief Executive Officer is to present an Item to Council no later than December each year requesting Council confirm the dates for the Ordinary Meetings of Council for the following year.*

*Council meetings will typically be held the third Wednesday of the month (excluding January where no meeting is typically held).*

*Council meetings normally commence at 5.00pm to afford an opportunity for most members of the public to attend after work, with November and December meetings normally commencing at 6.00pm to afford the opportunity for members to attend during the harvest period.*

*Any change to the meeting details must be published on the local government's official website as soon as practicable after the change is made.*

**Strategic Implications:**

Shire of Koorda Integrated Strategic Plan 2022

4.1 - Open and Transparent Leadership

**Risk Implications:**

<b>Risk Profiling Theme</b>	Failure to fulfil statutory regulations or compliance requirements
<b>Risk Category</b>	Compliance
<b>Risk Description</b>	No noticeable regulatory or statutory impact
<b>Consequence Rating</b>	Insignificant (1)
<b>Likelihood Rating</b>	Rare (1)
<b>Risk Matrix Rating</b>	Low (1)
<b>Key Controls (in place)</b>	Council Meeting Policy & Compliance Calendar
<b>Action (Treatment)</b>	Nil
<b>Risk Rating (after treatment)</b>	Adequate

**Financial Implications:**

Funds are included in the 2023/24 Budget to cover any costs associated with conducting Council Meetings, and to advertise and promote the dates of Ordinary Council Meetings.

**Voting Requirements:**  Simple Majority  Absolute Majority

**Officer Recommendation**  
**RESOLUTION 191223**

**Moved Cr GL Boyne**

**Seconded Cr NJ Chandler**


**That, in accordance with Regulation 12(1) of the Local Government (Administration) Regulations 1996, Council resolves to conduct its 2024 Ordinary Meetings of Council as below**  
**5.00pm, Wednesday 21 February 2024,**  
**5.00pm, Wednesday 20 March 2024,**  
**5.00pm, Wednesday 17 April 2024,**  
**5.00pm, Wednesday 15 May 2024,**  
**5.00pm, Wednesday 19 June 2024,**  
**5.00pm, Wednesday 17 July 2024,**  
**5.00pm, Wednesday 21 August 2024,**  
**5.00pm, Wednesday 18 September 2024,**  
**5.00pm, Wednesday 16 October 2024,**  
**6.00pm, Wednesday 20 November 2024, and**  
**6.00pm, Wednesday 18 December 2024.**

**CARRIED 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn,  
Cr KA Fuchsbichler

CONFIDENTIAL

### 13.2. Application to keep Rooster, 19 Best Street, Koorda.

<b>Corporate and Community</b>		 Shire of <b>Koorda</b> <small>Drive in, stay awhile</small>
<b>Date</b>	13 December 2023	
<b>Location</b>	Not Applicable	
<b>Responsible Officer</b>	Lana Foote, Acting Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	<i>Local Government Act 1995</i>	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input checked="" type="checkbox"/> Executive Decision <input type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	<a href="#">Application to keep one (1) bantam rooster at 19 Best St, Koorda</a> <a href="#">Shire of Koorda Health Local Laws 2001</a>	

#### **Background:**

A request has been received from D & S Trigg, for Council to consider their application to keep 1 x bantam rooster at their residence at 19 Best Street, Koorda.

As per the Shire of Koorda Health Local Law 2011, included in the “Statutory Implications” section below, there are limitations to the number of poultry and pigeons that can be kept, there are conditions for keeping poultry in limited numbers and specific requirements around the keeping of roosters, geese, turkeys, peafowls and gamebirds.

Under the Koorda Health Local Laws, section 5.4.4 (2) states;  
*The Council may upon written application, grant approval with or without conditions to the owner or occupier of premises to keep any one or more birds as specified in subsection (1).*

#### **Comment:**

WA Contract Ranger Services conducted consultation with the neighbouring properties and advised them of the application that was received by the Council for the keeping of a rooster at 19 Best Street, Koorda.

Objections were received from some of the neighbours, and as per section 5.4.4 (4) of the Shire of Koorda Health Local Law;

*(4) The Council may revoke an approval granted under this Section if it is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.*

As the consultation process has been undertaken with neighbours, and objections were received, it is recommended that the application be declined under Section 5.4.4(4) of the Shire of Koorda Health Local Law, as the likelihood of receiving noise complaints/the rooster causing nuisance is high and the Council may have to revoke any approval granted.

#### **Consultation:**

WA Contract Ranger Services  
Laura Pikoss, Contract EHO  
Neighbours of 19 Best Street, Koorda

**Statutory Implications:**

**Koorda Health Local Law 2011**

***Limitation on Numbers of Poultry and Pigeons***

*5.4.2 An owner or occupier of premises within a townsite shall not keep a combined total of more than 12 poultry and pigeons without the approval of Council, on any one lot of land.*

***Conditions for Keeping Poultry in Limited Numbers***

*5.4.3 A person who keeps poultry or permits poultry to be kept shall ensure that -*

- (a) no poultry is able to approach within 9 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;*
- (b) all poultry is kept in a properly constructed and securely fastened structure or enclosure;*
- (c) the structure is in a yard having an otherwise unobstructed area of at least 30 square metres;*
- (d) no poultry are able to approach within 9 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, Council has approved a lesser distance;*
- (e) no poultry is able to approach within 1.2 metres of any side or rear boundary of the premises; and*
- (f) all enclosures or cages within which poultry are kept shall be maintained at all times in a clean condition and shall be disinfected or otherwise dealt with in a way as directed by an Environmental Health Officer.*

***Roosters, Geese, Turkeys, Peafowlís and Gamebirds***

*5.4.4 (1) An occupier of premises within a townsite, shall not without the written approval of the Council, keep or permit to be kept on those premises, any one or more of the following fowl -*

- (a) a rooster;*
- (b) a goose or gander;*
- (c) a turkey;*
- (d) a peacock or peahen;*
- (e) a gamebird (includes emus and ostriches).*

*(2) The Council may upon written application, grant approval with or without conditions to the owner or occupier of premises to keep any one or more birds as specified in subsection (1).*

*(3) A person who has been granted approval under this Section to keep a bird may keep the bird on the premises only while he is the occupier thereof.*

*(4) The Council may revoke an approval granted under this Section if it is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.*

**Policy Implications:**

Nil.

**Strategic Implications:**

Shire of Koorda Integrated Strategic Plan 2022

4.1 - Open and Transparent Leadership

**Risk Implications:**

<b>Risk Profiling Theme</b>	Engagement Practices
<b>Risk Category</b>	Reputation (Social/Community)
<b>Risk Description</b>	Unsubstantiated, localised low impact on community trust, low profile or no media item
<b>Consequence Rating</b>	Minor (2)
<b>Likelihood Rating</b>	Possible (3)
<b>Risk Matrix Rating</b>	Moderate (6)
<b>Key Controls (in place)</b>	Complaints Procedure
<b>Action (Treatment)</b>	Complaints Process
<b>Risk Rating (after treatment)</b>	Adequate

During Consultation with neighbours, all neighbours within a close proximity did not support the application for the keeping of a rooster. Based on this, it is considered a risk to approve the application, as Council may revoke an approval under Section 5.4.4 (4) of the Koorda Health Local Laws if the approved bird is causing a nuisance.

**Financial Implications:**

Nil.

**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation**  
**RESOLUTION 201223**

**Moved Cr CL Nairn**

**Seconded Cr GL Boyne**

**That Council decline the application to keep a rooster at the premises owned by D & S Trigg at 19 Best Street, Koorda.**

**CARRIED 4/3**

**FOR:** Cr JM Stratford, Cr NJ Chandler, Cr GL Boyne, Cr CL Nairn

**AGAINST:** Cr GW Greaves, Cr KM Burrell, Cr KA Fuchsbichler

## 14. OFFICER'S REPORTS – WORKS & ASSETS

### Cr Jannah Stratford

Financial – A shareholder in CBH Ltd (CBH) (as grower member/farmer) who holds one share valued at \$2.00 in CBH, a non-distributing co-operative governed under the Co-operatives Act 2009, and which is also a registered charity.

### Cr Gary Greaves

Financial - A shareholder in CBH Ltd (CBH) (as grower member/farmer) who holds one share valued at \$2.00 in CBH, a non-distributing co-operative governed under the Co-operatives Act 2009, and which is also a registered charity.

### Cr Gina Boyne

Financial - Closely associated (spouse) with a shareholder in CBH Ltd (CBH) (as grower member/farmer) who holds one share valued at \$2.00 in CBH, a non-distributing co-operative governed under the Co-operatives Act 2009, and which is also a registered charity.

### Cr Kurt Fuchsbichler

Financial - A shareholder in CBH Ltd (CBH) (as grower member/farmer) who holds one share valued at \$2.00 in CBH, a non-distributing co-operative governed under the Co-operatives Act 2009, and which is also a registered charity.

### Cr Nicholas Chandler

Financial – Employee of CBH.

***Due to a potential loss of a quorum resulting from the above financial interest disclosures, the Acting CEO has applied for statutory participation approval for Councillors Stratford, Greaves, Boyne, and Fuchsbichler under s5.69(3) of the Local Government Act 1995 so that item 14.1 may be addressed at this meeting.***

Accordingly, Approval is granted to Cr Gina Boyne, Cr Jannah Stratford, Cr Gary Greaves and Cr Kurt Fuchsbichler to fully participate in the discussion and decision making relating to the following agenda item at the Shire's Ordinary Council Meeting, on 18 December 2023, as follows:

### **14.1. CLOSURE OF STOCKYARD ROAD RESERVE, KOORDA**


Conditions of the approval:

1. The approval is only valid for the 18 December 2023 Ordinary Council Meeting when agenda item 14.1 is considered;
2. The above-mentioned councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;
3. The Chief Executive Officer (CEO) is to provide a copy of the Department of Local Government, Sport and Cultural Industries (DLGSC's) letter of approval to the abovementioned councillors;
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;
5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to DLGSC, to allow DLGSC to verify compliance with the conditions of this approval; and
6. The approval granted is based solely on the interests disclosed by the abovementioned councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

6.47pm - Cr NJ Chandler withdrew from the Chambers and thus did not participate in discussion or vote on item 14.1.



## 14.1. Closure of Stockyard Road Reserve, Koorda

<b>Governance and Compliance</b>		
<b>Date</b>	9 December 2023	
<b>Location</b>	Not applicable	
<b>Responsible Officer</b>	Lana Foote, Acting Chief Executive Officer	
<b>Author</b>	As above.	
<b>Legislation</b>	<i>Land Administration Act 1997</i>	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input checked="" type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	<a href="#">14.1a - Letter Requesting Closure of Stockyard Road</a> <a href="#">14.1b - Proposed Stockyard Road Closure Location Plan</a>	

### Background:

An application (Attachment 14.1a of this item) has been received from Co-Operative Bulk Handling (CBH) to close Stockyard Road, Koorda, which runs through their Koorda Receiving Site.

A location map is included as Attachment 14.1b of this item.

### Comment:

The proposal is to close the whole portion of Stockyard Road, from the Koorda-Cadoux Road, through the CBH site and to the Koorda-Dowerin Road, as shown in red on Attachment 14.1b. The estimated area of land is 3.327 hectares.

The purpose of this request is to undertake the official closure of the subject road reserve, enabling CBH to proceed with the purchase and amalgamation of the subject land into the adjoining Lot 21 on Deposited Plan 46674.

It is noted that the closure of the subject road reserve will result in two neighbouring freehold lots losing their road frontage, description below:

1. Lot 255 on Plan 180072 – Reserve with a management order from PTA, and CBH currently holds a 99-year lease.
2. Lot 50 on Deposited Plan 010617 – Owned by the State of Western Australia, and like Lot 20984, no formal legal tenure information is available.

### Consultation:

Darren West, Works Supervisor.  
Paul Bashall, Planwest

### Statutory Implications:

Section 58 of the *Land Administration Act 1997* applies to this matter.

The process for a local government to close a road reserve is:

1. Council decides at Council meeting to consider closing a road.
2. Council advertises its intention to consider closing a road in local newspaper circulating in the district, giving a period of notice to provide submissions.
3. Council would write to advise service agencies of the road closure. This could include PTA, Landgate, WAPC, Water Corporation, Western Power, Telstra, the DMIRS and the Department of Lands. Notice would normally also be provided to adjacent or nearby local land owners.

4. Council makes a decision to close the road. This must be at least 35 days after the notice was publicised in the local newspaper. Any objections must be considered by Council.
5. Council writes to the Minister (with plans of road to be closed, copies of advice to service agencies, copy of the Council minutes, copies of any submissions, any other relevant information) requesting closure of road.

**Policy Implications:**

Nil

**Strategic Implications:**

Shire of Koorda Integrated Strategic Plan 2022

Type

**Risk Implications:**

<b>Risk Profiling Theme</b>	Failure to fulfil statutory regulations or compliance requirements
<b>Risk Category</b>	Compliance
<b>Risk Description</b>	No noticeable regulatory or statutory impact
<b>Consequence Rating</b>	Insignificant (1)
<b>Likelihood Rating</b>	Rare (1)
<b>Risk Matrix Rating</b>	Low (1)
<b>Key Controls (in place)</b>	Land Administration Act and road closure procedures
<b>Action (Treatment)</b>	Nil
<b>Risk Rating (after treatment)</b>	Adequate

**Financial Implications:**

Nil

**Voting Requirements:**

Simple Majority  Absolute Majority

**Officer Recommendation**

**RESOLUTION 211223**

**Moved Cr GW Greaves**

**Seconded Cr KM Burrell**

**That Council consider closing the entire portion of Stockyard Road, from Koorda-Cadoux Road to Koorda-Dowerin Road, as show on the plan included in Attachment 14.1b of this item.**

**CARRIED 6/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn, Cr KA Fuchsbichler

6.52pm - Cr NJ Chandler re-joined the meeting and the Presiding Person advised him of the outcome to item 14.1.

## 14.2. Koorda Recreation Ground Synthetic Bowling Green Project

*It is recommended that Council close the meeting to the public in accordance with the Local Government Act section 5.23 (2) (c) as a contract may be entered into and 5.23 (2) (d) commercial value/information of a person other than the Shire.*

### Council Decision Resolution 221223

Moved Cr KM Burrell

Seconded Cr GW Greaves

That Council close the meeting to the public at 6.52pm in accordance with the Local Government Act section 5.23 (2) (c) as a contract may be entered into and 5.23 (2) (d) commercial value/information of a person other than the Shire.

**CARRIED 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn, Cr KA Fuchsbichler

### Council Decision Resolution 231223


Moved Cr GL Boyne

Seconded Cr GW Greaves

That Council re-open the meeting to the public at 8.23pm.

**CARRIED 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn, Cr KA Fuchsbichler

<b>Governance and Compliance</b>		 Shire of <b>Koorda</b> <small>Drive in, stay awhile</small>
<b>Date</b>	15 December 2023	
<b>Location</b>	Not applicable	
<b>Responsible Officer</b>	Lana Foote, Acting Chief Executive Officer	
<b>Author</b>	As above.	
<b>Legislation</b>	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input checked="" type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	CONFIDENTIAL - Tender Evaluation (Sent to Councillors under separate cover)	

### Background:

Arising from the 2023/2024 Shire of Koorda Budget's capital works program, a state-wide request for tender (RFT) was called for the design and construction of the supply and install of a 7-rink synthetic bowling green as part of the co-location project at the Koorda Recreation Centre.

Tenders closed at 2.00pm Tuesday 5<sup>th</sup> September 2023. One (1) tender submission was received from Ever Green Synthetic Grass.

Council were successful in obtaining a grant from the DLGSC for the CSRFF Program for \$130,421.

**Comment:**

A confidential tender evaluation report and related confidential attachments have been provided to Councillors under separate cover.

With one tenderer responding, it appears evident that the current availability of contractors within the building and construction sector remains challenging.

In addition to the request for tender for the Bowling Green, quotes were sought from external suppliers for the retaining and site preparations required for the proposed Bowling Green. Initial quotes came in over budget and were tabled at the November 2023 forum session with Council Members. Following the November 2023 forum session, the Executive Management team have been working to seek updated and accurate quotes from suppliers for the project. Pricing received is included in the confidential tender evaluation document.

**Consultation:**

Darren West, Works Supervisor  
Council Members  
Suppliers

**Statutory Implications:**

Local Government Act 1995, Section 3.57(1) (2)  
Local Government Act (Functions in General) Regulation 1996 – Part 4 – Tenders for providing goods and services 11(1)

**Policy Implications:**

Nil.

**Strategic Implications:**

Shire of Koorda Integrated Strategic Plan 2022  
3.1 – Shire owned facilities are renewed and maintained in a strategic manner to meet community needs.  
3.1.1 - Manage Shire Assets sustainably using the Strategic Resourcing Plan.  
4.3 – Forward planning and delivery of services and facilities that achieve strategic priorities.

**Risk Implications:**

<b>Risk Profiling Theme</b>	Project Management
<b>Risk Category</b>	Financial Impact
<b>Risk Description</b>	20 - 50 % increase in time or cost or variation to scope or objective requiring restructure of project and Executive Management or Council approval.
<b>Consequence Rating</b>	Major (4)
<b>Likelihood Rating</b>	Possible (3)
<b>Risk Matrix Rating</b>	High (12)
<b>Key Controls (in place)</b>	Purchasing Policy, Budget Reporting
<b>Action (Treatment)</b>	Project Management Framework, Monthly Project Reports, Finalised Quotes
<b>Risk Rating (after treatment)</b>	Adequate

**Financial Implications:**

Successful CSRFF Grant of \$130,421.

\$400,000 included in the 2023/2024 Budget for the Synthetic Bowling Green Re-Location Project.

Pending on the outcome of the item, additional funds may be required.

**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation**  
**RESOLUTION 241223**

**Moved Cr GW Greaves**

**Seconded Cr NJ Chandler**

**That Item 14.2 Koorda Recreation Ground Synthetic Bowling Green Project lay on the table until March 2024 to investigate the project further.**

**CARRIED 6/1**

**FOR:** Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn, Cr KA Fuchsbichler

**AGAINST:** Cr JM Stratford

CONFIDENTIAL

## 15. Urgent Business Approved by the Person Presiding or by Decision

### Officer Recommendation RESOLUTION 251223

Moved Cr NJ Chandler

Seconded Cr GL Boyne

That late items 15.1 *Monthly Financial Statements* and 15.2 *Appointment of Temporary CEO* be accepted to the Agenda for consideration.

**CARRIED 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Naim, Cr KA Fuchsbichler

### 15.1. Monthly Financial Statements

<b>Corporate and Community</b>		
<b>Date</b>	14 December 2023	
<b>Location</b>	Not Applicable	
<b>Responsible Officer</b>	Lana Foote, Acting Chief Executive Officer	
<b>Author</b>	As above	
<b>Legislation</b>	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	November 2023 Financial Activity Statement	

#### Background:

This item presents the Statement of Financial Activity to Council for the period ending 30 November 2023.

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare financial reports.

Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996* set out the form and content of the financial reports, which have been prepared and presented to Council.

#### Comment:

All financial reports are required to be presented to Council within two meetings following the end of the month that they relate to.

These reports are prepared after all the end-of-month payments and receipts have been processed.

#### Consultation:

LG Best Practices

**Statutory Implications:**

Council is required to adopt monthly statements of financial activity to comply with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

**Policy Implications:**

Finances have been managed in accordance with the Shire of Koorda policies.

**Strategic Implications:**

Shire of Koorda Integrated Strategic Plan 2022

4.1.1 – Ensure the use of resources is effective, efficient and reported regularly.

**Risk Implications:**

<b>Risk Profiling Theme</b>	Failure to fulfil statutory regulations or compliance requirements
<b>Risk Category</b>	Compliance
<b>Risk Description</b>	No noticeable regulatory or statutory impact
<b>Consequence Rating</b>	Insignificant (1)
<b>Likelihood Rating</b>	Rare (1)
<b>Risk Matrix Rating</b>	Low (1)
<b>Key Controls (in place)</b>	Governance Calendar, Financial Management Framework and Legislation
<b>Action (Treatment)</b>	Nil
<b>Risk Rating (after treatment)</b>	Adequate

Timely preparation of the monthly financial statements within statutory guidelines is vital to good financial management. Failure to submit compliant reports within statutory time limits will lead to non-compliance with the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

**Financial Implications:**

Nil

**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation**  
**RESOLUTION 261223**

**Moved Cr GL Boyne**

**Seconded Cr GW Greaves**

**That Council, by Simple Majority, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the statutory Financial Activity Statement report for the period ending 30 November 2023, as presented.**

**CARRIED 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn, Cr KA Fuchsbichler

8.31pm – ACEO L Foote and Governance Officer K Harrap withdrew from the chambers.

## 15.2. Appointment of Temporary CEO

<b>Corporate and Community</b>		 Shire of <b>Koorda</b> <small>Drive in, stay awhile</small>
<b>Date</b>	18 December 2023	
<b>Location</b>	Not Applicable	
<b>Responsible Officer</b>	Cr Jannah Stratford, President	
<b>Author</b>	As above	
<b>Legislation</b>	Local Government Act 1995, Local Government (Administration) Regulations 1996	
<b>Disclosure of Interest</b>	Nil	
<b>Purpose of Report</b>	<input type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
<b>Attachments</b>	Nil	

### Background:

The CEO Recruitment Committee was established by Council at its meeting held 23 October 2023, with the Committee's Terms of Reference including the following Roles and Responsibilities of the Committee:

- (a) To provide general guidance and participate in the recruitment process for the position of Chief Executive Officer of the Shire of Koorda, in accordance with the indicative process agreed by the Council.
- (b) To make recommendation to the Council at each stage of the selection process, including but not limited to:
  - The position description
  - The Draft CEO employment contract
  - The preferred candidate(s) report and recommendation to Council
- (c) To consider the assessment of applicants for the position of Chief Executive Officer.
- (d) To consider the advertisement and/or re-advertisement or other additional steps (if necessary) in consultation with the Recruitment Consultant.
- (e) Ensure appropriate advertising mediums are used such a social media, websites, SEEK and written formats such as West Australian professional and/or local government job section.
- (f) A report to Council with recommendation of the preferred candidate including negotiated employment contract to be considered and endorsed by Council for the appointment of the Chief Executive Officer.
- (g) Any other matter which is not stipulated within these terms of reference, but which is within the powers and functions of the Panel or other matters which are specifically referred by the Council to the Panel and related to the selection of the Chief Executive Officer.

### Comment:

The CEO Recruitment Committee met on 27 November 2023, and referred their recommendation to a Special Council Meeting held 4 December 2023 and the below recommendations are included below for reference;

#### **Officer Recommendation** **RESOLUTION 021223**

**Moved Cr GL Boyne**

**Seconded Cr KM Burrell**

#### **That Council:**

1. **No applications to be progressed,**
2. **Appoints an external Acting CEO while undergoing future recruitment process,**
3. **Recruitment Consultant to assist with potential candidates for interim Acting CEO Position.**

**CARRIED 4/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr GL Boyne, Cr KM Burrell



**Additional Officer Recommendation**  
**(If Committee Recommendations 1-3 above are carried)**  
**RESOLUTION 031223**

**Moved Cr KM Burrell**

**Seconded Cr GW Greaves**

**That Council:**

- 4. Notes the effect of Council's resolution that 'no applications to be progressed' and resolves for a new recruitment and selection process for the position of CEO to be carried out in accordance with the CEO Recruitment Standards.**
- 5. Requests a Report be provided to a Council Meeting, scheduled at the earliest opportunity, detailing:**
  - a. Changes, if any, proposed by the CEO Recruitment Committee for undertaking the second CEO recruitment process,**
  - b. Recruitment Consultant quotation and estimate of other additional costs associated with conducting the second CEO recruitment process and recruitment and appointment of a Temporary CEO,**
  - c. Provide details of the remuneration and benefits to be offered to the Temporary CEO in accordance with Council's Policy and the Temporary CEO recruitment process proposed in accordance with Council Policy "Appointment of an Acting Chief Executive Officer".**
- 6. Resolves to remove confidentiality from this Report, so that it is published in the Minutes of this meeting.**

**CARRIED 4/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr GL Boyne, Cr KM Burrell

This item is to progress part 5(c) of Resolution 031223, as above.

**Consultation:**

Nil.

**Statutory Implications:**

Local Government Act 1995, s.5.39A. *Model standards for CEO recruitment, performance and termination.*

*Local Government (Administration) Regulations 1996, Schedule 2, Division 2, Standards for recruitment of CEOs. Clause 9, prescribes:*

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.*
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —*
  - (a) a summary of the selection panel's assessment of each applicant; and*
  - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.*
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —*
  - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and*
  - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria*

*Local Government (Administration) Regulations 1996*, Regulation 29A(2) provides that Council may resolve to make information available for public inspection, that was dealt with at a meeting that had been closed to the public under s.5.23.

### Policy Implications:

Council Policy “Appointment of an Acting Chief Executive Officer” was adopted in accordance with s.5.39C of the Local Government Act 1995. This Policy will apply to the proposal to appoint an external Temporary CEO, specifically clauses 5 and 6, which have been extracted below:

#### 5. Appoint Temporary CEO – Substantive Vacancy

- a) *In the event that the substantive CEO’s employment with the Shire of Koorda is ending, the Council when determining to appoint a Temporary CEO may either:
 
  - i. *by resolution, appoint Deputy CEO as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or*
  - ii. *by resolution, appoint the Deputy CEO as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or*
  - iii. *following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.**
- b) *The President (or in their absence the Deputy President) will liaise with an Administration Officer to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.*
- c) *The President (or in their absence the Deputy President) is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance from the Governance Officer.*

#### 6. Remuneration and conditions of Acting or Temporary CEO

- a) *Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at no less than 85% of the cash component only of the substantive CEO’s total reward package.*
- b) *Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.*
- c) *Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.*

### Strategic Implications:

Shire of Koorda Integrated Strategic Plan 2022

4.1 – Open and transparent leadership.

4.1.1 – Ensure the use of resources is effective, efficient and reported regularly.

### Risk Implications:

<b>Risk Profiling Theme</b>	Employment Practices
<b>Risk Category</b>	Compliance
<b>Risk Description</b>	No noticeable regulatory or statutory impact
<b>Consequence Rating</b>	Insignificant (1)
<b>Likelihood Rating</b>	Possible (3)
<b>Risk Matrix Rating</b>	Low (3)
<b>Key Controls (in place)</b>	Council Policies
<b>Action (Treatment)</b>	Recruitment and enactment of Council Policies.
<b>Risk Rating (after treatment)</b>	Adequate

### Financial Implications:

An annual allocation was made in the 2023/2024 budget for the employment of a CEO.

**Voting Requirements:**     Simple Majority     Absolute Majority

**Officer Recommendation**  
**RESOLUTION 271223**

**Moved Cr KM Burrell**

**Seconded Cr NJ Chandler**

**That Council;**

- 1. Authorises the President and Deputy President to work with the CEO Recruitment Consultant, to shortlist and engage a suitable candidate as temporary CEO,**
- 2. Provides details of remuneration and benefits to be offered to the Temporary CEO, in accordance with Council Policy and SAT Band 4 determinations, and**
- 3. At a Special Council Meeting, at a date and time determined by the President, approves the appointment, remuneration and benefits for the Temporary CEO.**

**CARRIED 7/0**

**FOR:** Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn, Cr KA Fuchsichler

8.46pm – ACEO L Foote and Governance Officer K Harrap rejoined the meeting. Cr KM Burrell withdrew from the chambers.

8.48pm – Cr KM Burrell rejoined the meeting.

**16. Elected Members' Motions**

Nil.

**17. Matters Behind Closed Doors**

Nil.

**18. Closure**

The Chairperson thanked everyone for their attendance and closed the meeting at 8.48pm.

Signed: \_\_\_\_\_

*Stratford*

**Presiding Person at the meeting at which the minutes were confirmed.**

**Date: 21 February 2024**