



# Ordinary Council Meeting

## Minutes

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Held on Wednesday, 25 November 2015

Commencing 5.15pm at the Council Chambers, Donnybrook

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A handwritten signature in black ink, appearing to read 'John Attwood', written in a cursive style.

**John Attwood**  
Chief Executive Officer

**2 December 2015**

### **Disclaimer**

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

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ORDINARY COUNCIL MEETING MINUTES  
25 NOVEMBER 2015  
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# SHIRE OF DONNYBROOK-BALINGUP

## ORDINARY COUNCIL MEETING MINUTES

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Held at the Council Chambers, Donnybrook  
Wednesday, 25 November 2015 at 5.15pm

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\*\* Given the size of the Public Gallery the Shire President decided to relocate the meeting to the Town Hall for Public Question Time and then reconvene the meeting in the Council Chambers afterwards.

### MEMBERS PRESENT

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#### COUNCILLORS

Cr Logiudice (President)  
Cr Mills (Deputy)  
Cr Bailey  
Cr Crowley  
Cr Dilley  
Cr King  
Cr Mitchell  
Cr Tan  
Cr Van Der Heide

#### STAFF

John Attwood – Chief Executive Officer  
Greg Harris – Manager Finance and Administration  
Leigh Guthridge – Manager Development and Environmental Services  
Tim Shingles – A/ Principal Planner  
Damien Morgan – Manager Works and Services  
Kate O’Keeffe – Executive Assistant  
Lucy Bourne – Governance Officer (to 7pm)

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### PUBLIC GALLERY

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Carolyn Austin  
Philippa Ahrens  
Andrew Sandri  
Simon McInnes  
Brett Thomas  
Mitchell Ralph  
Rhonda McBrearty  
Sandra Cristaldi  
Shannon Miller  
Bonnie Keusch  
Helen Gamble  
Wendy Cain  
Tegan Kirk  
Tara McNeven  
Christine Rae  
David Tuia  
Robin Kent  
Robin Depiazzi  
Colin Sharp

Frank Haygarth  
Alan Walker  
Sean Davies  
Paige Weaver  
Rob Alford  
Peter Rae  
Gwendoline Nidd  
Tina Cristaldi  
Iona Bewsher  
Andrew Clifford  
Kathleen Langdon  
Rod Atherton  
J Betts  
Gaye Williams  
Murray Wells  
Wendy Allen  
Bill Kent  
Des Depiazzi  
Alan Hay

Raemer Haygarth  
Alan Bell  
John Wilson  
Chris Weaver  
Ian Ralph  
Lindsey Loweth  
Angelo Cristaldi  
Brent Russell  
Grace Keusch  
Kym Anderson  
Elise Cane  
Nina Smith  
Tony Scaffidi  
David Williams  
Gerry Leveridge  
John Crudent  
Alicia Keall  
Pasqualine Seaglione  
Laurel Hay

Dave Denholm  
Sue Pritchard  
Roz Cross  
Loren Fleay  
Jim Gerde  
Peter McCabe  
Peggy Sharp  
Charles Sharp  
Suzanne Lanyon  
Lyn Smith  
Anne Margetts  
Alice Way  
Narelle de Kluyver  
Steve Russell  
Chris Jones  
Bevan Daws  
Louise Lockhart  
Luisa Dale  
Kate Gray  
John Ranieri  
Peter McCable  
Lui Tuia  
L Gorman  
Aldo Sapienza  
Lorraine Howlett  
Mathew Horton  
Erica Gibbons  
George McBreaty  
Terry Kirkpatrick  
Maurie Tysoe  
Glenn Cooper  
Shaun Nelson  
Gwen Combes  
Olive Wood  
Kerry Radford  
Don Williams  
Julie Dawson  
Charlie Keall  
Chris Cain  
Brett Lawtie  
Terry Curtis  
John Wringe  
Vinna Henderson  
Sue Radford  
Kerry Russell  
June Jones  
Lois Jackson  
S. J Bailey

Mary Silcock  
Rob Horton  
Tom Sheehan  
Greg Chapman  
June Scott  
Annie Sims  
Catherine Beeson  
Tracey Quartermaine  
Geoff Smith  
Bruce Hearman  
Brian Marsh  
Nigel Tuia  
Judith Archibald  
Michelle Holmes  
Kate Daws  
Wendy Kurz

Linette Downton  
Ken Gray  
Carol Ranieri  
Brad Anderson  
Donna Khan  
Les Bond  
Terry Kirkpatrick  
Leah Hewson  
Nigel Tuia  
Anne Christian  
Angela McCulloch  
Maureen McCabe  
Kim Walsh  
Mary Rossini  
Don Carlson  
Jane Cox  
Patricia Rockliff  
Max Gibbons  
Verity Campbell  
Ric Evans  
Mick Adams  
Val Fewster  
Robyn Hayward  
Narelle Dekluyver  
John Licciardello  
Ethel Farley  
Max Walker  
Mario Contarino  
David Jones  
L Hays  
Loma Bell

Jill Wilhaus  
Anthea Horton  
Kim Jackson  
Graham Hunt  
Linda McCabe  
Ann Clifford  
Joe Martella  
Karl Hutchinson  
Jill Duncan  
Robyn Roney  
Lois Marsh  
Mario Contarino  
Linda Martindale  
Elsie Woodley  
Adam Lockhart  
Gabriela Ptakova

Shirley Allen  
Cam Russell  
Joan Jenning  
Bob Jennings  
G Hewson  
Peppi Cavallo  
Grady Howson  
Shannon Sumich  
Sam Cusato  
Liz Alford  
Jan Kirkpatrick  
Allen Morgan  
Mike Goddard  
Danny Rossini  
Lis Carlson  
Michael York  
Kate Wood  
Jeanette Gibbons  
Bernie Dawson  
Carol Evans  
Brad Johnson  
Sharon Lawtie  
Annette Curtis  
Steve Russell  
VW Padman  
Ian Kemp  
Beth Walker  
Margaret Terrace  
Phillip Vinci  
James Wringe  
Keith Bell

Bev McKay  
Ruth Johnson  
Dawn Jackson  
Natalie Crowley  
Anthony Haygarth  
Mark Bennett  
Gary McCorkell  
Robyn Roberts  
Michael McNeven  
Jenny Smith  
Roz Williams  
David Bewsher  
Glenn Tickner  
Allan Reed  
John Sheehan  
Claire Maher  
Maria Giancono  
Alan Blee  
Les Bond  
Maryanne Buck  
John Russell  
M. Morgan  
Phyllis Kelly  
Margo Veen  
Alf Torrisi  
Maxine Quick  
Louisa Atherton  
Tarnya Box

Michelle Padman  
Dawn Simmons  
Irene Russell  
Jacqueline Cavill  
Kathleen Wishart  
David Cain  
Gil Langley  
Rita Murray  
Mary Bagley  
Stephen Chinnery  
Don Williams  
Sylvie Buchanan  
Linsey Thomas  
Judith Archibald  
Derek Saunders  
Suzanne Hernan  
Kate Bond  
Karen Farley  
Mavis Green  
Georgie Buck  
R. E Gorman  
L Darlington  
Graham Atherton  
Jo O'Dec  
Michelle Holmes  
Rachel Mitchell  
Warren Clarson

Kayleen Russell  
Rod Jackson  
Joan Crowley  
Rino Tuia  
Terry Wishart  
Mike Wringe  
Wendy Betti  
Keryn McNeven  
Ian Lamb  
Mike Ramsay  
Elma Bewsher  
Nola Higgins  
Paul de Kluyver  
Pam Mohi  
Merle Hickman  
Cirino Licciardello  
Narelle Blee  
Leah Lerace  
Michael Anderson  
Frank Wilson  
Sandra Scaffidi  
Lenny Kelly  
Meryl Atherton  
Gordon Farley  
Dellas Walker  
Linda Atherton  
Betsy Clarson

Please Note: Not all members of the public gallery registered their attendance at the meeting.

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## 1 APOLOGIES

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Nil

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## 2 PUBLIC QUESTION TIME

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### Questions Taken without notice at the Ordinary Council Meeting on 25 November 2015

*Jill Duncan*

*I make reference to the Code of Conduct for Elected Members and Staff which was recently reviewed and endorsed by Council 9/0. I direct my questions to the President. Are you aware that Cr. Mills is occupying a caravan on Cr. Bailey's land in the main street of Balingup without the appropriate planning and health approvals in place? Are you aware that Cr. Bailey received written notice from the Principal Planner, Bob Wallin,*

*of the caravan by Cr. Mills is continuing as at 23 November and has been for several weeks prior to that date? Do you consider that Cr. Bailey and Cr. Mills have breached their own Code of Conduct (Section 5) in addition to Council policies, and what action will you take in the public interest to censure these Councillors?*

President

Shire staff are investigating and undertaking processes to ensure compliance is achieved.

Jill Duncan

*What is your action going to be as Councillors have breached the Code of Conduct?*

President

This question will be taken on notice and a written response will be provided.

Jill Duncan

*In the interest of public justification, can Cr. Tan explain what experience she has with bushfires and other emergencies, 2-way radio transmissions and protocols in emergency situations, liaison with other agencies involved in such emergencies e.g. DFES, DPAW, Police, Ambulance, SES, Main Roads? Does her experience account for her "informed vote" against the recommendation by long-term and experienced FCO'S (including the CFCO) on the Bush Fire Advisory Committee?*

President

This question will be taken on notice and a written response will be provided.

Jill Duncan

*Congratulations to Cr. King for achieving the "change in leadership" for which he advocated so strongly during the recent election. Does Cr. King (and his allies on Council) consider the actions of their new leadership to be representing the majority of the residents and ratepayers, for instance, a shambles of a Council meeting in October, where directions by the President were indecisive and unclear, where Councillors and members of the gallery were talking during debate and were not immediately called to order, where alcohol was being consumed by some people in the gallery, where a member of the gallery approached a Councillor during debate, etc. Can Cr. King and his allies publicly justify voting against a valid recommendation from a lawfully convened Advisory Committee of Council, voting to sack the Tuia Lodge Board, instigating further unjustified actions to get rid of the current CEO, and overlooking breaches of Council policies and Code of Conduct in order to maintain a majority vote in Council decisions?*

President

This question will be taken on notice and a written response will be provided.

Bruce Hearman

*Will the Shire President or CEO please outline any current contractual arrangements regarding the employment by Council of the CEO, particularly with regard to most recent reviews and the duration of existing contracts?*



CEO

My contract finishes in June 2016. The past Council agreed they would offer an extension of one year which I accepted. That decision hasn't been unanimous and will be discussed tonight.

Bruce Hearman

*Given the fact that the contract has six or seven months to run, after being in office for 21 years, during which there were never any claims of corruption, malpractice, never any contention of ill-practice or ill-repute, can I ask the Shire President whether he supports the CEO in the decision about his contract later on today.*

President

I am unable to answer this as it is Council policy that issues relating to staff are treated in a strictly confidential manner and as such are not discussed in open Council.

*Nigel Tuia*

*When will the independent review completed by Inspire Consulting Group be released to the public and what consideration did Council give to the Tuia Lodge Board recently winning an Australasian award for best aged care, before they were being dismissed?*

President

The report from Inspire Consulting is confidential however if the CEO sees fit to make the report public I would be comfortable with its release.

CEO

Ninety five per cent of it could be released. Parts of the report would have to remain confidential.

*Nigel Tuia*

*Why was the Board Sacked?*

President

The Board was not sacked. They have been stood down until an independent investigation can be completed.

*Nigel Tuia*

*Does the President think it would be sensible to release the first investigation before initiating another at the cost of ratepayers?*

President

I'm quite happy to release the report, yes. I have some concern about names, but I will discuss with the rest of Council with regard to whether we release it and what we release out of it.

*Mario Contarino*

*When the President appeared in the local paper saying he supported the independence of Tuia Lodge, is this what he had in mind?*

President

I didn't say I was supporting the independence of Tuia Lodge, but said we would work towards an incorporated body.

*Tony Scaffidi*

*I'd like to put this question to John Attwood. At last week's Special Council Meeting to discuss the Tuia lodge Board, were any new allegations raised or presented to Council that had not already been dealt with or considered before they moved the motion to dismiss the Board?*

CEO

No new allegations were presented at the Council meeting.

President

There have been ongoing allegations, and if these are not dealt with and have a full report on them they are going to continue to be raised.

*A member from the public gallery asked whether there were any allegations that have been brought to Councils attention that have not been dealt with.*

President

No.

*Joe Martella*

*In light of recent events do you think it was a mistake that the CEO and the Shire President were on the Board of Tuia Lodge?*

President

Impartiality interests were disclosed.

*Joe Martella*

*If the President and CEO weren't on the Board would it have been a different decision?*

Cr Dilley

I wish to clarify that the CEO does not have the power to vote on Council decisions, only the Councillors have the ability to vote.

*Steve Russell*

*We now have councillors ignoring their own policies and advisory committees – Is this, or the practice of making policies on the run going to continue?*

President

I don't think we make policy on the run. I think it's more about clearing the past and better management. It's more the fact that we have been dealing with allegations and they won't go away.

*Steve Russell*

*My question related to the last couple of Council meetings where the Council has not taken the advice of the Bushfire Advisory Committee.*

*At last Fridays meeting with Tuia Lodge Board, when they were dismissed, Mr Tuia asked "What consideration have you given to us winning an Australasian award?" and the response was "You get an award today and you could be in prison tomorrow". Who said this and what grounds were the comments based on?*

President

The comment was not made in the way you have expressed it. I can confirm that I did not make the comments. The award is very relevant and appreciated however if there are issues not resolved they need to be investigated.

*Steve Russell*

*Who said "You get an award today and you could be in prison tomorrow" and what grounds were the comments based on?*

Cr Mills

It was very similar to a comment I made at that meeting, what I said was in response to Mr Tuia's question about the award. My comment was intended to relay that there are many people who have received awards who have ended up in jail. I recognise the award.

I voted for the withdrawal of the Board on the basis that there are a number of serious allegations that haven't been addressed. I have no expertise in proving or disprove these allegations so we have to get in experts.

*Steve Russell*

*Was everyone present told about the secret taping prior to the meeting or was it sometime later?*

Cr Mills

They were told at the start.

*Judith Archibald*

*In the discussions regarding Tuia Lodge, what steps are being taken to ensure the interim committee comprises members well versed in the three areas of Council, Tuia Lodge and the very complex Aged Care legislation?*

CEO

The interim committee will be focussing on the steps to transitioning operations to Tuia Lodge Inc. The Interim Committee will be comprised of Shire staff, Tuia Lodge Board Members as well as an Administration Officer to assist with the transition process.

*Michelle Holmes*

*I worked at Tuia Lodge for a while but left because I did not want to be a part of the practices there. I witnessed elder abuse and reported it to Management with no result. Would you not want an investigation if it was happening to your family?*

President

If the allegations are not dealt with and reported on they will continue to be raised.

*Elsie Woodley*

*Is there any agenda that Tuia could be sold to a company?*

President

There is no agenda to sell Tuia Lodge.

*Elsie Woodley*

*My question is directed to the two new Councillors – do you know how much work (money/time) it has taken to get Tuia Lodge from an idea to what it is now?*

Cr Tan

Prior to being elected Councillor I felt Tuia Lodge was a well-run facility. My contribution as a Councillor is time spent ensuring the allegations get properly investigated.

Cr Mills declined to answer.

*Anthony Haygarth (read out all three questions)*

*Will Council give an undertaking to the community that Council will hold a Special Council Meeting in 14 days' time to consider future management options for Tuia lodge?*

*Will Council give an undertaking to the community – that until such time as the community has had time to consider the matter and provide further direction to Council – that Council will operate Tuia Lodge in a Care-Taker mode, will not enter into long-term contracts and will not engage consultants or investigators?*

*Will Council give an undertaking to protect the financial position of Tuia lodge operations and ensure that there is no deterioration of the financial position of Tuia Lodge while under Council management?*

President

These questions will be taken on notice.

*Anthony Haygarth*

*I ask the president to give a commitment to undertake these items.*

President

We will make sure we do our best to keep the financial situation as it is. There have never been any issues with the finances at Tuia Lodge. I intend to make a final statement at the end of Public Question Time.

*Anthony Haygarth*

*Is the President willing to give a personal undertaking that Council will hold a Special Council Meeting in 14 days' time regarding Tuia Lodge?*

President

I will have to discuss that. It's important to clarify a Special Meeting can be called.

*Anthony Haygarth*

*I am asking for your personal guarantee that the Special Council Meeting will take place.*

President

I will discuss your request with Council and advise.

CEO

3 Councillors have formally requested the Special Council Meeting be held on 9 December 2015. As the CEO I am obliged to call the meeting. The meeting will take place.

(A member from the public gallery asked for the names of the Councillors who signed the letter calling for the meeting)

CEO

Crs Dilley, Crowley and Van Der Heide lodged the request.

*Glen Cooper*

*I would like to recognise the amount of money and time Jack Denning put into Tuia Lodge as well as the efforts from Lui Tuia and the community. Is Tuia Lodge owned by the community or by the Shire of Donnybrook-Balingup?*

President

The facility was built by Donnybrook community. It is under the jurisdiction of Council. But it is owned by the people. Council works in the best interest of the ratepayers. I will make a final statement at the end of Public Question Time.

*Graham Atherton*

*My mother, Shirley Atherton, has been a resident of Tuia Lodge for five years. What consideration was given to my mother and also the other 25 residents when Council dismissed the Board last week?*

President

The allegations need to be fully investigated; I intend to see this happens.

*Kate Wood*

*Why weren't we as family members told of the allegations against Tuia Lodge or asked about them?*

President

Council is not able to make information available to families until the investigation is completed.

*Wendy Betti*

*I am representing Friends of Tuia Lodge who provide a range of voluntary services to the Residents and Tuia Lodge Frail Aged Facility. For an example, the Tuia Lodge bus was purchased from funds raised by Friends of Tuia Lodge so the volunteer group could take*

*residents on outings. What plans have been put in place to replace the services provided by the Friends of Tuia Lodge now that the Board has been sacked?*

President

I would like to acknowledge the volume of work undertaken by the Friends of Tuia lodge and volunteers are hard to come by, there's no doubt about that. I would like to see in the interim they don't take their services from Tuia Lodge until we have resolved these issues.

*Alan Reed*

*Has Council contacted any external agency regarding interim management assistance as Council does not have the expertise?*

CEO

Yes, Council is endeavouring to obtain a temporary replacement as a matter of urgency.

*Alan Reed*

*Have you been in contact with Aged Care Services WA?*

CEO

Yes, and other employment agencies.

*Alan Swarbrick*

*Why did you go down this path with Tuia Lodge? It has generated community outrage*

President

Council has undertaken other options to try to resolve the issues at Tuia Lodge however the allegations were not going away.

*Alan Swarbrick*

*You should have held a community meeting and advised the community publicly. How much has the investigations cost so far?*

CEO

Approximately \$20,000 to \$25,000 has been spent on the investigation processes so far.

*Peter McCabe*

*Are you going to invite the public to stay back for supper to meet the new councillors like you did after the Balingup meeting?*

President

Food will be provided after the meeting tonight.

Steve Russell

My question is directed to the CEO: at the Special Council meeting on 19 November 2015 where the rescinding motion calling for an investigation was put, were any other options presented?

CEO

Cr Van Der Heide foreshadowed an option and a number of other options provided in the agenda were discussed. My recommendation was to carry on as we were with the transition from Council to an independent incorporated body.

*Peter Rae*

*My involvement with Tuia Lodge has been extensive and I can affirm that the residents care is of an excellent standard. The residents are genuinely loved. I would like to know why Council has the moral authority to continue in office when it's so far out of step with the community?*

President

I am not sure that Council is out of step given the allegations that have been raised. Council have an obligation to investigate.

Ian Kemp

I have been considering the resolution passed by Council very deeply. All members of the Board have been withdrawn from Tuia Lodge. I direct my question to the CEO, who will be taking control now? As a Board member you have been stood down.

CEO

My primary role is CEO for the Shire of Donnybrook-Balingup and in this role I will be recruiting a temporary Manager for Tuia Lodge.

\*\* 6.55pm - Meeting suspended to clear the Town Hall. The Public Gallery, with the exception of Kate Wood, Natalie Crowley, Max Walker, Brad Anderson, Bruce Hearman, Robyn Roney, June Scott, Jim Gerde, Jill Duncan, Peter McCabe, and Bernie Dawson left the meeting.

\*\* 7.05pm – Meeting reconvened in the Council Chambers.

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### **3 APPLICATION FOR LEAVE OF ABSENCE**

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Cr King requested a leave of absence for the Special Meeting on 9 December 2015.

Cr Mitchell requested a leave of absence for the Special Meeting on 9 December 2015.

**Moved: Cr Crowley**

**Seconded: Cr Bailey**

**That Cr King and Cr Mitchell be granted a leave of absence from the Special Council meeting scheduled for the 9<sup>th</sup> December 2015**

**Carried 9/0**

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### **4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST**

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Nil

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**5 PETITIONS/DEPUTATIONS/PRESENTATIONS**

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Mr Brad Anderson, Deputy Chief Fire Control Officer, presented in relation to agenda item number 8.1.1 – *Name Change for Upper Balingup Bushfire Brigade*. Presentation commenced 7.07pm and concluded 7.18pm.

Mr Antonio Scaffidi, property owner, requested to present in relation to agenda item number 10.4.1 – *Request to Consider Revocation of Council Resolution for Item 11.4.3 From Ordinary Council Meeting 23rd September 2015* however due to an administration oversight did not present at the meeting.

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**6 LATE ITEMS**

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**Moved: Cr Crowley**

**Seconded: Cr King**

**That late item 11.5. 9 – Administration of Tuia Lodge Incorporated be received and dealt with by Council.**

**Carried 9/0**

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**7 CONFIRMATION OF MINUTES**

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**7.1 Ordinary Council Meetings**

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**Council Decision**

**Moved: Cr Van Der Heide**

**Seconded: Cr Dilley**

**That the minutes of the ordinary meeting held on 28 October 2015 be confirmed as a true and accurate record.**

**Carried 9/0**

**Council Decision**

**Moved: Cr Van Der Heide**

**Seconded: Cr Dilley**

**That the minutes of the special meetings held on 11<sup>th</sup> and 19<sup>th</sup> November 2015 be confirmed as a true and accurate record.**

**Carried 9/0**



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## 8 ELECTED MEMBERS MOTIONS

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<b>8.1.1</b>	<b>SUBJECT:</b>	<b>NAME CHANGE FOR UPPER BALINGUP BUSHFIRE BRIGADE</b>
	<b>Location:</b>	<b>WA</b>
	<b>Applicants:</b>	<b>Cr Dilley</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>CNL 34A</b>
	<b>Author:</b>	<b>John Attwood, CEO</b>
	<b>Report Date:</b>	<b>11 November 2015</b>
	<b>Attachments:</b>	<b>Nil</b>

Correspondence has been received from Cr Dilley signed by three Councillors requesting Council rescind the motion 10.3.1 from the October Ordinary Council Meeting in accordance with Local Government Administration Regulation 1996, Section 10(1a) :

### **Cr Dilley's Notice of Motion**

**That Item 10.3.1 – Proposed Name Change for the Upper Balingup Bushfire Brigade from the Ordinary Council Meeting held on 28 October 2015 be rescinded.**

The resolution to item 10.3.1 was:

*'That Council approve the name change of the Upper Balingup Bushfire Brigade to the Munroe Bushfire Brigade inclusive of the boundaries within the existing Upper Balingup Bushfire Brigade area.'*

### **Cr Dilley's Comment**

The Shire's Chief Fire Control Officer and Deputy Chief Fire Control Officer have raised a number of concerns with Council resolution 10.3.1 from the Ordinary Council meeting on 28 October 2015:

- The resolution for item 10.3.1 does not in any way reflect the decision of the Advisory Committee. The resolution put to Council is the complete opposite to the recommendation of the Bushfire Advisory Committees
- The mover of the recommendation (Cr Bailey, as Balingup FCO) was at the Bushfire Advisory Committee meeting and was well aware of the feeling of the group and appears to have quite deliberately and dangerously disregarded the Committee's resolution
- The renaming of the brigade was requested to be held off until the end of the current fire season to allow a safe transition to the new name. A number of very experienced FCO's felt that a change of name at this time of the season would lead to more confusion than that being alleged by the 'Upper Balingup' FCO. The risk of confusion may lead to serious injury or worse.

- None of the FCO's present (other than the Upper Balingup FCO) reported any confusion with the existing Upper Balingup call sign, even though such confusion is being claimed.
- The Bushfire Advisory Committee were not given the option of choosing a suitable name for the brigade should a name change be deemed necessary. Every other brigade name in our Shire is locality-based. The Bushfire Act states:

**“2.2 Name and Officers of the bushfire brigade**

*(1) On establishing a Bushfire Brigade under clause 2.1(1) the local government is to –*

*(a) give a name to the bushfire brigade;”*

In the case of a name change for the Upper Balingup Bushfire Brigade, that recommendation should have come from the Bushfire Advisory Committee and be locality-based.

- The existence of the Bushfire Advisory Committee will become pointless unless the Advisory Committee's recommendations are heeded by Council unless conditions applicable to those recommendations change.

### **Policy/Statutory/Voting Requirements**

Policy

N/A

Statutory

Regulation 10 of the *Local Government (Administration) Regulations 1996* states:

***Revoking or changing decisions made at council or committee meetings - S5.25(1)(e)***

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported:
  - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
  - (b) in any other case, by at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee,  
  
inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
  - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or

- (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

Voting

Absolute Majority.

Cr's Dilley, Crowley and Mitchell supported the consideration of a motion to rescind item 10.3.1 from the Special Council Meeting held on 23 October 2015 in accordance with Local Government Administration Regulation 1996, Section 10(1a) :

**Cr Dilley's Notice of Motion**

**Moved: Cr Dilley**

**Seconded: Cr Mitchell**

**That Council rescind Item 10.3.1 – Proposed Name Change for the Upper Balingup Bushfire Brigade from the Ordinary Council Meeting held on 28 October 2015.**

**Carried 8/1  
By Absolute Majority**

Cr Bailey voted against the motion.

Council reconsidered the motion recommended by the Bushfire Advisory Committee held on 15 October 2015 2015:

**Motion**

**Moved: Cr Mitchell**

**Seconded: Cr Crowley**

**That the motion lay on the table until the next Bushfire Advisory Committee meeting scheduled for April 2016 and that the name 'Upper Balingup Bushfire Brigade' remain unchanged until the end of the approaching fire season where the Firebreak Order and associated Brigade details has been released to the community and to allow further monitoring of the issue of radio confusion.**

## Amendment

**Moved: Cr Bailey**

**Seconded: Cr**

**That the motion be amended to read:**

**That the motion lay on the table until the next Bushfire Advisory Committee meeting scheduled for April 2016 and that the name 'Upper Balingup Bushfire Brigade' remain unchanged until the end of the approaching fire season where the Firebreak Order and associated Brigade details has been released to the community and to allow further monitoring of the issue of radio confusion. That the name of the Upper Balingup Bushfire Brigade be changed to Munro Brigade at a time suitable to the advisory committee.**

Amendment withdrawn by Cr Bailey.

## Motion

**Moved: Cr Mitchell**

**Seconded: Cr Crowley**

**That the motion lay on the table until the next Bushfire Advisory Committee meeting scheduled for April 2016 and that the name 'Upper Balingup Bushfire Brigade' remain unchanged until the end of the approaching fire season where the Firebreak Order and associated Brigade details has been released to the community and to allow further monitoring of the issue of radio confusion.**

**Carried 6/3**

\*\* 8.08pm - The Public Gallery, excluding Bruce Hearman and Robyn Roney left the meeting.

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<b>8.1.2</b>	<b>SUBJECT:</b>	<b>BUDGET 2016/17 – PROPOSED TIMETABLE FOR ORDERLY BUDGET PREPARATION</b>
	<b>Location:</b>	<b>WA</b>
	<b>Applicants:</b>	<b>Cr King</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>CNL 34H</b>
	<b>Author:</b>	<b>John Attwood, CEO</b>
	<b>Report Date:</b>	<b>20 October 2015</b>
	<b>Attachments:</b>	<b>Nil</b>

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Cr King has proposed the following notice of motion:

**That Council adopt the WALGA timetable (below) in preparing the 2016/17 Shire Budget.**

The initial requirement is that the Shire must complete and endorse the following mandatory plans and reports sequentially, as each report informs the next stage of development within the integrated planning and reporting framework.

1. A Community Strategic Plan (SCP). An expression of Community Aspirations
2. A Corporate Business plan, provides a schedule of the SCP priorities.
3. The resourcing strategies to support the CBP and guide the Shire. These include the Asset Management plan, the Workforce Management Plan and the Long Term Financial plan.

The timetable/schedule to complete each of these tasks and then proceed to developing the Shire Budget is outlined below:

Step	Description	Recommended	Actual	Comment
1	Commence Internal Review of Strategic Plan	October	April 2015	Desktop review to be conducted every two years following Council elections. Full review conducted every four years following Council elections.
2a	Strategic Plan Mtg/capital items	November	20/05/2015	
2b	Desktop audit of Community Strategic Plan / adopted	November	22/06/2015	
2	Advertise Strategic Plan for Public comment	November		Not required until 2017
3	Commence Review of Asset Mgt Plan	December		Asset Management Coordinator reviewing current plan.
4	Commence compilation of Draft Budget – Budget parameters	February		
5a	Corporate Business Plan review Adopt CBP	February		Reviewed annually
5b	Review Long Term Financial plan	February		
5	Workshop 1 with Council on Draft Budget parameters	February		

6	<b>Workshop 2 with Council on Draft Budget</b>	<b>April</b>		
7	<b>Workshop 3 with Council on Draft Budget</b>	<b>May</b>		
8	<b>Presentation of Final draft budget for Adoption by council</b>	<b>July</b>		

### **Cr King's Comment**

One of the primary roles of the Council is to oversee the local government's finances and resources.

Over the last four years the preparation and adoption of the Shire of Donnybrook Balingup Budget has not been orderly or timely, with the eventual Budget review meeting restricted to a four-hour period, and the adoption of the budget subject to the constraint that the budget must be adopted to meet the statutory requirement of 31<sup>st</sup> of August.

In three of the last four years the Shire Budget has been adopted by Council within the last week allowed, including 2015/16 which was adopted after COB on 31<sup>st</sup> of August.

Many Local Government's complete and adopt their Budgets between June and mid-July, allowing Councillors to review and reflect on allocations in the Draft Budget, and the staff time to calculate and distribute rate notices up to a month before the Donnybrook-Balingup Shire.

The WA Local Government Association in their Diploma of Local Government Course - Financial Reports and Budgets outlines an orderly process to prepare a Shires Annual Budget and a suggested schedule/timetable. This commences in October and allows for adoption of the Budget in July, and importantly allows Councillors sufficient time to workshop and review items within the budget over a four month period.

#### Budget Process – from Diploma in Local Government Course notes (p 42)

The WALGA Financial Reports and Budgets (Diploma in LG) p42 outlines a suggested process and schedule to facilitate preparing the Shires Annual budget.

The initial requirement is that the Shire must complete and endorse the following mandatory plans and reports sequentially, as each report informs the next stage of development within the integrated planning and reporting framework.

1. A Community Strategic Plan (CSP adopted 22<sup>nd</sup> of July in 2015). An expression of Community aspirations
2. A Corporate Business plan (adopted in June in 2015), provides a schedule of the CSP priorities over the next 4-5 years.

3. The resourcing strategies to support the CSP and guide the Shire. These include the Asset Management plan, the Workforce Management Plan and the Long Term Financial plan.

These documents allow the framing of the budget. In framing the budget the Shire must be aware of both domestic and international economic conditions, and the capacity of the ratepayers to fund the existing level of services and funding of these services.

An indicative timetable given on p42 (is reproduced below)

Step	Description	Recommended	Actual	Comment
1	Commence Internal Review of Strategic Plan	October		
2a	Strategic Plan Mtg/Capital Items			
2b	Desktop audit of Community Strategic Plan / adopted			
2	Advertise Strategic Plan for Public comment	November		
3	Commence Review of Asset Mgt Plan	December		
4	Commence compilation of Draft Budget – Budget parameters	February		
5a	Corporate Business Plan review Adopt CBP	February		
5b	Review Long Term Financial plan	February		
5	Workshop 1 with Council on Draft Budget parameters	February		
6	Workshop 2 with Council on Draft Budget	April		
7	Workshop 3 with Council on Draft Budget	May		
8	Presentation of Final draft budget for Adoption by council	July		

The adoption of a timely and orderly development of the Budget will assist staff in planning, reduce stress on staff in the latter months of budget preparation, and assist Councillors in their receipt of a draft budget, with sufficient time to understand the components of the budget, and review the expenditure with staff where questions arise.

#### **Policy/Statutory/Voting Implications**

Policy

N/A

Statutory

N/A

Voting

Simple Majority

**CEO's Comment:**

The proposed timetable recommended by WALGA and included in Cr King's Notice of Motion is certainly an aspiration that is supported by the CEO and staff. Cr King's assertion that the 2015/16 budget was not adopted in an orderly and timely manner is however challenged. The budget was prepared in an orderly manner with two Council workshops held, a draft budget meeting and a formal budget adoption meeting held. Additionally other meetings were held being the desktop review of the Community Strategic Plan and the review of the Corporate Business Plan for the following year.

It is however acknowledged that some of these meetings, particularly the meetings held later in the process were held much later than usual. It should be noted that last year was an exceptionally difficult year for senior staff due to the fact that internal relief was provided for senior staff that took long service leave and annual leave. This action resulted in considerable cost savings to Council in the 2014/15 year but with a resultant impact that the draft budget meeting and the final budget meeting were held at least 2 – 3 weeks later than when preferred.

In setting targets for the budget process for the ensuing year Council must be cognisant of the available human resources to achieve the task at hand within the timeframes specified. It is pointless to set targets without having the available human resources to undertake these tasks. The urgent need for additional staffing has been identified and informally discussed with Council. The CEO will be presenting a report to Council at the December meeting to identify the most urgent resourcing needs which are principally human resources and finance/accounting.

The ability of staff to adhere to the idealist timeframe proposed by the motion will depend upon Council's ability to resource and attract suitable staff to fill these roles. The budget timetable, including the review of all associated plans should ideally be formulated with input from the CEO and management based upon the available resources. For example it may be necessary to outsource some aspects of the budget process to achieve delivery within an acceptable timeframe.

In regard to the early adoption of the budget in July there is some inherent risk with adopting the budget for a Council this size before the end of year position is known. In past years Council has always adopted the budget with a known surplus/deficit position from the prior year. Early adoption presents the risk of a large budget adjustment being required mid-year. Whilst there is a solid argument for adopting the budget early to assist with cashflow there is also a sound argument for the budget to be adopted at the same time each year based on known results rather than unknown projections.