



murchisonshire

Ancient land under brilliant skies

Minutes for the Ordinary Meeting of the

Murchison Shire Council

Held in the Council Chambers, Carnarvon Mullewa Road, Murchison,
on Wednesday **24 June 2020**, commencing at 12 Noon.

Note meeting was conducted to meet COVID-19 Restrictions.

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ATTACHMENTS

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Shire President declared the meeting open at 12.11pm.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Present

Councillors

Cr R Foulkes-Taylor – President
Cr A Whitmarsh – Deputy President
Cr E Foulkes-Taylor
Cr Q Fowler
Cr P Squires

Staff

Bill Boehm – CEO
Tatjana Erak – Acting DCEO
William Herold – Works Supervisor

Apologies

Cr G Mead

3 CONFIRMATION OF MINUTES

3.1 Ordinary Council Meeting – 28 May 2020

Background

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors.

Recommendation

That the minutes of the Ordinary Council meeting held on 28 May 2020 be confirmed as an accurate record of proceedings.

Voting Requirements:

Simple majority

Council Decision

Moved: Cr Q Fowler

Seconded: Cr A Whitmarsh

That the minutes of the Ordinary Council meeting held on 28 May 2020 be confirmed as an accurate record of proceedings.

Carried

For 5

Against 0

4 DISCLOSURE OF INTERESTS

Nil

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6 STANDING ORDERS

Matter for Consideration

It has been customary practice in the interests of a productive meeting in relation to the Conduct of Members during debates for the Council suspend Standing Orders 8.2 (Limitation on Number of speeches) and 8.3 (Duration of Speeches) under Local Law 2001. To facilitate this, the following recommended resolution is required.

Recommendation

That the following Local Law-Standing Orders 2001 be stood down:

8.2 Limitation on the number of speeches

8.3 Duration of speeches

Voting Requirements

Simple Majority

Council Decision

Moved: Cr E Foulkes-Taylor

Seconded: Cr A Whitmarsh

That the following Local Law-Standing Orders 2001 be stood down:

8.2 Limitation on the number of speeches

8.3 Duration of speeches

Carried

For

5

Against

0

7 PUBLIC QUESTION TIME

Nil

8 NEXT MEETING

Thursday 23 July 2020

9 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

10 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil

11 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

12 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

13 ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

13.1 Shire President

Cr R Foulkes-Taylor & Cr E Foulkes-Taylor had an informal meeting with Rebecca Wheadon and Geoff King from CSIRO and discussed many issues regarding Councils working relationship with them and also some future possibilities for CSIRO to contribute towards communication solutions for the Murchison Settlement given that the radio quiet restrictions mean a mobile tower is something we won't be allowed to have.

It was pointed out that Council feels the best solution would be for an optic fibre cable to be run into the settlement.

13.2 Councillors

Cr E Foulkes-Taylor added further comments in addition to Cr R Foulkes-Taylor.

Cr A Whitmarsh spoke regarding wild dog and mustering issues.

SKA Stakeholders Meeting to be held 1 July 2020 by Zoom meeting. As only Cr Fowler and Mr Boehm available to attend, councillors to investigate organise direct meeting with David Luchetti in lieu of this meeting.

14 REPORTS OF COMMITTEES

Nil

15 WORKS

15.1 Works Report

File:

Author: William Herold – Works Supervisor

Interest Declared: No interest to disclose

Date 19 June 2020

Attachments: 15.1.1 Monthly Plant Report
15.1.2 Technical Officers Update Report

Monthly Plant Report

As Attached

Technical Officers Update Report

As attached

Construction Crew

The Construction crew have completed the works on the Carnarvon-Mullewa Road outside of the Curbur homestead (Job C14197) and started to move some plant and equipment down to Bullardoo for commencement of works in the new financial year. Some of the crew have also pitched into do some work on the new Houses, such as carting in fill and soil. Before work commences with a re-sheet on the Carnarvon-Mullewa Road from the South boundary grid to Bullardoo they will be involved with restoring signage and grid cleaning on the Beringarra-Pindar Road.

Maintenance Crew

The Maintenance crew have graded the Beringarra-Pindar Road from Pindar back to just short of the McNabb intersection. With the help of Brent Cowmeadow from the construction crew, they are currently cleaning out the grids on the Beringarra – Pindar Road starting with the boundary grid at the South end. This will continue until we have cleaned all the grids as far as Boolardy Homestead. The Construction crew will also pitch in and take over towards the end of the month.

Additional Construction Works Beringarra-Pindar Road

Squires Resources have completed the third and final package of these works, a re-sheet, correction of camber that went the wrong way, reinstating a floodway plus two bunds and adding in an additional three bunds.

Flood 6

THEM Earthmoving started works on 19 June and are well under-way with their package. We are currently waiting to hear when Squires Resources will commence with their package, but we anticipate this to be in the next fortnight.

Flood 7

We are still awaiting final approval to start these works.

Concrete footpath between Roadhouse and Museum

Yuin Contracting have installed the concrete footpath between the Roadhouse and Museum.

Housing

The Technical Officers report outlines the significant progress associated with construction of two (2) new houses.

Settlement General Maintenance

With the change in seasons Parks and Gardens staff have been able to increase the general tree and shrub trimming along with general tidy up work of loose debris.

Plant

Pickles Auctions have listed the following vehicles for auction which at the time of preparing this report was underway:

- P001 John Deere Grader
- P007 Nissan UD Prime Mover
- P009 Iveco Prime Mover
- P027 Volvo Loader
- P055 Toyota Prado

Recommendation

That the Works Supervisors Report be received and accepted.

Voting Requirements

Simple Majority

| | | | |
|---|------------------|---------------------|------------------|
| Council Decision | | | |
| Moved: Cr | E Foulkes-Taylor | Seconded: Cr | A Whitmarsh |
| That the Works Supervisors Report be received and accepted. | | | |
| Carried | For | 5 | Against 0 |

16 FINANCE

16.1 Accounts Paid since the last list was adopted/endorsed by Council

File: 4.37.1
Author: Tatjana Erak - Acting Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 19 June 2020
Attachments: 16.1.1 EFT & Cheque Details for May 2020

Matter for Consideration

The *Local Government (Financial Management) Regulations 1996 Regulation 13* requires that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, then the CEO is to prepare a list of accounts paid by the CEO for each month and present this to the next ordinary meeting of the Council after the list has been prepared and have this recorded in the minutes of the meeting.

A list of payments presented in accordance with *Regulation 13* of the *Local Government (Financial Management) Regulations 1996* made since the last report to Council is attached.

Strategic Implications

None

Policy Implications

None

Budget/Financial Implications

Payment from the Municipal, Trust and Reserve Bank Accounts.

Consultation

Moore Stephens

Recommendation

That the accounts since the last report to Council, as per the attached Schedule be recorded in the minutes as being presented to Council.

Voting Requirements

Simple Majority

Council Decision

Moved: Cr R Foulkes-Taylor **Seconded: Cr** P Squires

That the accounts since the last report to Council, as per the attached Schedule be recorded in the minutes as being presented to Council.

Carried **For** 5 **Against** 0

16.2 Financial Activity Statements 31 May 2020

File:

Author: Tatjana Erak – Acting Deputy Chief Executive Officer

Interest Declared: No interest to disclose

Date: 19 June 2020

Attachments: 16.2.1 Monthly Management Financial Report May 2020

Matter for Consideration

The Local Government (Financial Management) Regulations 1996 Regulation 34 requires that local government report monthly and prescribes what is required to be reported. Council is required to consider adopting the Monthly Financial Statements.

Budget/Financial Implications:

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

Consultation

Moore Stephens

Recommendation

That Council adopt the financial statements for the period ending 31 May 2020 as attached.

Voting Requirements

Simple Majority

| | | | | |
|--|-----------|---------------------|----------|------------------|
| Council Decision | | | | |
| Moved: Cr | P Squires | Seconded: Cr | Q Fowler | |
| That Council adopt the financial statements for the period ending 31 May 2020 as attached. | | | | |
| Carried | | For | 5 | Against 0 |

16.3 Delegation to the Chief Executive Officer to approve the Write-Off of Minor Rates and Services Balances up to \$5.00 per Assessment

File:

Author: Tatjana Erak – Acting Deputy Chief Executive Officer

Interest Declared: No interest to disclose

Date: 21 June 2020

Attachments: Nil

Background

Occasionally the rate base contains odd sums of a very minor value representing errors, short payments and interest charges where the management and recovery or refund of these amounts is cost prohibitive. Currently Delegation 10 allows the write-off of monies owing; however, this does not cover rates nor service charges.

Details

The object in this proposal is to minimize the extent of values in the rate base without detracting or denying the Shire its entitlement to rightful revenue. To accommodate this aspect there is a need to have a power delegated to the CEO as at present only Council has the power to write-off any rate or service debtor.

An alternative to this proposal is to write a report item to Council on each occasion to write off minor sums. However, given the minimal values involved, this aspect is not recommended. Currently there is one assessment that has a credit balance of 51 cents and the owner is no longer a ratepayer. A second assessment for a retired mining tenement owes \$1.32.

By approving a delegated power to the CEO to write off minor sums of up to \$5 per assessment in the rate or services base, it empowers the administration to focus their attention on rate assessments where recovery is required. The anticipated total of rate assessment write-offs for a year is estimated to be \$10 or less.

Legal Compliance

Statutory compliance is contained in clause 5.42 of the Local Government Act 1995, where this clause provides the authority for the Council to delegate power to the CEO by "Absolute Majority".

5.42. *Delegation of some powers and duties to CEO*

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

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended: No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

Clause 5.43 of the Local Government Act 1995, details the limitations of the powers that can be delegated to the CEO.

5.43. *Limits on delegations to CEO*²⁸

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority of the council;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents;

- (h) on behalf of the local government;
- (i) any power or duty that requires the approval of the Minister or the Governor;
- (j) such other powers or duties as may be prescribed.

[Section 5.43 amended: No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

Clause 5.44 of the Local Government Act 1995 provides legislative authority for the CEO to delegate power to other staff members.

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) — **conditions** includes qualifications, limitations or exceptions. [Section 5.44 amended: No. 1 of 1998 s. 14(1).]

Policy Implications

Nil

Budget/Financial Implications:

Minimal

Recommendation

That Council approve the amendment of the Delegations Register to provide a power to the CEO to write-off minor sums in the rates and services base for assessments with minor sums up to \$5.00 per assessment where there is no other outstanding amounts due to the Shire of Murchison.

Voting Requirements

Absolute Majority

| | | | |
|--|------------|---------------------|------------------|
| Council Decision | | | |
| Moved: Cr | P Squires | Seconded: Cr | A Whitmarsh |
| That Council approve the amendment of the Delegations Register to provide a power to the CEO to write-off minor sums in the rates and services base for assessments with minor sums up to \$5.00 per assessment where there is no other outstanding amounts due to the Shire of Murchison. | | | |
| Carried | For | 5 | Against 0 |

17 DEVELOPMENT

17.1 COVID-19 Coronavirus Update

| | |
|--------------------|--|
| File: | 4.77 |
| Author: | Bill Boehm – Chief Executive Officer |
| Interest Declared: | No interest to disclose |
| Date | 19 June 2020 |
| Attachments: | 17.1.1 Previous COVID-19 Update Reports 17.1.2 Local Government (COVID-19) Response Order |

Matter for Consideration

As we are aware the current declared COVID-19 Coronavirus Pandemic continues is to be the most significant national events in our history that affecting us all. This item formally updates Council on some of those matters that pertain to our operation over the past month and preceding periods.

Brief Update

On an hourly basis emails and information arrives continues to arrive from all sorts of sources that further clarifies, and sometimes confuses the situation. WALGA continues to positively represent the local government sector with regular updates.

During the past month additional new activity has declined with most emphasis locally associated with incorporating actions and responses into the forthcoming 2020/21 (2021) Budget. This is as a direct result of actions, work and reports undertaken as previously reported is attached, partly to provide the context of the current responses that are being and will be considered through next year's budget but also relevant over the next few years.

WA Premier, Hon Mark McGowan

On 7 June 2020, the WA Premier announced a \$444 million housing stimulus package aimed at providing timely support to the Western Australian building and construction sectors. This investment will bring forward a much needed pipeline of work for local residential building companies and tradespersons. A key element of the package is the commitment of \$117 million for \$20,000 Building Bonus grants for homebuyers to build new houses or purchase a new property in a single tier development (such as a townhouse) prior to construction finishing. Those planning to build a new home in order to receive the grant are required to enter into a home building contract before 31 December 2020. Construction must commence within six months of entering into the contract. Local governments, therefore, are being asked, to the extent applicable, to act as an enabler for the timely consideration of planning approvals and building permits. It is incredibly important that local government work with builders, developers and individual home builders to ensure that activity gets into the sector as soon as possible.

WALGA Sector Rates Campaign

At the request of State Council, WALGA has created an advertising campaign to support Local Governments in educating the community about rates notices in the context of a rates freeze and pending revaluations across the metropolitan area.

The campaign comprises two 30-second ads and a longer form content piece supported by print advertisements. It features former Australian Hockey Captain and Coach, Ric Charlesworth, talking through the basics of a rates freeze and how rates are calculated, focused around two main points: the rates freeze means that Local Governments will not be receiving any additional income, though the revaluation process could mean you pay more, and rates are not directly linked to property rates, and that whilst individual property value changes can impact your rates, whole of property market movements do not.

The initial campaign will involve print advertising in Saturday's West Australian over four weeks, starting 20 June 2020, together with an eight-week promotion of the video content on online www.walga.asn.au/rates and social media, pointing to additional information on the WALGA.

WALGA Rebooting Local Economies

WALGA's President and CEO held a webinar on 19 June 2020 for Members to discuss the sector's plans to deliver economic support and stimulus to WA communities and businesses to assist in the recovery from the impacts of the COVID-19 Pandemic.

Together with WALGA's Economist Nebojsa Franich, WALGA President Mayor Tracey Roberts and CEO Nick Sloan will provide further information on the *Rebooting Local Economies* document created with information from Member Local Governments on proposed support and stimulus activities, as well as insights from their attendance at the State Recovery Advisory Group and Ministerial Roundtables being held to inform the development of the State Government COVID-19 Impact Statement and Recovery Plan due to be finalised in July.

Comments

A few brief update comments are considered relevant as an update:

- 1 The COVID-19 response is multi-faceted and multi-dimensional with all levels of government at the coal face now with overall aim to protect the health of the nation and the economy. To achieve this Stimulus measures are required now with the aim that in the next few years they can be reduced as the economy picks up. The three-year budget approach we are taking is now more relevant than ever.
- 2 The 2021 budget will need to react to various requirements under the Local Government (COVID-19) Response Order, a copy of which is attached. Amongst other things this includes modifications to various compliance aspects such as waiving the requirement to reference to the contents of the plans for the future of the district but also including the option of potentially including a hardship policy with respect to the payments of rates.
- 3 Recent further information reinforces the governments commitments to an economic stimulus push. Additional COVID-19 grant opportunities are potentially being discussed and Treasury is looking at developing a tool to assist local governments to assess the capacity to cope with an expanded stimulus program.
- 4 Given the nature of our municipality and projected expenditure requirements we are potentially well placed. As outlined in the attached previous actions that we have already commenced a proactive approach is being undertaken. Exploring Short Term Lending Options with Western Australia Treasury Corporation, rationalising Council Reserves as well as looking at three (3) year budget program are all positive actions.
- 5 From a compliance aspect, whilst we may not need to reference to the contents of the plans for the future of the district, we are actively ensuring a future outlook is undertaken with a review desired later in the year. The Budget can be predicated and adapted on this basis if necessary.

Statutory Environment

Local Government Act 1995

Sustainability Implications

| | |
|---------------|---|
| Environmental | There are no known significant environmental considerations |
| Economic | There are no known significant economic considerations |
| Social | There are no known significant social considerations |

Strategic Implications

Shire of Murchison Council Community Strategic Plan

Response to the COVID-19 Coronavirus Pandemic will encompass many strategies contained within all four Objectives of our Community Plan. I.e Economic, Environmental, Social and Civic Leadership as articulated in our Vision Statement ***“Working together to preserve the unique character of the Shire, supporting diverse and sustainable lifestyle and economic opportunities.”***

Policy Implications

Adaptation and potentially new policies may be required

Principle Implications

March 2020 Meeting

In responding to the COVID-19 Coronavirus that Council act in accordance with the following principles and rationale associated with health and economic activity

- (a) Our overriding responsibility is to act to protect our citizens and community to prevent, control or abate the serious public health risk presented by COVID-19 by limiting the spread of COVID-19.
- (b) Council will act to ensure that we can function and deliver the required works and services to support and stimulate the local economy.

Financial Implications

Yet to be fully determined but Financial impacts associated with these works have been and will be included in the next 2020/21 budget deliberations and discussions.

Recommendation

That the Chief Executive Officer's report relating COVID-19 Coronavirus Update Report be received and noted.

Voting Requirements

Simple Majority

| | | | |
|--|-------------|---------------------|------------------|
| Council Decision | | | |
| Moved: Cr | A Whitmarsh | Seconded: Cr | E Foulkes-Taylor |
| That the Chief Executive Officer's report relating COVID-19 Coronavirus Update Report be received and noted. | | | |
| Carried | For | 5 | Against 0 |

18 ADMINISTRATION

18.1 National Redress Scheme (Participation of WA Local Governments)

File:

Author: Bill Boehm – Chief Executive Officer

Interest Declared: No interest to disclose

Date 19 June 2020

Attachments: 18.1.1 Local Government Information Paper (December 2019).

Matter for Consideration

This item relates to The National Redress Scheme and provides the background information and the WA Government's decision in relation to the National Redress Scheme, the key considerations and administrative arrangements for the Council to potentially participate with a view to Council endorsing our participation as well as granting authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received.

Background

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry; namely Working with Children Checks (August 2015), Redress and Civil Litigation (September 2015); and, Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the Murchison Shire will be required to consider leading practice approaches to child safeguarding separately in the future.

National Redress Scheme

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), local governments may be considered a State Government institution.

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

Details

Following extensive consultation, the State Government (December 2019)

- noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

- Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
- Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
- Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Murchison Shire's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Murchison Shire formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The Murchison Shire will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Murchison Shire to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the Murchison Shire formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Murchison Shire include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the Murchison Shire having full responsibility and liability for any potential claim.

Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Murchison Shire.

Considerations for the Council

Detailed below is a list of considerations for Murchison Shire to participate in the Scheme:

1 Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the Murchison Shire will receive a Redress application. A Service Agreement will only be executed if the Murchison Shire receives a Redress application.

Murchison Shire needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2 Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

3 *Application Processing / Staffing and Confidentiality*

Administratively the Murchison Shire will determine:

Which position(s) will be responsible for receiving applications and responding to Requests for Information;
Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

4 *Record Keeping*

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Murchison Shire's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *The Act*.

5 *Redress Decisions*

The Murchison Shire should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Murchison Shire do not have any influence on the decision made and there is no right of appeal.

Consultation

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

- 1 *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
- 2 *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

Strategic Implications

Nil

Statutory Implications

The Murchison Shire in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

Financial Implications

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

Comments

Whilst it is considered that with respect to our operation we would potentially unlikely to be affected, never the less given the unknowns it is considered desirable to be included, as a risk management strategy, especially considering that the State Government will be responsible for most costs that may arise.

Recommendations

That Council:

- 1 Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments.
- 2 Notes that the Murchison Shire will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Murchison Shire makes a specific and formal decision to the be included.
- 3 Endorses the participation of the Murchison Shire in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration.
- 4 Grants authority to Murchison Shire to execute a service agreement with the State, if a Redress application is received.
- 5 Notes that a confidential report will be provided if a Redress application is received by the Murchison Shire:

Voting Requirements

Simple Majority

Council Decision

Moved: Cr Q Fowler

Seconded: Cr A Whitmarsh

That Council:

- 1 Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments.
- 2 Notes that the Murchison Shire will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Murchison Shire makes a specific and formal decision to the be included.
- 3 Endorses the participation of the Murchison Shire in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration.
- 4 Grants authority to Murchison Shire to execute a service agreement with the State if a Redress application is received.
- 5 Notes that a confidential report will be provided if a Redress application is received by the Murchison Shire.

Carried

For

5

Against

0

19 CEO ACTIVITY REPORT

File:
Author: Bill Boehm – Chief Executive Officer
Interest Declared: No interest to disclose
Date: 19 June 2020
Attachments: Nil

General

The activities below show the extent of activity undertaken with initial and continuing emphasis on short and medium term financial planning and budgeting through extensive preparation, design and update and review of the budget via a Budget Review / Model.

| Date | Activity |
|----------------------------|--|
| 26.05.2020 | Workshop Survey follow up. Flood 6 tenders follow up |
| 27.05.2020 | Manage lights @ Airport & assist RFDS with Patient Transfer (Part from prev night) |
| 28.05.2020 | Council Meeting & Budget Information Workshop |
| 29.05.2020 | Moore Stephens Management Reporting Workshop via Zoom |
| 30.05.2020 | Finalise Council Minutes. Budget Review Model. Liaise with (AGFIX) wrt Office Minor renovations |
| 31.05.2020 | Budget Review Model. Liaise (AGFIX) wrt Office Minor renovations |
| 1.06.2020 | Public Holiday. Budget Review Model. Liaise with (AGFIX) wrt minor building works |
| 2.06.2020 | Toolbox Meeting. Meeting with Works Supervisor and Technical Officer. Budget Review Model. Roads to Recovery Work. |
| 3.06.2020 | Budget Review Model. Roads to Recovery work |
| 4.06.2020 | Budget Review Model. Separate telephone discussions with Shire President and Cr G Mead |
| 5.06.2020 | Time off in Lieu (TOIL) |
| 7.06.2020 | Emails and Administration |
| 8.06.2020 & 9.06.2020 | Budget Review Model. Financial Background Analysis |
| 10.06.2020 | Budget Review Model. Financial Background Analysis. Meeting with Rebecca Wheadon & Jeff King CSIRO & Works Supervisor. |
| 11.06.2020 | Budget Review Model. Financial Background Analysis. Flood 6 Follow up |
| 12.06.2020 | Budget Review Model. Financial Background Analysis. Telephone discussion briefing with Cr E Foulkes-Taylor |
| 15.06.2020 | Budget Review Model. Financial Background Analysis. Budget Discussions with Tanya Browning at Moore Stephens. Site meetings with Works Supervisor and Footpath Contractor. Brief discussions with Shire President. |
| 16.06.2020 | TOIL |
| 17.06.2020 & 18.06.2020 | Budget Review Model. Site meeting Footpath Contractor. Brief discussions with Shire President. |
| 19.06.2020 | Footpath site inspection. Agenda Preparation |
| 20.06.2020 | Budget Review Model and Draft Budget Review Presentation |

Recommendation

That the CEO's Activity Report be accepted.

Voting Requirements

Simple Majority

| | | | |
|---|------------------|---------------------|--------------------|
| Council Decision | | | |
| Moved: Cr | E Foulkes-Taylor | Seconded: Cr | Q Fowler |
| That the CEO's Activity Report be accepted. | | | |
| Carried | | For | 5 Against 0 |

20 URGENT BUSINESS

16.2 Financial Activity Statements 31 May 2020
Additional Reports from Moore Stephens were provided prior to the Meeting and included under Item 16.2

21 ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil

22 MEETING CLOSURE

The Shire President closed the meeting at 12.53pm.

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|--|-------------------|
| Minutes of this meeting were confirmed at the Council Meeting held on 23 July 2020. | |
| Signed..... | Presiding Officer |