

# Ordinary Council Meeting Minutes

*28 April 2020*



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## Report Contents

1	OPENING & ANNOUNCEMENT OF VISITORS .....	5
2	ANNOUNCEMENTS OF PRESIDING MEMBER .....	5
3	ATTENDANCE RECORD.....	5
3.1	Present.....	5
3.2	Apologies .....	5
3.3	Leave of Absence Previously Granted .....	5
4	DECLARATIONS OF INTEREST .....	5
5	PUBLIC QUESTION TIME .....	5
5.1	Response to Previous Public Questions Taken on Notice.....	5
5.2	Public Question Time.....	6
6	MINUTES OF PREVIOUS MEETINGS.....	6
6.1	Ordinary Council Meeting – 24 March 2020.....	6
7	PETITIONS/PRESENTATIONS/DEPUTATIONS/DELEGATES/REPORTS/SUBMISSIONS .....	6
7.1	Petitions.....	6
7.2	Presentations .....	6
7.3	Deputations .....	6
7.4	Delegates Reports/Submissions .....	6
8	METHOD OF DEALING WITH AGENDA BUSINESS (Show of hands) .....	6
9	REPORTS .....	8
9.1	WORKS & SERVICES .....	8
9.1.1	Request to call tenders – Civil Works Bell Street Subdivision .....	8
9.3	CORPORATE SERVICES .....	11
9.3.1	Accounts for Payment for March 2020* .....	11
9.3.2	Monthly Financial Statements for March 2020* .....	14
9.3.3	Local Emergency Management Arrangements Review* .....	17
9.3.4	Award of Quote to construct new Buntine Fire Shed* .....	19
9.4	CHIEF EXECUTIVE OFFICER.....	22
9.4.1	Requests from Badimia Bandi Barna Aboriginal Corporation* .....	22
9.4.2	Covid-19 Concessions .....	26
9.4.3	Use of Common Seal – Reserve 40337* .....	29
9.4.4	Financial Hardship Policy* .....	31
9.4.5	Elected Members Representation* .....	34
9.4.6	Participation in National Redress Scheme.....	39
9.4.7	Dalwallinu Sports Club Lease Dalwallinu Recreation Centre .....	46
10	APPLICATIONS FOR LEAVE OF ABSENCE .....	48
11	MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED.....	48



12	QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	48
13	NEW BUSINESS OF AN URGENT NATURE (INTRODUCED BY DECISION OF THE MEETING) .....	48
14	SCHEDULE OF MEETING.....	48
15	CLOSURE .....	48
16	CERTIFICATION.....	489



## **SHIRE OF DALWALLINU**

**Minutes** for the Ordinary Meeting of Council held via electronic means on Tuesday 28 April 2020.

*Prior to commencement of this electronic meeting, Council members and other attendee connections by electronic means were tested and confirmed.*

### **1 OPENING & ANNOUNCEMENT OF VISITORS**

The Chairperson (President) opened the meeting at 3.45pm.

### **2 ANNOUNCEMENTS OF PRESIDING MEMBER**

### **3 ATTENDANCE RECORD**

The Presiding Member asked Council Members and staff to confirm that they are connected and in attendance, with the following attendees so confirmed:

#### **3.1 Present**

Shire President	Cr SC Carter
Deputy President	Cr KL Carter
	Cr MM Harms
	Cr KM McNeill
	Cr NW Mills
	Cr BH Boys
	Cr AR Dickins
	Cr KJ Christian
Chief Executive Officer	Ms JM Knight

#### **3.2 Apologies**

Nil

#### **3.3 Leave of Absence Previously Granted**

Nil

### **4 DECLARATIONS OF INTEREST**

Nil

### **5 PUBLIC QUESTION TIME**

#### **5.1 Response to Previous Public Questions Taken on Notice**

##### **Mr B Sprigg**

'The footpath at the southern end of Wasley Street, between Shannon and Bell Streets, is barely visible and has never been upgraded from the old concrete slabs.

Is the Shire able to upgrade this section of footpath to ensure a safe path for pedestrians and also to avoid the locals parking over the path?'

*RESPONSE:*



*We plan to develop a Footpaths Master Plan in the very near future which will guide Council on future footpath priorities.*

*In the meantime, your request for the footpath between Shannon and Bell Streets to be upgraded has been forwarded to the Manager Works & Services for costings to be undertaken for inclusion in the 20-21 DRAFT budget for Council's consideration.*

*It is to be noted that the old slabs are still the footpath and vehicles must refrain from obstructing the pathway.*

## **5.2 Public Question Time**

The Presiding member advised that the Shire of Dalwallinu had implemented the following procedures for members of the public to submit questions and receive responses:

*All questions from the public are to be submitted in writing and received at the Shire Administration Centre by close of business the day before the scheduled Ordinary Council Meeting.*

*Responses will be provided in writing as soon as possible and published in the Minutes of the meeting.*

There were no public questions received.

## **6 MINUTES OF PREVIOUS MEETINGS**

### **6.1 Ordinary Council Meeting – 24 March 2020**

#### **MOTION 9533**

Moved Cr KJ Christian

Seconded Cr MM Harms

That the Minutes of the Ordinary Meeting of Council held 24 March 2020 be confirmed.

**CARRIED 8/0**

## **7 PETITIONS/PRESENTATIONS/DEPUTATIONS/DELEGATES/REPORTS/SUBMISSIONS**

### **7.1 Petitions**

Nil

### **7.2 Presentations**

Nil

### **7.3 Deputations**

Nil

### **7.4 Delegates Reports/Submissions**

Nil

## **8 METHOD OF DEALING WITH AGENDA BUSINESS (Show of hands)**



**MOTION 9534**

Moved Cr KM McNeill  
Seconded Cr KJ Christian

That Council suspend the operation of clause 8.1 'Members to be in their proper places' The *Shire of Dalwallinu Local Government (Council Meetings) Local Law 2014* for the duration of this electronic meeting and that these matters be determined at the discretion of the Presiding Member.

**CARRIED 8/0**



## 9.1 WORKS &amp; SERVICES

## 9.1.1 Request to call tenders – Civil Works Bell Street Subdivision

<b>Report Date</b>	28 April 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	FM/28 – Financial Management - Tendering
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Nil

**Purpose of Report**

Council is requested to call for tenders for civil works for the Bell Street subdivision.

**Background**

At the Ordinary Council Meeting held 22 October 2019, Council resolved the following:

**'MOTION 9457**

*Moved Cr KM McNeill  
Seconded Cr KJ Christian*

*That Council:*

1. *Endorse the revised business plan for a twelve (12) Lot subdivision at Lot 555 Bell Street, Dalwallinu;*
2. *Amend the 2019-2020 Budget to reflect the increased project cost to \$1,349,223;*
3. *Amend the 2019-2020 Budget to reflect the increase of the Treasury Loan from \$1,100,000 to \$1,400,000;*
4. *Direct the Chief Executive Officer to give one month's local public notice of the proposal to increase the borrowings as per Point 3 above'*

Approval was received from the Western Australian Planning Commission on 13 January 2020, therefore the subdivision can now proceed.

**Consultation**

Nil

**Legislative Implications**State

*Local Government Act 1995 – Section 3.57*



## **Policy Implications**

### Local

*Council Policy – 3.3 Regional Price Preference*

*Council Policy – 3.5 Purchasing*

## **Financial Implications**

Costs associated with the subdivision have been included in the 2019-2020 budget however it is unlikely the project will commence this financial year therefore the subdivision will be included in the 2020-2021 budget.

## **Strategic Implications**

*Shire of Dalwallinu Strategic Community Plan 2017-2027*

Goal 2 – Sustainable Living (Economic)

Outcome 2.1 A growing Shire population

Outcome 2.4 Increased housing development

## **Site Inspection**

Site inspection undertaken: Not applicable

## **Triple Bottom Line Assessment**

### Economic implications

The creation of residential lots will provide additional income to the Shire in rates revenue but also economic benefits to businesses with the possibility of an increase in the population of the town.

### Social implications

There are no known significant social implications associated with this proposal.

### Environmental implications

There are no known significant environmental implications associated with this proposal.

## **Officer Comment**

River Engineering have been engaged to provide consultancy for this subdivision. River Engineering will be developing the tender documentation and will also assist with assessment of the tenders received.

The tender is expected to be advertised in The West on Saturday 2 May 2020 and will close 2pm, Wednesday 27 May 2020. An agenda item for awarding the tender will be presented to the June 2020 Ordinary Council Meeting.



The recommended weighting for scoring of the tender is as follows:

Criteria	Weighting
Quoted Price	40%
Relevant Experience	25%
Key Personnel skills & experience	15%
Respondents resources	10%
Demonstrated understanding	10%

#### Officer Recommendation/Resolution

##### MOTION 9535

Moved Cr BH Boys  
Seconded Cr MM Harms

That Council permit the calling of tenders for civil works for the Bell Street subdivision with the following assessment weighting:

Quoted Price	40%
Relevant Experience	25%
Key Personnel & Experience	15%
Respondents resources	10%
Demonstrated Understanding	10%

**CARRIED 8/0**



**9.3                   CORPORATE SERVICES**  
**9.3.1                Accounts for Payment for March 2020\***

<b>Report Date</b>	28 April 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	FM/9 Financial Reporting
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Hanna Jolly, Accounting Officer
<b>Supervised by</b>	Keith Jones, Deputy Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Summary of Accounts for Payment

**Purpose of Report**

Council is requested to consider the acceptance and approval of the Schedule of Accounts for Payment.

**Background**

A list of invoices paid for the month of March 2020 from the Municipal Account, to the sum of \$568,654.56 paid by EFT are attached together with a list of bank fees, payroll, direct debit payments and transfers to reserves & term deposit. These payments total \$877,391.49. There were no payments from the Trust Account. Total payments from all accounts being \$877,391.49 have been listed for Council's ratification.

**Consultation**

In accordance with the requirements of the *Local Government Act 1995* a list of accounts paid, by approval of the Chief Executive Officer under Council's delegated authority, is to be completed for each month showing:

- The payees names
- The amount of the payments
- Sufficient information to identify the payment
- The date of the payment

The attached list meets the requirements of the Financial Regulations,

In addition to the above statutory requirements, Financial Management Regulation Section 13(4) requires 'the total of the other outstanding accounts be calculated and a statement be presented to Council at the next Council meeting'.

**Legislative Implications**

**State**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*



**Policy Implications**

Nil

**Financial Implications**

Payments are in accordance with the revised budget for 2019/20.

**Strategic Implications**

Nil

**Site Inspection**

Site inspection undertaken: Not applicable

**Triple Bottom Line Assessment***Economic implications*

There are no known significant economic implications associated with this proposal.

*Social implications*

There are no known significant social implications associated with this proposal.

*Environmental implications*

There are no known significant environmental implications associated with this proposal.

**Officer Comment**

Accounts for Payments are in accordance with the revised budget for 2019/20 or authorised by separate resolution.



## Officer Recommendation/Resolution

### **MOTION 9536**

Moved Cr NW Mills  
Seconded Cr KJ Christian

That Council, in accordance with the requirements of sections 13(1), 13(3), and 13(4) of the Local Government (Financial Management) Regulations 1996 a list of payments made in March 2020 under Chief Executive Officer's delegated authority is endorsed in respect to the following bank accounts:

1. Municipal Fund Account totalling \$877,391.49 consisting of:

EFT Payments (EFT 10508 – EFT 10622)	\$568,654.56
EFT Payments (Payroll)	\$115,722.00
Direct Debit – Credit Card (DD15489.1)	\$2,136.67
Direct Debit – Housing Bonds (DD15476.1, DD15478.1 and DD15504.1)	\$2,844.00
Direct Debit – Superannuation	\$23,377.48
Direct Debit – Payments to Dept of Transport	\$95,426.45
Loan 159 Payment – Recreation Centre	\$68,562.25
Bank Fees	\$668.08

**CARRIED 8/0**



### 9.3.2 Monthly Financial Statements for March 2020\*

<b>Report Date</b>	28 April 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	FM/9 Financial Reporting
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Hanna Jolly, Accounting Officer
<b>Supervised by</b>	Keith Jones, Deputy Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Monthly Statements of Financial Activity, Variance Report, Investments Held and Bank Reconciliations

#### **Purpose of Report**

Council is requested to receive and accept the Financial Reports for the month end 31 March 2020.

#### **Background**

There is a statutory requirement that Financial Reports be recorded in the Minutes of the meeting to which they are presented. The financial Reports, as circulated, give an overview of the current financial position of the Shire and the status of capital income and expenditure.

#### **Consultation**

Nil

#### **Legislative Implications**

##### State

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996 s34(1), s19(1)(2) and s34(2)*

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Site Inspection**

Site inspection undertaken: Not applicable

#### **Triple Bottom Line Assessment**

##### Economic implications

There are no known significant economic implications associated with this proposal.



*Social implications*

There are no known significant social implications associated with this proposal.

*Environmental implications*

There are no known significant environmental implications associated with this proposal.

**Officer Comment**

Financial Reports as at last day of business of the previous month are appended, for the period ending 31 March 2020.

Attached for council's consideration are:

1. Statement of Financial Activity
2. Variance Reports
3. Investments Held
4. Bank Reconciliations

As per Council resolution, all items that have a variance of more than \$10,000 have been noted on the variance reports.

**Officer Recommendation/Resolution**

**MOTION 9537**

Moved                    Cr KL Carter  
Seconded                Cr KJ Christian

That the Council accept the Financial Reports as submitted for the month ending 31 March 2020.

**CARRIED 8/0**



### **Attendance Check**

The Presiding member checked with each attendee and confirmed that all attendees remained connected and in attendance at the electronic meeting.

Time: 3.56pm.

Shire President	Cr SC Carter	✓
Deputy President	Cr KL Carter	✓
	Cr MM Harms	✓
	Cr KM McNeill	✓
	Cr NW Mills	✓
	Cr BH Boys	✓
	Cr AR Dickins	✓
	Cr KJ Christian	✓
Chief Executive Officer	Ms JM Knight	✓



### 9.3.3 Local Emergency Management Arrangements Review\*

<b>Report Date</b>	28 April 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	ES/11 – Emergency Services - Planning
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Keith Jones, Deputy Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Local Emergency Management Arrangements (LEMA)

#### **Purpose of Report**

Council is requested to adopt the revised Local Emergency Management Arrangements.

#### **Background**

The State Emergency Management Guidelines outline that:-

“The Local Emergency Management Arrangements (LEMA) shall be reviewed in accordance with State EM Policy section 2.5 and amended or replaced whenever the local government considers it appropriate (s.42 of the EM Act). However, according to State EM Preparedness Procedure 8, the LEMA (including recovery plans) are to be reviewed and amended in the following situations:

- after an event or incident requiring the activation of an Incident Support Group or an incident requiring significant recovery coordination; and
- an entire review is undertaken every five (5) years, as risks might vary due to climate, environment and population changes.

In consultation with the District Emergency Management Advisor, the Shire’s LEMA has been updated and submitted for acceptance.

#### **Consultation**

Chief Executive Officer

Local Emergency Management Committee

District Emergency Management Advisor

Advertised for one month to general public and interested parties

#### **Legislative Implications**

##### State

*Emergency Management Act 2005 s.41(1)*

*State Emergency Management Policy 2.5*

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil



**Strategic Implications**

Nil

**Site Inspection**

Site inspection undertaken: Not applicable

**Triple Bottom Line Assessment***Economic implications*

There are no known significant economic implications associated with this proposal.

*Social implications*

There are no known significant social implications associated with this proposal.

*Environmental implications*

There are no known significant environmental implications associated with this proposal.

**Officer Comment**

The Shire of Dalwallinu Local Emergency Management Arrangements have been reviewed and the current document requires adoption by Council.

**Officer Recommendation/Resolution****MOTION 9538**

Moved                    Cr AR Dickins  
Seconded                Cr KM McNeill

That Council adopt the revised Shire of Dalwallinu Local Emergency Management Arrangements.

**CARRIED 8/0**



### 9.3.4 Award of Quote to construct new Buntine Fire Shed\*

<b>Report Date</b>	28 April 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	FM/28 – Tendering
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Keith Jones, Deputy Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	(Confidential) Quotes for building fire shed

#### **Purpose of Report**

Council is requested to award the Request for Quotation (RFQ) for the construction of a new fire shed to be located in Buntine.

#### **Background**

The Shire of Dalwallinu received a new fire appliance in 2018/19. The vehicle is too large for the existing shed.

Department of Fire and Emergency Services (DFES) funded this project in the 2019/20 Local Government Grants Scheme – Capital Grant Allocations.

The tender threshold was increased to \$250,000 in the *Local Government (Functions and General) Regulations 1996*. Due to this action no tender was issued for this project and three quotes were sought as per the Shire of Dalwallinu Purchasing Policy.

Three RFQ's were sought from suppliers. At the time of writing this report only two (2) quotes were received.

#### **Consultation**

Chief Executive Officer  
DFES

#### **Legislative Implications**

##### State

*Local Government Act Section 3.57 – Provision of Goods & Services*  
*Local Government (Functions and General) Regulations 1996*

#### **Policy Implications**

##### Local

Policy 3.3 Regional Price Preference  
Policy 3.5 Purchasing

#### **Financial Implications**

An allocation for the Fire shed has been included in the 2019-20 Budget.



**Strategic Implications**

Nil

**Site Inspection**

Site inspection undertaken: Not applicable

**Triple Bottom Line Assessment***Economic implications*

There are no known significant economic implications associated with this proposal.

*Social implications*

There are no known significant social implications associated with this proposal.

*Environmental implications*

There are no known significant environmental implications associated with this proposal.

**Officer Comment**

This item is bought to Council as the Policy states:

*That the Chief Executive Officer be authorised to accept tenders/purchases up to \$99,999.99; and that all tenders/purchases above \$100,000.00 are to be referred to Council (including all WALGA preferred suppliers).*

**PROCEDURAL MOTION 9539**

Moved Cr BH Boys

Seconded Cr AR Dickins

That Council suspend standing orders for discussion on item 9.3.4.

**CARRIED 8/0**

**PROCEDURAL MOTION 9540**

Moved Cr NW Mills

Seconded Cr AR Dickins

That Council resume standing orders.

**CARRIED 8/0**



## **Officer Recommendation**

That Council:

- 1 Award the construction of the Buntine Fire Shed to Jurien Bay Building for the price of \$179,650 (incl. GST);
- 2 Authorise the Chief Executive Officer to sign the purchase order for the above.

## **AMENDMENT**

Moved Cr MM Harms  
Seconded Cr KM McNeill

Add point 3 to read;

‘Authorise the Chief Executive Officer to advertise tenders for the disposal and removal of the existing Buntine Fire Shed’.

**CARRIED 8/0**

**The amendment now forms part of the substantive motion**

## **SUBSTANTIVE MOTION 9541**

Moved Cr NW Mills  
Seconded Cr KM McNeill

That Council:

- 1 Award the construction of the Buntine Fire Shed to Jurien Bay Building for the price of \$179,650 (incl. GST);
- 2 Authorise the Chief Executive Officer to sign the purchase order for the above.
- 3 Authorise the Chief Executive Officer to advertise tenders for the disposal and removal of the existing Buntine Fire Shed.

**CARRIED 8/0**

*The Officer Recommendation was amended to enable the existing fire shed to be disposed of prior to the construction of the new shed.*



**9.4 CHIEF EXECUTIVE OFFICER**  
**9.4.1 Requests from Badimia Bandi Barna Aboriginal Corporation\***

<b>Report Date</b>	28 April 2020
<b>Applicant</b>	Badimia Bandi Barna
<b>File Ref</b>	CU/6 – Customer Service - Requests
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Correspondence received

**Purpose of Report**

Council is requested to consider requests from the Badimia Bandi Barna Aboriginal Corporation (BBBAC).

**Background**

A meeting was held on 12 March 2020 at the Shire of Dalwallinu Administration Centre with members of the BBBAC Board and Councillors of the Shire of Dalwallinu.

As a corporation the BBBAC offer:

***Badimia cultural input and guidance***

This includes cultural information for tourism, welcome to country, youth justice reinvestment, artistic support for town murals and specific knowledge about Dalwallinu's cultural significance;

***Ranger Program***

BBAC will be employing two (2) Rangers shortly, with the possibility of employing more Rangers throughout Badimia country. They envision that these Rangers will be able to offer support with conservation and land management matters. These Rangers will be trained through TAFE.

***Employment for local Badimia people***

BBAC has been offered preferred tender status by mine villages for onsite employment in landscaping, maintenance, catering, laundry, administration and retail.

An email was received on 17 March 2020 from Dr Carol Dowling, Chairperson which outlined the corporation's requests as follows:

- A temporary office space;
- Assistance in sourcing funding for a Chief Executive Officer;
- Work contracts for Badimia people.

**Consultation**

Councillors

**Legislative Implications**

Nil



## **Policy Implications**

Nil

## **Financial Implications**

There are no fees set in the current Fees & Charges Schedule for the use of the enclosures at the Dalwallinu Discovery Centre (DDC).

## **Strategic Implications**

Nil

## **Site Inspection**

Site inspection undertaken: Photos of the office space were sent to the Chairperson.

## **Triple Bottom Line Assessment**

### *Economic implications*

There are no known significant economic implications associated with this proposal.

### *Social implications*

Should the BBBAC establish an office in Dalwallinu there would be an opportunity for local Badimia people to have access to learning materials and resources related to their culture that are not currently available. This opportunity would extend to all Shire residents and visitors who currently have little access to a formalised collection of literature and knowledge related to the Badimia people. Access to leaders within the culture will increase the sense of belonging for young Badimia community members and create opportunities for employment and/or work experience. The activities of the BBBAC in supporting townscape projects and landcare will assist in creating greater amenity within the town and Shire that will add to the vibrancy and sense of community that is essential for preserving and developing strong regional communities.

### *Environmental implications*

There are no known significant environmental implications associated with this proposal.

## **Officer Comment**

The requests from BBBAC are addressed individually below:

### **A temporary space to establish an office in Dalwallinu**

One of the rooms at the DDC remains vacant. These enclosures were completed in September 2016. Approval was given for the Dalwallinu & Districts Historical Society to use one of the rooms in April 2018 but due to the requirement to be an incorporated body and have public liability insurance, they have not proceeded as planned.

Given that there are no fees and charges set, it is the Officers recommendation that the use of the space at the DDC be offered to the BBBAC for a fee of \$50 per month until 31 December 2020. After this date a formal lease will be required to be entered into with the lease payment, length of tenure and other conditions to be negotiated and approved by Council.

The formal lease process will require a market valuation of the office space, a public notice period and as the DDC is on a Reserve, the lease will require approval from the Minister of Lands.



Photos and a description of the room was sent to Dr Dowling and she advised that this room would be ideal for their base.

**Assistance in sourcing funding for a Chief Executive Officer**

We have the in-house resources with our Economic & Community Development Officer, who is able to assist with sourcing funding for projects.

**Work contracts for Badimia people**

BBAC have offered to manage projects for the Shire of a fee for service basis. This has been noted and will be considered for any future relevant projects.

**Officer Recommendation/Resolution**

**MOTION 9542**

Moved Cr KL Carter  
Seconded Cr KM McNeill

That Council:

1. Offer the vacant enclosure at the Dalwallinu Discovery Centre to the Badimia Bandi Barna Aboriginal Corporation for office space at a rate of \$50 per month until 31 December 2020, after this time a new formal lease is required to be negotiated and entered into;
2. Offer in-house assistance to the Badimia Bandi Barna Aboriginal Corporation with sourcing funding for projects;
3. Note the offer from the Badimia Bandi Barna Aboriginal Corporation to manage future projects on a fee for service basis.

**CARRIED 8/0**



### **Attendance Check**

The Presiding member checked with each attendee and confirmed that all attendees remained connected and in attendance at the electronic meeting.

Time: 4.09pm.

Shire President	Cr SC Carter	✓
Deputy President	Cr KL Carter	✓
	Cr MM Harms	✓
	Cr KM McNeill	✓
	Cr NW Mills	✓
	Cr BH Boys	✓
	Cr AR Dickins	✓
	Cr KJ Christian	✓
Chief Executive Officer	Ms JM Knight	✓



## 9.4.2 Covid-19 Concessions

<b>Report Date</b>	28 April 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	FM/19 – Financial Management - Budgeting
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	Nil

### Purpose of Report

Council is requested to consider concessions for their ratepayers in response to the recent Covid-19 outbreak.

### Background

The Covid-19 pandemic has escalated world-wide over the last few weeks and has resulted in considerable and serious economic and social impacts on communities. Officers have recognised this and has developed concessions for Council to consider.

### Consultation

Senior Management Team

### Legislative Implications

#### State

*Planning & Development Regulations 2009*

*Local Government Act 1995 – section 6.12*

*Building Regulations 2012*

### Policy Implications

Nil

### Financial Implications

There will be a loss of revenue arising from these concessions and the impact is listed below:

Waiver of penalty interest on rates - approx \$300

Zero rate increase (if Council were to impose a 1.5% rate increase in 20-21) - approx \$51,332

Waiver of planning & building fees – approx. \$2,500

### Strategic Implications

Nil

### Site Inspection

Site inspection undertaken: Not applicable



## **Triple Bottom Line Assessment**

### Economic implications

The Covid-19 pandemic is having a serious and negative economic impact on our community. The proposed concessions will assist in a small way.

### Social implications

The Covid-19 pandemic is having a serious and negative social impact on our community. The proposed concessions will assist in a small way.

### Environmental implications

There are no known significant environmental implications associated with this proposal.

## **Officer Comment**

In order to assist community members, it is recommended to waive interest for outstanding rates until 30 June 2020.

To ensure planning & building applications continue to be submitted, it is recommended to waive all non-statutory planning & building fees until 31 December 2020. Under the *Planning & Development Regulations 2009* a Local Government may waive fees. Under the Building Regulations 2012 fees may be waived to be a maximum of \$105.00. Fees that are collected on behalf of other agencies will still be required to be paid.

Should Council support the proposal of a zero rate increase, when preparing the budget, Officers will endeavour to maintain the current service levels and deliver planned projects. Some projects may need to be deferred until the following financial year and these will be prioritised by Council during the budget workshops. It is to be noted that should a ratepayer's valuation change their rates may still be impacted.

Should Council support this proposal it is recommended that the Shire President issue a Media Release to advise the community.



## Officer Recommendation/Resolution

### **MOTION 9543**

Moved Cr KM McNeill  
Seconded Cr BH Boys

That Council:

1. Waives the charging of penalty interest on outstanding rates until 30 June 2020;
2. Waives all fees relating to Planning applications until 31 December 2020;
3. Waive all fees relating to Building Applications to a maximum of \$105.00 until 31 December 2020;
4. Authorises the Chief Executive Officer to apply a zero rate increase to all non-statutory Fees & Charges;
5. Authorises the Chief Executive Officer to prepare the 2020-2021 budget with a zero increase in overall rate revenue.

**CARRIED 8/0 BY ABSOLUTE MAJORITY**



#### 9.4.3 Use of Common Seal – Reserve 40337\*

<b>Report Date</b>	28 April 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	R40337
<b>Previous Meeting Reference</b>	18 December 2018 (M9288)
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	Contract of Sale

#### Purpose of Report

Council is requested to authorise the signing and affixing of the Common Seal to the Contract of Sale for Lot 572 on Diagram 35838 - Reserve 40337 –16 Sawyer Avenue, Dalwallinu.

#### Background

Correspondence was received on 6 September 2018 from the Department of Planning, Lands & Heritage (DPLH) asking if Council were willing to accept the management of Reserve 40337.

Council had previously identified this property as a possible future residential lot.

At the Ordinary Council Meeting held 18 December 2018, Council resolved the following:

#### **'MOTION 9288'**

*Moved Cr AR Dickins  
Seconded Cr KM McNeill*

#### *That Council:*

- 1. Direct the Chief Executive Officer to advise the Department of Planning, Lands & Heritage that the Shire of Dalwallinu accepts the management of Lot 572 on Diagram 35838 – Reserve 40337 – 16 Sawyer Avenue, Dalwallinu;*
- 2. Authorise the Chief Executive Officer to lodge a Crown Land Enquiry Form with the Department of Planning, Lands & Heritage to purchase freehold Lot 572 on Diagram 35838 – Reserve 40337 – 16 Sawyer Avenue, Dalwallinu for future residential housing.*

***CARRIED 8/0'***

The Crown Land Enquiry Form was submitted to DPLH on 19 December 2018.

#### **Consultation**

Nil

#### **Legislative Implications**

##### State

*Local Government Act 1995 – section 9.49A*



## **Policy Implications**

Nil

## **Financial Implications**

An allocation of \$70,000 ex GST has been included in the 2019-2020 for the purchase of this lot.

## **Strategic Implications**

### *Shire of Dalwallinu Strategic Community Plan 2017-2027*

Outcome 2.1 A growing population

2.1.1 Improve and encourage additional accommodation for single workers and families

Outcome 2.4 Increased housing development

2.4.2 Advocate for existing UCL to be released for development

## **Site Inspection**

Site inspection undertaken: Not applicable

## **Triple Bottom Line Assessment**

### *Economic implications*

There are no known significant economic implications associated with this proposal.

### *Social implications*

There are no known significant social implications associated with this proposal.

### *Environmental implications*

There are no known significant environmental implications associated with this proposal.

## **Officer Comment**

Correspondence was received from the Department of Planning, Lands & Heritage on 6 April 2020, which included the Contract of Sale for execution.

A Council Resolution is required for the Common Seal to be affixed to the Contract of Sale.

## **Officer Recommendation/Resolution**

### **MOTION 9544**

Moved Cr KM McNeill  
Seconded Cr MM Harms

That Council authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to Contract of Sale for Lot 572 on Diagram 35838 - Reserve 40337 –16 Sawyer Avenue, Dalwallinu between the Department Planning, Lands & Heritage and the Shire of Dalwallinu for the sum of \$75,000 (inc GST).

**CARRIED 8/0**



#### 9.4.4 Financial Hardship Policy\*

<b>Report Date</b>	28 April 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	GO/2 – Governance – Policy Manual
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	DRAFT Policy

#### Purpose of Report

Council is requested to adopt the Financial Hardship Policy developed to assist ratepayers during these uncertain times.

#### Background

The Covid-19 pandemic has escalated world-wide over the last few weeks and has resulted in considerable and serious economic and social impacts on communities.

This policy has been developed to assist our ratepayers with their financial commitments.

#### Consultation

Nil

#### Legislative Implications

##### State

*Local Government Act 1995 – section 5.90A*

#### Policy Implications

Nil

#### Financial Implications

Overall there will be no financial implications as the debts are still required to be paid, however, it could have an impact on the cash flow if taken up by a large number of ratepayers.

#### Strategic Implications

Nil

#### Site Inspection

Site inspection undertaken: Not applicable

#### Triple Bottom Line Assessment

##### Economic implications

There are no known significant economic implications associated with this proposal.



### Social implications

There are no known significant social implications associated with this proposal.

### Environmental implications

There are no known significant environmental implications associated with this proposal.

### **Officer Comment**

We recognise that many ratepayers are already experiencing financial hardship due to COVID19. We respect and anticipate the probability that additional financial difficulties will arise when their rates are received.

We will write to ratepayers at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible ratepayers to apply for hardship consideration.

It is a reasonable community expectation, as we deal with the effects of the pandemic that those with the capacity to pay rates will continue to do so. For this reason the Policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* will apply.

### **Officer Recommendation/Resolution**

#### **MOTION 9545**

Moved                    Cr NW Mills  
Seconded                Cr KL Carter

That Council adopt the Financial Hardship Policy as attached.

**CARRIED 8/0 BY ABSOLUTE MAJORITY**



### **Attendance Check**

The Presiding member checked with each attendee and confirmed that all attendees remained connected and in attendance at the electronic meeting.

Time: 4.14pm.

Shire President	Cr SC Carter	✓
Deputy President	Cr KL Carter	✓
	Cr MM Harms	✓
	Cr KM McNeill	✓
	Cr NW Mills	✓
	Cr BH Boys	✓
	Cr AR Dickins	✓
	Cr KJ Christian	✓
Chief Executive Officer	Ms JM Knight	✓



#### 9.4.5 Elected Members Representation\*

<b>Report Date</b>	28 April 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	GO/22 - Councillors
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	<b>Absolute Majority</b>
<b>Attachments</b>	Discussion Paper

#### Purpose of Report

Council is requested consider the options with regards to Elected Members representation for the Shire of Dalwallinu.

#### Background

Cr Janine Huggett resigned from the position of Councillor with the Shire of Dalwallinu on 11 February 2020. Her term was due to expire in October 2021.

An extra-ordinary election was scheduled for 16 May 2020 for the vacant position. All statutory advertising was undertaken in line with the Western Australian Electoral Commission Election Timetable.

The Call for Nominations advertisement was placed in the Totally Locally, Kapers and advertised regularly on the Shire's Facebook page and the Shire website.

At the close of the nomination period at 4pm, Thursday 9 April 2020, no nominations were received.

#### Consultation

Sheryl Siekerka and Julie Craig, Department of Local Government, Sport & Cultural Industries (DLGSC) Discussion Paper – All Councillors – emailed 15 April 2020

#### Legislative Implications

##### State

*Local Government Act 1995 – section 2.2*

#### Policy Implications

Nil

#### Financial Implications

Nil

#### Strategic Implications

Nil



### **Site Inspection**

Site inspection undertaken: Not applicable

### **Triple Bottom Line Assessment**

#### Economic implications

There are no known significant economic implications associated with this proposal.

#### Social implications

There are no known significant social implications associated with this proposal.

#### Environmental implications

There are no known significant environmental implications associated with this proposal.

### **Officer Comment**

From discussions with DLGSC, there are two options for Council to consider:

1. Reduce Elected member representation to seven (7) for the October 2021 election;
2. Request to Western Australian Electoral Commission to hold over filling the vacancy until the October 2021 election and continue with the eight (8) existing members.

#### ***OPTION 1 - Reduce Elected Member Representation***

In 2009 a review of the ward boundaries and elected member representation was undertaken and the wards were abolished and Elected Member representation was reduced from ten (10) members to nine (9) members.

At the Ordinary Council Meeting held 23 June 2009, a recommendation was put to Council:

*'That Council remove ward boundaries and reduce the number of Councillors to seven (7) to be applied from the Local Government Elections in 2009 (subject to endorsement by the Local Government Advisory Board)*

*LOST 3/6'*

*'That Council remove ward boundaries and reduce the number of Councillors to nine (9) to be applied from the Local Government Elections in 2009 (subject to endorsement by the Local Government Advisory Board)*

*CARRIED BY ABSOLUTE MAJORITY 7/2'*

Since 2009 there has been little interest in Council nominations for the elections which are held every two years, unless it is an extraordinary election. (See table below).



<b>Election Date</b>	<b>No. of Vacancies</b>	<b>No. of Nominations</b>
May 2020	1	0
October 2019	4	5
October 2017	5	6
June 2016	1	2
October 2015	4	5
October 2013	5	5
October 2011	5	6
July 2010	1	1
October 2009	5	5

A comparison of Elected Member representation has been undertaken on neighbouring and similar Local Governments, see table below.

<b>LGA</b>	<b>Population</b>	<b>No. Electors</b>	<b>No. EM</b>	<b>Electors per EM</b>	<b>Population per EM</b>
Ravensthorpe	1,733	1,080	5	216	347
Wongan Ballidu	1,331	923	6	154	222
Boddington	1,844	1,146	6	191	307
Exmouth	2,728	1,600	6	267	455
Meekatharra	1,067	336	7	48	152
Yilgarn	1,202	643	7	92	172
York	3,606	2,660	7	380	515
Coorow	1,036	743	8	93	130
Nannup	1,328	1,030	8	129	166
Chapman Valley	1,422	979	8	122	178
Kojonup	1,985	1,274	8	159	248
Gnowangerup	1,215	744	9	83	135
Lake Grace	1,268	898	9	100	141
<b>Dalwallinu</b>	<b>1,429</b>	<b>810</b>	<b>9</b>	<b>90</b>	<b>159</b>
Boypup Brook	1,701	1,199	9	133	189
Beverley	1,745	1,330	9	148	194
Moora	2,428	1,640	9	182	270
<b>Dalwallinu</b>	<b>1,429</b>	<b>810</b>	<b>7</b>	<b>116</b>	<b>204</b>

EM – Elected Member

#### **Advantages of reducing Councillor numbers:**

1. The decision making process may be more effective and efficient if the number of elected members is reduced. There is more scope for team spirit and co-operation amongst a smaller number of people;
2. The cost of maintaining elected members would be reduced. Budgeted costs for attendance fees in 2019-2020 were \$45,239. The attendance fees would be reduced by approximately \$5,026 if numbers were reduced by one (1);
3. A reduction in the number of elected members may result in an increased commitment and interest and participation in Council's affairs by elected members generally;



4. Fewer elected members are more readily identifiable to the community;
5. The increase in the ratio of Councillors to Electors is not significant (1:90 to 1:116);
6. Fewer positions on Council may lead to greater interest in elections with contested elections and those elected obtaining a greater level of support from the community;
7. There is a state wide trend in reductions in the number of elected members and many local governments have found that fewer elected members has improved their decision making process.

**Disadvantages of reducing Councillor numbers:**

1. A reduction may limit diversity around the table;
2. There is potential for dominance in a Council by a particular interest group;
3. A smaller number of elected members may lead to an increased workload.

The October 2021 election will see five (5) vacancies. Given that the extraordinary election did not attract one (1) nomination, it may be difficult to attract enough nominations to force an election or even fill the vacancies unopposed.

*Process*

- Council resolves to undertake the review;
- The review is to be advertised for public submissions;
- The community are to be given at least six (6) weeks to make a submission;
- Council to consider all submissions and relevant factor and makes a decision;
- Council submits a report to the Local Government Advisory Board for its consideration;
- If a change is proposed, the Board submits a recommendation to the Minister for Local Government.

*Timeframe*

The timeframe for the completion of the administrative process is usually within three (3) months from when a proposal is considered by the Board, however it can vary.

If we expect changes to be in place for the October 2021 ordinary election, the report is to be submitted to the Board by the end of January 2021.

The above information was forwarded to all Councillors in a discussion paper on Wednesday 15 April 2020.

***OPTION 2 – Request approval to leave vacancy unfilled***

To leave the vacancy unfilled, would require a request to be made to the Western Australian Electoral Commission seeking to leave the position unfilled until the October 2021 ordinary election and continue with the eight (8) existing members.

Given the lack of interest when elections occur, it is the Officer's recommendation to carry out a review to reduce the number of elected members to seven (7).



## Officer Recommendation/Resolution

### **MOTION 9546**

Moved Cr KM McNeill  
Seconded Cr KL Carter

That Council:

1. Gives local public notice of its intention to carry out a review of Elected member representation and invites submissions as required under Clause 6(1) of Schedule 2.2 of the *Local Government Act 1995*;
2. Endorses the Elected Member Representation Discussion Paper for the purposes of seeking public submissions.

**CARRIED 8/0 BY ABSOLUTE MAJORITY**



## 9.4.6 Participation in National Redress Scheme

<b>Report Date</b>	28 April 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	GR/28 – Government Relations
<b>Previous Meeting Reference</b>	Nil
<b>Prepared by</b>	Jean Knight, Chief Executive Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	DLGSC Information Paper

### Purpose of Report

Council is requested to consider endorsing the Shire of Dalwallinu's participation as part of the WA Government's declaration in the National Redress Scheme.

### 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 (3) reports throughout the inquiry:

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 (3) 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 Shire of Dalwallinu) 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 ten (10) years and offers eligible applicants three (3) 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 Governments 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.

### **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 12 twelve (12) WALGA Zone and LGPro 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 Local Government Insurance Services (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.

### **Legislative Implications**

The Shire of Dalwallinu 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 s9.49A(4) of the *Local Government Act 1995*.

### **Policy Implications**

Nil

### **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 co-ordination or requests for information and record keeping); and



- Trained staff to co-ordinate 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 co-ordinated and facilitated by the Redress Co-ordination 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 received 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.

### **Strategic Implications**

Nil

### **Site Inspection**

Site inspection undertaken: Not applicable

### **Triple Bottom Line Assessment**

#### Economic implications

There are no known significant economic implications associated with this proposal.

#### Social implications

There are no known significant social implications associated with this proposal.

#### Environmental implications

There are no known significant environmental implications associated with this proposal.

### **Officer Comment**

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 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 co-ordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and
- Trained staff to co-ordinate 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 received 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 survivors circumstance). The State's decision includes that all requested DR's will be co-ordinated and facilitated by the Redress Co-ordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledges the State Government's decision to include the participation of local governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government; and
3. 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 LGPro 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 Shire of Dalwallinu's participation in the Scheme.

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



The Shire of Dalwallinu 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 Shire of Dalwallinu to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the Shire of Dalwallinu formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Shire of Dalwallinu 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 Shire of Dalwallinu 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 potential financial risk to the Shire of Dalwallinu.

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

### 1. Executing a Service Agreement

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

The Shire of Dalwallinu needs to give authority to an appropriate person/officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are three (3) weeks for priority applications and seven (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 the Local Government if/when an application is received

The local government 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 the local government aware that an application has been received.

### 3. Application Processing/Staffing and Confidentiality

Administratively, the Shire of Dalwallinu 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 Shire of Dalwallinu'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 Co-ordination Unit in relation to a Redress application.

The Redress Co-ordination 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 Shire of Dalwallinu 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 Shire of Dalwallinu do not have any influence on the decision made and there is no right of appeal.

#### **Officer Recommendation/Resolution**

##### **MOTION 9547**

Moved                    Cr KL Carter  
Seconded                Cr BH Boys

That Council, with respect to participation in the National Redress Scheme:

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

**CARRIED 8/0**



#### 9.4.7 Dalwallinu Sports Club Lease Dalwallinu Recreation Centre

<b>Report Date</b>	28 April 2020
<b>Applicant</b>	Shire of Dalwallinu
<b>File Ref</b>	CP/6-Council Properties- Acquisition & Disposal-Leasing
<b>Previous Meeting Reference</b>	Ordinary Meeting of Council, 28 May 2019, Motion#9361
<b>Prepared by</b>	Joanne Jones, Economic & Community Development Officer
<b>Supervised by</b>	Jean Knight, Chief Executive Officer
<b>Disclosure of interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Attachments</b>	DRAFT lease

#### **Purpose of Report**

Council is requested to consider a request from Dalwallinu Sports Club to renew the lease of the area of the Dalwallinu Sports Club that lapses on 31 May 2020 for a period of twenty one (21) years.

#### **Background**

The current one (1) year lease expires on 31 May 2020. For the previous two lease periods a one year lease has been agreed due to the potential need to relocate the existing sewerage lagoon to the Recreation reserve in order to alleviate the problems with the leaching of effluent into private land. It has now been arranged that a portion of the Recreation Reserve (part of the golf course hole #10) will be resumed to manage the drainage from the sewerage lagoon and therefore a twenty one (21) year lease is to be considered.

#### **Consultation**

Nil

#### **Legislative Implications**

##### **State or Local**

*Local Government Act 1995 Section 3.58*

#### **Policy Implications**

##### **State or Local**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

#### **Site Inspection**

Site inspection undertaken: Not applicable



### **Triple Bottom Line Assessment**

#### Economic implications

It is important to ensure the facilities at the Dalwallinu Sports Club are utilised fully to maximise the revenue to be received.

#### Social implications

There are no known significant social implications associated with this proposal.

#### Environmental implications

There are no known significant environmental implications associated with this proposal.

### **Officer Comment**

It is recommended that the request be agreed to on the basis of the conditions of the existing lease.

It is to be noted that the lease is subject to approval from the Minister for Lands.

### **AMENDMENT**

Moved            Cr NW Mills  
Seconded        Cr

Amend clause in lease;

- Building to be repainted every 10 years.

**Motion lapsed for want of a seconder.**

### **Officer Recommendation/Resolution**

#### MOTION 9548

Moved            Cr MM Harms  
Seconded        Cr KM McNeill

That Council:

1. Subject to approval from the Minister for Lands, renew the lease with Dalwallinu Sports Club for a twenty one (21) year term from 1 June 2020 to 31 May 2041 as per the rental stated in the Shire of Dalwallinu Fees & Charges Schedule;
2. Authorise the Chief Executive Officer and Shire President to sign and affix the common seal to the lease document for point 1 above.

**CARRIED 8/0**



### Attendance Check

The Presiding member checked with each attendee and confirmed that all attendees remained connected and in attendance at the electronic meeting.

Time: 4.23pm.

Shire President	Cr SC Carter	✓
Deputy President	Cr KL Carter	✓
	Cr MM Harms	✓
	Cr KM McNeill	✓
	Cr NW Mills	✓
	Cr BH Boys	✓
	Cr AR Dickins	✓
	Cr KJ Christian	✓
Chief Executive Officer	Ms JM Knight	✓

### **10 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

### **11 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED**

Nil

### **12 QUESTIONS FROM MEMBERS WITHOUT NOTICE**

Nil

### **13 NEW BUSINESS OF AN URGENT NATURE (INTRODUCED BY DECISION OF THE MEETING)**

Nil

### **14 SCHEDULE OF MEETING**

The next Ordinary Meeting of Council will be held on 26 May 2020 via electronic means commencing at 3.30pm.

### **15 CLOSURE**

There being no further business, the Chairperson closed the meeting at 4.24pm.



**16 CERTIFICATION**

I, Steven Clifford Carter, certify that the minutes of the Ordinary Council meeting held on the 28 April 2020, as shown on page numbers 1 to 49 were confirmed as a true record at the meeting held on 26 May 2020.



CHAIRPERSON

26/ May/2020

DATE