



MINUTES

27th of May 2020

ORDINARY COUNCIL MEETING



John McCleary, JP
CHIEF EXECUTIVE OFFICER

DISCLAIMER

Disclaimer

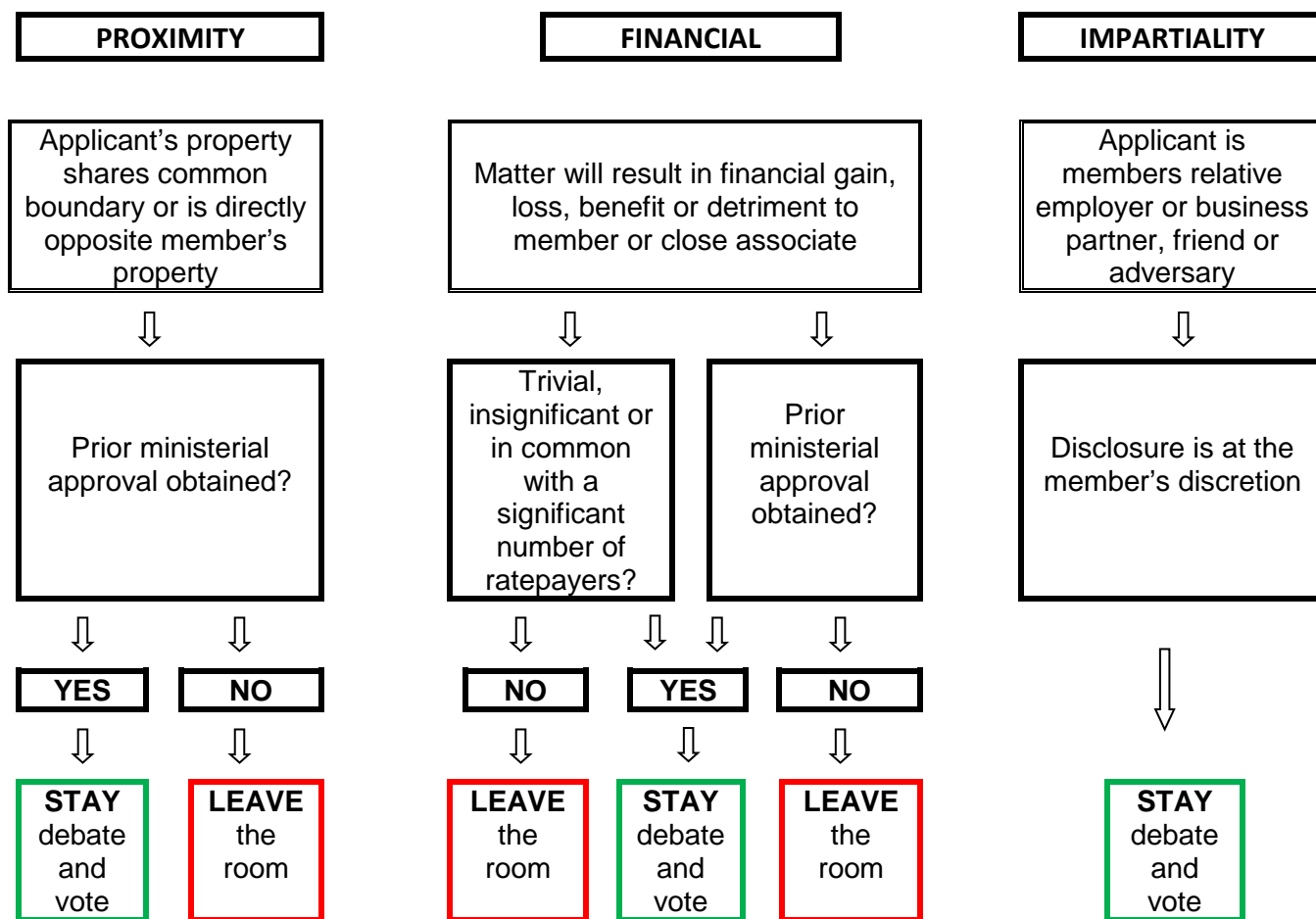
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* Declaring an Interest



Local Government Act 1995 - Extract

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:
- (a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know:
- (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

- (1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

- If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:
- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply).

'Local Government (Administration) Regulations 1996 – Extract

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:

"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

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SHIRE OF UPPER GASCOYNE
MINUTES FOR THE ORDINARY MEETING OF COUNCIL HELD AT GASCOYNE JUNCTION
SHIRE OFFICES ON WEDNESDAY 27th of May 2020

1. DECLARATION OF OPENING / ANNOUNCEMENTS OF VISITORS

The President welcomed those present and declared the meeting open at 8.30am.

2. APOLOGIES AND APPROVED LEAVE OF ABSENCE

2.1 Councillors

Cr D. Hammarquist OAM JP	Councillor
Cr J. Caunt	Councillor
Cr G. Watters	Councillor
Cr H. McTaggart	Councillor
Cr A. McKeough	Councillor
Cr R. Hoseason-Smith	Councillor
Cr B. Walker	Councillor

Staff

John McCleary JP	Chief Executive Officer
Jarrold Walker	Manager of Works & Services
Sa Toomalatai	Manager of Finance and Corporate Services

Visitors

Josh Kirk	Greenfield Technical Services (8.35 - 9.28)
Nigel Goode	Greenfield Technical Services (8.35 - 9.28)
Travis Bate	RSM

2.2 Absentees

Nil

2.3 Leave of Absence previously approved

Nil

3. APPLICATION FOR LEAVE OF ABSENCE

Nil

4. PUBLIC QUESTION TIME

4.1 Questions on Notice

Nil

4.2 Questions without Notice

Nil

5. DISCLOSURE OF INTEREST

Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Joshua Kirk and Nigel Goode of Greenfield Technical Services provided the Council with a report on the works carried out AGRN 863.

7. ANNOUNCEMENTS BY THE PERSON PRESCIDING WITHOUT DISCUSSION

Nil

8. MATTERS FOR WHICH THE MEETING MAY GO BEHIND CLOSED DOORS

Nil

9. CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

9.1 Ordinary Meeting of Council held on 29th of April 2020.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Resolution No. 01052020

MOVED: CR H. MCTAGGART

SECONDED: CR A. MCKEOUGH

That the Unconfirmed Minutes from the Ordinary Meeting of Council held on the 29th of April 2020 be confirmed as a true and correct record of proceedings.

CARRIED: 7/0

Joshua Kirk and Nigel Goode left the Council Chambers at 9.28am

10. REPORTS OF OFFICERS

10.1 Manager of Finance & Corporate Services Report

The Corporate Services team have been busy this month with the CRC and Administration office reopening their doors to the public, and returning to normal operating hours. This has been due to further easing of COVID-19 restrictions across the state.

Whilst it has been challenging to adapt to a "new normal" in the current COVID-19 climate, staff have been determined not to let this hinder the continued delivery of core services to our community, and the celebration of significant dates in our calendar such as paying tribute to our ANZACs.

Shire staff honoured this special occasion by holding a small service at the memorial statue in April. As the service could not be attended by the public due to social distancing rules, staff decided to record the service and upload it to the shire's website page and social media platforms for easy viewing by the community.

Although this is not the traditional way to mark the day, it was considered the best way to continue with the service and pay our respects to the ANZACs whilst adhering to COVID-19 safety measures.



Community Resource Centre - Monthly Income Report

Printed at: 21/05/20

Page No : 1

SHIRE OF UPPER GASCOYNE

General Ledger Detail Trial Balance

(frmGL TrialBalance)

Options : Year 19/20,From Month 10,To Month 10,By Responsible Officer (CRC INCOME CRC INCOME ACCOUNTS - MONTHLY REPORTING)

RespOff	Account	Description	Opening Bal	Movement	Balance
Division	GEN				
CRC INCO	10841310	Commission Centrelink : CRC	-5,103.73	0.00	-5,103.73
CRC INCO	10841330	Transport Commission: CRC	-623.57	-40.87	-664.44
CRC INCO	10841340	Postal Agency Commission: CRC	-5,804.83	-776.63	-6,581.46
CRC INCO	10841360	Income from Events Held	-1,074.50	0.00	-1,074.50
CRC INCO	10841380	Postal Agency Sales	-471.49	-39.27	-510.76
CRC INCO	10841390	Sales: Books/Maps/Souvenirs/Sundries	-1,299.76	-49.55	-1,349.31
CRC INCO	10841500	Grant: CRC Operating	-48,000.00	-48,000.00	-96,000.00
CRC INCO	10842600	CRC Income Misc.	-257.60	-60.45	-318.05
Total	CRC INCOME		-62,635.48	-48,966.77	-111,602.25
Total for division GEN			-62,635.48	-48,966.77	-111,602.25
Grand Total			-62,635.48	-48,966.77	-111,602.25

Community Resource Centre - Monthly Customer Service Stats

Customer Services and Enquiries	2019.2020 TOTAL	2018.2019 TOTAL	Apr-20	Apr-19	April Difference	Year to Date Difference
Aus. Government Info/Roads	1,089	4,391	0	45	-45	-3,302
Government Access Point	13	46	0	2	-2	-33
Department of Human Services	34	104	0	9	-9	-70
Department of Transport	61	83	5	7	-2	-22
Computer/Internet Access	27	33	2	5	-3	-6
Faxes	0	10	0	0	0	-10
General Tourism Information	224	148	0	6	-6	76
Phonebook Purchases	0	5	0	1	-1	-5
Community Seminars	1	0	0	0	0	1
Gassy Gossip yearly subscription	3	1	0	0	0	2
Training/Courses	4	0	0	0	0	4
Hot Office Bookings	4	13	0	2	-2	-9
Library	31	61	3	5	-2	-30
Video Conference/Telehealth	4	5	0	1	-1	-1
Book Sales	45	73	0	5	-5	-28
Photocopying/Printing/Scanning/Emailing	23	19	1	3	-2	4
Laminating/Binding	2	0	0	0	0	2
CRC Merchandise Sales	243	359	11	8	3	-116
Community Events	9	10	0	1	-1	-1
Gassy Gossip Advertisement	29	9	1	1	0	20
Total CRC Services and Enquiries	1,846	5,370	23	101	-78	-3,524

As mentioned at the last Council meeting the shire received funding from the GDC to assist in providing support, information and give community awareness around services available to assist them and their families through COVID-19. The funding is also to be used to deliver on community initiatives in the effort to keep families engaged and stay connected.

The Team has been working hard in meeting the funding objectives and after much planning, we are in full swing preparing items for our Care Packages. We are aiming to have all packages distributed to residents within the Shire of Upper Gascoyne by Friday 5th June.

Our care packages contain a little something for everyone, from fruit and veg to crafty activities and adventure kits for the kids, with most items being sourced locally from Carnarvon. We have also contacted all local tourist businesses within our shire and offered a yearly subscription for their business to be run in the Gassy Gossip. This has drummed up a lot of interest and many have taken this opportunity up to promote their local business and encourage the commercial market back into our area.

In addition to this, the Corporate Services team recently joined forces with officers from our neighbouring Councils of Carnarvon, Shark Bay and Exmouth as well as members of the GDC office to form the Gascoyne Regional Tourism Working Group. The GRTWG meets once a fortnight to discuss the economic challenges our local areas are facing due to COVID-19, and how it is affecting our tourism industry. The group uses this forum not only to identify the issues we are experiencing under these trying circumstances but also to share ideas on how we can get back on track.

Our team has shared some great ideas we have for an upcoming tourism campaign that is focused on a self-drive adventure and geocaching. This led to further discussion on a collaborative scavenger hunt that could potentially start in Shark Bay and end in Exmouth, with Mount Augustus and the Kennedy Ranges flagged as essential landmarks to visit along the way.

We hope that this joint effort between all 4 shires and the GDC will result in a better tourism action plan moving forward. Here's to putting us back on the map!

10.2 Manager of Works and Services Report

General:

The depot has received a storage upgrade. Shelving and racking has been installed in the new gardener's shed and machinery shed. We have also installed cantilever racking outside the sheds to store our steel, pipe and signage posts. This will get all of our assets and materials up off the ground and make room in the yard for plant to manoeuvre around. Paul Kearney was engaged to lay the concrete footings/slabs and erect the new racking. Once the crew have completed the road works for 19/20 we will begin filling the racks and complete associated earthworks in the yard.

Nat has soldiered on with the gardening and spraying around town. Nat and Ali will also assist in relocating the gardening/building materials and equipment into the new sheds and racking.



Some of the new racking in the depot yard.

John, Sa and I have been busy working on next year's financial budget and updating our current budget. A strong focus has been put on identifying savings and opportunities to bolster our reserve accounts. In all we are tracking quite well for our current budget and with Council's approval we hope to be on the right track for next financial year.

Maintenance Graders:

The two graders have returned to maintenance grading. Unfortunately due to the weather events we have spent the best part of the last two months carrying out temporary reinstatement works. This has meant we are behind in our normal scheduled works and have had to alter our plans. Thomas has completed between Landor and Mount Augustus. He will complete Landor Meeka road and then work towards Glenburgh. Ian has completed Cobra Mount Augustus and Cobra Dairy Creek with

some assistance from QEM in the flood damage works. Dependant on rain Ian will either work towards Murchison or towards Gascoyne Junction.

In order to catch up on our road maintenance we engaged Roger Davies Contracting to complete the southern end of Ullawarra road. Greg Watters has been working on the Landor Mt Clere and Mt Clere Meeka roads. Once the construction crew have completed our 19/20 works Dameon will grade our secondary roads that were missed including Woodlands, Pingandy and Mt Augustus Tourist Loop Road.

Construction Crew:

The sheeting and bitumen works on Landor Mt Augustus Road are all but complete. The bitumen was laid on the 12th May and sheeting is expected to be completed by the 27th May. Signage will be completed in June. A total of 1.64km of bitumen was laid in front of the Burringurrah Aboriginal Community. The original scope was for 1km. Approximately 9 km of sheeting has been completed.



Sheeting and bitumen near Burringurrah

Equipment:

We haven't had any significant breakdowns this month. Max has been busy carrying out scheduled maintenance. Once the main construction works is complete we will schedule in minor repairs to our pad foot roller and side tippers.

10.3 CEO Report

This month has been relatively productive with success on a number of grants that we have applied for, these include;

1. Remote Airstrip Upgrade Program,	\$65,453
2. Federal Blackspot Funding (Cobra – Dairy Creek Road), and	\$242,000
3. State Government (GDC) – Tourist Park Solar Project.	\$152,400
4. State Black Spot	\$177,156
5. Federal COVID 19 Stimulus	\$624,873
Total	\$1,261,882

On Wednesday the 20th of May 2020 we went out to tender for the supply and installation of the solar system for the Junction Pub and Tourist Precinct. We will move this fairly quickly and as a consequence with have left the tender open for 14 days, which is the minimum allowable time. It is anticipated that the successful tenderer appointed prior to the next June Ordinary Meeting.

We have submitted our claim for AGRN 908 which totals \$27,998,405.34. We have consolidated all three events into one claim to make it easier for all concerned, in addition, we only have to pay one Local Government Contribution amount. This claim is currently with Main Roads for their review. Once this review is undertaken and we are advised of the outcome we will go out to tender. At this stage we will more than likely split this work into three packages where two will go to contractors and we will do one. We will stagger the works so that we only have two contractors on the books at any given time so that we can manage our cash flow.

On the 12th of May I had a meeting with DEFES Staff (Katherine Clarke – Principle Policy Officer , Terry Asher – Disaster Recovery Funding Officer and Graham Swift – Assistant Commissioner) in Perth to discuss outstanding monies for the various claims for emergency works or previously known as 'opening up costs'. It appears that we will be fully reimbursed but it has taken a huge amount of work to get to this point and we still do not have the process right for future events. Evidence is the crucial element, despite our representations, as the DEFES processes are governed by their Federal Counterparts and these are completely different to what we have previously experienced. I have put together a process which will cover off on all their concerns, I am waiting for a formal response to this proposal.

I have received advice from Landgate stating that they have recently completed the rural assessments of all properties as at the 1st of August 2019. This will see an overall change of 85.97% across the Shire. The significant increase in RUV for the Shire is driven by last year's change in Pastoral Lease Rents, which have a flow on effect to this year's RUV, the RUV being calculated on the basis of 20 times the new full rental. This may cause confusion within the Shire as individual rate bills will increase despite the fact that the Shire have not increased the cents in the dollar. This issue has been widely canvassed by a host of Local Governments and the Minister for Local Government is well aware of the implications.

I am currently undertaking a review of the State Road Funds to Local Government Agreement with the view of preparing a report. As always this is very time consuming and quite complex and it is heavily influenced by the Asset Preservation Model, which we know does not adequately recognise unsealed roads. I will present this report to our Regional Road Group and seek to have a resolution on the table to cause a review of the Agreement, as provided for in the Agreement. These are long term type processes and it is extremely difficult to remove 'rusty on' practices. We are still waiting on

the Grants Commission to determine if our application to have Burringurrah recognised as a community is supported and to move from Zone 16 to Zone 19 in the Asset Preservation Model, it is hopeful that I can report at the next June Ordinary Meeting of Council.

Grants

Submitted	Close Date	Project	Grant	Provider	Grant Amount	Project Cost	Result
22/10/2019	12/11/2019	Gascoyne Junction airport runway reseal	Remote Airstrip Upgrade Program	Federal – Dept. Infrastructure, Transport, Cities & regional Development	\$65,453	\$130,907	Successful
06/12/2019	11/12/2019	2021 Country Music Festival & Gymkhana	2020-21 Regional Events Scheme	Tourism WA	\$40,000	\$131,500	Pending
18/12/2019	20/12/2019	Gascoyne Visitors Stop	Building Better Regions Fund	Federal Dept. of Infrastructure	\$2,398,500	\$2,583,500	Pending

OFFICERS RECOMMENDATION / COUNCIL RESOLUTION – 02052020

MOVED: CR B. WALKER

SECONDED: CR G. WATTERS

That Council receive the CRC Report, Manager of Works and Chief Executive Officers Reports.

CARRIED: 7/0

The meeting adjourned at 10.00am for morning tea.

The meeting reconvened at 10.20am

10.4 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT:	Shire of Upper Gascoyne
DISCLOSURE OF INTEREST:	None
AUTHOR:	Sa Toomalatai – Manager of Finance & Corporate Serv.
DATE:	18 May 2020
Matters for Consideration:	
To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on Wednesday 27 th of May 2020 as attached – see Appendix 1	
Comments:	
The list of accounts are for the month of April 2020.	
Background:	
The local government under its delegated authority to the CEO to make payments from the municipal and trust funds is required to prepare a list of accounts each month showing each	

account paid and presented to Council at the next ordinary Council meeting. The list of accounts prepared and presented to Council must form part of the minutes of that meeting.

Statutory Environment:	
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Local Government (Financial Management Regulations) 1996

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) 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, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Policy Implications:	
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Nil

Financial Implications:	
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2019/20 Budget

Strategic Implications:	
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Civic Leadership – To responsibly manage Council's financial resources to ensure optimum value for money and sustainable asset management.

Risk:	
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Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk	Risk Action Plan (Controls or Treatment proposed)
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

Consultation:

Nil

Officer's Recommendation:

Voting requirement: Simple Majority

That Council endorse the payments for the period 1st of April to the 30th of April 2020 as listed, which have been made in accordance with delegated authority per LGA 1995 s5.42.

Municipal Fund Bank EFTs (11941-12033)	\$1,467,165.55
Payroll	\$ 151,525.44
BPAY/Direct Debit	\$ 22,917.65
TOTAL	\$1,641,608.64

Council Decision:03052020

MOVED: CR G. WATTERS

SECONDED: CR B. WALKER

That Council endorse the payments for the period 1st of April to the 30th of April 2020 as listed, which have been made in accordance with delegated authority per LGA 1995 s5.42.

Municipal Fund Bank EFTs (11941-12033)	\$1,467,165.55
Payroll	\$ 151,525.44
BPAY/Direct Debit	\$ 22,917.65
TOTAL	\$1,641,608.64

CARRIED: 7/0

10.5 MONTHLY FINANCIAL STATEMENT

APPLICANT:	Shire of Upper Gascoyne
DISCLOSURE OF INTEREST:	None
AUTHOR:	Sa Toomalatai – Manager of Finance & Corporate Serv.
DATE:	18 May 2020
Matters for consideration:	
<p>The Statement of Financial Activity for the periods of April 2020, include the following reports:</p> <ul style="list-style-type: none">• Statement of Financial Activity• Significant Accounting Policies• Graphical Representation – Source Statement of Financial Activity• Net Current Funding Position• Cash and Investments• Major Variances• Budget Amendments• Receivables• Grants and Contributions• Cash Backed Reserve• Capital Disposals and Acquisitions• Trust Fund <p>see Appendix 2</p>	
Comments:	
The Statement of Financial Activity is for the month of April 2020.	
Background:	
<p>Under the Local Government (Financial Management Regulations 1996), a monthly Statement of Financial Activity must be submitted to an Ordinary Council meeting within 2 months after the end of the month to which the statement relates. The statement of financial activity is a complex document but presents a complete overview of the financial position of the local government at the end of each month. The Statement of Financial Activity for each month must be adopted by Council and form part of the minutes.</p>	
Statutory Environment:	
<p>Local Government Act 1995 – Section 6.4 Local Government (Financial Management Regulations) 1996 – Sub-regulation 34.</p>	
Policy Implications:	
Nil	
Financial Implications:	
Nil	

Strategic Implications:					
Civic Leadership – To responsibly manage Council’s financial resources to ensure optimum value for money and sustainable asset management.					
Risk:					
Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk	Risk Action Plan (Controls or Treatment proposed)
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation
Consultation:					
Nil					
Officer’s Recommendation:		Voting requirement: Simple Majority			
That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period of April 2020.					
Council Decision: 04052020					
MOVED: CR A. MCKEOUGH			SECONDED: CR B. WALKER		
That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period of April 2020.					
CARRIED: 7/0					

10.6 NATIONAL REDRESS SCHEME (PARTICIPATION OF WA LOCAL GOVERNMENT)	
APPLICANT:	Shire of Upper Gascoyne
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	John McCleary – Chief Executive Officer
DATE:	18 May 2020
<i>Matters for Consideration:</i>	
<p>Note the background information and the WA Government’s decision in relation to the National Redress Scheme, refer to Appendix 3 Local Government Information Paper (December 2019)</p>	

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:

- 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 Shire of Upper Gascoyne) 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.¹

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.

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:

1. 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;
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 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 Shire of Upper Gascoyne's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Shire of Upper Gascoyne 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 Shire of Upper Gascoyne 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 Upper Gascoyne to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

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

Considerations for the Shire of Upper Gascoyne

Detailed below is a list of considerations for the Shire of Upper Gascoyne 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 Upper Gascoyne will receive a Redress application. A Service Agreement will only be executed if the Shire of Upper Gascoyne receives a Redress application.

Shire of Upper Gascoyne 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 Shire of Upper Gascoyne 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 Upper Gascoyne'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 Shire of Upper Gascoyne 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 Upper Gascoyne do not have any influence on the decision made and there is no right of appeal.

Comments:	
Nil	
Statutory Environment:	
<p>The Shire of Upper Gascoyne in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the <i>National Redress Scheme for Institutional Child Sexual Abuse Act 2018</i> (Cth).</p> <p>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 <i>Local Government Act 1995</i>.</p>	
Policy Implications:	
Nil	
Financial Implications:	
<p>The State's decision will cover the following financial costs for local governments:</p> <ul style="list-style-type: none"> • 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). <p>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.</p> <p>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.</p>	
Strategic Implications:	
Nil	
Risk:	

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk	Risk Action Plan (Controls or Treatment proposed)
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation

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.

Officer's Recommendation:

Voting requirement: Simple Majority

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 Shire of Upper Gascoyne will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire of Upper Gascoyne makes a specific and formal decision to be included;*
- 3) *Endorses the participation of the Shire of Upper Gascoyne 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;*
- 5) *Notes that a confidential report will be provided if a Redress application is received by the Shire of Upper Gascoyne.*

Council Decision: 05052020

MOVED: CR H. MCTAGGART

SECONDED: CR G. WATTERS

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 Shire of Upper Gascoyne will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire of Upper Gascoyne makes a specific and formal decision to be included;*
- 3) *Endorses the participation of the Shire of Upper Gascoyne in the National Redress Scheme as a State Government institution and included as part of the State Government's*

- 4) declaration;
- Grants authority to the Chief Executive Officer 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 Shire of Upper Gascoyne.

CARRIED: 7/0

10.7 BUDGET VARIATIONS AS AT 30 APRIL 2020

APPLICANT:	Shire of Upper Gascoyne
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DISCLOSURE OF INTEREST:	Nil
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AUTHOR:	Sa Toomalatai– Manager of Finance & Corp Serv.
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DATE:	18 May 2020
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Matters for Consideration:

Request for Council to adopt the various budget variations submitted for consideration as outlined in [Appendix 4](#).

Background:

The shire's management team have undertaken an interim budget review on the current financial years' operating and capital accounts. Based on this assessment, staff have identified areas throughout the current budget that require a budget variation.

Comments:

In order to manage the shire's budget effectively, it is best practice for staff to closely monitor all the financial incomings and outgoings that impact our annual budget on a regular basis. This is particularly important as we come closer to the end of the financial year.

The CEO and the Managers have used this opportunity to review all accounts and identify any areas that require an increase or decrease of funds, and funds that can be allocated elsewhere due to budget savings on projects that have been completed.

Statutory Environment:

Local Government Act 1995 – Part 6 Financial Management, Division 4 General Financial Provisions, Section 6.8.

Policy Implications:

Nil

Financial Implications:

Nil – As the budget variations identified in the attached appendix have a net balance of zero at

the bottom line total.	
Strategic Implications:	
Nil	
Risk:	
Should the Council not adopt the proposed variations in the attached report, there is risk of over expenditure occurring on some line items in the Budget and/or a deficiency in funds to complete specific projects or tasks.	
Consultation:	
John McCleary - Shire of Upper Gascoyne CEO Jarrod Walker – Shire of Upper Gascoyne Works Manager Sa Toomalatai – Shire of Upper Gascoyne Finance Manager	
Officer's Recommendation:	Voting requirement: Absolute Majority
<p><i>That council;</i></p> <p><i>In accordance with section 6.8(1)(b) of the Local Government Act, adopt the following budget amendments –</i></p> <p><i>Adopt the budget variations for the period ended 30 April 2020 as listed within Appendix 4.</i></p>	
Council Decision: 06052020	
<p>MOVED: CR R. HOSEASON-SMITH SECONDED: CR G. WATTERS</p> <p>That council;</p> <p>In accordance with section 6.8(1)(b) of the Local Government Act, adopt the following budget amendments –</p> <p>Adopt the budget variations for the period ended 30 April 2020 as listed within Appendix 4.</p> <p>CARRIED: 7/0</p>	

10.8 AMEND POLICY 4.3 CORPORATE UNIFORM

APPLICANT:	Shire of Upper Gascoyne
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Amanda Leighton – Senior Admin Officer
DATE:	18 May 2020
Matters for Consideration:	
<p>Council to review Policy 4.3 Corporate Uniform, Dress Code & Hygiene at Work Policy Appendix 5 and approve the insertion of “Should an employee require a prescription for their safety glasses, the Shire of Upper Gascoyne will reimburse an employee up to the value of \$500 every two years. An employee will be reimbursed upon completing an expense claim form and proof of purchase (receipt)”</p>	
Background:	
<p>Safety glasses are a necessary piece of personal protective equipment and the Shire currently supply standard non-prescription Australian Standard safety glasses to employees. Some employees are requiring prescription lenses in order for them to perform their work.</p> <p>As part of our insurance with LGIS we hold a Members Experience Account which can be used to claim Health & Safety expenses retrospectively, in particular other Shires use this account to reimburse employees expenses in relation to the purchase of prescription safety glasses.</p> <p>The Department of Commerce recommends that “agencies consider limits for reasonable costs, and conditions under which prescription safety glasses are replaced” Appendix 6</p> <p>In line with other Shires and after consultation with the Department of Commerce, the Shire of Upper Gascoyne would like to amend Policy 4.3 Corporate Uniform, Dress Code & Hygiene at Work Policy to include a reimbursement allowance up to a maximum of \$500 for each employee every two years.</p>	
Comments:	
Nil	
Statutory Environment:	
Occupation Safety and Health Act 1984 Occupational Safety and Health Regulations 1996 section 3.33 (1_b) Eye Protection AS/NZS 1337 and 1338	
Policy Implications:	
Affects SUG 4.3 Corporate Uniform, Dress Code & Hygiene at Work Policy	
Financial Implications:	
There is no direct financial cost to the Shire as such, however, the money will come from our	

Member Experience Account with LGIS.

Strategic Implications:

Nil

Risk:

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk	Risk Action Plan (Controls or Treatment proposed)
PEOPLE	Possible (3)	Medical treatment/ Lost time injury >10 days	Moderate (9)	Failure to provide	Accept Officer Recommendation
COMPLIANCE	Possible (3)	Some temporary non compliances	Moderate (6)	That	Accept Officer Recommendation

Consultation:

LGIS
CEO

Officer's Recommendation:

Voting requirement: Simple Majority

That Council: approve the insertion of "Should an employee require a prescription for their safety glasses, the Shire of Upper Gascoyne will reimburse an employee up to the value of \$500 every two years. An employee will be reimbursed upon completing an expense claim form and proof of purchase (receipt)" into policy 4.3 Corporate Uniform, Dress Code & Hygiene at Work Policy.

Council Decision: 07052020

MOVED: CR A. MCKEOUGH

SECONDED: CR G. WATTERS

That Council: approve the insertion of "Should an employee require a prescription for their safety glasses, the Shire of Upper Gascoyne will reimburse an employee up to the value of \$500 every two years. An employee will be reimbursed upon completing an expense claim form and proof of purchase (receipt)" into policy 4.3 Corporate Uniform, Dress Code & Hygiene at Work Policy.

CARRIED: 7/0

11. MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

12.1 Hastings Technologies

MOVED: CR J. CAUNT

SECONDED: CR B. WALKER

That Council authorise the Shire President and the CEO to meet with Hastings representatives as deemed appropriate.

CARRIED: 7/0

12.2 Gascoyne Development Commission – Board Nomination

MOVED: CR J. CAUNT

SECONDED: CR B. WALKER

That Council endorses the nomination of Councillor Alys McKeough as the Local Government representative on the Gascoyne Development Commission Board.

CARRIED: 7/0

13. ELECTED MEMBERS REPORTS

13.1 Councillor D. Hammarquist

Advised that the Landor Races and Gymkhana has been cancelled in 2020 due to COVID-19 restrictions.

Advised Councillors that he had been busy undertaking his mandatory Councillor training.

13.2 Councillor G. Watters

Nothing to report

13.3 Councillor J. Caunt

Nothing to report

13.4 Councillor B. Walker

Nothing to report

13.5 Councillor H. McTaggart

The Junction cup will be held in Carnarvon due to COVID 19

13.6 Councillor A. McKeough

Attended GDC Meetings

13.7 Councillor R. Hoseason-Smith

Nothing to report

14 **STATUS OF COUNCIL MEETING RESOLUTIONS**

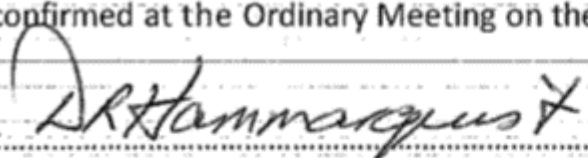
Resolution N°	Subject	Status	Open / Close	Responsible Officer
10042019	Formation of a Tourism Working Group	This is still being worked on, I need to establish the terms of reference prior to advertising for members.	Open	CEO
16032020	Appoint contractor for 3 AGRN Events	Waiting for DEFES to approve the claims as this will determine the project management costs	Open	CEO
05042020	Differential Rates	There have been changes to the process via the Department of Local Government, given we are not increasing our rate in dollar across all categories we no longer have to make application we are only required to advertise on our web site, which we have done.	Close	MF&C
07042020	CRBA MOU	New clause added as per resolution, MOU signed and sent back to the CRBA	Close	CEO

15 **MEETING CLOSURE**

The President thanked those present for attending the meeting and declared the meeting closed at 12.05pm.

Council went into workshop mode to undertake a desk-top review the Shire's Integrated Strategic Plans. The outcomes of this review will be collated and presented to the Council at the Ordinary Meeting of Council to be held in June 2020.

To be confirmed at the Ordinary Meeting on the 29th July 2020.

Signed: 

Presiding member at the Meeting at which time the Minutes were confirmed.