



AGENDA

Ordinary Council Meeting

Thursday 25 June 2020
@ 12.30pm

To be held in the Council Chambers, Hack St Sandstone

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ORDINARY COUNCIL MEETING NOTICE PAPER

Thursday 25 June 2020 – 12.30pm

Dear President and Councillors,

An Ordinary Meeting of Council is called for Thursday 25 June 2020, in the Council Chambers, Hack Street, Sandstone, commencing at 12.30 pm.

Councillors please note:

A Briefing Session will be held prior to the Council Meeting.

Harry Hawkins

Chief Executive Officer

19 June 2020

PUBLIC QUESTION TIME

A 15 minute public question time is available to allow members of the public the opportunity of submitting questions to Council on matters concerning them. Questions should be submitted in writing prior to the meeting. The questions will be addressed by the President or their nominated person. Where an answer cannot be given at the meeting, a reply will be given in writing subsequent to the meeting.

Discussion will not be allowed.



DISCLAIMER

No responsibility whatsoever is implied or accepted by the Sandstone Shire Council for any act, omission, statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Sandstone Shire Council disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, statement, intimation or otherwise occurring during Council/Committee Meetings or discussions. Any person or legal entity that acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

*In particular but without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence or permit, any statement or limitation of approval made by an Elected Member or by a Staff Member of Sandstone Shire Council during the course of any Meeting is not intended to be and is not to be taken as notice of approval from the Sandstone Shire Council. The Sandstone Shire Council warns that anyone who has an application lodged with the Sandstone Shire Council must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application including any conditions attaching to the decision made by the Sandstone Shire Council in respect of the application.*

Harry Hawkins
Chief Executive Officer

19 June 2020

Hack Street, SANDSTONE WA 6639
Tel (08) 9963 5802 Fax (08) 9963 5852
E-mail: ceo@sandstone.wa.gov.au

WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

NOTE: USE ONE FORM PER DECLARATION

I, (1) _____ hereby declare an interest in the following item to be considered by Council at its Meeting to be held on (2) _____ and regarding

Agenda item (3) _____

The type of interest I wish to declare is (4)

- Financial pursuant to Sections 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007

The nature of my interest is (5)

The extent of my interest is (6)

I understand that the above information will be recorded in the Minutes of the Meeting and recorded by the Chief Executive Officer in an appropriate Register.

(Signature)

(Date)

RECEIVED BY: _____
(Chief Executive Officer) (Date)

- (1) Insert your name.
- (2) Insert the date of the Council Meeting at which the item it to be considered.
- (3) Insert the Agenda Item Number and Title.
- (4) Tick the box(es) to indicate the type of interest (for explanation, see the extracts overleaf from the Act.
- (5) Describe the nature of your interest.
- (6) Describe the extent of your interest (if seeking to participate in the matter under the s.5.68 of the Act)

Financial pursuant to Section 5.60A of the Local Government Act 1995

s5.60A Financial Interest

For the purpose of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]

Proximity pursuant to Section 5.60B of the Local Government Act 1995

s5.60B Proximity Interest

- (1). For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns –
 - (a). a proposed change to a planning scheme affecting land that adjoins the person's land;
 - (b). a proposed change to zoning or use of land that adjoins that person's land; or
 - (c). a proposed development (as defined in section 5.63 (5)) of land that adjoins the person's land.

- (2). In this section, land ("**the proposal land**") adjoins a person's land if –
 - (a). the proposal land, not being a thoroughfare, has a common boundary with the person's land;
 - (b). the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - (c). the proposal land is that part of a thoroughfare that has a common boundary with the person's land.

- (3). In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

[Section 5.60B inserted by No 64 of 1998 s. 30.]

Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995

s5.61 Indirect Financial Interest

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007

reg 11 Disclosure of Interest

- (1). In this regulation –
Interest means an interest that could or could reasonably be perceived to; adversely affect the impartiality of the person having the interest arising from kinship, friendship or membership of an association.

- (2). A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting 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.

- (3). Sub-regulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4). Sub-regulation (2) does not apply if –
 - (a). A person who is a council member fails to disclose an interest because the person did not know he or she has an interest in the matter; or
 - (b). A person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5). If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then –
 - (a). Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (b). At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related is discussed.
- (6). If –
 - (a). Under sub-regulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
 - (b). Under sub-regulation (5) (b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting.

The nature of the interest is to be recorded in the minutes of the meeting.

Describe the extent of your interest (If seeking to participate in the matter under s.5.68 of the Act)

s5.68 Councils and Committees may allow Members disclosing interests to participate etc. in Meetings

- (1). If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter
 - (a). may allow the disclosing member to be present during any discussion or decision-making procedure relating to the matter; and
 - (b). may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision-making procedures relating to the matter if –
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest –
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers
- (2). A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3). This section does not prevent the disclosing member from discussing, or participating in the decision-making process on, the question on whether an application should be made to the Minister under section 5.69.

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**SHIRE OF SANDSTONE
ELECTED MEMBER'S REQUEST FORM**

Councillor's Name: _____

Date: ____/____/2020

Urgency: Low / Medium / High / Strategic

Road / Public Building / Area: _____

Request: _____

Description:

OFFICE USE ONLY:

Action Taken:

Comment:

Completed: ____/____/2020

Signature: _____

Inspected and/or authorised by: _____
(Chief Executive Officer)

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**ORDINARY COUNCIL MEETING TO BE HELD ON
THURSDAY 25 JUNE 2020
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34		Certification of the Minutes of the Previous Meeting(s)	

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AGENDA and STAFF REPORTS
ORDINARY COUNCIL MEETING TO BE HELD IN
COUNCIL CHAMBERS, SANDSTONE ON THURSDAY 25 JUNE 2020

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF ANY VISITORS

The Presiding Member, Cr Bethel Walton (Shire President) to declare the Meeting open at 12.30pm.

2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER AND/OR COUNCILLORS (without discussion unless otherwise determined)

Nil

3 ATTENDANCE

3.1 Present

Elected Members

Cr B (Beth) Walton	Shire President (and Presiding member of this Meeting)
Cr C (Carol) Hodshon	Deputy Shire President
Cr F (Freda) May	
Cr D (David) Lefroy	
Cr K (Kerry) Key	
Cr V (Vicki) McQuie	

Staff Members

Mr Harry Hawkins	Chief Executive Officer
Mr Norbert Marwick	Works Supervisor

3.2 Apologies

Nil

3.3 Approved Leave of Absence

Nil

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 DECLARATIONS OF INTEREST

- 6.1 **Declarations of Financial Interest**
- 6.2 **Declarations of Proximity Interest**
- 6.3 **Declarations of Indirect Financial Interest**
- 6.4 **Declarations of Impartiality Interest**

7 PUBLIC QUESTION TIME

Nil

8 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

- 8.1 The ordinary meeting held on the 28 May 2020

STAFF RECOMMENDATION

MOVED: Cr

SECONDED: Cr

That the Minutes of the Ordinary Meeting of Council held on 28 May 2020 are confirmed as a true and accurate record of proceedings.

NOT/CARRIED (??)

9 PRESENTATIONS

- 9.1 **Petitions**
Nil
- 9.2 **Presentations**
Nil
- 9.3 **Deputations**
Nil
- 9.4 **Delegates/Councillor's Reports**
Nil

10 OFFICERS REPORTS

10.1 CHIEF EXECUTIVE OFFICER'S REPORTS

10.1.1 Status Report Update – June 2020

Agenda Reference:	CEO 06/20 - 01
Name of Applicant:	Shire of Sandstone
Disclosure of Interest:	Nil
Date of Report:	17/6/2020
Previous References:	Various
Author:	Harry Hawkins CEO

Summary

The purpose of this report is to advise Council on the status of its decisions from previous Council meetings.

Attachments

Status Update June 2020

Background

It is important that the Council receives an update on the outcome of its resolutions on a regular basis.

Comment

Spreadsheet has been updated to include excision of part of Reserve 14178 and update on sale of Police House.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority

Officer Recommendation

MOVED: Cr

SECONDED: Cr

That Council accepts the Status Update for June 2020

CARRIED/NOT CARRIED (?!?)

Status Update June 2020

The Status Update is used to provide information to Elected Members regarding the Status of decisions made at Council Meetings:

Meeting Date	Item No	Resolution (Action Required)	Response (Update)	Officer	Timeframe
31/17	10.1.7	That the plaque recognising George Dent at Hack's mine is reinstated and his family is offered the opportunity for a plaque to be placed in the new Heritage Park.	03/05/2017 Letter sent to family of George Dent advising them of Council's decision 19/03/2018 Ceramic photo of George Dent received from his family for inclusion on plaque at Heritage Park		
85/17	10.1.4	That the right of way behind the power station between Rowe and Black Streets is closed	06/10/2017 letters sent to begin process and advertising as per LAA undertaken. 06/11/2017 letter received from Water Corporation with no objection. 10/07/2018 Submission received from Telstra and application for closure sent to Dept of Lands 23/11/2018 Details of new Council resolution and other information sought sent to Dept of Lands 13/06/2019 More information sought by DOL sent as requested		
20/18	10.1.5	Sale of properties for outstanding rates	04/04/2018 Legal process to allow sale has commenced 05/12/2018 Current debt collectors are going out of business and new provider once appointed will be contacted for updated advice 10/12/2019 Email to Development WA requesting they consider the taking back of the lots and for the cost of the outstanding rates.		

76/18	10.1.2	Transfer of management part of reserve 14178 – Caravan Park	Water Corporation advised. Awaiting the return of the CEO. 17/12/2018 Letter accepting part transfer of reserve sent to Water Corporation. 03/05/2019 installation date of early 2020 confirmed for Sandstone plant. 08/06/2020 Documentation sent to DPLH to enable transfer of part of Reserve 14178 to Water Corp	
112/19		Stronger Communities Grant Upgrade Bowling Green	10/12/2019 Advised of successful application to pave and fence bowling green Grant \$10,000. 31/03/2020 Brick paving around Bowling Green completed	
17/20	10.1.2	Sale of Police House	27/03/2020 Sale to be handled by Professionals Geraldton. Put on hold until after Corona Virus restrictions are lifted to limit visitors to town. 04/06/2020 Sale authority signed with Professionals Geraldton	

Legend

Category	Status
Not Started	
In Progress	
Completed	

10.1.2 National Redress Scheme

Agenda Reference:	CEO 06/20 – 02
Location/Address:	None
Name of Applicant:	None
Disclosure of Interest:	None
Date of Report:	12 th June 2020
Author:	Harry Hawkins Chief Executive Officer

Summary

The State Government and WALGA are advocating for all Local governments to join the National Redress Scheme to provide the opportunity of redress to as many survivors of child abuse as possible. The scheme is about providing redress to people who have been abused in the past and can go back to the 1940's and 50's.

Attachments

DLGSC Information Paper

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 Sandstone) 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.

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 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 Sandstone's participation in the Scheme.

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

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

Considerations for the Shire of Sandstone

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

The Shire of Sandstone 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 Sandstone 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 Sandstone’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 Sandstone 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 Sandstone do not have any influence on the decision made and there is no right of appeal.

Consultation

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

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

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

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

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

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

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

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

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

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

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

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

The Shire of Sandstone was not involved in the consultation process as we believed, as we do now that there were no incidents of abuse at any shire run facilities that could give rise to a claim relating to the Royal Commission into Institutional Child Sexual Abuse.

Statutory Environment

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

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

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 coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor.

This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil

liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme.

This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

Voting Requirements

Simple majority

Officer Recommendation

MOVED: Cr

SECONDED: Cr

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 Sandstone will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire of Sandstone makes a specific and formal decision to be included;
- 3) Endorses the participation of the Shire of Sandstone 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 Sandstone;

CARRIED/NOT CARRIED (???)

10.1.3	Audit Regulation 17 Review
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Agenda Reference:	CEO 06/20
Location/Address:	Shire of Sandstone
Name of Applicant:	Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	15 June 2020
Author:	Harry Hawkins Chief Executive Officer

Summary

The Audit Committee has reviewed compliance with Audit Regulation 17 and the report prepared by Moore Stephens and recommends it to Council for Acceptance.

Attachments

Nil, A copy of the report was attached to the Audit Committee agenda.

Background

The CEO of a local government is to review certain systems and procedures once every 3 years as per Local Government (Audit) Regulation 17 below;

17. *CEO to review certain systems and procedures*

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
 - (a) *risk management; and*
 - (b) *internal control; and*
 - (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

Moore Stephens were engaged by acting CEO Eddie Piper to carry out the review and have recently provided the final report to the CEO for presentation to the Audit Committee.

Comment

The previous review of Audit Regulation 17 conducted by Civic Legal was recommended to Council for acceptance by the Audit Committee at their meeting in December 2016. The review carried out by Moore Stephens in February 2020 into Audit Regulation 17 looked at the financial management, risk management and internal controls in the shire's administration office.

The review appears to have been conducted looking at controls for local government on a state-wide basis and not specific to Sandstone as matters identified and improvements suggested are not always practical in a shire our size.

Examples of this are where the Shire President approves and signs the CEO credit card statement and the President and Deputy President are signatories on the shire bank accounts. With only 4 staff in the shire administration office to achieve separation of duties and have 2 signatories on bank accounts although technically the Shire President and Deputy President have no administrative authority they are the next best available people to act as the second signatory and to sign and review the credit card statement.

While there are several examples of controls that are not practical for a shire the size of Sandstone there are others such as Risk Management and some policies and procedures that have highlighted deficiencies in the processes at the shire that will need to be addressed.

The lack of a Business Continuity Plan is also acknowledged as an important omission in the risk management area.

There are controls that are in place but that are not always followed particularly in the purchasing area although some of these have been exacerbated by the turnover of works supervisors in recent years. There are also procedures in place that are practiced but are not documented and with the review being overseen by an acting CEO these were not brought to the attention of the reviewer. Some processing errors in work done by external consultants have also highlighted the need to increase the review of certain processes in the preparation of financial reports and associated registers. An example of this relates to the asset register where on the sale of an item of plant the wrong item was disposed of on the asset register and this was only discovered when the item of plant incorrectly disposed of was actually disposed of in a later year. The financial process relating to the disposal was correct and there were no errors in the financial reports however the asset register was incorrect for 2 years.

A meeting of officers involved in the areas of concern will be held as soon as practicable and appropriate changes and additional processes put in place. It should also be noted that some changes have already been initiated since the review was undertaken and before this report was received.

Consultation

Nil

Statutory Environment

Local Government (Audit) Regulations 1996 Regulation 17

Policy Implications

Some policies will need to be reviewed in the light of this report and some new policies added to the policy manual.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

Staff Recommendation

MOVED:

SECONDED:

That Council accept the Audit Regulation 17 review report prepared by Moore Stephens as recommended by the Audit Committee.

Carried/Not Carried (??)

10.2 FINANCIAL REPORTS

10.2.1 Bank Account Balances for the month of May 2020

Location: Shire of Sandstone
Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 15 June 2020
Author: Harry Hawkins Chief Executive Officer

Summary

The Bank Balance report for the month ending 31 May are presented to Council for their information.

Attachments

Nil

Background

The Financial Statements for May are not available for presentation to Council due to staff changes at IT Vision who prepare the accounts for Moore Stephens to use for the preparation of the monthly reports. The new consultant at IT Vision was not employed in time for the accounts to be completed before this meeting however they have assured us that things will be back to normal next month.

Summary of Funds – Shire of Sandstone as at: 31 May 2020

Municipal Cheque Account - On-line (BWA)	\$97,103.77
Municipal Investment Account – On-line (BWA)	\$2,021,800.65
Trust Fund (Bankwest)	\$6,700.00
Reserve Term Deposits (Bankwest)	\$4,341,786.60

Consultation

Finance Officer

Statutory Environment

Local Government (Financial Management) Regulations 1996 - Regulations 34 (1A) and 17.

The Regulations require a Local Government to prepare each month a statement of financial activity, accompanied by relevant documents and that this information must be presented to Council at an ordinary meeting within 2 months after the end of the month.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

STAFF RECOMMENDATION

MOVED: Cr

SECONDED: Cr

That Council accepts the financial statements for the periods ending 30 May 2020

NOT/CARRIED (?!?)

**10.2.2 ACCOUNTS UPDATE FOR THE MONTH OF MAY 2020
(Includes Credit Cards, the Caravan Park, Fuel Sales and Rates report)**

Location:	Shire of Sandstone
Applicant:	Shire of Sandstone
Disclosure of Interest:	Nil
Date of Report:	15 June 2020
Author:	Rhonda Miles – Finance Officer
Senior Officer:	Harry Hawkins – Chief Executive Officer

Summary

Presented for Council's information is the list of accounts paid in the month from the Municipal Fund and Trust Fund in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*. Payments made through the corporate credit cards as well as income from the Caravan Park and Fuel Sales are included as attachments.

Attachments

10.2.2A to C: The list of accounts (EFT and cheque payments) is attached which will enable Council to see the payments made to the Shire's creditors.

10.2.2D to F: Payments via Credit Cards (CEO and Works Supervisor), Caravan Park Income and Fuel Sales Income.

Background

Council has delegated to the CEO the exercise of its power under Financial Management Regulation 12 to make payments from Municipal Fund and Trust Fund.

The *Financial Management Regulations (Regulation 13 (3))* requires a schedule of payments made through the Shire's bank accounts to be presented to Council.

The lists include details for each payment made incorporating the payee's name, amount of payment, date of payment and a brief transaction description.

Comment

Invoices supporting all payments are available for inspection. Queries regarding any payment should be made through the CEO to the staff member who handles the financial transactions prior to this meeting.

All invoices and vouchers presented to Council have been certified as to receipt of the goods or services and that the amounts shown were due for payment.

Consultation

Nil

Statutory Environment

Local Government Act 1995

Financial Management (Local Government) Regulations 1996 – Regulation 12

Policy Implications

Payments have been made under Council delegation.

Financial Implications

None, funds were available to meet the expenditure.

Strategic Implications

Nil

Voting Requirements

Simple majority

STAFF RECOMMENDATION

MOVED: Cr

SECONDED: Cr

That Council endorses the May 2020 accounts paid as presented:

Municipal Fund May 2020

- Municipal Printed cheque numbers 105403 - 105410 totalling \$7,015.50
- EFT Payment Numbers 7559 – 7609 totalling \$192,040.58
- Superannuation \$8,087.06 & \$8,287.96 totalling \$16,375.02

Payroll EFT May 2020:

\$32,506.00 & \$33,017.00 totalling \$65,523.00

Credit Cards May 2020:

DD 4488.1 totalling \$553.98

CARRIED /NOT CARRIED (??)

10.4 WORKS and SERVICES

10.4.1 WORKS SUPERVISOR'S REPORT June 2020

Agenda Reference: WS 06/20 – 01
Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: None
Date of Report: 19th June 2020
Previous References: Nil
Author: Norbert Marwick, Works Supervisor

Summary

1. Crew Movements

The road crew have finished resheeting Paynes Find RD SLK 105, also have completed the culvert widenings approx. SLK 30 on the Paynes Find Road.

They have started on Lake Barlee Rd. resheeting from SLK 3.80-6.40 and 7.30-8.10 a total of 3.4 Km's.

The dozer has already pushed the gravel for this job.

2. Maintenance Grader

The shire grader has started on the North end of Altona-Yeelirrie Rd and is removing most of the unsuitable gravel off the road (from the 2018/19 flood damage repairs)

3. Contract Maintenance Grader

The grader is around the SLK 190 mark on the Paynes Find Rd and is still headed South.

4. Employees

George has returned to work 4 hours per day, 3 days per week. He is driving the bobcat, and 6 tonne truck, currently carting gravel to the caravan park tent site. Paul picked building supplies etc. up from Geraldton and is installing skirting boards. Julian has cleaned up in front of the caravan park.

5. Plant

The forklift and bore boss have both been through the workshop and been licensed. The road gang’s fuel trailer is awaiting parts before going out to site, all road trains have also been through the work shop.

Consultation

Arthur Wainwright – Leading Hand grader driver

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority

Officer Recommendation

Moved Cr

Seconded Cr

That Council receive the Works Supervisor’s Report.

CARRIED/NOT CARRIED (??)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

14 MEETING ITEMS CLOSED TO THE PUBLIC

14.1 Meeting Closed to the Public

CONFIDENTIAL ITEMS

14.2 Public Reading of Resolution

TIME and DATE of NEXT MEETING

The next scheduled Ordinary Council Meeting will be held on Thursday 23 July 2020.

15 CLOSURE OF MEETING

There being no further business, the Shire President closed the meeting at _____pm.

CERTIFICATION

I, _____, certify that the Minutes of the Meetings held on 28 May 2020, as shown, were confirmed as a true and accurate record at the Meeting held on 25 June 2020.

(Presiding Member)