

SHIRE OF NUNGARIN



ORDINARY MEETING MINUTES

E-MEETING

20 May 2020

3:00 PM

Shire of Nungarin

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20 May 2020

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SHIRE OF NUNGARIN

Council Meeting Minutes

20 May 2020

1. DECLARATION OF OFFICIAL OPENING

At 3:00pm, the Shire President declared the meeting open and the Affirmation of Civic Duty and Responsibility was read aloud by Cr Coumbe. The Shire President also made acknowledgement of the Traditional Custodians of the land.

2. RECORDING OF ATTENDANCE, APOLOGIES & LEAVES OF ABSENCE

2.1 ATTENDANCE

Shire President	Cr P de Lacy
Deputy Shire President	Cr G Coumbe
Elected Member	Cr RE O'Connell (Video)
Elected Member	Cr K Dayman
Elected Member	Cr J Davis
Elected Member	Cr W Lee
Elected Member	Cr R Mizia (Video)

Chief Executive Officer	Mr A Majid
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All those attending via video confirmed they could clearly hear and view all others.

2.2 APOLOGIES

Nil

2.3 LEAVES OF ABSENCE

Nil

2.4 NEW REQUESTS FOR LEAVES OF ABSENCE

Nil

3. DELEGATIONS & PETITIONS

3.1 DELEGATIONS

Nil

3.2 PETITIONS

Nil

4. PUBLIC QUESTION TIME

Rules for Council Meeting Public Question Time

- (a) *Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the Council and should not be a statement or personal opinion.*
- (b) *During the Council meeting, after Public Question Time no member of the public may interrupt the meeting's proceedings or enter into conversation.*
- (c) *Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.*
- (d) *All questions should be directed to the President and only questions relating to matters affecting Council may be answered at an Ordinary meeting, and at a Special meeting only questions that relate to the purpose of the meeting may be answered. Questions may be taken on notice and responded to after the meeting, at the discretion of the President.*
- (e) *The person presiding will control Public Question Time and ensure that each person wishing to ask a question should state his or her name and address before asking the question. If the question relates to an item on the agenda, the item number should also be stated. In general, persons seeking to ask a question will be given 2 minutes within which to address their question to the Council. The person presiding may shorten or lengthen this time in their discretion.*

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

5. DECLARATIONS OF INTEREST

5.1 FINANCIAL & PROXIMITY INTERESTS

Nil

5.2 DISCLOSURES OF INTEREST THAT MAY CAUSE A CONFLICT

Nil

6. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Written announcements by the Presiding Member or important forthcoming functions to be tabled at this point. The Presiding Member may, at their discretion, wish to make verbal announcements.

OFFICER RECOMMENDATION/S – ITEM NO 6

That the President's report be received.

COUNCIL DECISION – 6343

Moved: Cr Dayman, Seconded: Cr Lee

That the President's report be received.

CARRIED: 7/0

7. CONFIRMATION OF COUNCIL MINUTES AND RECEIVING OF MINUTES

7.1 ORDINARY COUNCIL MEETING 15 APRIL 2020

OFFICER RECOMMENDATION/S – ITEM NO 7.1

That the Minutes of the Ordinary Meeting, of the Shire of Nungarin held on 15 April 2020 in Council Chambers and as an E-Meeting be confirmed.

COUNCIL DECISION – 6344

Moved: Cr Coumbe, Seconded: Cr O'Connell

That the Minutes of the Ordinary Meeting, of the Shire of Nungarin held on 15 April 2020 in Council Chambers and as an E-Meeting be confirmed.

CARRIED: 7/0

7.2 MINUTES OF GREAT EASTERN COUNTRY ZONE MEETING 30 APRIL 2020

OFFICER RECOMMENDATION/S – ITEM NO 7.2

That the Minutes of the Great Eastern Country Zone held on 30 April 2020 be received.

COUNCIL DECISION – 6345

Moved: Cr Dayman, Seconded: Cr Mizia

That the Minutes of the Great Eastern Country Zone held on 30 April 2020 be received.

CARRIED: 7/0

8. CHIEF EXECUTIVE OFFICER REPORTS

8.1 URBAN PLANNING

Nil

8.2 INFRASTRUCTURE

8.2.1 Works and Services Report

INFRASTRUCTURE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Nil	

Voting Requirement	:	Simple Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	All Council Meetings
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Manager Works and Services

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
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PURPOSE OF REPORT

For Council to receive the Manager Works and Services report.

SUMMARY AND KEY ISSUES

- Road counters are currently on Nungarin North Road and the other road counter is on Merredin-Knungajin Road.
- Maintenance on machines is continuing as required with servicing and repairing.
- Grader has been grading on English Road, Caridi Road, Karomin Road, Sainsbury Road, Williams Road, and Herbert Road.
- Works are currently being undertaken at the refuse site.

LOCATION

N/A

BACKGROUND

N/A

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

There are no specific statutory requirements in respect to this matter.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Refer to summary and key issues above.

OFFICER RECOMMENDATION/S – ITEM NO 8.2.1

That the Manager Works and Services report be received

COUNCIL DECISION – 6346

Moved: Cr Coumbe, Seconded: Cr Lee

That the Manager Works and Services report be received

CARRIED: 7/0

8.2.2 Recreation Grounds

INFRASTRUCTURE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Nil	

Voting Requirement	:	Simple Majority
Subject Index	:	Parks and Gardens
Location / Property Index	:	Various
Application Index	:	N/A
Land Use	:	Parks and Gardens
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	All Council Meetings
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

COUNCIL ROLE

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PURPOSE OF REPORT

For Council to receive Recreation Grounds status report.

SUMMARY AND KEY ISSUES

See officer's comments.

LOCATION

All Recreation grounds

BACKGROUND

Council has traditionally asked for status reports concerning Recreation Grounds and Gardens generally and this report is provided accordingly.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

There are no specific statutory requirements in respect to this matter.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Oval:

Reticulation is managed on an as required basis and mowed weekly.

Football line marks are being maintained as required.

Cricket Pitch:

Pitch will be treated for kikuyu at the end of May into June.

Tennis Courts:

Continue to receive treatments in line with maintenance program developed by the turf consultant.

As with the cricket pitch, a treatment to deal with the kikuyu grass will be applied at the end of May into June.

Hockey Ground:

Under care and maintenance.

Bowling green:

Synthetic surfaces will be treated for mould in late May.

General:

With the hold on winter sports currently in place, maintenance on all surfaces will be maintained to ensure that all surfaces present well.

OFFICER RECOMMENDATION/S – ITEM NO 8.2.2

That the Recreation Grounds status report be received.

COUNCIL DECISION – 6347

Moved: Cr Dayman, Seconded: Cr Davis

That the Recreation Grounds status report be received.

CARRIED: 7/0

8.3 COMMUNITY DEVELOPMENT

Nil

8.4 MANAGEMENT / GOVERNANCE / POLICY

8.4.1 Extension of Contract – Kerbside Waste Collection

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Letter from Avon Waste

Voting Requirement	:	Simple Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	Not Known
Applicant	:	Avon Waste
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

COUNCIL ROLE

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PURPOSE OF REPORT

For Council to consider extending the contract from kerbside waste collection for a further three (3) years.

SUMMARY AND KEY ISSUES

- The current contract for kerbside collection commenced in January 2017 and expired at the end of December 2019
- Clause 19.2 of the contract allows for a three year extension

LOCATION

N/A

BACKGROUND

Kerbside waste collection services are currently contracted to Avon Waste.

The contract was entered into in 2017 for a three year period expiring at the end of December 2019.

As there were no records available to the current administration, the expiry date has been missed and awareness was made on receipt of correspondence from Avon Waste directly.

Despite the expiry, Clause 19.2 of the contract allows for a further three year extension through to 2022.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

FINANCIAL IMPLICATIONS

Under the contract, rates for collection are determined annually and increases tied to rate of inflation.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The service received from Avon Waste is acceptable and therefore there is no reason to not enter into an extension of the contract.

An extension to the contract also allows for the continuous service to the community.

OFFICER RECOMMENDATION/S – ITEM NO 8.4.1

That Council authorises the Chief Executive Officer to enter into an extension to the contract for Kerbside Waste Collection with Avon Waste for a period of three (3) years commencing on 1 January 2020 and expiring on 31 December 2022.

COUNCIL DECISION – 6348

Moved: Cr Davis, Seconded: Cr Coumbe

That Council authorises the Chief Executive Officer to enter into an extension to the contract for Kerbside Waste Collection with Avon Waste for a period of three (3) years commencing on 1 January 2020 and expiring on 31 December 2022.

CARRIED: 7/0

8.4.2 Purchase of Lot 76 First Avenue, Nungarin

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Nil	

Voting Requirement	:	Absolute Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
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PURPOSE OF REPORT

For Council to consider the purchase of Lot 76 First Avenue, Nungarin for the Grangarin Effluent project.

SUMMARY AND KEY ISSUES

- Council had budgeted for the development of an effluent plant to resolve issues surrounding the effluent disposal for Grangarin and other Shire owned houses
- The CEO, with direction from Council, has negotiated a sale price with the current owner and approval is now sought to approve the purchase

LOCATION

Lot 76 (18) First Avenue, Nungarin.

BACKGROUND

Currently, effluent created by Grangarin and three Shire houses is collected into a storage tank where it is then pumped out weekly at an estimated annual cost of \$62,920.

Accordingly, Council has budgeted \$120,000 to construct an effluent plant to treat and dispose effluent as opposed to have to pump out every week. \$80,000 of this budget is proposed to be raised as a loan.

In considering the development of the plant, it is considered the best option is to develop the plant on a vacant block opposite the existing storage tank site.

The CEO has negotiated with the owner of Lot 76 First Avenue for the purchase of the block at a cost of \$5,000 plus costs associated with the transfer of land. The cost to purchase is in line with valuations received.

CONSULTATION

Discussions have been held with Council in relation to this matter.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

There are no specific statutory requirements in respect to this matter.

FINANCIAL IMPLICATIONS

Council has budgeted for the purchase of the subject land.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Securing the block of land is the first step to developing the project. Now that this can be achieved, contact can be made with utility providers and plant suppliers to finalise costings and the project itself.

The negotiated price is in keeping with the valuations received and it is therefore recommended that Council authorise the purchase of the subject land.

OFFICER RECOMMENDATION/S – ITEM NO 8.4.2

That Council:

1. Authorises the Chief Executive Officer to purchase Lot 76 on Deposited Plan 222933 being 18 First Avenue, Nungarin for the negotiated price of \$5000;
2. Authorises the Chief Executive Officer to engage a suitable legal representative and conveyancer to undertake the purchase of the subject land on behalf of the Shire;
3. Authorises the Chief Executive Officer and Shire President to apply the Shire Common Seal and sign all required documents associated with the purchase of the subject land referred to in 1 above.

COUNCIL DECISION – 6349

Moved: Cr Dayman, Seconded: Cr O’Connell

That Council:

1. **Authorises the Chief Executive Officer to purchase Lot 76 on Deposited Plan 222933 being 18 First Avenue, Nungarin for the negotiated price of \$5000;**
2. **Authorises the Chief Executive Officer to engage a suitable legal representative and conveyancer to undertake the purchase of the subject land on behalf of the Shire;**
3. **Authorises the Chief Executive Officer and Shire President to apply the Shire Common Seal and sign all required documents associated with the purchase of the subject land referred to in 1 above.**

**CARRIED: 7/0
By Absolute Majority**

8.4.3 Review of Purchasing Policy

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Purchasing Policy

Voting Requirement	:	Absolute Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	8.4.1 19 December 2018
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
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PURPOSE OF REPORT

For Council to receive a revised Purchasing Policy and adopt accordingly.

SUMMARY AND KEY ISSUES

- The state has recently passed amendments increasing the Tender threshold from \$150,000 to \$250,000 with this change being provided for in the revised policy
- Minor formatting has been undertaken to the policy to bring it into line with other policies adopted by Council

LOCATION

N/A

BACKGROUND

Council originally adopted the Purchasing Policy on 16 May 2018 as there was never previously an adopted policy.

Further amendments were made and subsequently the policy was adopted in a revised format on 19 December 2018.

On 8 May 2020, amendments to the Local Government (Functions and General) Regulations 1996 were gazetted which increased the tender threshold from \$150,000 to \$250,000.

This change means that local governments will only need to go to public tender where it is believed the costs associated with a procurement activity is believed to exceed \$250,000. Accordingly, this change has been reflected in the revised policy.

While allowing for the legislative changes in the revised policy, it was also seen as a convenient time for a general refresh of the policy.

Accordingly, the further text based changes were made:

- General renaming of the policy from “Procurement and Tender Procedures Policy” to “Purchasing Policy”
- Formatted with new table being brought into beginning of policy in line with all other new financial policies;
- “2. Objectives” being taken out of body of policy and placed into table at beginning
- Renumber Clauses as a result of change above;
- Review and reformat/numbering of “Panels of Prequalified Suppliers”

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 3.57

Local Government (Functions and General) Regulations 1996 – Regulation 11A

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

As a result of the legislative changes, the Purchasing Policy has been updated accordingly.

There have been no changes to purchasing authorities to Shire staff and therefore all activities remain the same.

A general refresh was also undertaken to bring the document into line with other recently adopted finance policies.

OFFICER RECOMMENDATION/S – ITEM NO 8.4.3

That Council:

1. Receives the amended Purchasing Policy as detailed in this report and attached;
2. Adopts the amended Purchasing Policy in accordance with Regulation 11A of the Local Government (Functions and General) Regulation 1996.

COUNCIL DECISION – 6350

Moved: Cr Dayman, Seconded: Cr Mizia

That Council:

- 1. Receives the amended Purchasing Policy as detailed in this report and attached;**
- 2. Adopts the amended Purchasing Policy in accordance with Regulation 11A of the Local Government (Functions and General) Regulation 1996.**

**CARRIED: 7/0
By Absolute Majority**

8.4.4 COVID-19 Community Strategies/Initiatives

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Letter of request – McCorry's

Voting Requirement	:	Simple Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
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PURPOSE OF REPORT

For Council to consider developing and implementing COVID-19 response strategies to ensure the Nungarin community remains strong and viable.

SUMMARY AND KEY ISSUES

- COVID-19 has impacted the nation, in particular, the economy comprising of businesses of all sizes
- The state government is asking local government to develop strategies to minimise the impacts on their communities today and for the next financial year
- The state government has publically announced that it expects local government to have a nil increase in rates in addition to freezing fees and charges

LOCATION

N/A

BACKGROUND

Council previously considered an item at its April 2020 meeting where it resolved as follows:

Moved: Cr Coumbe, Seconded: Cr Lee

That Council:

1. *Commits to a 0% increase in rates for the 2020/21 year however Council also notes that it cannot influence any changes in UV which are controlled by the Valuer General;*
2. *Commits to a freeze in Fees and Charges for the 2020/21 year;*
3. *Considers further strategies at the May 2020 Ordinary Council Meeting.*

CARRIED: 7/0

Since the above occurred, notification from the Valuer General has been received indicating an overall increase in the UV valuation of 1.05% with the increase impacting the south-west of the Shire while the remainder of the Shire remains static.

Furthermore, the Minister had indicated that he was keen to make an order whereby local governments could not impose any penalty interest or instalment interest.

This was obviously met with strong opposition from the sector as such a move would potentially cripple local government where it could not ascertain its cash flow and therefore stopping expenditure. This would be contrary to what the government is trying to achieve by ensuring local governments are spending and investing into projects to help the economy move along.

Accordingly, the Minister has backed down and agreed to the following:

- Penalty interest reduced from a maximum of 11% to 8%;
- Instalment interest to remain at 5.5% where a local government has a hardship policy or a maximum of 3% in the absence of a hardship policy.

For Nungarin, the above changes would not have a significant impact on revenue as so far this year, penalty interest and instalment interest has remained very low. It is important to still impose interest to ensure that there is incentive for rates to be paid on time therefore ensuring cash flow.

However, Council will need to answer the question whether or not it wants to implement a hardship policy which delegates administration to implement or deal with hardship on a case by case basis presented to Council.

There is a continuing emphasis in ensuring that local governments have assessed their local economies and population cohorts to identify vulnerable situations.

Based on discussions at the April meeting, it was Council's view that only two businesses in Nungarin have been significantly impacted. Those being the Hotel, as they have essentially had to shut their doors, and the other being McCorry's B&B as they have not been able to make their accommodation available due to social distancing etc. Both have continued to be able to generate income from take away meals.

McCorry's B&B has since submitted a letter indicating they are experiencing difficulties in paying the commercial rent for the premises.

At the April 2020 meeting, it was presented that Council consider waiving commercial rents. In light of this request, Council is requested to consider this matter moving forward.

CONSULTATION

Council previously considered COVID-19 strategies at its April 2020 meeting.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

There are no specific statutory requirements in respect to this matter.

FINANCIAL IMPLICATIONS

Depending on what directions may result from an alternate resolution, financial implications would be realised on future items related to this subject matter.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

Depending on what directions may result from an alternate resolution, social implications would be realised on future items related to this subject matter.

OFFICER COMMENT

Based on discussions had during the April 2020 meeting, the following strategies are presented for Council's consideration:

- Rate rebate to valid commercial premises provided rates are paid in full by the due date (rebate would not include rubbish and ESL)
- Waiving/Reducing of commercial rents for an initial six month period
- Deferring capital projects to ensure sufficient cash on hand in Shire accounts
- Deferring existing capital projects towards more community based projects

This item is presented for Council's consideration and to provide greater direction to Administration to refine/develop strategies.

OFFICER RECOMMENDATION/S – ITEM NO 8.4.4

For Council's consideration.

COUNCIL DECISION – 6351

Moved: Cr Coumbe, Seconded: Cr Mizia

That the item be discussed

CARRIED: 7/0

COUNCIL DECISION – 6352

Moved: Cr Coumbe, Seconded: Cr Dayman

That Council:

- 1. Reduces the monthly rental amount for McCorry's Hotel from \$500 (ex GST) to \$200 (ex GST) for the next three (3) and where there is still a State of Emergency in place after the initial three (3) months, delegates to the Chief Executive Officer to apply the reduction for a further three (3) months;**
- 2. Provide a reimbursement of Rates for Commercial (GRV) properties within the Nungarin townsite in the 2020/21 Budget on a pro-rata (monthly) basis being the number of months that a State of Emergency was active provided that Rates are paid in full by the due date.**

CARRIED: 7/0

8.5 CORPORATE

8.5.1 Write-Off of Rates Outstanding

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Nil	

Voting Requirement	:	Absolute Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

For Council to give consideration to the write-off of outstanding rates amounting to \$89,349.33.

SUMMARY AND KEY ISSUES

- Rate Assessments A1063, A1064, A1090, A1091, A1099 and A1100 have rates outstanding for greater than 5 years.
- The Shire has negotiated the surrender and transfer of the Certificate of Title for each property to the Shire of Nungarin in exchange for the write-off of the outstanding rates applicable to each property.
- The outstanding rates for each of the properties has been offset by a doubtful debt provision, ensuring there would be minimal cash impact on the current financial year if the debt was unrecoverable.
- It is recommended that Council write off the outstanding amounts.

LOCATION

N/A

BACKGROUND

Rate Assessments A1063, A1064, A1090, A1091, A1099 and A1100 have rates outstanding for greater than 3 years as at 30 June 2019.

The Shire has been in negotiations with the landholders to surrender and transfer the Certificate of Title to the Shire of Nungarin.

The Shire has successfully reach agreement with the concerned landowners recently in exchange for the write-off of rates outstanding applicable to each property.

The outstanding rates debt for each property has been offset by a doubtful debt provision to ensure there would be minimal cash impact on the current financial year if the debt was unrecoverable in the future.

The amount to be written off is:

A1063	\$12,497.02
A1064	\$14,472.92
A1090	\$16,137.52
A1091	\$12,795.73
A1099	\$16,358.80
A1100	<u>\$17,087.34</u>
Total	<u>\$89,349.33</u>

CONSULTATION

Existing landowners have been consulted.

- Finance and Administration Officer;
- Darren Long – Financial Consultant.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

6.12. Power to defer, grant discounts, waive or write-off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money, which is owed to the local government.

** Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

FINANCIAL IMPLICATIONS

The write-off of \$89,349.33 will have a small impact on the financial position of the Shire of \$7,295.54, as the provision for doubtful debts related to these rates debts only covers the outstanding amount as at 30 June 2019, which totals \$82,053.79. The \$7,295.54 relates to the rates raised for 2019/20.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Transfer documentation has been prepared and filed for each of the properties concerned.

It is suggested that the amounts be written off in accordance with Section 6.12(1)(c) of the *Local Government Act 1995*.

OFFICER RECOMMENDATION/S – ITEM NO 8.5.1

That Council, in accordance with section 6.12(1)(c) of the *Local Government Act 1995* write off the following outstanding rates:

A1063	\$12,497.02
A1064	\$14,472.92
A1090	\$16,137.52
A1091	\$12,795.73
A1099	\$16,358.80
A1100	<u>\$17,087.34</u>
Total	<u>\$89,349.33</u>

COUNCIL DECISION – 6353

Moved: Cr O’Connell, Seconded: Cr Mizia

That Council, in accordance with section 6.12(1)(c) of the *Local Government Act 1995* write off the following outstanding rates:

A1063	\$12,497.02
A1064	\$14,472.92
A1090	\$16,137.52
A1091	\$12,795.73
A1099	\$16,358.80
A1100	<u>\$17,087.34</u>
Total	<u>\$89,349.33</u>

CARRIED: 7/0
By Absolute Majority

8.5.2 Budget Amendment – Pioneers Pathway

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Nil	

Voting Requirement	:	Absolute Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

For Council to consider a budget amendment for the 2019/20 year to allow for the Pioneers Pathway project at Mangowine Homestead.

SUMMARY AND KEY ISSUES

- Pioneers Pathway has successfully been awarded BBRF and Lotterywest funding to undertake interpretive projects in member Shires
- Approval is required from Council to authorise the new expenditure in the 2019/20 year

LOCATION

Mangowine Homestead

BACKGROUND

Pioneers Pathway focusses on certain sites within member Shires stretching from Toodyay to Merredin.

The subject site in Nungarin is Mangowine Homestead.

As part of the successful project, new interpretive displays will be provided to Mangowine and includes the following:

- 6 interpretive panels;
- 1 cellar panel;
- Printing and fabrication of various interpretations throughout the site;
- New brochure;
- Research and writing;
- 1 hand cranked audio unit;
- Design and project management.

The following graphic identifies the total funding available in addition to Council's required contribution:

Site	BBRF	Development Fund – already committed	Lotterywest	Development Fund – additional	Council	Other	Total
Toodyay	\$2,500.00	\$2,500.00	\$2,000.00	\$2,000.00			\$ 9,000.00
Goomalling	\$2,500.00	\$2,500.00	\$20,000.00	\$4,000.00	\$4,930.00		\$33,930.00
Dowerin	\$2,500.00	\$2,500.00	\$13,048.00	\$4,000.00	\$4,006.00	\$4,000.00	\$30,054.00
Wyalkatchem	\$2,500.00	\$2,500.00	\$4,000.00		\$ 2,000.00		\$11,000.00
Trayning	\$2,500.00	\$2,500.00	\$13,400.00		\$5,000.00		\$23,400.00
Nungarin	\$ 2,500.00	\$2,500.00	\$16,220.00	\$4,000.00	\$5,000.00	\$325.00	\$30,545.00
Merredin	\$2,500.00	\$2,500.00	\$8,790.00	\$4,000.00	\$5,000.00		\$22,790.00
Site Visits			\$5,000.00				\$5,000.00
TOTALS	<u>\$17,500.00</u>	<u>\$17,500.00</u>	<u>\$82,458.00</u>	<u>\$18,000.00</u>	<u>\$25,936.00</u>	<u>\$43,25.00</u>	<u>\$165,719.00</u>

CONSULTATION

Darren Long – Financial Consultant

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023:
10. Promote and develop a thriving tourism sector.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.8(1)(b)

FINANCIAL IMPLICATIONS

Council is required to contribute \$5000 towards the project under the funding agreement.

Council's budget review, adopted in March 2020, indicates an estimated surplus of \$63,452. If approved, the revised estimated surplus would be \$58,452.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The total project cost amounts to \$30,545 inclusive of Council's required contribution of \$5000.

The total expenditure will be offset by income of \$25,545 which is made up of Pioneers Pathway, BBRF and Lotterywest.

Accordingly, the overall impact to the Shire is \$5000 which results in a slightly lower than expected end of year surplus.

Given that Mangowine Homestead is a well-recognised asset to the community for tourism purposes, it is recommended that Council supports the budget amendment as presented.

OFFICER RECOMMENDATION/S – ITEM NO 8.5.2

That Council:

1. Pursuant to Section 6.8(1)(b) of the Local Government Act 1995, authorises the amendment to the 2019/20 budget to allow for the expenditure of \$30,545 for the completion of the Mangowine Interpretive Project;
2. Notes that the expenditure will be offset by revenue of \$25,545 as a result of funding from BBRF, Lotterywest and Pioneers Pathway.

COUNCIL DECISION – 6354

Moved: Cr Dayman, Seconded: Cr Mizia

That Council:

1. Pursuant to Section 6.8(1)(b) of the Local Government Act 1995, authorises the amendment to the 2019/20 budget to allow for the expenditure of \$30,545 for the completion of the Mangowine Interpretive Project;
2. Notes that the expenditure will be offset by revenue of \$25,545 as a result of funding from BBRF, Lotterywest and Pioneers Pathway.

**CARRIED: 7/0
By Absolute Majority**

8.5.3 Investments Report as at 30 April 2020

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Nil	

Voting Requirement	:	Simple Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

For Council to receive the investment Report as at 30 April 2020.

SUMMARY AND KEY ISSUES

- The Investment Report is presented for Council to receive.

LOCATION

N/A

BACKGROUND

Money held in the Municipal Fund of the Shire of Nungarin that is not required for the time being may be invested under the Trustee Act 1962 Part III.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

Council Policy 3.07 applies to the investment of surplus funds.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.14. Power to invest

- (1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the *Trustees Act 1962* Part III.
- (2A) A local government is to comply with the regulations when investing money referred to in subsection (1).
- (2) Regulations in relation to investments by local governments may —
 - (a) make provision in respect of the investment of money referred to in subsection (1); and
 - [(b) *deleted*]
 - (c) prescribe circumstances in which a local government is required to invest money held by it; and

- (d) provide for the application of investment earnings; and
- (e) generally provide for the management of those investments.

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.
- (2) The control procedures are to enable the identification of —
 - (a) the nature and location of all investments; and
 - (b) the transactions related to each investment.

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) In this regulation —

authorised institution means —

- (a) an authorised deposit-taking institution as defined in the *Banking Act 1959 (Commonwealth)* section 5; or
- (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;

foreign currency means a currency except the currency of Australia.

- (2) When investing money under section 6.14(1), a local government may not do any of the following —
 - (a) deposit with an institution except an authorised institution;
 - (b) deposit for a fixed term of more than 12 months;
 - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - (d) invest in bonds with a term to maturity of more than 3 years;
 - (e) invest in a foreign currency.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The worksheet below details the investments held by the Shire as at 30 April 2020:

SHIRE OF NUNGARIN INVESTMENTS AS AT 30 April 2020								
INSTITUTION	SHORT TERM RATING	INVESTMENT TYPE	ACCOUNT N°	TERM	DATE OF TRANSACTION	DATE OF MATURITY	INTEREST RATE	PRINCIPAL
MUNICIPAL FUND								
CBA	N/A	Operating A/C	12481074	Ongoing	N/A	N/A	Variable	\$713,706.91
TOTAL								\$713,706.91

SHIRE OF NUNGARIN INVESTMENTS AS AT 30 April 2020								
INSTITUTION	SHORT TERM RATING	INVESTMENT TYPE	ACCOUNT N°	TERM	DATE OF TRANSACTION	DATE OF MATURITY	INTEREST RATE	PRINCIPAL
RESERVE FUNDS								
CBA	N/A	Interest Bearing Cheque A/C	12481082	Ongoing	N/A	N/A	Variable	\$477,578.58
TOTAL								\$477,578.58
TRUST								
CBA	N/A	Trust a/c	12481090	Ongoing	N/A	N/A	Variable	\$221.38
TOTAL								\$221.38

INVESTMENT REGISTER						
1 APRIL 2020 TO 30 April 2020						
COMMONWEALTH BANK						
ACCOUNT N°	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNT TO 30.10.2020	INVESTMENT TRANSFERS	CLOSING BALANCE 30.09.2020
38132004	N/A	N/A	\$0.00	\$0.00	\$0.00	\$0.00

OFFICER RECOMMENDATION/S – ITEM NO 8.5.3

That the Investment Report as at 30 April 2020 be received.

COUNCIL DECISION – 6355

Moved: Cr Mizia, Seconded: Cr O’Connell

That the Investment Report as at 30 April 2020 be received.

CARRIED: 7/0

8.5.4 Accounts for Payment - April 2020

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Accounts Paid – April 2020

Voting Requirement	:	Simple Majority
Subject Index	:	Finance
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	All Council Meetings
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

That Council receives and note the payment of accounts for the month of April 2020.

SUMMARY AND KEY ISSUES

All payments relate to normal operational matters for the Shire.

LOCATION

N/A

BACKGROUND

Attachment 1 details all accounts paid since the last reporting period.

Payment Types for Municipal Account:

EFT	\$ 93,175.57
Cheque	\$ 30,910.83
Direct Debits	<u>\$ 9,169.91</u>
TOTAL	\$133,256.31

Payment Types for Trust Account:

Cheque	\$ 0.00
EFT	\$ 0.00
Direct Debits	<u>\$ 0.00</u>
TOTAL	\$ 0.00

The total amount for all payments from all accounts is therefore **\$133,256.31**.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

There are no specific statutory requirements in respect to this matter.

FINANCIAL IMPLICATIONS

There are no financial implications at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Nil

OFFICER RECOMMENDATION/S – ITEM NO 8.5.4

That Council receives and notes the list of accounts paid for April 2020, totalling \$133,256.31, and that the list be recorded in the minutes.

COUNCIL DECISION – 6356

Moved: Cr Dayman, Seconded: Cr Coumbe

That Council receives and notes the list of accounts paid for April 2020, totalling \$133,256.31, and that the list be recorded in the minutes.

CARRIED: 7/0

8.5.5 Financial Report – April 2020

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Monthly Financial Report 30 April 2020

Voting Requirement	:	Simple Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	All Council Meetings
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

To report on financial activity for the period 1 July 2019 to 30 April 2020.

SUMMARY AND KEY ISSUES

The Local Government Act and Regulations require local governments to prepare monthly reports containing the information that is prescribed.

LOCATION

N/A

BACKGROUND

Nil

CONSULTATION

Financial Consultant – Darren Long

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Finance) Regulations 1996.

FINANCIAL IMPLICATIONS

There are no financial implications at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Nil

OFFICER RECOMMENDATION/S – ITEM NO 8.5.5

That the financial report for the period 1 July 2019 to 30 April 2020 be received.

COUNCIL DECISION – 6357

Moved: Cr Lee, Seconded: Cr Mizia

That the financial report for the period 1 July 2019 to 30 April 2020 be received.

CARRIED: 7/0

9. DELEGATES REPORTS

(Elected members who are delegates to other Forums may present a verbal or written report)

Cr O'Connell provided a verbal report.

10. NEW BUSINESS OF AN URGENT NATURE

10.1 National Redress Scheme

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	DLGSC Information Paper

Voting Requirement	:	Simple Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
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PURPOSE OF REPORT

For Council to consider the participation of the Shire of Nungarin in the National Redress Scheme under the State.

SUMMARY AND KEY ISSUES

- Note the background information and the State's decision in relation to the National Redress Scheme;
- Note the key considerations and administrative arrangements for the Shire of Nungarin to participate in the National Redress Scheme;
- Formally endorse the Shire's participation as part of the State declaration in the National Redress Scheme;
- Grant authority to an appropriate officer to execute a service agreement with the State if a redress application is received.

LOCATION

N/A

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 Nungarin) 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.

Details:

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;

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

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

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

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

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

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

The WALGA State Council meeting of 4 March 2020:

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 Nungarin's participation in the Scheme.

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

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

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

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

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

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the Shire having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Shire.

Considerations for the Shire of Nungarin

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

1. Executing a Service Agreement

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

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

CONSULTATION

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

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

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

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

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

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

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

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

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

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*

2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

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

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

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

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

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

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Based on the information provided, it is recommended that Council participates under the State proposal.

OFFICER RECOMMENDATION/S – ITEM NO 10.1

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

COUNCIL DECISION – 6358

Moved: Cr O'Connell, Seconded: Cr Dayman

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

- 4) **Grants authority to 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 Nungarin.**

CARRIED: 7/0

10.2 Kununoppin Medical Practice – MOU and Services Deed

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Medical Practice MOU
Attachment 2	CONFIDENTIAL – Draft Services Deed

Voting Requirement	:	Simple Majority
Subject Index	:	N/A
Location / Property Index	:	N/A
Application Index	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Chief Executive Officer

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

For Council to consider entering into a new Memorandum of Understanding (MOU) in relation to its commitment to the Kununoppin Medical Practice AND entering into a new Deed of Contract with the preferred applicant to operate the Kununoppin Medical Practice.

SUMMARY AND KEY ISSUES

- The current MOU will be expiring and requires Council to consider entering into a new MOU
- The Kununoppin Medical Practice Committee (KMPC) has concluded its interviews and has negotiated a Deed with the preferred applicant
- It is also suggested that the KMPC delegates be amended to be the Shire President and Deputy Shire President and proxy.

LOCATION

N/A

BACKGROUND

MOU:

In relation to the MOU, this has since expired and requires Council to commit to entering into a new MOU commencing on 1 July 2020 and expiring on 30 June 2024.

The detail and content of the MOU remain unchanged from the current expiring version and therefore there are no areas of concern.

The Shire's contribution is to remain at 10%.

Deed of Contract:

The KMPC conducted interviews with two (2) applicants as a result of the outgoing doctor notifying that he was terminating the agreement.

Following from the interviews, a preferred applicant was identified and negotiations have since taken place.

Negotiations have been two fold, one being the negotiation with the KMPC to operate the practice on its behalf, and the other being the purchase of the current business from the outgoing doctor.

On both accounts, negotiations have been successful and therefore a Deed of Contract has been negotiated. The draft Deed is for a three (3) year term and details the monetary component for the medical practice.

The draft Deed of Contract remains generally unchanged from previous Deeds albeit with a new supplier.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023:

1.3 Support access to the GP and allied health services at the Kununoppin Hospital.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

There are no specific statutory requirements in respect to this matter.

FINANCIAL IMPLICATIONS

In relation to the medical practice, the following financial implication will arise in future year's budgets:

Year 1 -	\$10,000
Year 2 and 3 -	\$8,000

Financial implications in relation to vehicle and housing are negotiated annually direct with the Shire of Trayning through the KMPC and provided for in annual budgets.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The MOU remains unchanged and therefore no issues have been identified. It is recommended that Council commit to entering into the MOU.

In relation to the Draft Deed of Contract, this again remains relatively unchanged albeit with a new service provider.

The KMPC is confident in their selection of the preferred applicant/operator as is the outgoing doctor. It is also important that the change in service provider should be relatively smooth given that the preferred applicant has committed to buying the outgoing doctor's business/practice.

OFFICER RECOMMENDATION/S – ITEM NO 10.2

Part 1

That Council:

1. Resolves to enter into the new Memorandum of Understanding in relation to the Kununoppin Medical Practice commencing on 1 July 2020 and expiring on 30 June 2024; and
2. Authorises the Shire President and Chief Executive Officer to sign and apply the Shire Common Seal to the document.

Part 2

That Council:

1. Resolves to enter into a need Deed of Contract being the “Supply of Medical Services Deed” with the preferred applicant/operator as negotiated by the Kununoppin Medical Practice Committee and administered as a scheme by the Shire of Trayning; and
2. Authorises the Shire President and Chief Executive Officer to sign and apply the Shire Common Seal to the Deed referred to in one (1) above.

Part 3

That Council appoints the Shire President and Deputy Shire President (proxy) as delegates to the Kununoppin Medical Practice Committee.

COUNCIL DECISION – 6359

Moved: Cr O’Connell, Seconded: Cr Lee

Part 1

That Council:

1. **Resolves to enter into the new Memorandum of Understanding in relation to the Kununoppin Medical Practice commencing on 1 July 2020 and expiring on 30 June 2024; and**
2. **Authorises the Shire President and Chief Executive Officer to sign and apply the Shire Common Seal to the document.**

Part 2

That Council:

1. **Resolves to enter into a need Deed of Contract being the “Supply of Medical Services Deed” with the preferred applicant/operator as negotiated by the Kununoppin Medical Practice Committee and administered as a scheme by the Shire of Trayning; and**
2. **Authorises the Shire President and Chief Executive Officer to sign and apply the Shire Common Seal to the Deed referred to in one (1) above.**

Part 3

That Council appoints the Shire President and Deputy Shire President (proxy) as delegates to the Kununoppin Medical Practice Committee.

CARRIED: 7/0

11. MOTIONS ON NOTICE

(Automatically sent back to Administration for consideration at the next Council meeting)

Nil

12. CONFIDENTIAL ITEMS OF BUSINESS

Nil

13. CLOSURE

There being no further business the meeting closed at 4:38pm.

Presiding Member

Date