



# MINUTES

## Ordinary Council Meeting

Held in Council Chambers  
Corner King & Barrack Street's Merredin  
Tuesday 16 June 2020  
Commencing 4.00pm



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### Common Acronyms Used in this Document

T/CEO	Temporary Chief Executive Officer
CBP	Corporate Business Plan
CEACA	Central East Aged Care Alliance
CEO	Chief Executive Officer
CSP	Community Strategic Plan
CWVC	Central Wheatbelt Visitors Centre
DCEO	Deputy CEO
EA	Executive Assistant to CEO
EMCS	Executive Manager of Corporate Services
EMDS	Executive Manager of Development Services
EMES	Executive Manager of Engineering Services
GECZ	Great Eastern Country Zone
LGIS	Local Government Insurance Services
LPS	Local Planning Scheme
MCO	Media & Communications Officer
MoU	Memorandum of Understanding
MRCLC	Merredin Regional Community and Leisure Centre
SRP	Strategic Resource Plan
WALGA	Western Australian Local Government Association
WEROC	Wheatbelt East Regional Organisation of Councils

Shire of Merredin  
Ordinary Council Meeting  
4.00pm Tuesday 16 June 2020



**1. Official Opening**

The President acknowledged the Traditional Owners of the land on which we meet today and paid her respects to the Elders past and present. The President welcomed those in attendance and declared the meeting open at 4.01pm.

**2. Record of Attendance / Apologies and Leave of Absence**

**Councillors:**

Cr JR Flockart	Shire President
Cr MD Willis	Deputy Shire President
Cr RA Billing	
Cr LN Boehme	
Cr AR Butler	
Cr RM Manning	
Cr MJ McKenzie	
Cr PR Patroni	
Cr PM Van Der Merwe	

**Staff**

M Dacombe	T/CEO
M Ivanetz	EA to CEO
A Prnich	DCEO
C Brown	EMCS
P Zenni	EMDS

**Members of the Public:** Nil

**Apologies:** Nil

**Approved Leave of Absence:** Nil

**3. Public Question Time**

Members of the public may submit questions up to 2pm on the day of the meeting by emailing [ea@merredin.wa.gov.au](mailto:ea@merredin.wa.gov.au)

Question Taken on Notice from Previous Meeting – 19 May 2020

Mr Grant Stainer of Merredin submitted the following question.

Question: In May 2019, in the course of development the CEACA housing estate two groundwater monitoring bores on Fifth Street frontage, namely o6MDTC1oD and o6MDTC1oS were ripped up and destroyed.

These piezometres were installed as part of the Rural Towns Program by the then Department of Agriculture and Food WA (DAFWA), a project in which the Merredin Shire was a participant. The destruction of these piezometres ignores all the expense and effort that was involved in installing these bores and impedes the ability to undertake monitoring of groundwater levels underneath the town. It is also an offence under section 21 of the Soil and Land Conservation Act 1945 for these groundwater monitoring bores to be removed. In my view, the Merredin Shire should arrange the immediate replacement of these piezometres, followed by invoicing those involved to recoup the costs on a full cost recovery basis so that the shire is not out of pocket. As per best practice, drill logs should also be completed and samples taken each metre for the new bores. I did raise this issue at the time, but as far as I am aware, there has been no action taken in relation to this.

Answer: The TCEO took the question on notice. The matter will be investigated and a response will be provided to Mr Grant Stainer and included in the agenda and minutes of the June Ordinary Council Meeting.

Further answer: Council staff have identified the area where the bores were located and are determining how best to reinstate them. CEACA management have been advised of the issue. Once the Shire staff have completed their investigations the matter will be discussed further with CEACA management.

#### 4. Disclosure of Interest

Councillors Butler and Patroni declared an Impartiality Interest in Item 15.3

#### 5. Applications for Leave of Absence

Nil

#### 6. Petitions and Presentations

Nil

#### 7. Confirmation of Minutes of the Previous Meetings

7.1 Ordinary Council Meeting held on 19 May 2020

[Attachment 7.1A](#)

7.2 Special Council Meeting held on 26 May 2020

[Attachment 7.2A](#)

#### Voting Requirements

Simple Majority

Absolute Majority

### **Officer's Recommendation / Resolution**

**Moved:** Cr Willis

**Seconded:** Cr Boehme

**82563** That the Minutes of the Ordinary Council Meeting held on 19 May 2020 and Special Council Meeting held on 26 May 2020 be confirmed as a true and accurate record of proceedings.

**CARRIED 9/0**

**8. Announcements by the Person Presiding without discussion**

Hon James McMillan Brown was born in Merredin in 1927.

His parents, William and Susan, were the first lessees of Cummins Theatre, who in 1929 spent several thousand pounds installing the Talkies in Merredin. The installed equipment reproduced tone and vitaphone talking pictures, being the first of its type installed in a West Australian Theatre.

Mr James Brown served as a member of the Merredin Road Board from 1953-1960, and was Shire President from 1967-1970.

He went on to serve in both Houses of Parliament in WA, representing the Labour Party.

He was a member of the Legislative Assembly from 1971 to 1974, and later served in the Legislative Council from 1980-1992.

In 1971, during his first inaugural speech to WA Parliament Mr Brown stated

“...it would be remiss of me if I did not make some reference to local government. I feel that the Minister for Local Government, who is my colleague in the Merredin-Yilgarn electorate is facing a challenge. With the admission of adult franchise, I think the imposition of the tax on the community, for the community, is worthy of consideration.

During the Conference of the Country Shire Councils' Association in Perth last week, it was evident that those people who have represented local authorities without reward look forward to some contribution for their services. I think they are justly entitled to a reward for their services in view of their responsibilities they bear,,,,”

VALE James McMillan Brown  
Businessman  
Farmer  
Politician  
Merredin Road Board Member  
Merredin Shire President

**9. Announcements by the Person Presiding without discussion**

Nil



## 10. Receipt of Minutes of Committee Meetings

- 10.1 Local Emergency Management Committee – Community Support Sub-Committee Meeting held on 21 May 2020

[Attachment 10.1A](#)

### Voting Requirements

- Simple Majority  Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Patroni

**Seconded:** Cr Billing

**82564** That the Minutes of the following Committees be received:

- Local Emergency Management Committee – Community Support Sub-Committee Meeting held on 21 May 2020

**CARRIED g/o**

## 11. Recommendations from Committee Meetings for Council consideration

Nil

## 12. Officers' Reports - Development Services

### 12.1 Shire of Merredin Disability Access and Inclusion Plan (DAIP) - Review

Development Services		 SHIRE OF <b>MERREDIN</b> INNOVATING THE WHEATBELT
<b>Responsible Officer:</b>	Peter Zenni, EMDS	
<b>Author:</b>	Peter Zenni, EMDS	
<b>Legislation:</b>	Disability Services Act 1993	
<b>File Reference:</b>	CM/16/1	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<a href="#">Attachment 12.1A</a> – Draft DAIP 2020-2025, Public Submissions and Consultation Group Findings	

#### Purpose of Report

Executive Decision

Legislative Requirement

#### Background

Under provisions of the *Disability Services Act 1993* local governments are required to review the Disability Access and Inclusion Plan (DAIP) every five years.

#### Comment

The Shire of Merredin Council initiated the process of reviewing its DAIP on Tuesday 19th November 2019, when it resolved as follows;

**CMRef 82457**

**“That Council:**

- 1. Endorses the commencement of the process of reviewing the Disability Access and Inclusion Plan;**
- 2. Gives public notice of the commencement of the review, seeking public submissions; and**
- 3. Following the completion of the public consultation, receive a further report on the outcomes of the public consultation process and a Draft Disability Access and Inclusion Plan for Council consideration.”**

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## **Community Consultation**

The Disability Services Act Regulations (2004) set out minimum consultation requirements for public authorities in relation to DAIP. Local governments must call for submissions (either general or specific) by notice in newspapers circulating in the Local Government area and on any website maintained by, or on behalf of, the Local Government. Other mechanisms may also be used. In undertaking a review of the Shire of Merredin DAIP the following consultation methods were used:

- On the 22nd of November 2019, the community was informed through the local newspaper and Shire website, that the Shire was developing a DAIP to address access barriers for people with disability and their families. The community was invited to provide input into the review of the current initiatives and the development of a new plan. Submissions via Survey Monkey were sought with 18 submissions being received by the Shire of Merredin.
- On the 12th of December 2019, a stakeholder group meeting was held at the Shire library including people with a disability, their carers, service providers, state government and local government representatives. The stakeholder group provided input into the review and suggested initiatives for inclusion into a new plan.

The DAIP review process also included:

- Examination of the 2015 – 2020 DAIP and subsequent review of annual reports to determine what has been achieved and identifying any outstanding works.
- Examination of other Shire documents and strategies.
- Investigation of contemporary trends and good practice in access and inclusion.
- Consultation with the public
- Consultation with staff.
- Consultation with the Merredin Community Resource Centre Management.
- Consultation with the Department of Communities.

### **4.1 Findings of the consultation Process**

The DAIP review and associated consultation found that most of the initial objectives in the DAIP had been achieved and that a new plan was required to address ongoing access barriers, ensuring currency and relevance. The new plan should also reflect the legislative and regulatory changes, accommodating contemporary values and practices, whilst striving for inclusion and access beyond the minimum compliance of standards.

Many of the areas identified in the consultation process are ongoing and are constantly reviewed and updated. Existing Shire of Merredin buildings are for all practical purposes compliant for access and inclusion and the review role is becoming one of “care and maintenance” as construction resources are finite. Focus needs to change from purely considering disability and access requirements associated with Shire of Merredin facilities and infrastructure to

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include as far as practicable the implementation of these considerations by State Government agencies as well as the private sector.

The review process specifically identified the need for;

1. Advocacy by the Shire of Merredin with its sister agencies in the State Government sector such as the Public Transport Authority and the Main Roads Department, for better access by people with a disability to the train services as well as an improved ability to safely cross the Great Eastern Highway;
2. Improvements relating to the Shire of Merredin Website to make it more intuitive;
3. Improving staff awareness of disability related issues and associated considerations;
4. Improving and increasing footpath construction and ensuring better access to and by existing footpaths.
5. Improving existing ACROD bay parking facilities.
6. Improving access to existing shops in Merredin.

The adoption of the 2020 - 2025 DAIP by the Shire of Merredin Council will provide a framework through which the Shire can create an accessible and inclusive community. The development and periodic review of the DAIP ensures that it remains relevant to the needs of the community and ensures that people with a disabilities can access information and services provided by the Shire and that these services facilitate increased independence, opportunities and inclusion for people with disabilities in the community.

The review of the DAIP focuses on 7 key DAIP outcomes, these being;

1. People with disability have the same opportunities as other people to access the services of, and any events organised by, a public authority.
2. People with disability have the same opportunities as other people to access the buildings and other facilities of a public authority.
3. People with disability receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.
4. People with disability receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.
5. People with disability have the same opportunities as other people to make complaints to a public authority.
6. People with disability have the same opportunities as other people to participate in any public consultation by a public authority.
7. People with a disability have the same opportunities as other people to obtain and maintain employment with a public authority.

Addressing the above outcomes as part of the Shires 2020 - 2025 DAIP not only benefits people with disability but also seniors in the community that may be experiencing mobility, hearing and visual difficulties, as well the general

community from increased social and economic participation of people with disabilities and seniors.

### Policy Implications

Nil

### Statutory Implications

Compliance with *Disability Services Act 1993*

### Strategic Implications

#### ➤ Strategic Community Plan

Zone: Communication and Leadership

Zone Statement: Merredin Council engages with its community and leads by example.

Key Priority: Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements

#### ➤ Corporate Business Plan

Key Action: 4.1.1 – Continue to update the Integrated Planning Framework, meet statutory requirements of the Local Government Act and Regulations and regulatory obligations required under other regulations.

Directorate: Development Services

Timeline: Ongoing

### Sustainability Implications

#### ➤ Strategic Resource Plan

Nil

#### ➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

### Risk Implications

The Shire of Merredin is required to review its DAIP every five years. Failure to do so is a breach of legislative requirements.

### Financial Implications

Financial implications will be considered as part of the preparation of the 2020/21 financial budget and will focus on the provision of outcomes identified in the consultation process. The majority of expenditure will be associated with the provision of additional dual use footpaths.

Existing and new staff will also be provided with additional training on how to properly interact and provide support and services for people with disability.

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr McKenzie

**Seconded:** Cr Butler

**82565 That Council:**

1. **Adopts the Draft 2020-2025 Disability Access and Inclusion Plan (DAIP);**
2. **Advertises the adoption of the DAIP in the Phoenix newspaper;**
3. **Includes a copy of the adopted DAIP on the Shire website;**
4. **Provides a copy of the adopted DAIP to the Department of Communities - Disability Services Commissioner.**


**CARRIED 9/0**

**13. Officers' Reports - Engineering Services**

Nil

**14. Officers' Reports – Corporate and Community Services**

**14.1 List of Accounts Paid**

<h2>Corporate Services</h2>		 <b>SHIRE OF MERREDIN</b> <small>INNOVATING THE WHEATBELT</small>
<b>Responsible Officer:</b>	Charlie Brown, EMCS	
<b>Author:</b>	Charlie Brown, EMCS	
<b>Legislation:</b>	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
<b>File Reference:</b>	Nil	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<a href="#">Attachment 14.1A</a> - List of Accounts Paid	

**Purpose of Report**

Executive Decision

Legislative Requirement

**Background**

The attached List of Accounts Paid during the month of May under Delegated Authority is provided for Council's information.

**Comment**

Nil

**Policy Implications**

As outlined in the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

**Statutory Implications**

As outlined in the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

## Strategic Implications

### ➤ Strategic Community Plan

Zone: Zone 4 – Communication & Leadership  
Zone Statement: Merredin Council engages with its Community and leads by example.  
Key Priority: 4.1 – Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements.

### ➤ Corporate Business Plan

Key Action: 4.1.1 – Continue to update the Integrated Planning Framework, meet statutory requirements of the Local Government Act and Regulations and regulatory obligations required under other regulations.  
Directorate: Corporate Services  
Timeline: Ongoing

## Sustainability Implications

### ➤ Strategic Resource Plan

Nil

### ➤ Workforce Plan

Directorate: Nil  
Activity: Nil  
Current Staff: Nil  
Focus Area: Nil  
Strategy Code: Nil  
Strategy: Nil  
Implications: Nil

## Risk Implications

Council would be contravening the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* if this item was not presented to Council.

## Financial Implications

All liabilities settled have been in accordance with the Annual Budget provisions.



### Voting Requirements

Simple Majority

Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Boehme

**Seconded:** Cr Van Der Merwe

**82566** That the schedule of accounts paid as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$747,371.94 from Council's Municipal Fund Bank Account and \$61.65, from Council's Trust Account be endorsed by Council.

**CARRIED 9/o**

**14.2 Statement of Financial Activity**

<h2>Corporate Services</h2>		 <p>SHIRE OF <b>MERREDIN</b> INNOVATING THE WHEATBELT</p>
<b>Responsible Officer:</b>	Charlie Brown, EMCS	
<b>Author:</b>	Charlie Brown, ECMS	
<b>Legislation:</b>	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
<b>File Reference:</b>	Nil	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<a href="#">Attachment 14.2A</a> - Statement of Financial Activity <a href="#">Attachment 14.2B</a> – Detailed Statements <a href="#">Attachment 14.2C</a> – Monthly Investment Report <a href="#">Attachment 14.2D</a> – Financial Ratios <a href="#">Attachment 14.2E</a> – Capital Expenditure	

**Purpose of Report**

Executive Decision

Legislative Requirement

**Background**

The Statement of Financial Activity, which includes the Detailed Schedules, Statement of Financial Position, Current Ratios and Investment Register, are attached for Council's information.

**Comment**

The advanced payment of 50% of the 2020/2021 Financial Assistance grant has caused a 14% variance in Income.

Expenditure is currently showing a 7% variance to budget estimates, and this is expected to carry thru to June 30th.

**Capital Expenditure**

A detailed look at capital expenditure can be found in Note 7 and a separate attachment showing Capital Expenditure is also attached for your information.

### Policy Implications

As outlined in the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

### Statutory Implications

As outlined in the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

### Strategic Implications

#### ➤ Strategic Community Plan

Zone: Zone 4 – Communication & Leadership  
Zone Statement: Merredin Council engages with its Community and leads by example.  
Key Priority: 4.1 – Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements.

#### ➤ Corporate Business Plan

Key Action: 4.1.1 – Continue to update the Integrated Planning Framework, meet statutory requirements of the Local Government Act and Regulations and regulatory obligations required under other regulations.  
Directorate: Corporate Services  
Timeline: Ongoing

### Sustainability Implications

#### ➤ Strategic Resource Plan

Compliance with the *Local Government (Administration) Regulations 1996* and to give Council some direction in regard to its management of finance over an extended period of time.

#### ➤ Workforce Plan

Directorate: Nil  
Activity: Nil  
Current Staff: Nil  
Focus Area: Nil  
Strategy Code: Nil  
Strategy: Nil  
Implications: Nil

### Risk Implications

The Financial Activity report is presented monthly and provides a retrospective picture of the activities at the Shire. Contained within the report is information pertaining to the financial cost and delivery of strategic initiatives and key projects.

In order to mitigate the risk of budget over-runs or non-delivery of projects, the Chief Executive Officer has implemented internal control measures such as regular Council and management reporting and a quarterly process to monitor financial performance against budget estimates. Materiality reporting thresholds have been established at half the adopted Council levels, which equate to \$10,000 for operating budget line items and \$10,000 for capital items, to alert management prior to there being irreversible impacts.

It should also be noted that there is an inherent level of risk of misrepresentation of the financials through either human error or potential fraud. The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in the *Local Government (Financial Management Regulations) 1996* regulation 5, seek to mitigate the possibility of this occurring. These controls are set in place to provide daily, weekly, and monthly checks to ensure that the integrity of the data provided is reasonably assured.

### Financial Implications

The adoption of the Monthly Financial Report is retrospective. Accordingly, the financial implications associated with adopting the Monthly Financial Report are nil.

### Voting Requirements

Simple Majority

Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Patroni

**Seconded:** Cr Willis

**82567** That in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Statement of Financial Activity and the Investment Report for the period ending 31 May 2020 be received.

**CARRIED 9/0**

**14.3. National Redress Scheme (Participation of WA Local Governments)**

<h2>Community Services</h2>		 SHIRE OF <b>MERREDIN</b> INNOVATING THE WHEATBELT
<b>Responsible Officer:</b>	Andrina Prnich, DCEO	
<b>Author:</b>	Andrina Prnich, DCEO	
<b>Legislation:</b>	<i>National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Commonwealth)</i>	
<b>File Reference:</b>	Nil	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<a href="#">Attachment 14.3A</a> – Local Government Information Paper (December 2019)	

**Purpose of Report**

- Executive Decision                       Legislative Requirement

**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.

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All levels of Australian society (including the WA local government sector and the Shire of Merredin) 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 to access counselling, psychological services, an apology and a redress payment.

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

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

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

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

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

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

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

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## 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 [RFI]) 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.

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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 Merredin's participation in the Scheme.

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

#### Considerations for the Shire of Merredin

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

The Shire of Merredin needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received.

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Timeframes for responding to a RFI 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 Merredin 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 Merredin'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 Merredin 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 Merredin do not have any influence on the decision made and there is no right of appeal.

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## 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.

### Policy Implications

Nil

### Statutory Implications

The Shire of Merredin 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*.

### Strategic Implications

#### ➤ Strategic Community Plan

Zone: Zone 4: Communication and Leadership  
Zone Statement: Merredin Council engages with its Community and leads by example  
Key Priority: 4.1 - Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements  
4.5 - Ensuring Council has the information and support to enable informed decision making

#### ➤ Corporate Business Plan

Key Action: 4.1.1 - Continue to update the Integrated Planning Framework, meet statutory requirements of the Local Government Act and Regulations and regulatory obligations required under other regulations  
4.5.1 - Continue to develop a policy framework that reflects our values and decision making criteria  
Directorate: Community Services  
Timeline: 18/19 – 21/22

## Sustainability Implications

### ➤ Strategic Resource Plan

NA

### ➤ Workforce Plan

Directorate:	Community Services
Activity:	TBD
Current Staff:	TBD
Focus Area:	2.0 – Create a sustainable workplace with well-developed succession planning
Strategy Code:	2.3
Strategy:	Develop Internal Leadership
Implications:	The Shire Administration will need to appoint a staff member with an appropriate level of seniority to be trained and supported in this task, if required.

## Risk Implications

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

## 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 direct 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



Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr McKenzie

**Seconded:** Cr Boehme

**82568** **That Council:**

- 1) **Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries regarding the National Redress Scheme and the participation of WA local governments;**
- 2) **Notes that the Shire of Merredin will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire of Merredin makes a specific and formal decision to be included;**
- 3) **Endorses the participation of the Shire of Merredin in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;**
- 4) **Delegates 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 to the Council if a Redress application is received by the Shire of Merredin;**

**CARRIED 9/0**

## 15. Officers' Reports – Administration

### 15.1 Delegations Register Review

<h1>Administration</h1>		 <b>SHIRE OF MERREDIN</b> INNOVATING THE WHEATBELT
<b>Responsible Officer:</b>	Mark Dacombe, T/CEO	
<b>Author:</b>	Melissa Ivanetz, EA to CEO	
<b>Legislation:</b>	<i>Local Government Act 1995</i>	
<b>File Reference:</b>	Delegations Register	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<a href="#">Attachment 15.1A</a> – Delegations Register	

#### Purpose of Report

Executive Decision                       Legislative Requirement

#### Background

The Delegations Register has been reviewed and at this time no changes are proposed.

#### Comment

The Council is currently undertaking a strategic review. It is proposed that no changes are made to the Delegations Register at this time. Once the strategic review is complete and a new Strategic Community Plan and Corporate Business Plan are adopted it is proposed that a review of the Delegations Register be undertaken to determine if there should be any changes to assist the Council more effectively deliver on the its program.

#### Policy Implications

Nil

#### Statutory Implications

Section 5.42 of the Local Government Act 1995 states that a number of the local government's powers and duties can be delegated to the CEO. Section 5.43 of the Act details the limitations on those delegations. The review has been conducted within those legislative requirements. An absolute majority of Council is required to adopt the Delegations Register. The separate legislation referenced in the

individual delegations is also applicable. As required by Section 5.46(3) of the Local Government Act 1995, the use of exercising the delegated authority is to be reported to Council, which is done as an attachment to the Manager's Reports provided under separate cover to Council each month.

Section 5.46(2) of the Act requires the Council to review the delegations at least once in every financial year. The Delegations Register was previously reviewed at the November 2018 Ordinary Council Meeting (full review) (CMRef82281) and the March 2019 Ordinary Council Meeting (partial review) (CMRef82339) and The Special Council Meeting on 2 April 2020 (partial review) (CMRef82529).

### Strategic Implications

#### ➤ Strategic Community Plan

Zone: Zone 4 – Communication and Leadership  
Zone Statement: Merredin Council engages with its community and leads by example  
Key Priority: 4.1 - Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements

#### ➤ Corporate Business Plan

Key Action: Nil  
Directorate: Nil  
Timeline: Nil

### Sustainability Implications

#### ➤ Strategic Resource Plan

Nil

#### ➤ Workforce Plan

Directorate: Nil  
Activity: Nil  
Current Staff: Nil  
Focus Area: Nil  
Strategy Code: Nil  
Strategy: Nil  
Implications: Nil

### Risk Implications

By not conducting the review and adopting the Register Council would be in breach of the Local Government Act 1995.

### Financial Implications

Nil

Note: TCEO advised the Council that the version of the delegations Register circulated with the Agenda was subsequently amended as follows:

DL1.9 – Acceptance of Tenders for CEACA Inc – Removed.

DL4.1 – Tenders – Amendment note of changes made on 2 April 2020 inserted.

DL4.13 – Write off / Waive small fees and charges adopted o 2 April 2020 inserted.

Summary of changes reflecting the above amended.

### Voting Requirements

Simple Majority

Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Boehme

**Seconded:** Cr Willis

**82569 That the Council:**

**Adopt, pursuant to Section 5.42 of the Local Government Act 1995 the Delegations Register as presented in Attachment 15.1A.**

**CARRIED 9/0**



**15.2 Council Briefing Sessions**

## Administration



<b>Responsible Officer:</b>	Mark Dacombe, T/CEO
<b>Author:</b>	Melissa Ivanetz, EA to CEO
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Reference:</b>	
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Nil

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

At its Ordinary Meeting held on 19 May 2020 it was resolved at Council (CMRef 82558)

Continue to hold weekly briefings on Tuesdays at 5.30 pm with the exception of the briefing held prior to the monthly Council meeting which will commence at 2.00 pm. The need for the weekly briefing to be reviewed at the June Ordinary Meeting.

### Comment

The additional briefings were decided upon to enable Councillors to be regularly updated on progress with the COVID-19 emergency and recovery. The Council is currently undertaking a strategic review and preparing the 2020/21 budget. Weekly briefings are proposed until the Strategic Community Plan, Corporate Business Plan and Budget are adopted at the end of July. Once that is done it is proposed that the Council revert to two briefings per month.

It is proposed therefore to continue the weekly briefings on a Tuesday from 5.30 pm finishing no later than 7.30 pm to provide a manageable program for Councillors whilst covering the range of material that will require input and guidance. Council is asked to determine if the first briefing of the month continue to be held at 5.30 pm or revert to 6.00pm.

### Policy Implications

None identified.

### Statutory Implications

The proposals contained in this report are consistent with the provisions of the *Local Government Act 1995* and Regulations.

### Strategic Implications

#### ➤ Strategic Community Plan

Zone: 4 Communication and Leadership  
Zone Statement: Council engages with its community and leads by example  
Key Priority: 4.1 Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements

#### ➤ Corporate Business Plan

Key Action: N/A  
Directorate: N/A  
Timeline: N/A

### Sustainability Implications

#### ➤ Strategic Resource Plan

Nil

#### ➤ Workforce Plan

Directorate: Nil  
Activity: Nil  
Current Staff: Nil  
Focus Area: Nil  
Strategy Code: Nil  
Strategy: Nil  
Implications: Nil

### Risk Implications

Nil

### Financial Implications

Nil

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Billing

**Seconded:** Cr Boehme

**82570**

**That Council;**

- 1. Hold weekly briefings on Tuesdays at 5:30pm until the end of July with the exception of the briefing held prior to the monthly Council meeting which will commence at 2:00 pm.**
- 2. From 1 August 2020 the Council hold briefing sessions on the first Tuesday of the month commencing at 5:30pm and the third Tuesday of the month commencing at 2.00 pm.**
- 3. Confirm the briefings be conducted in person with the option available for councillors to attend by electronic means if they are unable to attend in person subject to prior advice to the CEO**

**CARRIED 9/0**

Councillors Butler and Patroni declared a Impartiality Interest in this item 15.3

**15.3 Imperial Diesel Roller**

<h2>Administration</h2>		 <b>SHIRE OF MERREDIN</b> INNOVATING THE WHEATBELT
<b>Responsible Officer:</b>	Mark Dacombe, T/CEO	
<b>Author:</b>	Mark Dacombe, T/CEO	
<b>Legislation:</b>	Local Government Act 1995	
<b>File Reference:</b>		
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	Nil	

**Purpose of Report**



Executive Decision



Legislative Requirement

**Background**

The Council has an *Imperial Diesel Roller* stored at the Shire Works Depot. The roller has not been used for some years and it is not intended to recommission it. This report proposes that it be given to the Merredin Men's Shed on permanent loan.



### Comment

The Merredin Men's Shed members have indicated that they would like to acquire the *Imperial Diesel Roller* to restore and display at the Men's Shed for public interest and enjoyment. The proposal is that it be placed on permanent loan to the Men's Shed. It would remain the property of the Council and would revert to the Shire if for any reason the Men's Shed no longer wished to house it or if the Merredin Men's Shed were to go out of existence. The roller does not currently appear on the Shire's asset register or insurance register.

The conditions of the loan would include that the roller be protected from the weather and not be modified in any way from the original.

### Policy Implications

Nil

### Statutory Implications

Nil

### Strategic Implications

#### ➤ Strategic Community Plan

Zone: One – Community and Culture  
Zone Statement: Merredin is rich in cultural diversity, performing and fine arts and a variety of sports available for both residents and visitors  
Key Priority: 1.2 Protecting and promoting the diverse culture and heritage of the Merredin Region

#### ➤ Corporate Business Plan

Key Action: Nil  
Directorate: Nil  
Timeline: Nil

### Sustainability Implications

#### ➤ Strategic Resource Plan

Nil

#### ➤ Workforce Plan

Directorate: Nil  
Activity: Nil  
Current Staff: Nil  
Focus Area: Nil  
Strategy Code: Nil  
Strategy: Nil  
Implications: Nil

### Risk Implications

It is considered that there are no risks involved placing the *Imperial Diesel Roller* on loan to the Merredin Men's Shed.

### Financial Implications

The Shire of Merredin currently holds the Merredin Men's Shed building and contents insured through the Shire Insurance arrangements with LGIS. The roller will be covered by the existing insurance.

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr McKenzie

**Seconded:** Cr Boehme

**82571**

**That the Council:**

**Place the *Imperial Diesel Roller* on permanent loan to the Merredin Men's Shed under terms and conditions to be determined by the Chief Executive Officer.**

**CARRIED 9/0**

**16. Motions of which Previous Notice has been given**

16.1 Councillor Butler has given notice of his intention to move the following motion at the Ordinary Council meeting to be held on 21 July 2020.

**[Attachment 16.1A](#)**

**17. Questions by Members of which Due Notice has been given**

Nil

**18. Urgent Business Approved by the Person Presiding or by Decision**

Nil

**19. Matters Behind Closed Doors**

Nil

**20. Closure**

There being no further business the President then thanked those in attendance and declared the meeting closed at 4:46pm.

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