



**MINUTES
ORDINARY MEETING
OF COUNCIL**

19 MAY 2020

SHIRE OF CUE
Ordinary Council Meeting
MINUTES

Held in the Council Chambers, 73 Austin Street Cue on
 Tuesday 19 May 2020 commencing at 6:30pm

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1. DECLARATION OF OPENING - 6.30PM

The Presiding Member welcomed those present and read the following disclaimer:

No responsibility whatsoever is implied or accepted by the Shire of Cue for any act, omission or statement or intimation occurring during this Meeting.

It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of council's decision, which will be provided within fourteen (14) days of this Meeting.

PRESENT:

Councillor Les Price, Deputy Shire President (Presiding Member)

Councillor Ian Dennis

Councillor Ron Hogben

Councillor Leonie Fitzpatrick

Councillor Fred Spindler

Councillor Liz Houghton

STAFF:

Mr Rob Madson, Chief Executive Officer – Via video conference (*Mr Madson attended to provide advice on items he had prepared prior to taking Annual Leave.*)

Mr Richard Towell, Acting Chief Executive Officer

Ms Tracy Bachraty, Customer Service Officer

GALLERY:

Ms Catherine Willett

1.1 APPLICATION FOR LEAVE OF ABSENCE – CR ROSS PIGDON

APPLICANT: Cr Ross Pigdon
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Acting Chief Executive Officer
DATE: 19 May 2020

Matters for Consideration:

Request for leave of absence.

Background:

Cr Ross Pigdon is currently dealing with a personal matter and will not be available to attend the Ordinary Council Meeting on 19 May 2020 and is likely to miss the Ordinary Meeting of Council on 16 June 2020.

Comments:

Nil

Statutory Environment:

LOCAL GOVERNMENT ACT 1995 - SECT 2.25

2.25 . Disqualification for failure to attend meetings

(1) A council may, by resolution, grant leave of absence, to a member.

(2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.

Policy Implications:

Nil

Financial Implications:

Sitting fees will not be payable for the meetings not attended by Cr Pigdon.

Strategic Implications:

Nil

Consultation:

Rob Madson – Chief Executive Officer

Officer's Recommendation:

Voting requirement: Simple Majority

That Cr Pigdon be granted leave of absence for the May and June ordinary meetings of Council

Council Decision: 01052020

Voting requirement: Simple Majority

MOVED: CR HOUGHTON

SECONDED: CR HOGBEN

That Cr Pigdon be granted leave of absence for the May and June ordinary meetings of Council

CARRIED 6/0

2. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr Pigdon, see item 1.1.

3. DISCLOSURE OF MEMBERS' INTERESTS

Nil

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES

Council Decision: 02052020

Voting Requirement: Simple Majority

MOVED: Cr Spindler

SECONDED: Cr Dennis

That the Minutes of the Ordinary Meeting of 21 April 2020 are confirmed as a true and correct record of the meeting.

Carried 6/0

6. APPLICATIONS FOR LEAVE OF ABSENCE

See item 1.1

7. DEPUTATIONS

Nil

8. PETITIONS

Nil

9. ANNOUNCEMENTS WITHOUT DISCUSSION

Nil

10. REPORTS

10.1 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT: Shire of Cue
DISCLOSURE OF INTEREST: Nil
AUTHOR: Richard Towell – Deputy Chief Executive Officer
DATE: 15 May 2020

Matters for Consideration:

To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on 19 May 2020 as attached – see [Appendix 1](#).

Background:

The local government under its delegated authority to the CEO to make payments from the municipal and trust funds is required to prepare a list of accounts each month showing each account paid and presented to Council at the next ordinary Council meeting. The list of accounts prepared and presented to Council must form part of the minutes of that meeting.

Comments:

The list of accounts is for the month of April 2020.

Statutory Environment:

Local Government (Financial Management Regulations) 1996 – Clause 13.

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

Nil.

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council endorse the payments for the period 1 April to 30 April 2020 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

| | | | |
|----------------------------|------|-------------|--------------|
| Municipal Fund Bank | EFTs | 8344 - 8406 | \$370,867.95 |
| Direct Debit Fund Transfer | | | \$ 21,755.19 |
| Payroll | | | \$ 80,492.32 |
| BPAY | | | \$ 23,067.39 |
| Cheques | | | \$ - |
| Total | | | \$496,182.85 |

Council Decision: 03052020

Voting requirement: Simple Majority

MOVED: Cr Houghton

SECONDED: Cr Dennis

That Council endorse the payments for the period 1 April to 30 April 2020 as listed at [Appendix 1](#), which have been made in accordance with delegated authority per LGA 1995 S5.42.

| | | | |
|----------------------------|------|-------------|--------------|
| Municipal Fund Bank | EFTs | 8344 - 8406 | \$370,867.95 |
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| BPAY | | | \$ 23,067.39 |
| Cheques | | | \$ - |
| Total | | | \$496,182.85 |

CARRIED 6/0

10.2 FINANCIAL STATEMENT

| | |
|-------------------------|---|
| APPLICANT: | Shire of Cue |
| DISCLOSURE OF INTEREST: | Nil |
| AUTHOR: | Richard Towell – Deputy Chief Executive Officer |
| DATE: | 15 May 2020 |

Matters for Consideration:

The Statement of Financial Activity for the period ended 30 April 2020 including the following reports:

- Statement of Financial Activity
- Significant Accounting Policies
- Graphical Representation – Source Statement of Financial Activity
- Net Current Funding Position
- Cash and Investments
- Major Variances
- Budget Amendments
- Receivables
- Grants and Contributions
- Cash Backed Reserve
- Capital Disposals and Acquisitions
- Trust Fund

see [Appendix 2](#).

Background:

Under the *Local Government (Financial Management Regulations 1996)*, a monthly Statement of Financial Activity must be submitted to an Ordinary Council meeting within 2 months after the end of the month to which the statement relates. The statement of financial activity is a complex document but presents a complete overview of the financial position of the local government at the end of each month. The Statement of Financial Activity for each month must be adopted by Council and form part of the minutes.

Comments:

The Statement of Financial Activity is for the month of April 2020.

Statutory Environment:

Local Government (Financial Management Regulations) 1996 – Clause 14.

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Consultation:

RSM Australia Pty Ltd.

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 30 April 2020, as presented at [Appendix 2](#).

Council Decision: 04052020

Voting requirement: Simple Majority

MOVED: Cr Spindler

SECONDED: Cr Houghton

That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 30 April 2020, as presented at [Appendix 2](#).

CARRIED 6/0

10.3 PURCHASING POLICY REVIEW

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Deputy Chief Executive Officer
 DATE: 14 May 2020

Matters for Consideration:

That Council adopt an updated Shire of cue Purchasing Policy as attached at Appendix 3, raising the tender limit to \$250,000.00.

Background:

From 9 April 2020, amendments to the *Local Government (Functions and General) Regulations 1996* came into effect. The amended regulations have increased the tender threshold for Local Government purchases from \$150,000 to \$250,000.

Comments:

The Shire of Cue Purchasing Policy including purchasing thresholds, has been reviewed and updated to comply with the amended regulations that came into effect on 9 April 2020.

Statutory Environment:

Local Government Act 1995.

Local Government (Functions and General) Regulations 1996, Part 4 – Provision of goods and services.

11. 11A. Purchasing policies for local governments

- (1) *A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250 000 or less or worth \$250 000 or less.*
- (2) *A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).*
- (3) *A purchasing policy must make provision in respect of —*
 - (a) *the form of quotations acceptable; and*
 - (ba) *the minimum number of oral quotations and written quotations that must be obtained; and*
 - (b) *the recording and retention of written information, or documents, in respect of —*

- (i) *all quotations received; and*
- (ii) *all purchases made.*

Division 2 — Tenders for providing goods or services (s. 3.57)

12. *11. When tenders have to be publicly invited*

(1A) In this regulation —

state of emergency declaration has the meaning given in the Emergency Management Act 2005 section 3.

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.

(2) Tenders do not have to be publicly invited according to the requirements of this Division if —

(a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or

(aa) the supply of the goods or services is associated with a state of emergency; or

(b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or

(c) within the last 6 months —

(i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or

(ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;

or

(d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or

(e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or

(ea) the goods or services are to be supplied —

(i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and

(ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;

or

- (f) *the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or*
- (g) *the goods to be supplied under the contract are —*
 - (i) *petrol or oil; or*
 - (ii) *any other liquid, or any gas, used for internal combustion engines;*

or

- (h) *the following apply —*
 - (i) *the goods or services are to be supplied by —*
 - (I) *a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or*
 - (II) *a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;*

and

- (ii) *the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and*
- (iii) *the local government is satisfied that the contract represents value for money;*

or

- (i) *the goods or services are to be supplied by an Australian Disability Enterprise; or*
- (j) *the contract is a renewal or extension of the term of a contract (the original contract) where —*
 - (i) *the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and*
 - (ii) *the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and*
 - (iii) *the original contract contains an option to renew or extend its term; and*
 - (iv) *the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;*

or

- (ja) *the contract is a renewal or extension of the term of a contract (the original contract) where —*
 - (i) *the original contract is to expire within 3 months; and*

- (ii) *the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and*
 - (iii) *the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;*
- or

 - (k) *the goods or services are to be supplied by a pre-qualified supplier under Division 3.*
- (3) *For the purposes of subregulation (2)(aa) a supply of goods or services is associated with a state of emergency if —*
 - (a) *the contract for the supply is entered into while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government; and*
 - (b) *the local government considers that the goods or services are required for the purposes of addressing a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates.*

Policy Implications:

Shire of Cue Policy Manual

Amendment to Policy Manual, D9 Purchasing Policy.

Financial Implications:

The tender threshold has been increased from \$150,000 to \$250,000.

Strategic Implications:

Nil

Consultation:

Rob Madson – Chief Executive Officer

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council:

Adopt the updated Shire of Cue Purchasing Policy as attached at [Appendix 3](#)

Council Decision: 05052020

Voting requirement: Simple Majority

MOVED: Cr Dennis

SECONDED: Cr Hogben

That Council:

Adopt the updated Shire of Cue Purchasing Policy as attached at [Appendix 3](#)

CARRIED 4/3

The Presiding member cast a second vote and carried the motion.

AGAINST, Cr Fitzpatrick, Cr Spindler, Cr Houghton

10.4 PROPOSED MINING ACTIVITY ON MAINLAND TOWNSITE TENEMENTS

APPLICANT: Musgrave Minerals Ltd
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Rob Madson – Chief Executive Officer
 DATE: 11 May 2020

Matters for Consideration:

Request for approval to drill on tenements encroaching on the Mainland townsite.

Background:

At the Ordinary Meeting of Council held 20 June 2017 it was resolved:

That Council advise Mr Evan Harris that approval is granted for mining activities involving the methods scrape and detect and dryblowing on areas within the Mainland townsite included on prospecting tenement P 21/741, provided that there is no disturbance to the natural surface of the townsite by way of waste rock emplacement or tailings storage facilities and that periodical inspections be conducted to ensure adherence with these conditions.

Musgrave Minerals have since entered into an arrangement with the tenement owners to jointly develop the resource.

Comments:

A copy of a map showing the Mainland townsite boundary in relation to the relevant tenements is attached at [Appendix 4](#).

Statutory Environment:

MINING ACT 1978 - SECT 25

25 . Mining on foreshore, sea bed, navigable waters or townsite

(1) The classes of land to which this section applies are —

(a) any part of the foreshore, being the area between the mean high water springs level of the sea and the mean low water springs level of the sea; and

(b) any part of the sea bed between the mean low water springs level of the sea and the inner limits of the coastal waters of the State as defined in section 16(1) and (2) of the Offshore Minerals Act 2003 ; and

(c) any land under navigable waters in the State; and

(d) any land that is a townsite within the meaning of the Land Administration Act 1997 ,

but this section does not apply to land that is part of a marine nature reserve, marine park or marine management area.

(2A) Mining on any land referred to in subsection (1)(a), (b) or (c) may be carried out with the written consent of the Minister who may refuse his consent or who may give his consent subject to such terms and conditions as the Minister specifies in the consent.

(2B) Before giving his consent under subsection (2A) whether conditionally or unconditionally the Minister shall first consult the Minister to whom the administration of the Fish Resources Management Act 1994 is for the time being committed by the Governor, the Minister to whom the administration of the Marine and Harbours Act 1981 is for the time being committed by the Governor, the LAA Minister and the Minister to whom the administration of the Environmental Protection Act 1986 is for the time being committed by the Governor with respect thereto and obtain their recommendations thereon.

(3A) Mining on any land referred to in subsection (1)(d) may be carried out with the written consent of the Minister who may refuse his consent or who may give his consent subject to such terms and conditions as the Minister specifies in the consent.

(3B) Before giving his consent under subsection (3A) whether conditionally or unconditionally the Minister shall first consult the LAA Minister and the local government, in respect thereto and obtain their recommendations thereon.

Policy Implications:

Policy C1

Policy C.1 – Mining Within The Town Boundary

2 Other Townsites

2.1 Other townsites which are now vacant, and to which the Shire has an interest, are identified as the townsites of Austin, Cuddingwarra, Mainland, Reedy, Tuckanarra, Big Bell, Day Dawn, Pinnacles.

2.2 The Council is prepared to allow mining under these townsites but only on the proviso that there is no disturbance to the natural surface of the townsite by way of waste rock emplacement or tailings storage facilities.

Financial Implications:

Nil.

Strategic Implications:

The proposed action addresses the following objectives contained in the Shire's Strategic Community Plan 2017-2027:

Economic Objective

Outcome 1.1 Maximise local economic opportunities to benefit the whole community

1.1.1 Work with the mining and pastoral sectors to grow and support local infrastructure and services.

Consultation:

Glenn Martin – Chief Geologist, Musgrave Minerals

Officer's Recommendation: **Voting Requirement: Simple Majority**

That Council advise Musgrave Minerals Ltd that approval is granted for mining activities involving drilling on tenements within the Mainland townsite, provided that there is no disturbance to the natural surface of the townsite by way of waste rock emplacement or tailings storage facilities and that periodical inspections be conducted to ensure adherence with these conditions.

7.30pm Councillor Hogben left the meeting

7.33pm Councillor Hogben re- entered the meeting

7.37pm Mr Rob Madson lost video connection.

7.39pm Mr Rob Madson re-joined the meeting via video conference.

Council Decision: 06052020 **Voting requirement: Simple Majority**

MOVED: Cr Houghton **SECONDED: Cr Spindler**

That Council advise Musgrave Minerals Ltd that approval is granted for mining activities involving drilling on tenements within the Mainland townsite, provided that there is no disturbance to the natural surface of the townsite by way of waste rock emplacement or tailings storage facilities and that periodical inspections be conducted to ensure adherence with these conditions.

LOST 0/6

AGAINST, Cr Price, Cr Dennis, Cr Hogben, Cr Fitzpatrick, Cr Spindler, Cr Houghton.

10.5 NATIONAL REDRESS SCHEME PARTICIPATION

APPLICANT: Department of Local Government, Sport and Cultural Industries

DISCLOSURE OF INTEREST: Nil

AUTHOR: Rob Madson – Chief Executive Officer

DATE: 14 May 2020

Matters for Consideration:

Endorsement of the Shire of Cue's participation as part of the WA Government's declaration in the National Redress Scheme.

Background:

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three 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 Cue) 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.

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

1. Following extensive consultation, the State Government (December 2019):
2. Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
3. Noted the options for WA local government participation in the Scheme;

4. Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
5. 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.
6. The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:
 7. Redress monetary payment provided to the survivor;
 8. 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
 9. 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).
10. 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.
11. Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:
 12. Providing the State with the necessary (facilities and services) information to participate in the Scheme;
 13. 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
 14. 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.
15. The WALGA State Council meeting of 4 March 2020:
16. 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;
17. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and

18. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.
19. 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.
20. 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).
21. 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 Cue participation in the Scheme.
22. As an independent entity and for absolute clarity, it is essential that the Shire of Cue 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.
23. The Shire of Cue will not be included in the State's amended declaration, unless it formally decides to be included.
24. 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.
25. The option also exists for the Shire of Cue to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).
26. Should the Shire of Cue formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Shire of Cue include:
27. 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).
28. Potential reputational damage at a State, sector and community level.
29. Complete removal of the State's coverage of costs and administrative support, with the Shire of Cue having full responsibility and liability for any potential claim.

30. 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 Cue.
32. Considerations for the Shire of Cue.
33. Detailed below is a list of considerations for the Shire of Cue to participate in the Scheme:
34. Executing a Service Agreement
35. All Royal Commission information is confidential, and it is not known if the Shire of Cue will receive a Redress application. A Service Agreement will only be executed if the Shire of Cue receives a Redress application.
36. Shire of Cue 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.
37. Reporting to Council if / when an application is received
38. 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.
39. Application Processing / Staffing and Confidentiality
40. Administratively the Shire of Cue will determine:
41. Which position(s) will be responsible for receiving applications and responding to Requests for Information;
42. Support mechanisms for staff members processing Requests for Information.
43. 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
44. Record Keeping
45. 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 Cue'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.

46. 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.

1. Redress Decisions

The Shire of Cue 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 Cue 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.

Comments:

This item has been prepared in conformity with a template provided by the WA Local Government Association (WALGA), with the bulk of the research information provided by WALGA. While I consider that the Shire of Cue has very little risk exposure in the National Redress Scheme environment, it is recommended to participate in the scheme to cover the extremely unlikely event of a claim being lodged for an historical act.

A copy of the National Redress Scheme information paper is attached at [Appendix 5](#).

Statutory Environment:

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*.

Policy Implications:

Nil.

Financial Implications:

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

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

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

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

Strategic Implications:

Nil.

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

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

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

Officer's Recommendation:

Voting Requirement: Simple Majority

That Council:

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

Council Decision: 07052020

Voting requirement: Simple Majority

MOVED: Cr Spindler

SECONDED: Cr Dennis

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 Cue will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire makes a specific and formal decision to be included;
- 3) Endorses the participation of the Shire of Cue in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;
- 4) Grants authority to the CEO to execute a service agreement with the State, if a Redress application is received; and
- 5) Notes that a confidential report will be provided if a Redress application is received by the Shire.

CARRIED: 6/0

11. MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 MOTIONS FOR CONSIDERATION AT THE NEXT MEETING

Nil

13. NEW BUSINESS OF AN URGENT NATURE

Nil

14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Council Decision: 08052020 **Voting requirement: Simple Majority**

MOVED: Cr Houghton **SECONDED: Cr Spindler**

That the meeting be closed to members of the public to discuss confidential matters.

CARRIED: 6/0

14.1 TOWN STREETS RESEALING QUOTES

APPLICANT: Shire of Cue
 DISCLOSURE OF INTEREST: Nil
 AUTHOR: Richard Towell – Deputy Chief Executive Officer
 DATE: 15 May 2020

Matters for Consideration:

Consider quotes for the resealing of Cue Town Streets using ten millimetre micro-surfacing slurry seal.

Council Decision: 08042020 **Voting requirement:** Simple Majority
MOVED: Cr Dennis **SECONDED: Cr Hogben**

That Council award the quote for bitumen spray sealing works to Bitutek Pty Ltd.

Procedural Motion

MOVED: Cr Houghton **SECONDED: Cr Dennis**

That council defer this item to the May meeting of Council for further consideration.

CARRIED: 7/0

Cr Dennis and Councillor Hogben withdrew motion 08042020.

Council Decision: 09052020 **Voting requirement:** Simple Majority
MOVED: Cr Fitzpatrick **SECONDED: Cr Spindler**

That Council award the quote for Micro-surfacing Cue Town Streets to Downer EDI Works Pty Ltd.

CARRIED: 6/0

Council Decision: 10052020 **Voting requirement:** Simple Majority
MOVED: Cr Fitzpatrick **SECONDED: Cr Houghton**

That the meeting be reopened to members of the public.

CARRIED: 6/0

15 CLOSURE

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 8.08pm

To be confirmed at Ordinary Meeting on the 16 June 2020.

Signed:.....

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