

COUNCIL MEETING

MINUTES



For the Ordinary Meeting of Council held on

20 May 2020

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CONTENTS

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	4
2.	ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE.....	4
2.1	ATTENDANCE	4
2.2	APOLOGIES.....	4
2.3	APPROVED LEAVE OF ABSENCE	4
3.	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	4
4.	PUBLIC QUESTION TIME	4
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
4.2	PUBLIC QUESTIONS.....	4
5.	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS	5
6.	APPLICATIONS FOR LEAVE OF ABSENCE	5
7.	DISCLOSURE OF INTEREST	5
8.	MATTERS FOR WHICH MEETING MAY BE CLOSED	5
9.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	5
9.1	ORDINARY MEETING – 15 April 2020.....	5
9.2	SPECIAL COUNCIL MEETING – 24 April 2020	5
10.	REPORTS OF OFFICERS	6
10.1	FINANCE & ADMINISTRATION	6
10.1.1	LIST OF PAYMENTS.....	6
10.1.2	MONTHLY FINANCIAL REPORT – APRIL 2020.....	8
10.1.3	TUNNEY FIRE SHED – BUDGET AMENDMENT.....	10
10.2	GOVERNANCE & EXECUTIVE SERVICES.....	15
10.2.1	CORPORATE BUSINESS PLAN 2017 - 2021 QUARTERLY REPORT	15
10.2.2	DELEGATION OF AUTHORITY – CROWN LEASES	18
10.2.3	RESERVES 28089, 28090, 28091 - COMBINATION	20
10.2.4	POLICY – 4.15 FINANCIAL HARDSHIP	22
10.2.5	POLICY – 4.8 PURCHASING.....	25
10.2.6	GREAT SOUTHERN REGIONAL TRAILS MASTER PLAN	27
10.2.7	NATIONAL REDRESS SCHEME.....	31
10.2.8	LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) – DRAFT MINUTES.....	36
10.3	WORKS	39
11.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	39
12.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF THE MEETING	39
13.	MATTERS BEHIND CLOSED DOORS.....	39
13.1	FRANKLAND RIVER CHALETS – QUOTES FOR CONSTRUCTION	39
14.	CLOSURE OF MEETING	41

MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Horrocks declared the meeting open at 3.00pm. The Shire President alerted the meeting to the procedures for emergencies including evacuation, designated exits and muster points.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

President	Cr PL (Phil) Horrocks
Deputy President	Cr ER (Ruth) Bigwood
Councillors	Cr PM (Peter) Beech Cr PW (Peter) Slater Cr P (Peter) Denton Cr DS (David) Carey Cr VN (Vanessa) Fiegert Cr RW (Robert) Johnson

Chief Executive Officer	Mr PB (Peter) Northover
Manager of Finance & Administration	Mrs PA (Trish) Standish
Manager of Works	Mr JE (Jeff) Alderton

Members of the Public	Three
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2.2 APOLOGIES

Councillor	JA (Jennifer) Quick
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2.3 APPROVED LEAVE OF ABSENCE

Nil

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President, Cr Horrocks announced that the following people who were either residents or past residents of the Shire had passed away since the last meeting:

Mrs Rita Watkins
Mr John Graham
Mr Jesse Thorn

A moments silence was observed as a mark of respect.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Nil

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Freya Spencer from the Gillamii Centre provided a presentation on the Current Gillamii Grower Group Projects.

One member of the public left the meeting at 3.20pm

Keith Bradby from the Gondwana Link provided a presentation on current projects.

Two members of the public left the meeting at 3.39pm

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DISCLOSURE OF INTEREST

Nil

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

The meeting will be closed to discuss item 13.1

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 15 April 2020

Motion 01052020

Moved Cr Denton, seconded Cr Beech that the minutes from the ordinary meeting of Council held on 15 April 2020, be confirmed as a true and correct record.

Carried 8/0

9.2 SPECIAL COUNCIL MEETING – 24 April 2020

Motion 02052020

Moved Cr Fiegert, seconded Cr Johnson that the minutes from the special meeting of Council held on 24 April 2020, be confirmed as a true and correct record.

Carried 8/0

10. REPORTS OF OFFICERS

10.1 FINANCE & ADMINISTRATION

10.1.1

LIST OF PAYMENTS

RESPONSIBLE OFFICER: Trish Standish – Manager of Finance and Administration

REPORT AUTHOR: Madeleine Brady – Finance Admin Officer

FILE REFERENCE: FM2

APPLICANT: N/A

DATE OF REPORT: 5 May 2020

ATTACHMENTS: List of Payments – 1 April 2020 to 30 April 2020

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 April 2020 to 30 April 2020.

Background

Nil

Officers Comment

Nil

Statutory Environment

Local Government (Financial Management) Regulation 13 states:

13. List of accounts

(1) If the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the Chief Executive Officer is to be prepared each month showing for each account paid since the last such list was prepared:

- (a) the payee's name;
- (b) the amount of the payment;
- (c) the date of the payment; and
- (d) sufficient information to identify the transaction.

Policy Applicable – Implications

Council Policy 4.8 – 'Purchasing', states that:

"The Chief Executive Officer is delegated authority to make payments from the Municipal Fund or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:

- a) The payee's name*
- b) The amount of the payment*
- c) The date of the payment*
- d) Sufficient information to identify the transaction.*

The list referred to above is to be presented to the Council at each ordinary meeting of the Council and is to be recorded in the minutes of the meeting at which it is presented.

It is considered appropriate to delegate this authority to the Chief Executive Officer as the payment of accounts is the final process after debts have been incurred through other processes and systems in place."

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

- Misconduct
- Errors, Omissions and Delays
- Failure of IT and or Communication Systems and Infrastructure
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes
- Inadequate Supplier/Contract Management

The **impact** of the risk is Financial, Non-Compliance and Reputational.

The **consequences** of these risks are considered to be Major

The **likelihood** is Rare

Hence the **risk rating** for this item is Low

Risk mitigation includes the Council having strong financial policies and procedures in place and the requirement to report to the Council on a monthly basis.

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Consultation

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 03052020

Moved Cr Slater, seconded Cr Fiegert that the payment of accounts totalling \$664,672.53 as per the attachment be noted:

- **Electronic Funds Transfers EFT10739 to EFT10845 - \$530,659.46;**
- **Municipal Fund Cheque No's 12204 – 12205 - \$197.75;**
- **Internal Account Transfers (Payroll) - \$109,588.88; and**
- **Direct Debit - \$24,226.44.**

Carried 8/0

10.1.2 MONTHLY FINANCIAL REPORT – APRIL 2020

RESPONSIBLE OFFICER:	Trish Standish – Manager of Finance and Administration
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	FM12
APPLICANT:	N/A
DATE OF REPORT:	8 May 2020
ATTACHMENTS:	Financial Statements for April 2020

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 30 April 2020.

Background

The Local Government (Financial Management) Regulations 1996 require a statement of financial activity to be prepared each month and prescribe the contents of that report and accompanying documents. The report is to be presented at an ordinary meeting of the Council within two months after the end of the month to which the report relates.

Officers Comment

The Monthly Financial Report (Containing the Statement of Financial Activity) complies with industry standards and all statutory reporting requirements are contained within the report.

The attached April 2020 Monthly Financial Report represents nine (10) months, or 83% of the financial year. The following items are worthy of noting on the April 2020 report:

- Closing surplus position of \$580,808 (shown on page 5)
- Cash and cash equivalents of \$3.456m, of which \$2.6m is held in cash backed reserve accounts (shown on page 9);
- Outstanding rates of \$61,484 equates to 2.3% of 2019/2020 rates levied (shown on page 10); and
- Explanation of material variances is shown on page 24.

Statutory Environment

The Local Government (Financial Management) Regulations 1996 define the requirements for monthly financial reporting (Regulation 34).

Policy Applicable – Implications

Council Policy 4.1 Defining Material Variances, states that:

When dividing the actual figures with the annual budget figure, a variance of plus or minus 10% of the percentage of the year elapsed will be reported. In addition, a variance must be greater than \$10,000 to be reported.

Financial Implications

The attached report represents the financial position of the Council at the end of the previous month and the adoption of the recommendation below does not have a financial impact.

Risk Implications

The risks associated with matters in this report are:

- Misconduct
- Errors, Omissions and Delays
- Failure of IT and or Communication Systems and Infrastructure
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes
- Inadequate Supplier/Contract Management

The **impact** of the risk is Financial, Non-Compliance and Reputational

The **consequences** of these risks are considered to be Major

The **likelihood** is Rare

Hence the **risk rating** for this item is Medium

Risk mitigation includes the Council having strong financial policies and procedures in place and the requirement to report to the Council on a monthly basis.

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Consultation

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 04052020

Moved Cr Carey, seconded Cr Denton that the attached Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 30 April 2020 be received.

Carried 8/0

10.1.3 TUNNEY FIRE SHED – BUDGET AMENDMENT

RESPONSIBLE OFFICER: Trish Standish – Manager of Finance and Administration
REPORT AUTHOR: Trish Standish – Manager of Finance and Administration
FILE REFERENCE: BF110
APPLICANT: N/A
DATE OF REPORT: 11 May 2020
ATTACHMENTS: Nil

Purpose

The purpose of this report is for the Council to consider increasing the budget for the construction of the Tunney Fire Shed to incorporate the increased expenditure associated with the build and for the connection to mains power.

Background

At the 18 March 2020 meeting of Council it was resolved that:

“Council authorise the Chief Executive Officer to:

- 1. Request additional funding from the Department of Fire and Emergency Services (DFES) for the construction of the Tunney Fire Shed, in order to accept the most advantageous tender;**
- 2. Award Tender 01-20 to MCB Constructions Pty Ltd for the construction of the Tunney Fire Shed on Lot B 6212 Homestead Road Cranbrook for \$639,232.24 including GST as the most advantageous tender, in accordance with the specifications, terms and conditions specified in the tender documentation once additional grant funding has been secured;**
- 3. Liaise with the successful tenderer to achieve design outcomes; and**
- 4. Authorise the Chief Executive Officer to execute the contract for Tender 01-20 with MCB Constructions Pty Ltd for the construction of the Tunney Fire Shed on Lot B 6212 Homestead Road Cranbrook, in accordance with the specifications, terms and conditions specified in the tender documentation once the above matters are addressed.**

Officers Comment

All of the dot points in the Council resolution above have been completed, the Tunney Fire Brigade members have completed the site works and MCB Constructions are expected to lay the pad this week.

A total savings of approximately \$25,000 has been achieved by choosing alternative fittings and allowing for the Tunney Fire Brigade to undertake the majority of the siteworks.

The construction of the Tunney Fire Shed will be funded by the Department of Fire and Emergency Services (DFES) through the capital grants section of the Local Government Grants Scheme (LGGS) which has guidelines stipulating which components of the build are covered and which are not covered under the scheme.

As per the resolution above, Council accepted a tender from MCB Constructions for more than the amount DFES originally approved for the construction of the shed. DFES have now approved the extra expenditure and the final costs have been forwarded to them.

The Council have always been aware that the following items are ineligible for LGGS capital grant funding:

- Land acquisition
- Associated site works for new buildings
- Utility connections to the site boundary
- Hydrants in non-gazetted fire districts
- Earthmoving plant and equipment
- Breathing Apparatus (this equipment is supplied, maintained and managed by DFES)
- SES Road Crash Rescue Hydraulic equipment (this equipment is supplied by DFES)
- SES Vertical Rescue equipment (this equipment is supplied by DFES)
- Privately owned assets and equipment
- Other assets as determined ineligible by the Grants Committees

Approvals for capital grants for new facilities are conditional upon suitable land being immediately available to facilitate construction. The land can be owned freehold by the Local Government (with title) or crown land under management order with the Local Government.

The land provided by the Local Government is to be in close proximity to utilities (power, water and communications). The cost in providing these utilities to the site boundary is the responsibility of the Local Government, connection costs from the site boundary to the facility are eligible for LGGS funding.

In light of the above information, there was an amount of \$30,000 of Council funds included in the budget for the construction of the Tunney Fire Shed, this allocation was for some site works and electricity connection to the site.

Upon signing of the construction contract with MCB Constructions there is an amount of \$5,200 for final trim and compaction of the site that DFES will not fund through the LGGS. This leaves \$24,800 for electricity connection.

An application was made with Western Power in January this year to provide a quote for electricity connection to the site and an application fee of \$3,000 was paid to Western Power in March.

The Shire have now received a quote of \$63,564 from Western Power to have the electricity connected to the site. A figure of \$360 per kVA or amp is typically used and given this information, the expectation was that it would be approximately \$25,000 for power connection. A discount can apply if there is only an additional load to the power grid, however as there is no power to, or nearby the site and a new pole, new transformer and new pillar is required, no discount applies.

Whilst it is disappointing that the electricity connection quote is much more than expected, the project cannot continue without mains power connection and given that a contract has now been signed with the successful tenderer, it is considered that the Shire has not been left with any alternative other than to accept the quote from Western Power and allow the project to continue.

A summary of the above information is as follows:

	Ex GST
The original amount approved by DFES for construction	\$298,720
The original amount anticipated for electrical connection	\$30,000
Total Capital Expenditure allocated in the adopted 2019/2020 budget	\$328,720

New amount approved by DFES for construction (including architect fees)	\$595,651
Actual amount quoted by Western Power for electrical connection and site works not covered by DFES	\$68,800
Total Capital Expenditure amount required for completion of the project	\$664,451

Total amount of DFES approved funding	\$595,651
Total amount of Council approved funding	\$30,000
Total amount of additional Council funding required	\$38,800
Total Capital Revenue required for completion of project	\$664,451

The extra \$38,800 required could be funded from the Rate Discount Reserve that has a purpose of “to be used for assisting to fund improvements to existing and new community facilities”.

Statutory Environment

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

Section 6.8 - Expenditure from municipal fund not included in annual budget.

- “(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.”

* *Absolute majority required.*

(1a) In subsection (1) —

“**additional purpose**” means a purpose for which no expenditure estimate is included in the local government’s annual budget.”

Local Government (Financial Management) Regulations 1996 Part 2 General financial management – s. 6.10

Regulation 17. - Reserve accounts, title of etc.

- “(1) A reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.
- (2) In the accounts, annual budget and financial reports of the local government a reserve account is to be referred to —
- (a) in the information required by regulations 27(g) and 38, by its full title; and
 - (b) otherwise, by its full title or by an abbreviation of that title.”

[Regulation 17 amended in Gazette 20 Jun 1997 p. 2839.]

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The 2019/2020 adopted budget includes an allocation of \$30,000 for electricity connection and site works for the construction of the Tunney Fire Shed. This report advises that there will be a shortfall of approximately \$38,800 for completion of this part of the project.

It is being suggested that this shortfall be funded from the Rate Discount Reserve that currently has a balance of \$795,853.

Risk Implications

The risks associated with matters in this report are:

- Business and Community Disruption
- Inadequate Supplier/Contract Management

The **impact** of the risk is Financial and Reputational

The **consequences** of these risks are considered to be Moderate

The **likelihood** is Likely

Hence the **risk rating** for this item is High

Risk mitigation includes discussions with our architects and members of the Tunney Fire Brigade.

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 1: Social – Be respected for its friendly, vibrant, connected and safe communities

Outcome 1.1: An engaged, supporting and inclusive community

Strategy 1.1.3: Provide, maintain and improve community facilities within available resources

Outcome 1.2: A safe place to live

Strategy 1.2.2: Advocate and actively support emergency management and services

Objective 3: Environment - Enhance, maintain, protect and promote our built infrastructure and natural environment

Outcome 3.2: A built infrastructure servicing the needs of the community

Strategy 3.2.1: Maintain and enhance our roads, built infrastructure, parks and reserves

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.2: Demonstrate strong leadership and civic responsibility

Strategy 4.2.1: Provide leadership to the community, staff and wider region

Consultation

Consultation for this report included Roberts Gardiner Architects, ESC Electrical Engineers, and representatives from the Tunney Fire Brigade.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Absolute Majority (Budget Amendment)

OFFICERS RECOMMENDATION

That Council amend the 2019/2020 adopted budget by:

1. Increasing Tunney Fire Shed capital expenditure 051203	\$335,731
2. Increasing ESL grant funding for Tunney Fire Shed 051302	(\$296,931)
3. An additional transfer from the Rate Discount Reserve	(\$38,800)
4. Overall Change (surplus/deficit)	\$0

COUNCIL DECISION

Motion 05052020

Moved Cr Beech, seconded Cr Johnson that:

1. The Chief Executive Officer write to Western Power asking for further consideration of this quote as the electricity connection is for a community volunteer fire brigade facility; and
2. This matter lay on the table to be discussed again at the 17 June Ordinary Meeting of Council once a reply has been received from Western Power.

Carried 8/0

Reason For Change

Council believed that the quote from Western Power was excessive and requested the CEO to ask them to reconsider.

10.2 GOVERNANCE & EXECUTIVE SERVICES

10.2.1 CORPORATE BUSINESS PLAN 2017 - 2021 QUARTERLY REPORT

RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	AD3
APPLICANT:	N/A
DATE OF REPORT:	2 May 2020
ATTACHMENTS:	January to March 2020 Quarterly Report

Purpose

The purpose of this report is for the Council to consider the January to March 2020 Quarterly Report against the Shire’s Corporate Business Plan 2017 – 2021.

Background

The Local Government (Administration) Regulations 1996 requires that Council prepares a Corporate Business Plan which reflects the aspirations of the Strategic Community Plan and translates these into Council priorities and operations within available resources.

The Corporate Business Plan covers the first four years of the Strategic Community Plan 2017-2027. A major review is completed at the end of the four year period in conjunction with the major review of the Strategic Community Plan. A yearly desktop review is also conducted to review the financial implications for the year ahead in context of the annual budget, Strategic Resource Plan and other informing documents.

Council adopted the Corporate Business Plan 2017-2021 at the 17 May 2017 Ordinary Meeting. Whilst an annual review of the Plan is completed, it is considered good practice for a quarterly progress report to be provided for Council’s information.

Officers Comment

As Council will be aware, staff participated in the regional Peer Support Program, which was initiated to provide support in the development and maintenance of Integrated Planning documents as required under the Local Government Act 1996.

An outcome of the Program was the development of a reporting template to provide Council with a snapshot of progress towards achieving the community aspirations of the Strategic Community Plan. Objectives and strategies have been imported from the Strategic Community Plan, and actions and timelines from the Corporate Business Plan are referenced. A ‘traffic light’ status and comments are assigned to each action, based on the following:

Action Status

- Action is on track. Includes actions that are considered 'day to day' including advocacy, identified support, ongoing liaison, routine and scheduled reporting and activities, and progress on specific projects.
- Action is being monitored. Includes actions that are awaiting further information or consideration by staff or Council, initiatives that are planned, and actions where there has been little or no progress or activity.
- Action is on hold. Generally includes actions that are planned for a future financial year (refer to 'Delivery Timelines' column), or if it has been determined through review that an action is no longer relevant.
- Action is complete. Will generally relate to discrete time, or funding-specific projects and initiatives.

The Executive Management Team and other appropriate staff have provided input into the January to March 2020 quarterly report attached. Most actions have had some progress to the end of March and are 'on-track', and a number noted as 'Monitored' have actions that are planned for 2020-2021 and have not yet commenced or are subject to funding.

It should be noted that the Coronavirus pandemic and subsequent restrictions that have been put in place have had an impact on staff being able to undertake activities, however there has been much planning being undertaken in order to be able to undertake events when the restrictions are lifted.

Statutory Environment

Local Government (Administration) Regulations 1996: r. 19DA. Corporate business plans, requirements for (Act s. 5.56) relates to this report.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

Provision for actions contained within the Corporate Business Plan is made in the adopted annual budget or will be considered as part of future budget deliberations.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **impact** of the risk is Non-Compliance

The **consequences** of these risks are considered to be Insignificant

The **likelihood** is Possible

Hence the **risk rating** for this item is Low

Risk mitigation includes presenting quarterly reports to Council to monitor progress against the Corporate Business Plan.

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Outcome 4.2: Demonstrate strong leadership and civic responsibility

Strategy 4.2.1: Provide leadership to the community, staff and wider region

Consultation

Consultation for this report included Shire staff and the Executive Management Team.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 06052020

Moved Cr Slater, seconded Cr Carey that the attached Corporate Business Plan 2017 - 2021 quarterly report for the period January to March 2020 be received.

Carried 8/0

10.2.2**DELEGATION OF AUTHORITY – CROWN LEASES**

RESPONSIBLE OFFICER:	Trish Standish – Manager of Finance and Administration
REPORT AUTHOR:	Jessica Standish – Administration Officer
FILE REFERENCE:	GO17
APPLICANT:	N/A
DATE OF REPORT:	15 April 2020
ATTACHMENTS:	Delegation 1.24 Advice to Department of Planning Lands and Heritage Regarding Matters Associated with the Land Administration Act 1997

Purpose

The purpose of this report is for the Council to consider authorising the Chief Executive Officer, to have delegated authority to send advice to Department of Planning Lands and Heritage (DPLH) regarding matters associated with the Land Administration Act 1997.

Background

Within the boundaries of the Shire of Cranbrook, there are multiple private Crown Land leases that come up for renewal approximately every five years. When these leases come up for renewal the DPLH requests Council to comment on the issue of re-lease.

Council have previously discussed informally, whether these items need to be brought to Council each time unless there is a major change in the purpose of use of the land or whether the Chief Executive Officer is able to be delegated authority to respond on their behalf.

Officers Comment

In accordance with section 5.42 of the Local Government Act 1995, a Local Government may delegate authority to the Chief Executive Officer.

This report advises that with respect to proposed changes of tenure, changed/new management orders, and/or granting or renewing of leases, and/or licences relating to Crown Land, the Chief Executive Officer is able to be granted the authority to respond to DPLH on behalf of the Council, subject to the conditions set out within the proposed Delegation of Authority 1.24, attached.

Statutory Environment

Section 5.42 of the Local Government Act 1995, states that:

(1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

(a) *this Act other than those referred to in section 5.43; or*

(b) *the [Planning and Development Act 2005 section 214\(2\)](#), (3) or (5).*

** Absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

Property rates are levied upon lessees of the leased land. If the land is not leased, no property rates are levied against the Crown.

Risk Implications

The risks associated with matters in this report are:

- Misconduct
- Inadequate Engagement Practices

The **impact** of the risk is Non-Compliance, Reputational

The **consequences** of these risks are considered to be Minor

The **likelihood** is Unlikely

Hence the **risk rating** for this item is Low

Risk mitigation includes:

- A clear understanding and successful execution of the delegation by the Chief Executive Officer; and
- Correct record keeping processes.

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 2: Economic – To be an innovative, diverse, prosperous and growing economy

Outcome 2.2: A progressive, vibrant sustainable agricultural industry

Strategy 2.2.1: Maintain strong relationship with CBH and support future expansion

Strategy 2.2.2: Actively engage and support local agricultural and allied industries

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Strategy 4.1.2: Maintain organisational policies and strategies for the attraction and retention of quality employees

Consultation

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Absolute Majority (Delegated authority)

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 07052020

Moved Cr Denton, seconded Cr Bigwood that the attached Delegation 1.24 titled “Advice to Department of Planning Lands and Heritage Regarding Matters Associated with the Land Administration Act 1997” be adopted by Council and included in the Council’s 2020 Delegations Register.

**Carried 8/0
By Absolute Majority**

10.2.3	RESERVES 28089, 28090, 28091 - COMBINATION
RESPONSIBLE OFFICER:	Trish Standish – Manager of Finance and Administration
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	R28089 + R28090 + R28091
APPLICANT:	N/A
DATE OF REPORT:	2 May 2020
ATTACHMENTS:	Reserve 28089, 28090 and 28091 Combination

Purpose

The purpose of this report is for the Council to consider combining the following reserves and lots as shown on the attached map:

- Reserve 28089 – Lot 45 and 55
- Reserve 28090 – Lot 53
- Reserve 28091 – Lot 54

Background

The reserves listed above, located on Wingebellup Road in Frankland River are where the Frankland River oval, dam, country club building, bowling greens and carpark, public toilets, community centre, tennis courts, skate park, playground, town hall, war memorial and caravan park are located.

Officers Comment

There are buildings that encroach upon both lot and reserve boundaries within this area and this limits expansion and redevelopment of ageing community infrastructure. It will also limit the placement of the two new accommodation units in the Frankland River Caravan Park as the preferred site is located very close to the lot boundary.

With the planned redevelopment of the Frankland River District Country Club and Frankland River Town Hall into one new multi-purpose community facility, it is considered appropriate to combine these reserves and lots into one.

By doing this, it would ensure that future development of the caravan park, community centre and war memorial areas are much easier to plan. It will also ensure that water harvesting from all these new developments can be accomplished easily.

Shire staff made an enquiry with the Department of Planning Lands and Heritage (DPLH) to determine if it was possible to:

- Have reserve boundaries realigned;
- Have adjoining reserves amalgamated into one reserve; and/or
- Have lots within reserves amalgamated into one lot.

DPLH have advised that it is possible to undertake all of the above, providing the Shire holds management orders over each reserve, that native title can be extinguished and that the reserve purposes are compatible or can be changed to reflect the purpose they need to be.

It is considered that all of the above can be accomplished.

Statutory Environment

Part 4 of the Land Administration Act 1997 is applicable to this report.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

- Inadequate Environmental Management
- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **impact** of the risk is Non-Compliance, Reputational and Natural Environment

The **consequences** of these risks are considered to be Insignificant

The **likelihood** is Unlikely

Hence the **risk rating** for this item is Low

Risk mitigation includes seeking the appropriate support and approval of the Department of Planning, Lands and Heritage for the changes.

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 3: Environment - Enhance, maintain, protect and promote our built infrastructure and natural environment

Outcome 3.1: A protected, diverse, healthy natural environment

Strategy 3.1.1: Promote, enhance and maintain our natural attractions, parks and reserves

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Consultation

Consultation for this report included the Department of Planning Lands and Heritage, Council, the Shire's planner Liz Bushby and the Executive Management Team.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 08052020

Moved Cr Fiegert, seconded Cr Slater that Council advise the Department of Planning Lands and Heritage that:

- 1. The Shire wishes to amalgamate reserves 28089, 28090, 28091 and lots 45, 55, 53 and 54 located on Wingebellup Road in Frankland River into one lot and one reserve as per the attached plan; and**
- 2. The new reserve have a purpose of 'Community Purpose'.**

Carried 8/0

10.2.4

POLICY – 4.15 FINANCIAL HARDSHIP

RESPONSIBLE OFFICER:	Trish Standish – Manager of Finance and Administration
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	GO17
APPLICANT:	N/A
DATE OF REPORT:	3 May 2020
ATTACHMENTS:	Draft Policy 4.15 Financial Hardship

Purpose

The purpose of this report is for the Council to consider adopting the attached draft policy 4.15 Financial Hardship.

Background

Property rates are raised in August of each year with full payment due within 35 days. The Shire also offers either two or four instalment options spread out over the year.

For many years, payment arrangements have been offered to ratepayers who are unable to pay their rates either in full or by the instalment options that are made available. There has never been any application process or any criteria to guide staff when making decisions on payment arrangements.

Officers Comment

Local governments in Western Australia engage with ratepayers from a wide range of backgrounds and circumstances. Some ratepayers may be in situations of vulnerability and the Shire recognises that some ratepayers will experience financial hardship from time to time.

A person in a situation of vulnerability may have low income or, as a result of their circumstances, be experiencing a financial shock, leading to difficulties in paying rates by the due date. This can take the form of ‘payment difficulties’ or ‘financial hardship’.

Payment difficulties can be defined as:

- a state of **immediate** financial disadvantage that results in being unable to pay an outstanding amount ... by reason of a *change in personal circumstances*.

Financial hardship can be defined as:

- a state of **more than immediate** financial disadvantage which results in being unable to pay an outstanding amount without affecting the ability to meet *basic living needs*

Payment difficulties therefore reflect short term financial constraints while financial hardship may reflect financial constraints with longer term or broader implications. It is important to note that in both cases, there is willingness to pay, but an inability to do so.

The establishment of the attached draft policy is designed to assist staff in making decisions regarding offering alternative payment arrangements for those experiencing difficulties. It is not designed to inform the collection of rates from people who are able, but unwilling, to pay their rates in accordance with their obligations under the *Local Government Act*.

It has also been designed, with those individuals and community groups running businesses that have been forced to close due to the current COVID-19 Coronavirus pandemic, in mind and

therefore includes payments that these businesses will owe to Council. For example lease payments, loan payments etc.

The policy means that for those who are experiencing financial hardship, Council has agreed on some measures to lessen the impact of rate collection. It is important to note that the current economic situation will also have an impact on Council and the 2020/2021 budget.

It is worthwhile to note that those Local Governments who have a hardship policy are able to continue to charge instalment interest on rates of 5.5%, whereas those Local Governments that do not have a hardship policy will only be entitled to charge instalment at a maximum of 3% as a result of a recent ministerial directive relating to COVID-19.

Statutory Environment

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Policy Applicable – Implications

This report is recommending adoption of a new Council Policy.

Financial Implications

It is not anticipated that the adoption of the Officer's recommendation will have a large financial impact, as it is merely formalising the arrangements that are currently in place.

The implications from the COVID-19 pandemic however, may see more ratepayers facing financial hardship therefore there may be more applications for alternative payment arrangements.

Risk Implications

The risks associated with matters in this report are:

- Business and Community Disruption
- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Engagement Practices

The **impact** of the risk is Financial and Reputational

The **consequences** of these risks are considered to be Moderate

The **likelihood** is Likely

Hence the **risk rating** for this item is High

Risk mitigation includes having a fair and equitable policy in place to guide staff when making decisions

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.2: Demonstrate strong leadership and civic responsibility

Strategy 4.2.1: Provide leadership to the community, staff and wider region

Consultation

Consultation for this report included the Western Australian Local Government Association (WALGA) and the Executive Management Team

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Absolute Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 09052020

Moved Cr Beech, seconded Cr Denton that Council adopt the attached Policy 4.15 Financial Hardship.

**Carried 8/0
By Absolute Majority**

10.2.5

POLICY – 4.8 PURCHASING

RESPONSIBLE OFFICER:	Trish Standish – Manager of Finance and Administration
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	GO17
APPLICANT:	N/A
DATE OF REPORT:	8 May 2020
ATTACHMENTS:	1. Existing Policy 4.8 Purchasing 2. Draft New Purchasing Policy 4.8

Purpose

The purpose of this report is for the Council to consider adopting changes to the existing purchasing policy 4.8.

Background

The Council have had a purchasing policy in place for many years and it is subject to annual review in February of each year.

Officers Comment

One of the regulatory amendments to support Local Governments in responding to the COVID-19 Public Health Emergency was an alteration to the Local Government (Functions and General) Regulations to increase the tender threshold to \$250,000. This change came into effect from 10 April 2020.

This increase has been welcomed by Shire staff and was supported by Council during the consultation period of the Local Government Act review in 2019.

It would therefore seem prudent to update the Shire's purchasing policy to reflect the increase to the tender threshold.

Statutory Environment

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Policy Applicable – Implications

This report is recommending a change to Council Policy 4.8 Purchasing. Both the current and proposed new policies are attached.

Financial Implications

There are no financial implications for this report. The report is only recommending a change to the purchasing policy to reflect changes already made to regulations.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **impact** of the risk is Non Compliance

The **consequences** of these risks are considered to be Moderate

The **likelihood** is Unlikely

Hence the **risk rating** for this item is Moderate

Risk mitigation includes having an up to date policy in place to guide staff when making decisions.

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.2: Demonstrate strong leadership and civic responsibility

Strategy 4.2.1: Provide leadership to the community, staff and wider region

Consultation

Consultation for this report included the Western Australian Local Government Association (WALGA) and the Executive Management Team

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Absolute Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 10052020

Moved Cr Slater, seconded Cr Carey that Council adopt the attached updated Policy 4.8 Purchasing.

**Carried 8/0
By Absolute Majority**

10.2.6	GREAT SOUTHERN REGIONAL TRAILS MASTER PLAN
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Peter Northover – Chief Executive Officer
FILE REFERENCE:	CS101
APPLICANT:	N/A
DATE OF REPORT:	7 May 2020
ATTACHMENTS:	Great Southern Regional Trails Master Plan 2020-2029

Purpose

The purpose of this report is for Council to consider endorsing the final version of the Great Southern Regional Trails Master Plan and entering into a three-year service agreement with the Great Southern Centre for Outdoor Recreation Excellence.

Background

The Great Southern Regional Trails Master Plan (RTMP) provides a coherent and clearly outlined programme of trail infrastructure development across the Great Southern region over a ten-year period (2020-2029). It has been developed to guide decisions about the management of, and investment in, trails, and provides a vision of what the trail network across the Great Southern will look like in the future.

The plan has been developed in partnership with all eleven local governments in the Great Southern region – Albany, Broomehill-Tambellup, Cranbrook, Denmark, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup, Plantagenet, and Woodanilling and has involved consultation with the adjoining Shire of Manjimup. The plan has the support of the Department of Biodiversity, Conservation and Attractions, the Department of Local Government, Sport and Cultural Industries, and the Great Southern Development Commission.

The RTMP is identified as a priority project in both the Great Southern Outdoor Recreation Strategy 2019-2021, and the Great Southern Regional Sport and Recreation Plan (2018). It supports the key objectives of the Western Australian Strategic Trails Blueprint to develop a state-wide network of sustainable trails, facilities and associated infrastructure; to raise the recreational and tourism profile of Western Australian trails; and to develop a diverse revenue stream to ensure economic sustainability.

The RTMP aims to establish the Great Southern as a World-Class Trails Destination.

Officers Comment

A number of iterations of the RTMP have been prepared with the final draft being released for public comment in late 2019. Some of the trail proposals described in the final plan have been flagged as 'Priority Trails'. These trails or trail networks are integral to achieving the region's vision of becoming a world-class trails destination.

The proposed priority trails have been identified through a rigorous assessment process that involved extensive consultation with communities and stakeholder groups across the Great Southern. A multi-criteria assessment tool was used to identify which trail proposals should be prioritised for development. The RTMP recommends the construction of twelve new regional priority trails or trail networks; and enhancements to two existing nationally significant trails that require urgent maintenance. In combination with the proposed trail linkages and improvements, these new trails will provide a diverse range of iconic trail experiences for hiking, cycling and

paddling. A summary of the various proposals and associated strategies and action plans are detailed in the RTMP – which is attached to this report.

Dr Lenore Lyons from the Great Southern Centre for Outdoor Recreation Excellence (GSCORE) has sought the formal endorsement of the plan by all Great Southern Region Councils so that her team is able to finalise funding proposals for capital works investment. GSCORE is keen to ensure that the region can take advantage of any stimulus packages that are announced for the recovery phase of the current COVID-19 pandemic. For this reason, GSCORE intends to have as many 'shovel-ready' projects as possible in the pipeline.

The first priority project involving the Shire is the Great Southern Treasures Recreation Circuit (GSTRC), which is a proposed network of walking, cycling, and paddling trails (or nodes) integrated within the Great Southern Treasures drive trail. The GSTRC builds on existing trails and infrastructure throughout the region with a focus on improving access and signage, with a minimal need for new trail development.

The objectives of the GSTRC are to:

- Provide opportunities for locals to explore and enjoy their own backyard through outdoor recreation activities; and
- Enhance travel experiences for drive tourists travelling in and through the inland areas of the Great Southern region.

The intention of the GSTRC is to develop a drive trail of recreation nodes, with each node providing one or more trail experiences (e.g. walking trail, cycle trail, paddle trail). Combined with other tourism assets, such as accommodation, these recreation nodes will enhance the tourism offering of each town.

The proposed nodes identified in the RTMP for the Shire include:

- Pink Lake Cranbrook – Walk Trail
- Sukey Hill Lookout
- Salt River Road – Wildflower Walk
- Frankland River – Wildflower Walk
- Lake Poorrarecup
- Lake Nunijup

From a development perspective, GSCORE is partnering with Great Southern Treasures (GST) in the delivery of this project. A marketing plan is currently being developed, following which a project plan and grant application will be prepared for the capital works and associated funding requirements.

GSCORE has sought confirmation from the Shire in regards to those proposals identified in the RTMP. Specifically:

- Endorsement of those proposed trails / nodes which are included in the GSTRC (identified above);
- Prioritisation of those proposed trails / nodes that should be included in the GSTRC;
- Identification of the infrastructure required for each trail / node – e.g. trailhead sign, wayfinding, interpretive panels, and / or trail furniture;
- Provision of a detailed description and costing for each item required.

These issues are currently being considered as part of the 2020/2021 budget process.

Additionally, and as mentioned to Council previously, GSCORE has also expressed a desire to enter into three-year service agreements with all local government partners for the implementation of the RTMP and is seeking an investment of \$5,000 for the 2020/2021 financial year to allow for the extension of the Trails Project Coordinator's employment contract to 30 June, 2021. This will allow for the completion of the scope of works for the Recreation Circuit and the implementation of the Regional Trails Marketing Plan and Wayfinding Strategy. Investment beyond the first year of the service agreement will be subject to budget provision and Council approval.

Statutory Environment

There is no specific legislation applicable to this report.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

There are financial implications inherent in this proposal, particularly in terms of infrastructure development for the Recreation Circuit and associated recreation nodes. An amount of \$7,000 will be included in the 2020/2021 draft budget for Council's consideration and approval.

Additionally, an amount of \$5,000 will be included in the 2020/2021 draft budget for the extension of the Trails Project Coordinator's salary as outlined above.

Risk Implications

The risks associated with matters in this report are:

- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Engagement Practices

The **impact** of the risks is Financial, Non-Compliance, Reputational, Property, and Natural Environment

The **consequences** of these risks are considered to be Moderate

The **likelihood** is Unlikely

Hence the **risk rating** for this item is Medium

Risk mitigation includes liaising closely with GSCORE and other stakeholders in the development of those proposals identified in the RTMP that impact on the Shire.

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 1: Social – Be respected for its friendly, vibrant, connected and safe communities

Outcome 1.1: An engaged, supporting and inclusive community

Strategy 1.1.3: Provide, maintain and improve community facilities within available resources

Objective 2: Economic – To be an innovative, diverse, prosperous and growing economy

Outcome 2.3: An active, innovative tourism industry

Strategy 2.3.1: Promote the hidden treasures and natural attractions of the Shire of Cranbrook

Objective 3: Environment - Enhance, maintain, protect and promote our built infrastructure and natural environment

Outcome 3.1: A protected, diverse, healthy natural environment

Strategy 3.1.1: Promote, enhance and maintain our natural attractions, parks and reserves

Outcome 3.2: A built infrastructure servicing the needs of the community

Strategy 3.2.1: Maintain and enhance our roads, built infrastructure, parks and reserves

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Consultation

Consultation for this report included discussions with the Executive Management Team, Council and GSCORE.

VROC Implications

VROC Vision: *To sustain a collaborative partnership that serves as an exemplar to other Local Government groupings.*

Objectives:

Regional Economic Development

Stimulate economic growth and business opportunity.

S1: Support the implementation of wider regional initiatives

S3: Improve the provision and maintenance of infrastructure

Regional Community Development

Build capacity to enable communities to achieve.

S2: Collaborate on common community development projects

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 11052020

Moved Cr Denton, seconded Cr Carey that Council:

- 1. Receives and endorses the Great Southern Regional Trails Master Plan 2020-2029;**
- 2. Supports entering into a three-year service agreement with the Great Southern Centre for Outdoor Recreation Excellence to implement the Great Southern Regional Trails Master Plan, subject to appropriate budget provision; and**
- 3. Include an amount of \$12,000 in the 2020/2021 draft budget for the Trails Project Coordinator's salary and upgrades to the Cranbrook wildflower walk as identified in the Great Southern Regional Trails Master Plan.**

Carried 8/0

10.2.7	NATIONAL REDRESS SCHEME
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Peter Northover – Chief Executive Officer
FILE REFERENCE:	AD8
APPLICANT:	N/A
DATE OF REPORT:	5 May 2020
ATTACHMENTS:	Information Paper - National Redress Scheme for Institutional Child Sexual Abuse

Purpose

The purpose of this report is for the Council to consider participation in the National Redress Scheme.

Background

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) was established in January 2013, to investigate systemic failures of public and private institutions to protect children from child sexual abuse, report abuse, and respond to child sexual abuse. The Royal Commission released three reports throughout the inquiry including Redress and Civil Litigation (September 2015), making specific recommendations regarding the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The State Government commenced participating in the Scheme from 1 January, 2019. A decision was made at the time of joining the Scheme to exclude WA Local Governments from the State Government's declaration. This was to allow consultation to occur with Local Governments about the Scheme, and for consideration to be given to the mechanisms by which the sector could best participate in the Scheme.

The Department of Local Government, Sport and Cultural Industries (DLGSC) has led an information and consultation process with WA Local Governments about the Scheme since January, 2019. The Departments of Justice and Premier and Cabinet supported DLGSC in this process. The Western Australian Local Government Association (WALGA) has played an integral role in this consultation, ensuring that the sector has been well informed and quality feedback gathered to assist in State Government decisions.

At the July 2019 WALGA State Council meeting, it was endorsed that WA Local Government participation in the State's National Redress Scheme declaration, should be completely financially covered by the State Government.

Following consultation and the feedback gathered, the State Government considered a range of options regarding WA Local Government participation in the Scheme and reached a final position in December 2019. The State Government resolved to:

- Note the consultations undertaken to date with WA Local Governments about the National Redress Scheme;
- Note the options for WA Local Governments participation in the Scheme;
- Agree to WA Local Governments participation in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and

- Agree to the DLGSC leading further negotiations with WA Local Governments regarding Local Government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

Officers Comment

As mentioned previously, 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:

- First is accountability for historical breaches in the duty of care that occurred before 1 July 2018; and
- The second is future-facing – ensuring better child safe approaches are implemented holistically moving forward.

All levels of Australian society (including the WA Local Government sector and the Shire of Cranbrook) will be required to consider leading practice approaches to child safeguarding separately in the future.

The National Redress Scheme acknowledges that children were sexually abused. It recognises the suffering endured, and it holds institutions accountable. It also aims to help those who have been abused access counselling and psychological services, and receive an apology and a redress payment.

The Scheme commenced on 1 July, 2018 and will run for ten years. It 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.

Participation in the Scheme is recommended by the State Government, as well as WALGA, and both 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. As an independent entity, it is essential for the Shire of Cranbrook to formally indicate via a resolution of Council, its intention to be considered as a State Government institution for the purpose of the National Redress Scheme and, at the same time, to be included in the WA Government's amended participation declaration.

Should Council formally decide not to participate in the Scheme, then the following consequences need to be carefully considered:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (bearing in mind 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 Cranbrook having full responsibility and liability for any potential claim; and
- 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.

Statutory Environment

There is no specific legislation applicable to this report, however should Council decide to join the Scheme, the Shire will be required to adhere to the 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, should a Redress application be received, will be in accordance with Section 9.49A (4) of the *Local Government Act 1995*.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The State's decision to include local governments in the Scheme will cover the following financial costs:

- 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)

The only financial cost that the Shire may incur will be the payment of the DPRs, which would be on an 'as requested' basis by the survivor. The DPR will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. This could be funded from "professional fees". All requested DPRs will be coordinated and facilitated by the Redress Coordination Unit at the Department of Justice.

The State's decision also mitigates a significant financial risk to the Shire 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.

Risk Implications

The risks associated with matters in this report are:

- Misconduct
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Engagement Practices

The **impact** of the risks are People, Financial, Non-Compliance and Reputational

The **consequences** of these risks are considered to be Major

The **likelihood** is Unlikely

Hence the **risk rating** for this item is Medium

Risk mitigation includes participation in the National Redress Scheme

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 1: Social – Be respected for its friendly, vibrant, connected and safe communities

Outcome 1.2: A safe place to live

Strategy 1.2.1: Retain a strong focus on community safety and crime prevention

Outcome 1.3: A healthy place to grow and age

Strategy 1.3.1: Facilitate community health and wellbeing and support provision of services to the community

Outcome 1.4: A place to learn and develop

Strategy 1.4.1: Provide youth and early childhood development opportunities

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Consultation

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 12052020

Moved Cr Beech, seconded Cr Bigwood that Council:

- 1. Notes the consultation undertaken and the information provided by the Department of Local Government, Sport and Cultural Industries in regards to the National Redress Scheme and the participation of WA Local Governments;**
- 2. Notes that the Shire of Cranbrook will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire of Cranbrook makes a specific and formal decision to be included;**
- 3. Endorses the participation of the Shire of Cranbrook in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;**
- 4. Authorises the Chief Executive Officer 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 of Cranbrook.**

Carried 8/0

10.2.8 LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) – DRAFT MINUTES

RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Peter Northover – Chief Executive Officer
FILE REFERENCE:	BF 13
APPLICANT:	N/A
DATE OF REPORT:	11 May 2020
ATTACHMENTS:	1. Special LEMC COVID-19 Minutes - 15 April 2020 2. Special LEMC COVID-19 Minutes - 22 April 2020 3. Special LEMC COVID-19 Minutes - 29 April 2020 4. Special LEMC COVID-19 Minutes – 6 May 2020

Purpose

The purpose of this report is for the Council to consider the draft minutes from the Special LEMC COVID-19 meetings held on 15 April 2020, 22 April 2020, 29 April 2020 and 6 May 2020.

Background

The Shire of Cranbrook Local Emergency Management Committee (LEMC) was established in accordance with the Emergency Management Act 2005 section 38 which states:

(1) A Local government is to establish one or more local emergency management committees for the local government’s district.

The function of the LEMC is documented in the Act under section 39:

- a) to advise and assist the local government in ensuring that the local emergency management arrangements are established for its districts;
- b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

The Shire of Cranbrook Local Emergency Management Committee consists of representatives from the following agencies:

- Cr Representative – Shire President
- Shire Staff
- Chief Bushfire Control Officer (CBFCO)
- WA Police - local officers
- St John Ambulance – Cranbrook and Frankland River
- St John Ambulance Great Southern
- Department of Communities
- Plantagenet Cranbrook Health Service
- Red Cross
- Department of Primary Industries and Regional Development (DPIRD)
- Frankland River Community Centre
- Cranbrook Primary School
- Department of Biodiversity, Conservation and Attractions
- Main Roads Great Southern
- Western Power
- Water Corporation
- Department of Fire and Emergency Services

Officers Comment

The draft minutes from the four Special LEMC COVID-19 meetings held on 15 April 2020, 22 April 2020, 29 April 2020, and 6 May 2020, are attached with no recommendations to Council from these meetings.

Statutory Environment

The Emergency Management Act 2005 relates to this report and the Local Government Act 1995 Section 6.8(c) states:

*“Expenditure from municipal fund not included in annual budget
(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
(c) is authorised in advance by the mayor or president in an emergency.”*

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Engagement Practices

The **impact** of the risk is Non-Compliance

The **consequences** of these risks are considered to be Minor.

The **likelihood** is Unlikely.

Hence the **risk rating** for this item is Low.

Risk mitigation includes continual liaison with the relevant agencies involved with the COVID-19 pandemic to ensure minimal disruption to the wider community and businesses in the Shire of Cranbrook.

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 1: Social – Be respected for its friendly, vibrant, connected and safe communities

Outcome 1.2: A safe place to live

Strategy 1.2.2: Advocate and support emergency management and services

Consultation

Consultation for this report included members of the LEMC.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 13052020

Moved Cr Denton, seconded Cr Slater that the attached minutes from the 15 April 2020, 22 April 2020, 29 April 2020, and 6 May 2020 Special COVID-19 Local Emergency Management Committee meetings be received by Council.

Carried 8/0

10.3 WORKS

Nil

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

Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF THE MEETING

Nil

13. MATTERS BEHIND CLOSED DOORS

****CONFIDENTIAL****

13.1 FRANKLAND RIVER CHALETS – QUOTES FOR CONSTRUCTION

RESPONSIBLE OFFICER: Trish Standish – Manager of Finance and Administration

REPORT AUTHOR: Samantha O’Neill – Community Development Officer

FILE REFERENCE: CP203

APPLICANT: N/A

DATE OF REPORT: 4 May 2020

ATTACHMENTS:
1.Modular WA
2.Fox Transportables

Statutory Environment

Section 5.23 of the Local Government Act 1995 allows the Council to close all or part of a Council Meeting to members of the public if the meeting or the part of the meeting deals with a range of issues, dealing with any of the following; (a) a matter affecting an employee or employees; (b) the personal affairs of any person; (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; (e) a matter that if disclosed, would reveal — (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; (f) a matter that if disclosed, could be reasonably expected to — (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; (ii) endanger the security of the local government’s property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and (h) such other matters as may be prescribed.

As such it is recommended that the meeting be closed to the public in order deal with these items.

A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

Voting Requirements

Simple Majority

PROCEDURAL MOTION

Motion 14052020

Moved Cr Bigwood, seconded Cr Denton that the meeting be closed to members of the public in accordance with section 5.23 (c) of the Local Government Act 1995, to discuss a contract to be entered into, or which may be entered into, by the local government.

Carried 8/0

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 15052020

Moved Cr Slater, seconded Cr Carey that Council accept quote MWA_SoC_150420 from Modular WA for the amount of \$248,168 (ex GST) for the Building, Transport and Installation of;

- One (1) Self-contained park home (2 bed, kitchen, bath); and
- One (1) Self-contained worker's accommodation unit comprising of two separate rooms (each with shower and toilet) that are able to be rented separately.

Carried 8/0

PROCEDURAL MOTION

Motion 16052020

Moved Cr Slater, seconded Cr Beech that the meeting be re-opened to members of the public.

Carried 8/0

14. CLOSURE OF MEETING

There being no further business to discuss, the Shire President, Cr Horrocks declared the meeting closed at 4.12pm.