



*'The Council and Staff of the Shire of Boddington, in partnership with the community, are committed to operating effectively and efficiently to provide quality lifestyle opportunities that encourage population growth and development'*

## AGENDA

For The  
Ordinary Meeting of Council  
To Be Held On

Thursday  
28<sup>th</sup> May

At 5:00pm

Council Chambers  
39 Bannister Rd, Boddington

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In particular and with derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Boddington during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Boddington. The Shire of Boddington warns that anyone who has an application lodged with the Shire of Boddington must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of that application and any conditions attaching to the decision made by the Shire of Boddington in respect of the application.

# Agenda

1.	DECLARATION OF OPENING:	4
2.	ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:	4
2.1.1	Attendance	4
2.1.2	Apologies	4
2.1.3	Leave of Absence	4
3.	DISCLOSURE OF FINANCIAL INTEREST:	4
4.	PUBLIC QUESTION TIME:	4
4.1	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:	4
4.2	WRITTEN QUESTIONS PROVIDED IN ADVANCE:	5
4.3	PUBLIC QUESTIONS FROM THE GALLERY:	5
5.	PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS:	5
6.	CONFIRMATION OF MINUTES:	5
6.1.1	Ordinary Meeting of Council held on Thursday 16 April 2020	5
6.1.2	Special Meeting of Council held on Thursday 21 May 2020	5
7.	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:	5
8.	REPORTS OF OFFICERS AND COMMITTEES:	6
8.1	PLANNING CONSULTANT:	6
8.2	MANAGER FINANCIAL SERVICES:	6
8.2.1	Monthly Financial Statements – April 2020	6
8.2.2	List of Payments – April 2020	19
8.3	PRINCIPAL ENVIRONMENTAL HEALTH OFFICER/ BUILDING SURVEYOR:	21
8.4	MANAGER WORKS & SERVICES:	21
8.5	DIRECTOR CORPORATE & COMMUNITY SERVICES:	21
8.5.1	National Redress Scheme – Participation of WA Local Governments	21
8.5.2	Elected Member and Chief Executive Officer Attendance At Events Policy	49
8.5.3	Elected Member Continuing Professional Development Policy	67
8.6	CHIEF EXECUTIVE OFFICER:	73
8.6.1	Action Sheet	73
8.6.2	Actions Performed Under Delegated Authority for the Month of April 2020	74
8.6.3	Review of Local Laws	77
9.	ELECTED MEMBERS' MOTION OF WHICH PREVIOUS MOTION HAS BEEN GIVEN:	79
10.	URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:	79
11.	CONFIDENTIAL ITEM:	79
11.1.1	Confidential – Request for Rent Relief – for lease of Shire Building	79
12.	CLOSURE OF MEETING:	79

1. DECLARATION OF OPENING:

I acknowledge that this meeting is being held on the traditional lands of the Noongar people.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

2.1.1	Attendance
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2.1.2	Apologies
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Nil at this time.

2.1.3	Leave of Absence
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Nil at this time.

3. DISCLOSURE OF FINANCIAL INTEREST:

Nil at this time.

4. PUBLIC QUESTION TIME:

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:

Response to Mrs Katrina Dyson to her question from the 16 April 2020 council meeting:

I would like to pose a question to the councillors please - Is it the intention of the Council to provide any assistance to tenants of Shire buildings and facilities due to COVID-19 virus?

The Shire President McSwain invited the Chief Executive Officer Mr Littlemore to respond.

Mr Littlemore, CEO:

Although an item presented to Council tonight does not specifically address this question, it does make reference that there will be additional provisions. This question will be taken on notice at the next Council meeting.

NOTE: Council resolution 37/20 – Item 8.6.4 of the April 2020 Ordinary Meeting outlined a list of assistance measures to be available to the Boddington Community including

supporting debtors experiencing hardship with a range of options to assist in payment and allocating a COVID 19 Emergency Fund of \$20,000 delegated to the Chief Executive Officer to be used for COVID 19 related projects and relief. As a result, all of the tenancies of Council owned properties were reviewed and it was determined that there was only one Council owned property that warranted assistance being provided to the tenant in relation to rent and that is being dealt with in the confidential business section of this council meeting.

#### 4.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:

Nil at this time.

#### 4.3 PUBLIC QUESTIONS FROM THE GALLERY:

#### 5. PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS:

Nil at this time.

#### 6. CONFIRMATION OF MINUTES:

6.1.1	Ordinary Meeting of Council held on Thursday 16 April 2020.
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That the minutes of the Ordinary Meeting of Council held on Thursday 16<sup>th</sup> April 2020 be confirmed as a true record of proceedings.

6.1.2	Special Meeting of Council held on Thursday 21 May 2020.
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That the minutes of the Special Meeting of Council held on Thursday 21<sup>st</sup> May 2020 be confirmed as a true record of proceedings.

#### 7. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:

## 8. REPORTS OF OFFICERS AND COMMITTEES:

### 8.1 PLANNING CONSULTANT:

Nil at this time.

### 8.2 MANAGER FINANCIAL SERVICES:

#### 8.2.1 Monthly Financial Statements – April 2020

Disclosure of Interest: Nil  
Date: 11 May 2020  
Author: J Rendell – Manager Financial Services  
Attachments: 8.2.1A Financial Statements – April 2020

#### Summary

**Council is to consider Monthly Financial Reports for April 2020.**

#### Background

In accordance with Local Government (Financial Management) Regulations 1996 Council is to adopt Monthly Financial Report including the Operating Statement, Statement of Financial Position at the end of each month. Council has also wishes to consider a summary of financial reconciliations on a monthly basis.

Councillors have the opportunity to query financials before the meeting to satisfy themselves before the item comes before Council.

#### Comment

The Operating Statement, Statement of Financial Position, Statement of Cash flow, Statement of Financial Activity and Summary of Reconciliations are submitted for the month of April 2020.

### **FINANCIAL SUMMARY YEAR TO DATE APRIL 2020**

The following commentary is provided to assist in the understanding of Councils financial position. It is emphasised that the comparatives and comments are relative to the YTD budget and are against the revised budget. The operating result is in line with budget expectations and year 1 of the Long Term Financial plan (LTFP), so augers well in both the longer and short term financial performance and direction.

### **OPERATING RESULT**

#### **REVENUE**

**Revenue** is 1.8% or \$111k unfavourable to budget. Within the main items, the following is noted:-

- **Operating Grants** is 7.0% or \$32k unfavourable to budget
- **Fees & Charges** is 3.8% or \$41k unfavourable to budget, mainly due to childcare fees and the impact of Covid 19.
- **Interest Earnings** is 15.5% or \$16k unfavourable to budget, due to lower cash rate (set at .25%)
- **Other Revenue** is 8.4% or \$8k favourable to budget.

## EXPENDITURE

**Expenditure** is 1.7% or \$106k favourable to budget within the main items, the following is noted:-

- **Employee costs** are 0.2% or \$5k unfavourable to budget.
- **Materials and contracts** are collectively 7.1% or \$115k favourable to budget.
- **Utility charges** are 14.8% or \$39k unfavourable to budget.
- **Depreciation expense** is 0.9% or \$17k favourable to budget.
- **Insurance expenses** is 2.4% or \$6k favourable to budget.
- **Other expenditure** is 4.1% or \$5k favourable to budget.

## NET RESULT

The net result is 1.4% or \$5k unfavourable result to budget, due to total revenue being \$111k unfavourable and expenditure being \$106k favourable to budget.

## FINANCIAL SUMMARY YEAR TO DATE APRIL 2020

### CAPITAL ITEMS

Capital revenue is \$115k favourable to YTD budget.

Capital expenditure is 35% or \$1,058k favourable to budget. For a more detailed understanding refer to the Capital Expenditure by Asset Class report. In some cases there is a direct relationship between Capital income and Capital expenditure. Included within this year is an amount of \$3.96M for Councillor New Initiatives in accord with items contained in the Strategic Community Plan, which shows \$861k being spent year to date.

### FUNDING ITEMS

Repayment of loan principal is on budget.

### CASH & INVESTMENTS

Cash and investments sits at \$5.1M, this represents a decrease of \$0.6M from the previous month, mainly due to significant rate income being received. It is emphasised however that the majority of funds is tagged as "restricted" and therefore cannot form part of Council's unrestricted or free cash, this will be disclosed at final year end in the Annual financial statements embedded in the Annual Report.

## SUMMARY

The overall financial result 212.3% or \$1,141k favourable to budget.

The result is pleasing in that the Shire of Boddington finances are in line with both the annual budget and long term financial plan, and augers well for the financial sustainability, additionally it indicates that the financial reform undertaken over the last 3 years is bringing favourable as anticipated results.

Statutory Environment - Local Government (Financial Management) Regulations 1996

OFFICER'S RECOMMENDATION – 8.2.1
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That Council adopt the:

1. monthly financial statements for the period ending 30 April 2020; and
2. summary of reconciliations for the period ending 30 April 2020.



# ATTACHMENT 8.2.1A

## SHIRE OF BODDINGTON

Interim - Financial Reports for the period ended

30-Apr-20

<b>Report Type</b>	<b>Page No.</b>
Summary of Financial Activity	1
Comprehensive Income Statement by Nature/type	2
Comprehensive Income Statement by Programme	3
Rate Setting Statement	4
Statement of Financial Position	5
Loan Repayments & Net Current Asset Position	6
Capital Expenditure by Asset type	7
Existing Buildings Capital Expenditure by Jobs	8
Financial Graphs	9

# ATTACHMENT 8.2.1A

SHIRE OF BODDINGTON						
SUMMARY OF FINANCIAL ACTIVITY by Nature or Type						
Provisional - for the period ended						
30-Apr-20						
	2019/20 Budget				Variance	% Variance
	Proposed	Amended	YTD Budget	Actual YTD	YTD	YTD
<b>Opening Funding Surplus (Deficit)</b>	279,975	308,681	308,681	308,681	-	0.0%
<b>Revenue</b>						
Rates	4,580,000	4,580,000	4,577,762	4,543,706	-	-0.7%
Operating Grants, Subsidies and Contributions	550,704	499,781	463,315	430,990	-	-7.0%
Fees and Charges	1,274,019	1,241,734	1,075,165	1,033,920	-	-3.8%
Interest Earnings	132,779	124,269	103,540	87,470	-	-15.5%
Other Revenue	56,478	117,040	97,970	106,227	-	8.4%
Profit from Asset Sales	-	28,505	28,503	32,559	-	14.2%
<b>OPERATING INCOME</b>	<b>6,593,981</b>	<b>6,591,329</b>	<b>6,346,255</b>	<b>6,234,872</b>	<b>-</b>	<b>-1.8%</b>
<b>Expenses</b>						
Employee Costs	- 2,746,307	- 2,603,026	- 2,102,873	- 2,108,096	-	-0.2%
Materials and Contracts	- 1,793,894	- 1,852,518	- 1,620,011	- 1,505,053	-	7.1%
Utility Charges	- 339,677	- 331,440	- 260,127	- 298,630	-	-14.8%
Depreciation on Non-Current Assets	- 2,087,079	- 2,207,381	- 1,839,370	- 1,822,310	-	0.9%
Interest Expenses	- 89,044	- 89,044	- 62,657	- 64,512	-	-3.0%
Insurance Expenses	- 247,880	- 229,157	- 229,138	- 223,594	-	2.4%
Loss on Asset Sales	- 16,800	- 16,800	- 16,800	- 7,692	-	54.2%
Other Expenditure	- 162,795	- 154,816	- 116,583	- 111,809	-	4.1%
<b>OPERATING EXPENDITURE</b>	<b>- 7,483,476</b>	<b>- 7,484,182</b>	<b>- 6,247,559</b>	<b>- 6,141,696</b>	<b>-</b>	<b>1.7%</b>
<b>Net Result (incl. c/f surplus position)</b>	<b>- 609,520</b>	<b>- 584,173</b>	<b>407,377</b>	<b>401,857</b>	<b>-</b>	<b>-1.4%</b>
<b>Adjustments for Non-Cash items</b>						
Depreciation	2,087,079	2,207,381	1,839,370	1,822,310	-	-0.9%
Loss on Asset Disposals	16,800	16,800	16,800	7,692	-	-54.2%
(Profit) on Asset Disposals	-	28,505	-	32,559	-	14.2%
Provisions and Accruals	-	-	-	-	-	-
	<b>2,103,879</b>	<b>2,195,676</b>	<b>1,827,667</b>	<b>1,797,443</b>	<b>-</b>	<b>-1.7%</b>
<b>Net Result before funding and Capex items</b>	<b>1,494,359</b>	<b>1,611,503</b>	<b>2,235,044</b>	<b>2,199,300</b>	<b>-</b>	<b>-1.6%</b>
<b>Capital Income and Expenditure</b>						
Non-operating Grants & contributions	1,862,779	1,884,565	328,064	443,085	115,021	35.1%
Purchase Land & Buildings	- 180,000	- 211,900	- 211,898	- 224,816	-	-6.1%
Purchase Plant & Equipment	- 713,185	- 712,185	- 411,111	- 283,691	-	31.0%
Purchase Roads, Streets & Bridges	- 2,080,970	- 2,140,970	- 634,979	- 566,520	-	10.8%
Purchase Other Infrastructure	- 35,000	- 76,694	- 68,986	- 48,034	-	30.4%
New Initiatives	- 3,936,881	- 2,998,803	- 1,714,722	- 861,059	-	49.8%
Proceeds from Asset Sales	184,500	184,500	105,000	106,993	-	-1.9%
<b>Net Capital Items</b>	<b>- 4,898,757</b>	<b>- 4,071,487</b>	<b>- 2,608,632</b>	<b>- 1,434,041</b>	<b>1,174,591</b>	<b>45.0%</b>
<b>Funding Items</b>						
Proceeds from New loans	1,000,000	1,000,000	-	-	-	-
Repayment of Loan Principal	- 240,532	- 240,532	- 163,660	- 161,776	-	1.2%
Self Supporting Loan Principal Income	-	-	-	-	-	-
<b>Total Funding Items</b>	<b>759,468</b>	<b>759,468</b>	<b>- 163,660</b>	<b>- 161,776</b>	<b>1,884</b>	<b>1.2%</b>
<b>Reserve Items</b>						
Transfers to Reserves	- 17,519	- 1,017,519	-	-	-	#DIV/0!
Transfers from Reserves	2,953,482	3,004,216	-	-	-	#DIV/0!
<b>Net Reserve movement</b>	<b>2,935,963</b>	<b>1,986,697</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>#DIV/0!</b>
<b>Closing Funding Surplus (Deficit)</b>	<b>291,034</b>	<b>286,182</b>	<b>- 537,247</b>	<b>603,483</b>	<b>1,140,731</b>	<b>-212.3%</b>

# ATTACHMENT 8.2.1A

SHIRE OF BODDINGTON						
STATEMENT OF COMPREHENSIVE INCOME BY NATURE/TYPE						
Provisional - for the period ended						
30-Apr-20						
	2019/20 Budget			Actual YTD	Variance YTD	% Variance YTD
	Proposed	Amended	YTD Budget			
<b>Revenue</b>						
Rates	4,580,000	4,580,000	4,577,762	4,543,706	-	-0.7%
Operating Grants, Subsidies and Contributions	550,704	499,781	463,315	430,990	-	-7.0%
Fees and Charges	1,274,019	1,241,734	1,075,165	1,033,920	-	-3.8%
Interest Earnings	132,779	124,269	103,540	87,470	-	-15.5%
Other Revenue	56,478	117,040	97,970	106,227	-	8.4%
<b>OPERATING INCOME</b>	<b>6,593,981</b>	<b>6,562,824</b>	<b>6,317,752</b>	<b>6,202,313</b>	<b>-</b>	<b>-1.8%</b>
<b>Expenses</b>						
Employee Costs	-	2,746,307	-	2,603,026	-	-2.1%
Materials and Contracts	-	1,793,894	-	1,852,518	-	7.1%
Utility Charges	-	339,677	-	331,440	-	-2.4%
Depreciation on Non-Current Assets	-	2,087,079	-	2,207,381	-	9.9%
Interest Expenses	-	89,044	-	89,044	-	0.0%
Insurance Expenses	-	247,880	-	229,157	-	-7.3%
Other Expenditure	-	162,795	-	154,816	-	-4.8%
<b>OPERATING EXPENDITURE</b>	<b>-</b>	<b>7,466,676</b>	<b>-</b>	<b>7,467,382</b>	<b>-</b>	<b>0.0%</b>
Net Result before Capital Income	-	872,695	-	904,559	-	3.5%
Non-Op. Grants, Subsidies and Contributions	1,862,779	1,884,565	328,064	443,085	115,021	35.0%
Profit on Asset Disposals	-	-	28,503	32,559	4,056	14.2%
Loss on Asset Disposals	-	16,800	-	16,800	-	0.0%
<b>OTHER</b>	<b>1,845,979</b>	<b>1,896,270</b>	<b>339,767</b>	<b>467,952</b>	<b>128,185</b>	<b>37.7%</b>
<b>NET RESULT</b>	<b>973,284</b>	<b>991,712</b>	<b>426,760</b>	<b>536,261</b>	<b>109,501</b>	<b>25.7%</b>
<b>Other Comprehensive Income</b>						
Changes on Revaluation of Non-Current Assets	-	-	-	-	-	-
<b>Total Other Comprehensive Income</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>TOTAL COMPREHENSIVE INCOME</b>	<b>973,284</b>	<b>991,712</b>	<b>426,760</b>	<b>536,261</b>	<b>109,501</b>	<b>25.7%</b>

# ATTACHMENT 8.2.1A

SHIRE OF BODDINGTON STATEMENT OF COMPREHENSIVE INCOME BY PROGRAM Provisional - for the period ended							30-Apr-20
	2018/19 Budget			Actual YTD	Variance YTD	% Variance YTD	
	Proposed	Amended	YTD Budget				
<b>Revenue</b>							
Governance	4,931,865	4,874,689	4,811,368	4,756,283 -	55,085	-1.1%	
General Purpose Funding	59,287	76,495	63,710	62,611 -	1,099	-1.7%	
Law, Order, Public Safety	94,777	199,041	195,338	179,219 -	16,119	-8.3%	
Health	29,538	25,334	24,834	16,570 -	8,264	-33.3%	
Education and Welfare	612,089	515,048	431,900	407,287 -	24,613	-5.7%	
Housing	6,812	24,421	20,340	19,778 -	562	-2.8%	
Community Amenities	335,446	313,020	297,400	282,163 -	15,237	-5.1%	
Recreation and Culture	69,928	62,666	45,450	37,001 -	8,449	-18.6%	
Transport	122,247	155,600	155,597	173,918	18,321	11.8%	
Economic Services	299,293	256,422	218,857	210,078 -	8,779	-4.0%	
Other Property and Services	32,700	88,593	81,461	89,965	8,504	10.4%	
	<b>6,593,981</b>	<b>6,591,329</b>	<b>6,346,255</b>	<b>6,234,872 -</b>	<b>111,383</b>	<b>-1.8%</b>	
<b>Expenses excluding Finance Costs</b>							
Governance	9,862 -	5,914 -	1,790	13,771	15,561	869.3%	
General Purpose Funding	- 34,368 -	- 25,000 -	- 20,820 -	- 19,898	922	4.4%	
Law, Order, Public Safety	- 474,054 -	- 592,172 -	- 509,368 -	- 483,185	26,183	5.1%	
Health	- 210,125 -	- 259,846 -	- 214,597 -	- 206,162	8,435	3.9%	
Education and Welfare	- 816,185 -	- 837,044 -	- 685,292 -	- 608,661	76,631	11.2%	
Housing	- 37,409	- 113,412	- 93,641	- 16,672 -	76,969	82.2%	
Community Amenities	- 738,902 -	- 757,132 -	- 628,176 -	- 577,864	50,312	8.0%	
Recreation and Culture	- 1,745,353 -	- 1,836,982 -	- 1,538,590 -	- 1,540,721 -	2,131	-0.1%	
Transport	- 2,720,320 -	- 2,780,526 -	- 2,314,697 -	- 2,193,582	121,115	5.2%	
Economic Services	- 741,507 -	- 600,430 -	- 504,094 -	- 471,227	32,867	6.5%	
Other Property and Services	- 39,109	- 186,496	- 138,881 -	- 6,328 -	145,209	104.6%	
	<b>- 7,394,434 -</b>	<b>- 7,395,137 -</b>	<b>- 6,184,902 -</b>	<b>- 6,077,184</b>	<b>107,718</b>	<b>1.7%</b>	
<b>Finance Costs</b>							
Governance	- 26,285 -	- 26,285 -	- 13,142 -	- 13,771	629		
General Purpose Funding	-	-	-	-	-		
Law, Order, Public Safety	-	-	-	-	-		
Health	-	-	-	-	-		
Education and Welfare	- 8,354 -	- 8,354 -	- 8,352 -	- 8,354	2		
Housing	- 28,691 -	- 28,691 -	- 15,449 -	- 16,672	1,223	-7.9%	
Community Amenities	-	-	-	-	-		
Recreation and Culture	- 25,715 -	- 25,715 -	- 25,714 -	- 25,715	1		
Transport	-	-	-	-	-		
Economic Services	-	-	-	-	-		
Other Property and Services	-	-	-	-	-		
	<b>- 89,044 -</b>	<b>- 89,044 -</b>	<b>- 62,657 -</b>	<b>- 64,512</b>	<b>1,855</b>	<b>-3.0%</b>	
Net Result before Capital Income	- 889,497 -	- 892,853	- 98,696	- 93,176 -	1,811		
<b>Non Operating Grants, Subsidies and Contributions</b>							
General Purpose Funding	664,500	664,500	-	-	-		
Law, Order, Public Safety	-	-	-	-	-		
Education and Welfare	-	-	-	-	-		
Recreation and Culture	200,000	281,786	114,286	169,286	55,000		
Transport	998,279	1,038,279	313,778	373,799	60,021		
Economic Services	-	100,000 -	100,000 -	100,000 -	-		
Other Property and Services	-	-	-	-	-		
	<b>1,862,779</b>	<b>1,884,565</b>	<b>328,064</b>	<b>443,085</b>	<b>115,021</b>		
<b>Other Comprehensive Income</b>							
Changes on Revaluation of Non-Current Assets	-	-	-	-	-		
<b>TOTAL COMPREHENSIVE INCOME</b>	<b>973,282</b>	<b>991,712</b>	<b>426,760</b>	<b>536,261</b>	<b>109,501</b>	<b>25.7%</b>	

# ATTACHMENT 8.2.1A

SHIRE OF BODDINGTON RATE SETTING STATEMENT Provisional - for the period ended							30-Apr-20
	2019/20 Budget						
	Proposed	Amended	YTD Budget	Actual YTD	Variance YTD	% Variance YTD	
<b>Revenue</b>							
Operating Grants, Subsidies and Contributions	550,704	499,781	463,315	430,990 -	32,325	-7.0%	
Fees and Charges	1,274,019	1,241,734	1,075,165	1,033,920 -	41,245	-3.8%	
Interest Earnings	132,779	124,269	103,540	87,470 -	16,070	-15.5%	
Other Revenue	56,478	117,040	97,970	106,227	8,257	8.4%	
Profit from Asset Sales	-	28,505	28,503	32,559	4,056		
<b>Total Operating Revenue excluding Rates</b>	<b>2,013,981</b>	<b>2,011,329</b>	<b>1,768,493</b>	<b>1,691,167 -</b>	<b>77,327</b>	<b>-4.4%</b>	
<b>Expenses</b>							
Employee Costs	- 2,746,307 -	2,603,026 -	2,102,873 -	2,108,096 -	5,223	-0.2%	
Materials and Contracts	- 1,793,894 -	1,852,518 -	1,620,011 -	1,505,053 -	114,958	7.1%	
Utility Charges	- 339,677 -	331,440 -	260,127 -	298,630 -	38,503	-14.8%	
Depreciation on Non-Current Assets	- 2,087,079 -	2,207,381 -	1,839,370 -	1,822,310 -	17,060	0.9%	
Interest Expenses	- 89,044 -	89,044 -	62,657 -	64,512 -	1,855	-3.0%	
Insurance Expenses	- 247,880 -	229,157 -	229,138 -	223,594 -	5,544	2.4%	
Loss on Asset Sales	- 16,800 -	16,800 -	16,800 -	7,692 -	9,108		
Other Expenditure	- 162,795 -	154,816 -	116,583 -	111,809 -	4,774	4.1%	
<b>Operating Expenditure</b>	<b>- 7,483,476 -</b>	<b>- 7,484,181 -</b>	<b>- 6,247,559 -</b>	<b>- 6,141,696 -</b>	<b>105,863</b>	<b>1.7%</b>	
<b>Operating Result Excluding Rates Income</b>	<b>+ 5,469,495 -</b>	<b>+ 5,472,853 -</b>	<b>+ 4,479,066 -</b>	<b>+ 4,450,529 -</b>	<b>28,536</b>	<b>1%</b>	
<b>Adjustments for Non-Cash Items</b>							
Depreciation	2,087,079	2,207,381	1,839,370	1,822,310 -	17,060	0.9%	
(Profit)/Loss on Asset Disposals	16,800 -	11,705 -	11,703 -	24,867 -	13,164		
Provisions & Accruals	-	-	-	-	-		
	<b>2,103,879</b>	<b>2,195,676</b>	<b>1,827,667</b>	<b>1,797,443 -</b>	<b>30,224</b>	<b>1.7%</b>	
<b>Capital Income and Expenditure</b>							
Purchase of Capital Expenditure	- 6,946,036 -	6,140,552 -	3,041,696 -	1,984,119 -	1,057,577	34.8%	
Non-operating Grants & contributions	1,862,779	1,884,565	328,064	443,085	115,021		
Proceeds from Asset Sales	184,500	184,500	105,000	106,993	1,993	-1.9%	
	<b>- 4,898,757 -</b>	<b>- 4,071,487 -</b>	<b>- 2,608,632 -</b>	<b>- 1,434,041 -</b>	<b>1,174,591</b>	<b>45.0%</b>	
<b>Funding &amp; Reserve Items</b>							
Proceeds from New loans	1,000,000	1,000,000	-	-	-		
Repayment of Loan Principal	- 240,532 -	240,532 -	163,660 -	161,776 -	1,884	1.2%	
Transfers to Reserves	- 17,519 -	1,017,519 -	-	-	-		
Transfers from Reserves	2,953,482	3,004,216	-	-	-		
	<b>3,695,431</b>	<b>2,746,165 -</b>	<b>163,660 -</b>	<b>161,776 -</b>	<b>1,884</b>	<b>1.2%</b>	
Estimated Surplus/(Deficit) July 1 B/Fd.	279,974	308,681	308,681	308,681	-		
Estimated Surplus/(Deficit) C/F or YTD.	291,034	286,182 -	537,247	603,483 -	1,140,731	-212.3%	
<b>Amount required from General Rate</b>	<b>- 4,580,000 -</b>	<b>- 4,580,000 -</b>	<b>- 4,577,762 -</b>	<b>- 4,543,706 -</b>	<b>34,056</b>	<b>-0.7%</b>	

ATTACHMENT 8.2.1A

<b>SHIRE OF BODDINGTON</b>		
<b>STATEMENT OF FINANCIAL POSITION</b>		
<b>Provisional - for the period ended</b>		
	30-Jun-19	30-Apr-20
	<b>Audited</b>	<b>YTD Actual</b>
<b>CURRENT ASSETS</b>		
Cash and Cash Equivalents	5,052,930	5,052,731
Equity Reserve Investments	-	-
Trade & Other Receivables	559,135	679,295
Inventories	-	-
<b>TOTAL CURRENT ASSETS</b>	<b>5,612,065</b>	<b>5,732,026</b>
<b>NON CURRENT ASSETS</b>		
Trade and Other Receivables	30,934	30,934
Property Plant & Equipment	29,841,540	29,707,423
Land Held for Resale	-	-
Infrastructure	53,384,328	53,572,673
<b>TOTAL NON CURRENT ASSETS</b>	<b>83,256,802</b>	<b>83,311,030</b>
<b>TOTAL ASSETS</b>	<b>88,868,868</b>	<b>89,043,056</b>
<b>CURRENT LIABILITIES</b>		
Trade & Other Payables	662,214	371,743
Employee Provisions	323,626	323,626
Borrowings	240,532	78,756
Trusts	-	90,174
<b>TOTAL CURRENT LIABILITIES</b>	<b>1,226,372</b>	<b>864,300</b>
<b>NON CURRENT LIABILITIES</b>		
Trade & Other Payables - Specific	300,000	300,000
Borrowings	1,818,039	1,818,040
Employee Provisions	45,024	45,024
<b>TOTAL NON CURRENT LIABILITIES</b>	<b>2,163,063</b>	<b>2,163,064</b>
<b>TOTAL LIABILITIES</b>	<b>3,389,435</b>	<b>3,027,364</b>
<b>EQUITY</b>		
Retained Earnings	32,701,686	33,237,948
Reserves Cash Backed	4,365,804	4,365,802
Revaluation Reserve	48,411,940	48,411,942
<b>TOTAL EQUITY</b>	<b>85,479,432</b>	<b>86,015,692</b>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>88,868,868</b>	<b>89,043,056</b>

ATTACHMENT 8.2.1A

LOAN PRINCIPAL REPAYMENTS

COA	Description	IE Summary	Inc/Exp Analysis Summary	Original Budget	Amended	YTD Budget	YTD Actual
3042460	PRINCIPAL ON LOAN 105	71	Other Expenses	\$126,681	\$126,681	\$63,340.50	\$62,712
2113200	LOAN 106 - REC CENTRE	71	Other Expenses	\$0	\$0	\$0.00	\$0
3074200	PRINCIPAL LOAN 83	71	Other Expenses	\$11,373	\$11,373	\$11,373.00	\$10,332
3083000	PRINCIPAL ON LOAN 100	71	Other Expenses	\$15,710	\$15,710	\$15,710.00	\$15,710
3091402	PRINCIPAL ON LOAN 91	71	Other Expenses	\$0	\$0	\$0.00	\$0
3091460	PRINCIPAL ON LOAN 94	71	Other Expenses	\$13,437	\$13,437	\$6,718.50	\$6,612
3091470	PRINCIPAL ON LOAN 97	71	Other Expenses	\$13,627	\$13,627	\$6,813.50	\$6,705
3113046	PRINCIPAL - LOAN 103	71	Other Expenses	\$0	\$0	\$0.00	\$0
3113048	PRINCIPAL - LOAN 106 REC CENTRE	71	Other Expenses	\$59,704	\$59,704	\$59,704.00	\$59,704
3121100	PRINCIPAL LOAN 102	71	Other Expenses	\$0	\$0	\$0.00	\$0
<b>TOTAL</b>				<b>\$240,532</b>	<b>\$240,532</b>	<b>\$163,660</b>	<b>\$161,776</b>

MOVEMENT NET CURRENT ASSET POSITION - RECONCILIATION

	2019/20 Budget		Actual YTD
	Approved	Forecast	
<b>NCA Items from Statement of Financial Activity</b>			
Current Assets	3,647,169	3,647,169	5,754,829
Less: Current Liabilities	- 412,044	- 412,044	- 785,543
Add: Restricted Assets/Principal Repayment	- 2,946,301	- 2,946,301	- 4,365,802
<b>Net Current Assets</b>	<b>288,823</b>	<b>288,823</b>	<b>603,484</b>
<b>REPRESENTED BY - (From Financial Position) Movement</b>			
Net Current Assets	288,823	288,823	603,484
<b>REPRESENTED BY - (From Rate Setting Statement) Movement</b>			
Closing Surplus Position	291,034	286,182	603,483
<b>Net Current Assets</b>	<b>291,034</b>	<b>286,182</b>	<b>603,483</b>

ATTACHMENT 8.2.1A

SHIRE OF BODDINGTON		SHIRE OF BODDINGTON				
Printed : at 9:11 AM on 14/05/2020		CAPITAL EXPENDITURE BY ASSET CLASS				
		Provisional - for the period ended				30-Apr-20
COA	Description	Asset Type	Budget	Amended	YTD Budget	YTD Actual
3042202	EXISTING BUILDINGS 17/18	Land & Buildings	180,000	211,900	211,898	224,816
3132008	VISITOR CENTRE	Land & Buildings	-	-	-	-
		<b>Land &amp; Buildings Total</b>	<b>180,000</b>	<b>211,900</b>	<b>211,898</b>	<b>224,816</b>
3102201	REFUSE SITE	Other Infrastructure	10,000	-	-	-
3105050	OVALS PARKS & CEMETERIES	Other Infrastructure	25,000	25,000	17,300	-
3113000	CCTV PROJECT CAPITAL EXPENDITURE	Other Infrastructure	-	31,786	31,785	32,434
3113082	DAM IMPROVEMENTS - WATER TO OVAL	Other Infrastructure	-	19,908	19,901	15,600
		<b>Other Infrastructure Total</b>	<b>35,000</b>	<b>76,694</b>	<b>68,986</b>	<b>48,034</b>
3042209	COMPUTER EQUIPMENT	Plant & Equip	25,000	25,000	20,830	9,770
3042208	OFFICE EQUIPMENT	Plant & Equip	25,000	25,000	8,250	-
3042219	VEHICLE COST UPGRADE	Plant & Equip	251,000	251,000	82,830	35,264
3051220	Fire Tender Boddington	Plant & Equip	-	-	-	10,255
3121096	LOADER	Plant & Equip	215,000	214,000	214,000	214,000
3121097	TRACTOR	Plant & Equip	30,000	30,000	9,900	-
3121066	ROAD SWEEPER & MINI DIGGER	Plant & Equip	127,185	127,185	41,971	-
3139302	MINOR CAPITAL ITEMS	Plant & Equip	40,000	40,000	33,330	14,402
		<b>Plant &amp; Equip Total</b>	<b>713,185</b>	<b>712,185</b>	<b>411,111</b>	<b>283,691</b>
3121086	Main Roads Bridge Program	Roads Infrastructure	1,329,000	1,329,000	-	-
3112220	CULVERTS & DRAINAGE	Roads Infrastructure	100,000	100,000	69,200	19,011
3121090	ROADS TO RECOVERY	Roads Infrastructure	133,779	133,779	133,778	-
3121704	RESEALS - MUNI	Roads Infrastructure	146,221	146,221	48,251	40,183
3121710	GRAVEL ROAD RESHEETS	Roads Infrastructure	-	-	-	-
3121800	ROAD CONST. - RRG	Roads Infrastructure	300,000	360,000	360,000	478,882
3121803	FOOTPATHS	Roads Infrastructure	71,970	71,970	23,750	28,444
		<b>Roads Infrastructure Total</b>	<b>2,080,970</b>	<b>2,140,970</b>	<b>634,979</b>	<b>566,520</b>
3105225	BODDINGTON CEMETERY	Councillor New Initiatives	22,500	-	-	-
3112100	SKATEPARK	Councillor New Initiatives	700,000	700,000	484,400	27,389
3112205	PUMP TRACK	Councillor New Initiatives	618,750	618,750	204,187	-
3105250	NATURE PLAYGROUND	Councillor New Initiatives	400,000	400,000	132,000	-
3105500	FORESHORE LANDSCAPE/DESIGN	Councillor New Initiatives	1,042,750	1,042,750	721,585	711,649
3113010	LOVING RANFORD	Councillor New Initiatives	30,000	48,716	40,600	15,676
3113205	TULLIS BRIDGE PROJECT	Other Infrastructure	1,000,000	-	-	-
3113005	RANFORD POOL INFO BAY/ENTRY STATEMENTS	Councillor New Initiatives	10,623	12,501	10,400	4,315
3113120	OTHER COUNCILLOR INITIATIVES	Councillor New Initiatives	27,082	50,000	16,500	2,636
3132030	WATER TO RANFORD CAPEX	Councillor New Initiatives	-	710	590	-
3146203	ENTRY STATEMENTS & PUBLIC ART	Councillor New Initiatives	85,176	125,376	104,460	99,394
		<b>Councillor New Initiatives Total</b>	<b>3,936,881</b>	<b>2,998,803</b>	<b>1,714,722</b>	<b>861,059</b>
		<b>Grand Total</b>	<b>6,946,036</b>	<b>6,140,552</b>	<b>3,041,696</b>	<b>1,984,119</b>



## ATTACHMENT 8.2.1A

## CAPITAL EXPENDITURE - EXISTING BUILDINGS - By JOBS

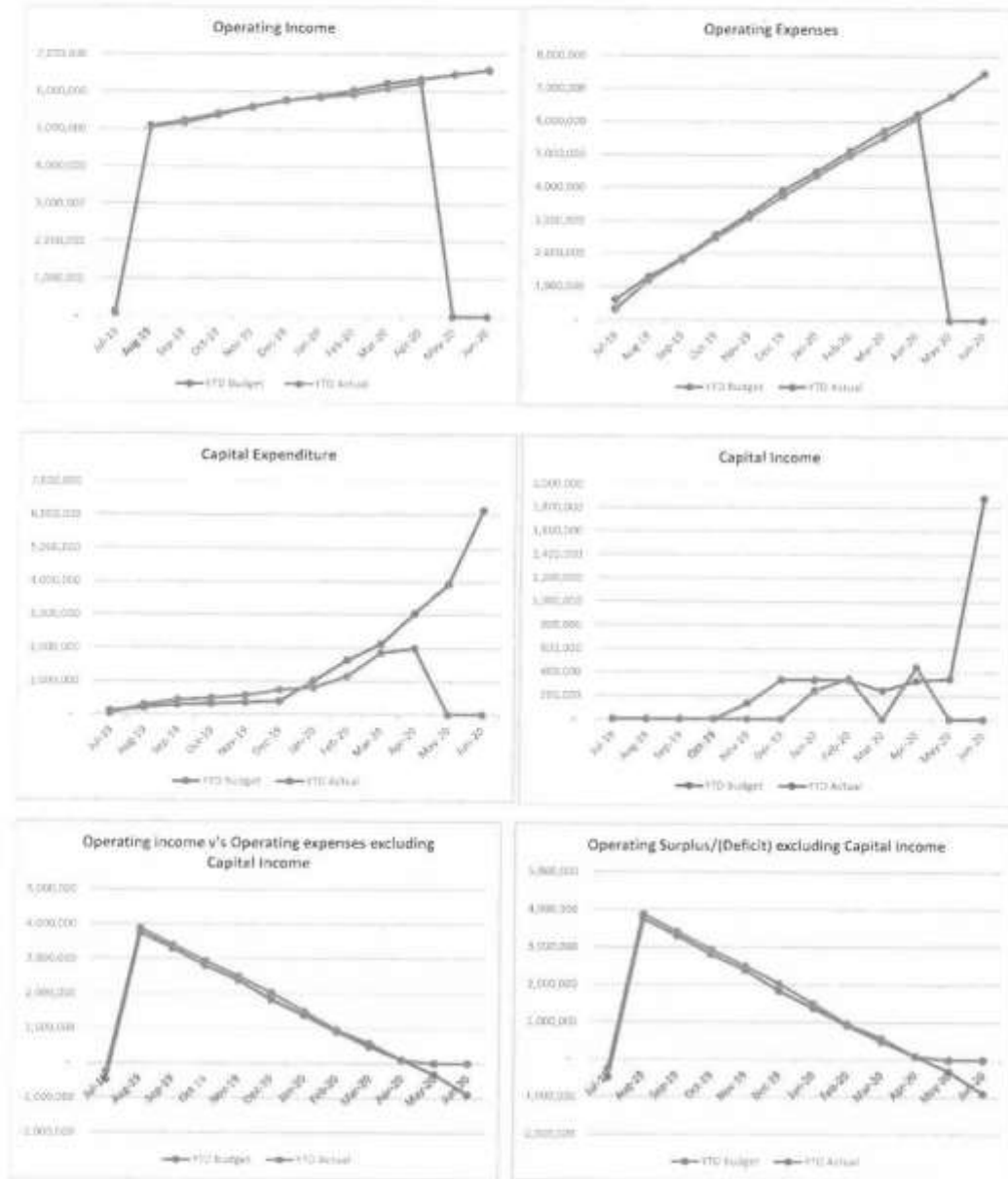
30-Apr-20

Job	Description	Original Budget	Amended	YTD Budget	YTD Actual
BAC1999	Bannister Road Shire Office - Capital	-	-	-	-
BCC1028	Pollard Street Child Care Centre - Capital	-	-	-	-
BCC1029	Johnstone Street Community Newspaper - Capital	-	-	-	-
BCC1999	Bannister Road - Caravan Park Caretaker Residence - Capital	-	-	-	-
BCC3999	Bannister Road - Caravan Park Caretaker Residence - Capital	-	-	-	-
BDC1015	Farmer Ave - Depot Lunch Room - Capital	-	-	-	-
BDC2015	Farmer Ave - Depot Lunch Room - Capital	-	-	-	-
BEC1029	Johnstone Street Emergency Services Shed - Capital	-	-	-	-
BFC1039	Wurraming Ave - Foreshore Toilet Block - Capital	-	-	-	-
BFC1049	Boddington Vbfb/Ses - Capital	-	3,750	3,749	3,721
BIC1024	Hotham Street Ic Unit 1 - Capital	-	-	-	-
BIC2024	Hotham Street Ic Unit 2 - Capital	-	-	-	-
BIC3024	Hotham Street Ic Unit 3 - Capital	-	2,650	2,649	2,640
BIC4024	Hotham Street Ic Unit 4 - Capital	-	-	-	-
BMC1024	Hotham Street Medical Centre - Capital	-	43,000	43,000	53,577
BOC1025	Forrest Street Old School - Main Classroom - Capital	-	-	-	-
BOC2025	Forrest Street Old School - Main Classroom - Capital	-	15,000	15,000	14,950
BOC3025	Forrest Street Old School Storeroom - Capital	-	-	-	-
BOC4025	Forrest Street Old School - Main Classroom - Capital	-	-	-	-
BPC1999	Bannister Road Public Toilets - Capital	-	-	-	-
BRC1025	Forrest Street Retirement Unit 1 - Capital	-	-	-	-
BRC2025	Forrest Street Retirement Unit 2 - Capital	-	-	-	-
BRC3025	Forrest Street Retirement Unit 3 - Capital	-	-	-	-
BRC4025	Forrest Street Retirement Unit 4 - Capital	-	-	-	-
BRC1999	Bannister Road Recreation Centre - Capital	-	-	-	-
BRC4040	Hakea Road Rodeo Grounds - Mens Toilets - Capital	-	72,000	72,000	71,741
BRC5040	Hakea Road Rodeo Grounds Ablutions No 2 - Capital	-	60,000	60,000	59,923
BSC1027	Hill Street 34 (Staff Housing) - Capital	-	-	-	-
BSC1028	Pollard Street Swimming Pool Ablutions - Capital	-	-	-	-
BSC1045	Pecan Place 3 (Staff Housing) - Capital	-	-	-	-
BSC1050	Prussian Way 20 (Staff Housing) - Capital	-	-	-	-
BSC1054	Blue Gum Close 15 (Staff Housing) - Capital	-	-	-	-
BSC1063	Club Drive Sporting Complex - Capital	-	15,500	15,500	15,363
BSC2029	Johnstone Street 46 (Staff Housing) - Capital	-	-	-	-
BSC2054	Blue Gum Close 16 (Staff Housing) - Capital	-	-	-	-
BSC3028	Pollard Street Swimming Pool Kiosk/Pump Room - Capital	-	-	-	-
BTC1029	Community Hub Visitor Ctr - Capital	-	-	-	-
BVC1039	Johnstone Street Town Hall - Capital	-	-	-	2,900
BWC1013	Robins Road Waste Site Office - Capital	-	-	-	-
BYC1999	Bannister Road Youth Centre - Capital	-	-	-	-
<b>TOTAL EXISTING BUILDINGS</b>		-	<b>211,900</b>	<b>211,898</b>	<b>224,816</b>
<b>REPRESENTED BY:</b>					
COA					
<b>3042202 EXISTING BUILDINGS 17/18</b>		<b>180,000</b>	<b>211,900</b>	<b>211,898</b>	<b>224,816</b>

ATTACHMENT 8.2.1A

GRAPHICAL DISCLOSURE OF FINANCIAL PERFORMANCE  
For the period ended

30-Apr-20



J:\885\8885\Corporate Services\Manager Finance\Financial Reports\Council\2019-20\Mar 2020\Data for Graphs

## ATTACHMENT 8.2.2A

### 8.2.2 List of Payments – April 2020

Disclosure of Interest: Nil  
Date: 11 April 2020  
Author: J Rendell  
Attachments: 8.2.2A List of Payments – April 2020 (CONFIDENTIAL)

#### Summary

The Local Government (Financial Management) Regulations 1996 require the preparation of a List of Payments made from the Council's bank accounts.

#### Background

A list of the payments made in each month is to be prepared and presented to a meeting of Council in the following month.

This list of payments is to be reviewed by Council separately from the monthly financial statements. This will ensure that the requirement of the Financial Regulations for the list of payments made in one month to be presented to the Council meeting in the following month, will be met even if the financial statements are not presented to that meeting.

Councillors have the opportunity to query or inspect invoices before the meeting to satisfy themselves before the item comes before Council.

#### Comment

The List of Payments for the month of April 2020 is presented in Attachment 8.2.2A.

#### Statutory Environment

Local Government (Financial Management) Regulations 1996

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.
- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –
- (a) the payee's name; and
  - (b) the amount of the payment; and
  - (c) the date of the payment; and
  - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing –
- (a) for each account which requires council authorisation in that month –
    - (i) the payee's name; and
    - (ii) the amount of the payment; and
    - (iii) sufficient information to identify the transaction; and
  - (b) the date of the meeting of the council to which the list is to be presented.

## ATTACHMENT 8.2.2A

- (3) A list prepared under subregulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

Policy Implications - Nil

OFFICER'S RECOMMENDATION – 8.2.2
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That Council adopts the list of payments for the period ending 30 April 2020; at Attachment 8.2.2A.

### 8.3 PRINCIPAL ENVIRONMENTAL HEALTH OFFICER/ BUILDING SURVEYOR:

Nil at this time.

### 8.4 MANAGER WORKS & SERVICES:

Nil at this time.

### 8.5 DIRECTOR CORPORATE & COMMUNITY SERVICES:

8.5.1 National Redress Scheme – Participation of WA Local Governments
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File Ref. No:	GOVN 003
Disclosure of Interest:	Nil
Date:	29 April 2020
Author:	Graham Stanley & WALGA
Attachments:	8.5.1A Department of Local Government, Sport & Cultural Industries Information Paper - National Redress Scheme for Institutional Child Sexual Abuse

#### Summary

This item is for the Shire of Boddington to:

- Note the background information and the WA Government's decision in relation to the National Redress Scheme;
- Note the key considerations and administrative arrangements for the Shire of Boddington to participate in the National Redress Scheme;
- Formally endorse the Shire of Boddington's participation as part of the WA Government's declaration in the National Redress Scheme; and
- Grant authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received.

#### 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 Boddington) 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.<sup>1</sup>

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

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<sup>1</sup> Section 111(1)(b).

## DETAILS

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

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

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

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

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

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

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

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and

3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Shire of Boddington's participation in the Scheme.

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

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

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

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

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

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



Considerations for the Shire of Boddington.

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

1. Executing a Service Agreement

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

Shire of Boddington needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

3. Application Processing / Staffing and Confidentiality

Administratively the Shire of Boddington will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Shire of Boddington's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *The Act*.

## 5. Redress Decisions

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

### Consultation

Councillors discussed a report on this matter, put to the May 2020 Councillor Information and indicated that they would be willing to support the recommendations of this report.

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

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

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

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

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

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

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

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

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

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

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

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

#### Strategic implications

Nil

#### Statutory Implications

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

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

#### Financial implications

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

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

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

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

#### Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION – ITEM 8.5.1
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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 Boddington will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Shire of Boddington makes a specific and formal decision to be included;
- 3) Endorses the participation of the Shire of Boddington in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;
- 4) Grants authority to the Chief Executive Officer, Chris Littlemore, to execute a service agreement with the State, if a Redress application is received;
- 5) Notes that a confidential report will be provided if a Redress application is received by the Shire of Boddington.



Department of  
Local Government, Sport  
and Cultural Industries

# National Redress Scheme for Institutional Child Sexual Abuse

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Department of Local Government, Sport  
and Cultural Industries

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Information Paper

3 February 2020

## Contents

<b>1. SUMMARY - WA LOCAL GOVERNMENT: ROYAL COMMISSION AND REDRESS</b> .....	3
<b>2. CURRENT SITUATION - WA LOCAL GOVERNMENT PARTICIPATION IN THE NATIONAL REDRESS SCHEME</b> .....	4
CURRENT TREATMENT OF WA LOCAL GOVERNMENTS IN THE SCHEME .....	4
<b>3. CONSULTATION TO DATE WITH WA LOCAL GOVERNMENT SECTOR</b> .....	5
<b>4. WA GOVERNMENT DECISION - FUTURE PARTICIPATION OF WA LOCAL GOVERNMENTS IN THE NATIONAL REDRESS SCHEME</b> .....	7
KEY ASPECTS OF THE STATE'S DECISION .....	8
<b>5. CONSIDERATIONS FOR WA LOCAL GOVERNMENTS</b> .....	10
CONFIDENTIALITY .....	10
APPLICATION PROCESSING / STAFFING .....	10
RECORD KEEPING.....	10
REDRESS DECISIONS .....	11
MEMORIALS.....	11
<b>6. NEXT STEPS – PREPARATION FOR WA LOCAL GOVERNMENT PARTICIPATION IN THE SCHEME</b> .....	12
<b>ACKNOWLEDGEMENTS</b> .....	13
<b>FOR MORE INFORMATION</b> .....	13
<b>APPENDIX A</b> .....	14
ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE – FURTHER INFORMATION .....	14
THE WESTERN AUSTRALIAN GOVERNMENT RESPONSE TO THE ROYAL COMMISSION.....	15
<b>APPENDIX B</b> .....	16
NATIONAL REDRESS SCHEME - FURTHER INFORMATION.....	16
SURVIVORS IN THE COMMUNITY .....	17
TREATMENT OF LOCAL GOVERNMENTS BY OTHER JURISDICTIONS .....	18
TIMEFRAME TO JOIN THE SCHEME.....	19
THE SCHEME'S STANDARD OF PROOF .....	19
MAXIMUM PAYMENT AND SHARED RESPONSIBILITY .....	20
EFFECT OF AN APPLICANT ACCEPTING AN OFFER OF REDRESS .....	20

## 1. SUMMARY - WA LOCAL GOVERNMENT: ROYAL COMMISSION AND REDRESS

The Western Australian Government (the State), through the Department of Local Government, Sport and Cultural Industries (DLGSC), has been consulting 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 (the 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.

Following this initial consultation and 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.

DLGSC, supported by the Departments of Justice and Premier and Cabinet, will again engage with WA local governments in early 2020, to inform of the:

- State's decision and the implications for the sector (see [Section 4](#));
- Support (financial and administrative) to be provided by the State; and
- Considerations and actions needed to prepare for participation in the Scheme from 1 July 2020 (see [Section 5](#)).

DLGSC's second phase of engagement with WA local governments is summarised in the table below:

Description and Action	Agency	Timeline
Distribution of Information Paper to WA Local Governments	DLGSC	3 February 2020
WALGA hosted webinar	DLGSC / DPC	18 February 2020
Metro and Country Zone meetings	WA LG's / DLGSC	19 to 24 February 2020
State Council meeting – Finalisation of Participation arrangements	WALGA	4 March 2020
WALGA hosted webinar – Participation arrangements	DLGSC/ DPC	Mid-March 2020

Further information about the Royal Commission is available at [Appendix A](#) and the National Redress Scheme at [Appendix B](#) of this Information Paper.

The information in this Paper may contain material that is confronting and distressing. If you require support, please [click on this link](#) to a list of available support services.



## 2. CURRENT SITUATION - WA LOCAL GOVERNMENT PARTICIPATION IN THE NATIONAL REDRESS SCHEME

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The WA Parliament passed the legislation required to allow for the Government and WA based non-government institutions to participate in the National Redress Scheme. The *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018 (WA)* took effect on 21 November 2018.

The WA Government commenced participating in the Scheme from 1 January 2019.

The State Government's Redress Coordination Unit within the Office of the Commissioner for Victims of Crime, Department of Justice:

- Acts as the State Government's single point of contact with the Scheme;
- Coordinates information from State Government agencies to the Scheme; and
- Coordinates the delivery of Direct Personal Responses (DPR) to redress recipients (at their request) by responsible State Government agencies to redress recipients.

### CURRENT TREATMENT OF WA LOCAL GOVERNMENTS IN THE SCHEME

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth)*, Local Governments may be considered a State Government institution.<sup>1</sup>

There are several considerations for the State Government and Local Governments (both individually and collectively) about joining the Scheme.

The State Government considers a range of factors relating to organisations or bodies participation in the Scheme, before their inclusion in the declaration as a State Government institution. These factors include the capability and capacity of the agencies or organisations to:

- Respond to requests for information from the State Government's Redress Coordination Unit within prescribed timeframes;
- Financially contribute to the redress payment made by the Scheme on behalf of the agency or body; and
- Comply with the obligations of participating in the Scheme and the Commonwealth legislation.

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 the local government sector about the Scheme, and for fuller consideration to be given to the mechanisms by which the sector could best participate in the Scheme.

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<sup>1</sup> Section 111(1)(b).



### 3. CONSULTATION TO DATE WITH WA LOCAL GOVERNMENT SECTOR

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The Department of Local Government, Sport and Cultural Industries (DLGSC) has been leading an information and consultation process with the WA local government sector about the Scheme. The Departments of Justice and Premier and Cabinet (DPC) have been supporting DLGSC in the process, which aimed to:

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

DLGSC distributed an initial *Information and Discussion Paper* in early January 2019 to WA local governments, the WA Local Government Association (WALGA), Local Government Professionals WA (LG Pro) and the Local Government Insurance Scheme (LGIS). Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments and involved:

- an online webinar to 35 local governments, predominantly from regional and remote areas;
- presentations at 12 WALGA Zone and LG Pro meetings; and
- responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations that the local government sector had, at the time, a very low level of awareness of the Scheme prior to the consultations occurring, and that little to no discussion had occurred within the sector or individual local governments about the Scheme. 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 Update (April 2019) – National Redress Scheme

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

#### WALGA State Council Resolution

The WALGA State Council meeting of 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.*

It is understood that this recommendation was made with knowledge that it is ultimately a State Government decision as to whether:

- Local governments can participate in the Scheme as part of the State's Government's declaration; and
- The State Government will fund local government redress liability.

## 4. WA GOVERNMENT DECISION - FUTURE PARTICIPATION OF WA LOCAL GOVERNMENTS IN THE NATIONAL REDRESS SCHEME

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Following the initial consultation process, a range of options for local government participation in the Scheme were identified by the State Government including:

1. WA Local governments be **excluded** from the State Government's declaration of participating institutions.

This means that: local governments may choose not to join the Scheme; or join the Scheme individually or as group(s), making the necessary arrangements with the Commonwealth and self-managing / self-funding all aspects of participation in the Scheme.

2. WA Local governments be **included** in the State Government's declaration of participating institutions.

There were three sub-options for ways local government participation as a State Government institution could be accommodated:

- a. Local governments cover all requirements and costs associated with their participation;
- b. The State Government covers payments to the survivor arising from local governments' participation, with costs other than payments to the survivor (including counselling, legal and administrative costs) being funded by local governments; or
- c. An arrangement is entered into whereby the State Government and local governments share the requirements and costs associated with redress – for example, on a capacity to pay and deliver basis.

The State Government considered the above options and resolved via the Community Safety and Family Support Cabinet Sub-Committee (December 2019) to:

- Note the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Note the options for WA local government participation in the Scheme;
- Agree to local governments participating 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 the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

## KEY ASPECTS OF THE STATE'S DECISION

For clarity, the State's decision that means the following financial responsibilities are to be divided between the State Government and the individual local government that has a Redress application submitted, and then subsequently accepted by the Scheme Operator as a Redress claim.

### State Government

The State Government will cover the following:

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

### Individual Local Government

The individual local government will be responsible for:

- Costs associated with gathering their own (internal) information if requested in a Redress application;
- Providing the State with the necessary information to participate in the Scheme; and
- Costs associated the delivery of a DPR (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). \*

\* note – The State's decision includes that all DPR's will be coordinated and facilitated by the Redress Coordination Unit (Department of Justice) on every occasion, if a DPR is requested by the survivor.

This decision was made on the basis that:

- 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.
- The demonstration of leadership by the State Government, as it will be supporting the local government sector to participate in the Scheme and recognising the WALGA State Council resolution of 3 July 2019, is consistent with the local government sector's preferred approach.
- Contributes to a nationally consistent approach to the participation of local governments in the Scheme, and particularly aligns with the New South Wales, Victorian and Tasmanian Governments' arrangements. This provides opportunity for the State Government to draw on lessons learned through other jurisdictions' processes.
- Ensures a consistent and quality facilitation of a DPR (by the State) if requested by the survivor.
- State Government financial support for any local government redress claims does not imply State Government responsibility for any civil litigation against local governments.

Noting the State's decision, a range of matters need to be considered and arrangements put in place to facilitate local governments participating with the State Government's declaration and meeting the requirements of the Scheme. Those arrangements will:

- provide for a consistent response to the Scheme by WA Government institutions, and for WA survivors accessing the Scheme; and
- mitigate concerns raised by local governments during consultations about complying with the processes and requirements of the Scheme.



## 5. CONSIDERATIONS FOR WA LOCAL GOVERNMENTS

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Following the State's decision, a range of matters need to be considered by each local government and in some cases, actions taken in preparation for participating in the Scheme, these include:

### CONFIDENTIALITY

- Information about applicants and alleged abusers included in RFIs (Requests for Information) is sensitive and confidential and is considered protected information under *The National Redress Act*, with severe penalties for disclosing protected information.
- Individual local governments will need to consider and determine appropriate processes to be put in place and staff members designated to ensure information remains confidential.

### APPLICATION PROCESSING / STAFFING

- The timeframes for responding to an RFI are set in *The Act* and are 3 weeks for priority application and 7 weeks for non-priority applications. This RFI process will be supported by the State (DLGSC and the Redress Coordination Unit).
- Careful consideration should be given to determining which position will be responsible for receiving applications and responding to RFIs, due to the potentially confronting content of people's statement of abuse.
- Support mechanisms should be in place for these staff members, including access to EAP (Employee Assistance Program) or other appropriate support.
- The need for the appointed position and person(s) to have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest.
- The responsible position(s) or function(s) would benefit from being kept confidential in addition to the identity of the person appointed to it.

### RECORD KEEPING

- 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 of the *State Records Act 2000*.
- Consider secure storage of information whilst the RFI is being responded to.

## REDRESS DECISIONS

- Decisions regarding redress applicant eligibility and responsible institution(s) are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State government does not have any influence on the decision made.
- There is no right of appeal.

## MEMORIALS

- Survivors (individuals and / or groups) from within individual communities may ask about the installation of memorials. The State Government's view is to only consider memorialising groups, however locally, this is a decision of an individual local government.

## 6. NEXT STEPS – PREPARATION FOR WA LOCAL GOVERNMENT PARTICIPATION IN THE SCHEME

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In addition to the second-phase information process outlined in section 1, the State will develop:

1. A Memorandum of Understanding (MOU) - to be executed between the State and WALGA following the (WALGA) State Council meeting on 4 March 2020.

The MOU will capture the overall principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration; and

2. Template Service Agreement – that will be executed on an 'as needed' basis between the State and an individual local government, if a redress application is received.

DLGSC and the Department of Justice will work with WALGA / LGPro and all local governments to prepare for participation in the Scheme including:

- Identifying appropriate positions, staff and processes to fulfil requests for information;
- Ensuring local governments have delegated authority to an officer to execute a service agreement with the State if needed;

The State will prepare a template Council report, where all WA local governments will be asked to delegate authority to an appropriate officer in advance, able to execute a service agreement if required. This is necessary as priority requests for information under the Scheme, are in a shorter turnaround time than Council meeting cycles and therefore, cannot be undertaken at the time.

- Ensuring local government have established appropriate processes and can fulfil Scheme obligations (particularly in terms of confidentiality, record keeping etc); and
- Gathering the necessary facility and service information from all individual local governments to commence participation in the Scheme. This information will be provided to the Commonwealth, loaded into the Scheme database and used to facilitate an individual local government's participation in the National Redress Scheme.



## ACKNOWLEDGEMENTS

The contents of this Information and Discussion Paper includes extracts from the following identified sources. Information has been extracted and summarised to focus on key aspects applicable to the Department of Local Government, Sport and Cultural Industries' key stakeholders and funded bodies:

- The Royal Commission into Institutional Responses to Child Sexual Abuse – Final Report.

To access a full version of the Royal Commission's Findings and the Final Report, please follow the link at <https://www.childabuseroyalcommission.gov.au/>

- Western Australian State Government response to the Royal Commission (27 June 2018).

To access a full version of the State Government's detailed response and full report, please follow the link at

[https://www.dpc.wa.gov.au/ProjectsandSpecialEvents/Royal-Commission/Pages/The-WA-Government-Response-to-Recommendations-\(June-2018\).aspx](https://www.dpc.wa.gov.au/ProjectsandSpecialEvents/Royal-Commission/Pages/The-WA-Government-Response-to-Recommendations-(June-2018).aspx)

- More information on the National Redress Scheme can be found at [www.nationalredress.gov.au](http://www.nationalredress.gov.au).
- The full National Redress Scheme - Participant and Cost Estimate (July 2015) Report at <https://www.dlgsc.wa.gov.au/resources/publications/Pages/Child-Abuse-Royal-Commission.aspx>

## FOR MORE INFORMATION

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## APPENDIX A

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### ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE – FURTHER INFORMATION

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<sup>2</sup> to protect children from child sexual abuse, report abuse, and respond to child sexual abuse. The Royal Commission's Terms of Reference required it to identify what institutions should do better to protect children in the future, as well as what should be done to:

- achieve best practice in reporting and responding to reports of child sexual abuse;
- eliminate impediments in responding to sexual abuse; and
- address the impact of past and future institutional child sexual abuse.

The Western Australian Government (State Government) strongly supported the work of the Royal Commission through the five years of inquiry, presenting detailed evidence and submissions and participating in public hearings, case studies and roundtables.

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 Final Report (Final Report) of the Royal Commission into Institutional Responses to Child Sexual Abuse incorporated the findings and recommendations of the previously released reports and was handed down on 15 December 2017. To access a full version of the Royal Commission's Findings and the Final Report, follow the link at <https://www.childabuseroyalcommission.gov.au/>

The Royal Commission made 409 recommendations to prevent and respond to institutional child sexual abuse through reform to policy, legislation, administration, and institutional structures. These recommendations are directed to Australian governments and institutions, and non-government institutions. One specific recommendation was directed at Local Government, while many others will directly or indirectly impact on the organisations that Local Government works with and supports within the community.

Of the 409 recommendations, 310 are applicable to the Western Australian State Government and the broader WA community.

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<sup>2</sup> \* For clarity in this Paper, the term 'Institution' means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), however described, and:

- Includes for example, an entity or group of entities (including an entity or group of entities that no longer exist) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families
- Does not include the family.

## THE WESTERN AUSTRALIAN GOVERNMENT RESPONSE TO THE ROYAL COMMISSION

The State Government examined the 310 applicable recommendations and provided a comprehensive and considered response, taking into account the systems and protections the State Government has already implemented. The State Government has accepted or accepted in principle over 90 per cent of the 310 applicable recommendations.

The State Government's response was released on 27 June 2018 fulfilling the Royal Commission recommendation 17.1, that all governments should issue a formal response within six months of the Final Report's release, indicating whether recommendations are accepted; accepted in principle; not accepted; or will require further consideration. The WA Government's response to the Royal Commission recommendations can be accessed at:

<http://www.dpc.wa.gov.au/childabuseroyalcommission>

The State Government has committed to working on the recommendations with the Commonwealth Government, other states and territories, local government, non-government institutions (including religious institutions) and community organisations.

The State Government's overall approach to implementation of reforms is focused on:

- Stronger Prevention (including Safer Institutions and Supportive Legislation)
  - Create an environment where children's safety and wellbeing are the centre of thought, values and actions;
  - Places emphasis on genuine engagement with and valuing of children;
  - Creates conditions that reduce the likelihood of harm to children and young people.
- Reliable Responses (including Effective Reporting)
  - Creates conditions that increase the likelihood of identifying any harm;
  - Responds to any concerns, disclosures, allegations or suspicions of harm.
- Supported Survivors (including Redress).

Many of the recommendations of the Royal Commission have already been addressed through past work of the State Government, and others working in the Western Australian community to create safe environments for children. This work is acknowledged and where appropriate, will be built upon when implementing reforms and initiatives that respond to the Royal Commission's recommendations.



## APPENDIX B

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### NATIONAL REDRESS SCHEME - FURTHER INFORMATION

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single national redress scheme to recognise the harm suffered by survivors of institutional child sexual abuse.

The National Redress Scheme (the Scheme):

- Acknowledges that many children were sexually abused in Australian institutions;
- Recognises the suffering they endured because of this abuse;
- Holds institutions accountable for this abuse; and
- Helps people who have experienced institutional child sexual abuse gain access to counselling and psychological services, a direct personal response, and a redress-payment.

The National Redress Scheme involves:

- People who have experienced institutional child sexual abuse who can apply for redress;
- The National Redress Scheme team — Commonwealth Government staff who help promote the Scheme and process applications;
- Redress Support Services — free, confidential emotional support and legal and financial counselling for people thinking about or applying to the Scheme;
- Participating Institutions that have agreed to provide redress to people who experienced institutional child sexual abuse; and
- Independent Decision Makers who will consider applications and make recommendations and conduct reviews.

The National Redress Scheme formally commenced operation on 1 July 2018 and offers eligible applicants three elements of redress:

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

Importantly, the Scheme also provides survivors with community based supports, including application assistance; financial support services; and independent legal advice. The Scheme is administered by the Commonwealth Government on behalf of all participating governments, and government and non-government institutions, who contribute on a 'responsible entity pays' basis.

Institutions that agree to join the Scheme are required to adhere to the legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

More information on the Scheme can be found at [www.nationalredress.gov.au](http://www.nationalredress.gov.au) or the [National Redress Guide](#).

## SURVIVORS IN THE COMMUNITY

Throughout the five years of its inquiry, the Royal Commission heard detailed evidence and submissions, and held many public and private hearings, case studies and roundtables. Most notably, the Royal Commission heard directly from survivors of historical abuse.

The Royal Commission reported that survivors came from diverse backgrounds and had many different experiences. Factors such as gender, age, education, culture, sexuality or disability had affected their vulnerability and the institutions response to abuse.

The Royal Commission, however, did not report on the specific circumstances of individuals with the details of survivors protected; the circumstances of where and within which institutions their abuse occurred is also protected and therefore unknown. Further, survivors within the WA community may have chosen to not disclose their abuse to the Royal Commission.

Accordingly, it is not known exactly how many survivors were abused within Western Australian institutions, including within Local Government contexts. Within this context of survivors in the community, who may or may not be known, consideration needs to be given to how all institutions, including local governments, can fulfil the Royal Commission's recommendation in relation to redress.

The Royal Commission's *Redress and Civil Litigation (September 2015) Report* recommended the establishment of a single national redress scheme to recognise the harm suffered by survivors of institutional child sexual abuse. This report also recommended that Governments around Australia remove the limitation periods that applied to civil claims based on child sexual abuse, and consequently prevented survivors – in most cases – pursuing compensation through the courts.

As a result of reforms made in response to these recommendations, WA survivors now have the following options to receive recognition of their abuse:

1. Pursuing civil court action(s) against the perpetrator and/or the responsible institution. The *Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act 2018* (WA) took effect on 1 July 2018, removing the limitation periods that previously prevented persons who had experienced historical child sexual abuse from commencing civil action.
2. Applying to the National Redress Scheme, which provides eligible applicants with a monetary payment, funds to access counselling and an apology. Note, to receive redress the responsible institution(s) will need to have joined the Scheme.

## TREATMENT OF LOCAL GOVERNMENTS BY OTHER JURISDICTIONS

At the time of the State Government joining the Scheme, only two jurisdictions had made a decision about the treatment of local governments. All jurisdictions have since agreed to include local governments within their respective declarations, with the exception of South Australia (SA). The SA Government is still considering their approach.

It is understood that all jurisdictions, with the exception of SA, are either covering the redress liability associated with local government participation in the Scheme or entering into a cost sharing arrangement. The table below provides a summary of other jurisdictions' positions.

Jurisdiction	Position
Commonwealth	<ul style="list-style-type: none"> <li>No responsibility for local governments.</li> <li>The Commonwealth Government has indicated preference for a jurisdiction to take a consistent approach to the participation of local governments in the Scheme.</li> </ul>
Australian Capital Territory (ACT)	<ul style="list-style-type: none"> <li>ACT has no municipalities, and the ACT Government is responsible for local government functions.</li> <li>ACT has therefore not been required to explore the issue of local government participation in the Scheme.</li> </ul>
New South Wales (NSW)	<ul style="list-style-type: none"> <li>In December 2018, the NSW Government decided to include local councils as NSW Government institutions and to cover their redress liability.</li> <li>The NSW Office for Local Government is leading communications with local councils about this decision.</li> <li>NSW's declaration of participating institutions will be amended once preparation for local council participation is complete.</li> </ul>
Northern Territory (NT)	<ul style="list-style-type: none"> <li>The NT Government has consulted all of the Territory's local governments, including individually visiting each local government.</li> <li>NT is in the process of amending Territory's declaration of participating institutions to include local governments.</li> </ul>
Queensland	<ul style="list-style-type: none"> <li>Queensland is finalising a memorandum of understanding (MOU) with the Local Government Association of Queensland to enable councils to participate in the Scheme as State institutions.</li> <li>The MOU includes financial arrangements that give regard to individual councils' financial capacity to pay for redress.</li> </ul>
South Australia (SA)	<ul style="list-style-type: none"> <li>Local governments are not currently included in the SA Government's declaration</li> <li>The SA Government is still considering its approach to local governments.</li> </ul>
Tasmania	<ul style="list-style-type: none"> <li>Local Governments have agreed to participate in the Scheme and will be included as a state institution in the Tasmanian Government's declaration.</li> <li>A MOU with local governments is being finalised, ahead of amending Tasmania's declaration.</li> </ul>
Victoria	<ul style="list-style-type: none"> <li>The Victorian Government's declaration includes local governments.</li> <li>The Victorian Government is covering local governments' redress liability.</li> </ul>
Western Australia (WA)	<ul style="list-style-type: none"> <li>The WA Government has excluded local governments from its declaration, pending consultation with the local government sector.</li> </ul>



## TIMEFRAME TO JOIN THE SCHEME

Institutions can join the Scheme within the first two years of its commencement. This means that institutions can join the Scheme up to and including 30 June 2020 (the second anniversary date of the Scheme). The Commonwealth Minister for Social Services may also provide an extension to this period to allow an institution to join the Scheme after this time. However, it is preferred that as many institutions as possible join the Scheme within the first two years to give certainty to survivors applying to the Scheme about whether the institution/s in which they experienced abuse will be participating.

If an institution has not joined the Scheme, they are not a participating institution. However, this will not prevent a person from applying for redress. In this circumstance, a person's application cannot be assessed until the relevant institution/s has joined the Scheme. The Scheme will contact the person to inform them of their options to either withdraw or hold their application. The Scheme will also contact the responsible institution/s to provide information to aid the institution/s to consider joining the Scheme.

## THE SCHEME'S STANDARD OF PROOF

The Royal Commission recommended that 'reasonable likelihood' should be the standard of proof for determining eligibility for redress. For the purposes of the Scheme, 'reasonable likelihood' means the chance of the person being eligible is real and is not fanciful or remote and is more than merely plausible.

When considering a redress application, the Scheme Operator must consider whether it is reasonably likely that a person experienced sexual abuse as a child, and that a participating institution is responsible for an alleged abuser/s having contact with them as a child. In considering whether there was reasonable likelihood, all the information available must be taken into account.

Where a participating institution does not hold a record (i.e. historical information), the Scheme Operator will not be precluded from determining a person's entitlement to redress. The information to be considered by the Scheme Operator includes:

- The information contained in the application form (or any supplementary information provided by a person by way of statutory declaration);
- Any documentation a person provided in support of their application;
- The information provided by the relevant participating institution/s in response to a Request for Information from the Operator, including any supporting documentation provided; and
- Any other information available including from Scheme holdings (for example where the Scheme has built up a picture of relevant information about the same institution during the relevant period, or the same abuser).

It should be noted that the 'reasonable likelihood' standard of proof applied by the Scheme is of a lower threshold (or a lower standard of proof) than the common law standard of proof applied in civil litigation – the 'balance of probabilities'. Please see 11.7 of the Royal Commission's *Redress and Civil Litigation Report (2015)* for additional information on the difference between the two.

## MAXIMUM PAYMENT AND SHARED RESPONSIBILITY

The amount of redress payment a person can receive depends on a person's individual circumstances, specifically the type of abuse the person experienced.

A person may only make one application for redress. The maximum redress payment payable under the scheme to an applicant is \$150,000 in total.

The payment of redress is made by the institution(s) found responsible for exposing the individual to the circumstances that led to the abuse.

There may be instances where one or more institutions are found to be jointly responsible for the redress payment to a person, and instances where a person may have experienced abuse in one or more different institutions. In such situations, the redress payable by an institution will be apportioned in accordance with the Scheme's assessment framework - see <https://www.legislation.gov.au/Details/F2018L00969> and method statement - see <http://guides.dss.gov.au/national-redress-guide/4/1/1>

Prior payments made by the responsible institution for the abuse to the applicant (e.g. ex-gratia payments) will be taken into account and deducted from the institutions' redress responsibility.

## EFFECT OF AN APPLICANT ACCEPTING AN OFFER OF REDRESS

Accepting an offer of redress has the effect of releasing the responsible participating institution/s 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 agrees to not bring or continue any civil claims against the responsible participating institution/s in relation to any abuse within the scope of the Scheme.

If a responsible participating institution/s is a member of a participating group, the person will be releasing the other associated institutions and officials within that group from any civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme.

Accepting an offer of redress also has the effect of preventing a responsible participating institution from being liable to contribute to damages that are payable to the person in civil proceedings (where the contribution is to another institution or person).

In accepting the offer of redress, a person will also be consenting to allow the participating institution/s or official/s to disclose the person's acceptance of redress offer in the event that a civil claim is made. The Scheme must provide a copy of the person's acceptance of offer to each responsible institution for their records once received.

Note – the acceptance of an offer of redress does not exclude the pursuance or continuance of criminal proceedings against the abuser(s).



## 8.5.2 Elected Member and Chief Executive Officer Attendance At Events Policy

File Reference:	Policy Manual – Policy 5.15
Author:	Graham Stanley, Director Corporate & Community Services
Disclosure of any Interest:	Nil
Date of Report:	19 May 2020
Attachments:	8.5.2A Local Government Operational Guideline – Attendance at Events Policy 8.5.2.B Draft Attendance at Events Policy

### Summary:

As part of the State Governments review of the *Local Government Act 1995*, Council is required to endorse the Elected Member and Chief Executive Officer Attendance at Events Policy.

### Background:

As part of the Local Government Act Review, it was recognised that a new gift framework should be developed to provide a transparent system of accountability where members of the community can have confidence in the decision-making of their elected representatives. On 20 October 2019, the new gifts framework, contained in the *Local Government Legislation Amendment Act 2019* came into operation.

The amendments to the Act included a new gifts framework and the requirement for all local governments to develop and publish a policy covering the attendance of the Shire President, Elected Members and the Chief Executive Officer at events. The Department of Local Government, Sport and Cultural Industries explained the reasons for change:

*"It is important that council members and CEO's make decisions – and are seen to be making decisions – free from influence.*

*The amendments also recognise that there is a valid role for council members in attending events, but makes this a decision of council in accordance with a published policy."*

The Department also issued a departmental circular 11-2019 which advised:

*"Local governments must prepare and adopt a policy that relates to the attendance of council members and CEO's at events such as concerts, conferences and functions.*

*This policy must address the provision of tickets to events, payments in respect of attendance and approval of attendance by the local government and criteria for approval. New section 5.90A relates.*

*In essence, the policy deals with a council member's or CEO's attendance at events as a representative of the council. Tickets or the invitation to the event must be made to the council directly, not to the council member or CEO personally.*

*If a council member or CEO attends an event in accordance with the local government's policy, then no conflict of interest arises."*

When developing an Attendance at Events Policy Council should consider the following:

- What benefit will there be to the community or local government in having council member(s) or the CEO (or staff) attend?
- What role will the person attending the event be taking: for example, speaker, giver of awards, member of the audience?
- How many people should appropriately be authorised to attend?

- Is the event to be held within the district?
- Who is bearing the costs of attending and is this appropriate?
- Should the person attending contribute to the costs?
- Who provides the tickets: the organizer of the event or a third party?

Consultation:

Public consultation is not applicable to this report.

Consultation has taken place within the Executive Management Team and the Department of Local Government, Sport and Cultural Industries (DLGSCI) and local government sector consultation has been utilised. It should be noted that the proposed policy position was guided by the requirements of legislation.

Comment:

The policy will affect all Elected Members, the Chief Executive Officer and Employees. More broadly the policy will affect the way the Shire invites and registers the attendance of Elected Members to events, in particular the provision of tickets and who approves the attendance.

The Act classifies an event as:

- (a) A concert;
- (b) A conference;
- (c) A function;
- (d) A sporting event; and
- (e) An occasion of a kind prescribed for the purposes of this definition.

The policy must:

- List any Shire events that Elected Members and the Chief Executive Officer may attend;
- State an approval process for events which includes the criteria for approval; and
- Consider matters including payment in respect of attendance.

The following are key events that have been identified in the formulation of this policy:

- (a) Advocacy, lobbying or Members of Parliament or Ministerial briefings (Elected Members, the Chief Executive Officer and Executive Management only);
- (b) Meetings of clubs or organisations within the Shire of Boddington;
- (c) Any free event held within the Shire of Boddington;
- (d) Australian or West Australian Local Government events;
- (e) Events hosted by Clubs or Not for Profit organisations within the Shire of Boddington to which the Shire President, Elected Member, Chief Executive Officer or employee has been officially invited;
- (f) Shire hosted ceremonies and functions;
- (g) Shire hosted events with employees;
- (h) Shire run tournaments or events;
- (i) Shire sponsored functions or events;
- (j) Community art exhibitions within the Shire of Boddington or District;
- (k) Cultural events/festivals within the Shire of Boddington or District;
- (l) Events run by a Local, State or Federal Government;

- (m) Events run by schools and universities within the Shire of Boddington;
- (n) Major professional bodies associated with local government at a local, state and federal level;
- (o) Opening or launch of an event or facility within the Shire of Boddington or District;
- (p) Recognition of Service events within the Shire of Boddington or District;
- (q) RSL events within the Shire of Boddington or District;
- (r) Events run by WALGA, LGIS or a recognised and incorporated WA based local government professional association;
- (s) Where Shire President, Elected Member or Chief Executive Officer representation has been formally requested.

It is proposed that the above events are approved in a broader sense to reduce the amount of administrative burden, as opposed to listing individual events and dates that may occur throughout the year. The events listed within the policy will be excluded from the new gift provisions and if Elected Members, the Chief Executive Officer or Employees attend an event in accordance with the policy, there is no conflict of interest.

If the event is not mentioned within the policy, the Shire will have an approval process:

- Events for the Shire President may be approved by the Deputy Shire President;
- Events for Councillors may be approved by the Shire President;
- Events for the Chief Executive Officer may be approved by the Shire President; and
- Events for Employees may be approved by the Chief Executive Officer or their respective Executive Manager.

In considering whether a benefit such as an invitation to an event or hospitality given to an Elected Member or an employee is a gift for the purposes of the Act and Regulations, the key issues to consider include:

- Who is a donor, the person who is offering or giving the benefit?
- What is the value of the benefit?
- Does the Elected Member or Employee of the benefit contribute anything of value to the donor in return for the benefit such as formally opening or speaking at the event or presenting prizes/awards?
- If so, does the value of that contribution outweigh the value of the benefit? If so, it will not be a gift for the purposes of the Act and Regulations.

Event attendance may create a perceived or actual conflict, which may preclude council members participating or employees providing advice at a future meeting.

If the amount of an event ticket (gift) is less than \$1,000, and relates to a matter before Council, under section 5.68 of the Act, Council may allow the disclosing council member to participate on the condition that the interest, the council's decision and the reasons for that decision are recorded in the minutes.

If the amount of the gift is above \$1,000 the Council or the Chief Executive Officer must apply to the Minister for permission to allow the member or employee to participate.

Travel and accommodation excluded: this policy does not apply to tangible gifts or money, travel or accommodation. Any contribution to travel, subject to the exceptions in section 5.83 of the *Local Government Act 1995*, must be disclosed in writing to the Chief Executive Officer within 10 days of receipt of the contribution.

Contributions to travel costs, whether financial or otherwise are now incorporated with the definition of gift.

The following situations are specifically excluded where the event ticket (gift) is received from one of the following organisations:

- WALGA (but not LGIS)
- Local Government Professionals WA
- Australian Local Government Association
- A department of the public service
- A government department of another State, a Territory or the Commonwealth
- A local government or regional local government

The gift is still required to be recorded on the "gift register".

#### Statutory Environment:

*Section 5.90A of the Local Government Act 1995, states:*

#### **5.90A. Policy for attendance at events**

*(1) In this section –*

*event includes the following –*

- (a) a concert;*
- (b) a conference;*
- (c) a function;*
- (d) a sporting event;*
- (e) an occasion of a kind prescribed for the purposes of this definition.*

*(2) A local government must prepare and adopt\* a policy that deals with matters relating to the attendance of council members and the CEO at events, including –*

- (a) the provision of tickets to events; and*
- (b) payments in respect of attendance; and*
- (c) approval of attendance by the local government and criteria for approval;*

*and*

- (d) any prescribed matter.*

*\* Absolute majority required.*

*(3) A local government may amend\* the policy.*

*\* Absolute majority required.*

*(4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*

*(5) The CEO must publish an up-to-date version of the policy on the local government's official website".*

#### Strategic Implications:

Nil.

Financial/Budget Implications:

There are no financial implications for this report.

Workforce Implications:

The Draft Policy provides direction for Elected Members, Chief Executive Officer and Employees of the Shire of Boddington.

Policy Implications:

The proposal recommends establishment of a new policy, consistent with the intent of the legalisation and the DLGSCI Guidelines and has been adopted to include reference to all Shire of Boddington employees (not just the Chief Executive Officer) as permitted by the Guidelines.

When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under the Act.

The Chief Executive Officer must publish an up-to-date version of the policy on the local government's official website.

Voting Requirement:

Absolute Majority

OFFICER'S RECOMMENDATION – ITEM 8.5.2
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That Council:

1. Adopts the Elected Member and Chief Executive Officer Attendance at Events Policy pursuant to section 5.90A of the *Local Government Act 1995* as attached to this report; and
2. That a copy of the policy be published on the Shire of Boddington website.



# Local Government Operational Guidelines

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December 2019

## Attendance at events policy



## ATTACHMENT 8.5.2A

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#### About DLGSC

The DLGSC works with partners across government and within its diverse sectors to enliven the Western Australian community and economy through support for and provision of sporting, recreational, cultural and artistic policy, programs and activities for locals and visitors to the State.

The department provides regulation and support to local governments and the racing, gaming and liquor industries to maintain quality and compliance with relevant legislation, for the benefit of all Western Australians. This publication is current at December 2019.

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# 1. Introduction

Council members are expected to make decisions in the best interests of their community. To do this, they must consider each issue on its merits.

Decision-making could be influenced – or perceived to be influenced – in a number of ways, including through financial relationships, personal relationships and the receipt of gifts. The *Local Government Act 1995* sets out requirements on council members, Chief Executive Officers (CEOs) and other employees to ensure transparency and accountability in decision-making.

Certain gifts received by council members and CEOs are specifically excluded from the conflict of interest provisions (section 5.62(1B)), including a gift that is received in accordance with an Attendance at Events policy. This guideline gives an overview of matters which could be included in the Attendance at Events policy.

Note: this guideline does not apply to the gift provisions in the code of conduct that relates to employees (other than the CEO).

Other related operational guidelines:

- Operational Guideline: Disclosure of gifts and disclosure of interests relating to gifts
- Operational Guideline: Disclosure of interests affecting impartiality
- Operational Guideline: Primary and annual returns

## 2. Gifts

A gift is defined under section 5.57 of the Act as a conferral of a financial benefit (including a disposition of property) made by one person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral. It includes any contributions to travel.

For the purposes of both disclosure of receipt and disclosing an interest when a matter comes before council, a gift is any gift valued at over \$300 or a cumulative value of \$300 where the gifts are received from the same donor in a 12-month period.

### 2.1. Interests in matters before council

The interest provisions are aimed at ensuring that decision-making is free from influence and so decisions can be made in the best interests of the community.

An interest created from receipt of a gift recognises that a relationship is formed between the donor and a recipient of a gift which could be perceived to affect decision-making. This applies to any gift received, not just a gift that must be disclosed under sections 5.87A and 5.87B.



## ATTACHMENT 8.5.2A

The basic principle is, that unless the gift is an excluded gift (section 5.62(1B) and Administration Reg. 20B), the council member who has received the gift is not to participate in any part of the meeting dealing with the matter. They must be absent from any deliberations (unless approval is granted by the council or the Minister).

If the council member has such an interest they must disclose this interest before the meeting to the CEO or to the presiding member before the matter is discussed.

If it is the CEO who has the interest due to receipt of a gift, they are not to provide advice to council or prepare reports for council, either directly or indirectly. They must disclose their interest to the mayor or president.

### 2.2. Gifts excluded from the interest provisions

Any gift received over \$300 is specifically excluded from the conflict of interest provisions if:

- the gift relates to attendance at an event where attendance has been approved by the council in accordance with the council endorsed Attendance at Events policy, or
- the gifts is from specified entities.

Regulation 20B of the *Local Government (Administration) Regulations 1996* prescribes the specified entities as WALGA (but not LGIS), ALGA, LG Professionals, a State public service department, a Commonwealth, State or Territory government department or another local government or regional local government.

Excluded gifts are still a gift that must be disclosed and published on the gifts register if over the value of \$300 and received in the capacity of council member or CEO.

## 3. Attendance at events policy

Section 5.90A of the Local Government Act requires that local governments have an attendance at events policy. The purpose of the policy is for the council to actively consider the purpose of and benefits to the community from council members and CEOs attending events.

The policy provides a framework for the acceptance of invitations to various events and clarifies who will pay for tickets or the equivalent value of the invitation.

The tickets should be provided to the local government and not individual council members. A ticket or invitation provided by a donor to an individual in their capacity as a council member or CEO is to be treated as a gift to that person, unless the tickets or invitation is referred to the local government to be considered in accordance with the policy.

### 3.1. The legislation [section 5.90A]

#### 5.90A. Policy for attendance at events

- (1) In this section —

## ATTACHMENT 8.5.2A

**event** includes the following —

- (a) a concert;
  - (b) a conference;
  - (c) a function;
  - (d) a sporting event;
  - (e) an occasion of a kind prescribed for the purposes of this definition.
- (2) A local government must prepare and adopt\* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —
- (a) the provision of tickets to events; and
  - (b) payments in respect of attendance; and
  - (c) approval of attendance by the local government and criteria for approval; and
  - (d) any prescribed matter.
- \* Absolute majority required.
- (3) A local government may amend\* the policy.  
\* Absolute majority required.
- (4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (5) The CEO must publish an up-to-date version of the policy on the local government's official website.

### 4. Matters for consideration in developing the policy

In developing the policy, there are a number of matters which need to be considered. Principally, the council needs to consider what is the benefit to the community or local government in having members of council or the CEO attend the event.

The Attendance at Events policy is to enable council members to attend events as a representative of council without restricting their ability to participate in council meetings. It is not intended to be used as a mechanism to avoid conflict of interest provisions where significant matters are likely to come before council from the provider of the invitation.

While attending events is generally considered an important function for council members and the CEO to represent the local government, if there are costs involved, especially significant costs, it can lead to criticism from the community for spending ratepayer's money if the tangible benefits are not identified. Similarly, if the council is accepting tickets, including those as a result of sponsorship, there can be a perception of bias when matters affecting that organisation come before council.

The policy should also consider the role that the person attending will have at the event - for example, speaking, giving an award or being a member of the audience – especially if there are significant costs associated with attendance. The community perception will be different for a person attending to undertake a specific role or function versus being a member of the audience.

## ATTACHMENT 8.5.2A

Note that examples are provided in the legislation of what constitutes an event: concerts, conferences, functions and sporting events. This is not an exhaustive list and councils should consider the full range of events that may be relevant to their local government, such as agricultural shows, field days, school awards nights and cultural events.

Ultimately, it is the decision of the council as to what is contained within the policy and this will vary between local governments.

Matters that could be included are:

- To whom invitations are to be directed,
- Who authorises attendance at an event, including how the decision is made for a council member or CEO to attend an event,
- How many people are authorised to attend an event,
- Who is responsible for the cost of attending (if any), including whether there is a requirement for the council member or CEO to contribute to the cost, particularly if the person's partner is also attending;
- Whether there are any events that are authorised in advance by council (preauthorised events),
- Whether the location of the event is within the district,
- Attendance at sponsored events, and
- Attendance at events that are outside the policy.

The council, with accountability to the local community, is in the best position to determine the design and content of the policy. Some local governments have requested guidance from the Department. To this end a sample policy is included on the following pages.

The policy may provide authorisation for the CEO to be the decision maker where decisions align with the policy intent. In that case, the policy must set out clear criteria by which the CEO may make such determinations.

## 5. Concluding remarks

In developing the Attendance at Events policy, councils need to actively consider the purpose of and benefits to the community from council members and CEOs attending events. The policy should not be used to intentionally circumvent conflict of interests which may arise from attending events hosted by a provider who will have a significant matter before council.

Local governments are encouraged to use this template as a guide and to adapt it to reflect the needs and expectations of their communities. The policy can also be adapted to include attendance at events by employees other than the CEO.

The community's trust in local government is crucial to its success.

# Attendance at Events – template policy

## Introduction

Section 5.90A of the *Local Government Act 1995* provides that a local government must prepare and adopt an Attendance at Events policy.

This policy is made in accordance with those provisions.

## Purpose

This policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of council members and the chief executive officer (CEO).

Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.

## Legislation

### 5.90A. Policy for attendance at events

- (1) In this section —  
**event** includes the following —
  - (a) a concert;
  - (b) a conference;
  - (c) a function;
  - (d) a sporting event;
  - (e) an occasion of a kind prescribed for the purposes of this definition.
- (2) A local government must prepare and adopt\* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —
  - (a) the provision of tickets to events; and
  - (b) payments in respect of attendance; and
  - (c) approval of attendance by the local government and criteria for approval; and
  - (d) any prescribed matter.

\* Absolute majority required.



## ATTACHMENT 8.5.2A

- (3) A local government may amend\* the policy.  
\* Absolute majority required.
- (4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (5) The CEO must publish an up-to-date version of the policy on the local government's official website.

### Provision of tickets to events

#### 1. Invitations

- 1.1 All invitations or offers of tickets for a council member or CEO to attend an event should be in writing and addressed to the [Click or tap here to enter text.]
- 1.2 Any invitation or offer of tickets not addressed to the [Click or tap here to enter text.] is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.
- 1.3 A list of events and attendees authorised by the local government in advance of the event is at Attachment A.

#### 2 Approval of attendance

- 2.1 In making a decision on attendance at an event, the council will consider:
  - a) who is providing the invitation or ticket to the event,
  - b) the location of the event in relation to the local government (within the district or out of the district),
  - c) the role of the council member or CEO when attending the event (participant, observer, presenter) and the value of their contribution,
  - d) whether the event is sponsored by the local government,
  - e) the benefit of local government representation at the event,
  - f) the number of invitations / tickets received, and
  - g) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- 2.2 Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

Guidance Note: If the local government is proposing to provide authorisation to the CEO to determine matters in accordance with this policy, then it will be necessary for the policy statement to include specific principles / criteria by which the CEO may make such determinations.

### 3 Payments in respect of attendance

## ATTACHMENT 8.5.2A

- 3.1 Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the council determine attendance to be of public value.
- 3.2 For any events where a member of the public is required to pay, unless previously approved and listed in Attachment A, the council will determine whether it is in the best interests of the local government for a council member or the CEO or another officer to attend on behalf of the council.
- 3.3 If the council determines that a council member or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- 3.4 Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the council.

### Attachment A – events authorised in advance

Event	Date of event	Approved Attendee/s	Approved local government contribution to cost	Date of council resolution or CEO authorisation
Example: Greater Westralia Regional Agricultural Ball	20 December 2019	<ul style="list-style-type: none"> <li>• President Cr Brown and partner</li> <li>• Deputy President Cr Green and partner</li> <li>• CEO and partner</li> </ul>	6 tickets @ \$190 each  Total cost \$1,140	Ordinary Council Meeting 4 November 2019

## ATTACHMENT 8.5.2B

### 05.15 ATTENDANCE AT EVENTS POLICY

Policy Statement:

Elected Members, the Chief Executive Officer and Executive Managers occasionally receive tickets or invitations to attend events to represent the Shire to fulfil their leadership roles in the community. The event may be a paid event or a ticket/invitation may be gifted in kind, or indeed it may be to a free/open invitation event for the community in general.

#### **1. Pre-Approved Events**

In order to meet the policy requirements tickets and invitations to events must be received by the Shire (as opposed to in the name of a specific person in their role with the Shire).

Notewell:

Individual tickets and associated hospitality with a dollar value above \$500 (inclusive of GST and if relevant, travel) provided to the Shire are to be referred to Council for determination.

The Shire approves attendance at the following events by Elected Members, the Chief Executive Officer and employees of the Shire:

- (a) Advocacy, lobbying or Members of Parliament or Ministerial briefings (Elected Members, the Chief Executive Officer and Executive Management only);
- (b) Meetings of clubs or organisations within the Shire of Boddington;
- (c) Any free event held within the Shire of Boddington;
- (d) Australian or West Australian Local Government events;
- (e) Events hosted by Clubs or Not for Profit organisations within the Shire of Boddington to which the Shire President, Elected Member, Chief Executive Officer or employee has been officially invited;
- (f) Shire hosted ceremonies and functions;
- (g) Shire hosted events with employees;
- (h) Shire run tournaments or events;
- (i) Shire sponsored functions or events;
- (j) Community art exhibitions within the Shire of Boddington or District;
- (k) Cultural events/festivals within the Shire of Boddington or District;
- (l) Events run by a Local, State or Federal Government;
- (m) Events run by schools and universities within the Shire of Boddington;
- (n) Major professional bodies associated with local government at a local, state and federal level;
- (o) Opening or launch of an event or facility within the Shire of Boddington or District;
- (p) Recognition of Service event's within the Shire of Boddington or District;
- (q) RSL events within the Shire of Boddington or District;
- (r) Events run by WALGA, LGIS or a recognised and incorporated WA based local government professional association;
- (s) Where Shire President, Elected Member or Chief Executive Officer representation has been formally requested.

All Elected Members, the Chief Executive Officer and employees with the approval of the CEO or their respective Executive Manager, are entitled to attend a pre-approved event.

If there is a fee associated with a pre-approved event, the fee, including the attendance of a partner, may be paid for by the Shire out of the Shire's budget by way of reimbursement, unless the event is a conference which is dealt with under clause 4 of this policy.

## ATTACHMENT 8.5.2B

If there are more Elected Members than tickets provided then the Shire President shall allocate the tickets.

### **2. Approval Process**

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval prior to the event as follows:

- Events for the Shire President may be approved by the Deputy Shire President;
- Events for Councillors may be approved by the Shire President;
- Events for the Chief Executive Officer may be approved by the Shire President; and
- Events for employees may be approved by the Chief Executive Officer or their respective Executive Manager.

Considerations for approval of the event include:

- Any justification provided by the applicant when the event is submitted for approval.
- The benefit to the Shire of the person attending.
- Alignment to the Shire's Strategic Objectives.
- The number of Shire representatives already approved to attend.

Where an Elected Member has an event approved through this process and there is a fee associated with the event, then the cost of the event, including for attendance of a partner, is to be paid out of the Members Receptions budgets.

Where the Chief Executive Officer or employee has an event approved through this process and there is a fee associated with the event, then the cost of the event is to be paid for out of the Shire's relevant budget line.

### **3. Non-Approved Events**

Any event that is not pre-approved, is not submitted through an approval process, or is received personally is considered a non-approved event.

- If the event is a free event to the public, then no action is required.
- If the event is ticketed and the Elected Member, Chief Executive Officer or employee pays the full ticketed price and does not seek reimbursement, then no action is required.
- If the event is ticketed and the Elected Member, Chief Executive Officer or employee pays a discounted rate, or is provided with a free ticket(s), with a discount value, then the recipient must disclose receipt of the tickets (and any other associated hospitality) within 10 days to the Chief Executive Officer (or President if the CEO) if the discount or free value is greater than \$50 for employees, other than the Chief Executive Officer, and greater than \$300 for Elected Members and the CEO.

### **4. Conference Registration, Bookings, Payment and Expenses**

Shall be dealt with in consideration with Council Policy 5.7 – WALGA Local Government Conference and Council Policy 11.11 Local Government Managers' Association (LGMA) .

### **5. Dispute Resolution**

All disputes regarding the approval of attendance at events are to be resolved by the Shire President in relation to Elected Members and the Chief Executive Officer and the CEO in relation to other employees.



## ATTACHMENT 8.5.2B

### **PROCEDURES**

Organisations that desire attendance at an event by a particular person(s), such as the President, Deputy President, Elected Member, Chief Executive Officer or particular officer of the Shire, should clearly indicate that on the offer, together what is expected of that individual, should they be available, and whether the invite/offer or ticket is transferable to another Shire representative.

Free or discounted Invitations/Offer or Tickets that are provided to the Shire without denotation as to who they are for, are provided to the Chief Executive Officer and attendance determined by the Chief Executive Officer in liaison with the Shire President, based on relative benefit to the organisation in attending the event, the overall cost in attending the event, inclusive of travel or accommodation, availability of representatives, and the expected role of the relevant Elected Member or employee.

### **Forms and Templates**

Declaration of Gifts/Contributions to Travel Form is required to be completed and lodged within 10 days if the gift is provided in their name due to or as part of their role with the Shire of Boddington as follows;

- If the gift is provided to the Elected Member and the discount or free value is over \$300, inclusive of GST, with the Chief Executive Officer;
- If the gift is provided to the Chief Executive Officer and the discount or free value is over \$300, inclusive of GST with the Shire President; and
- If the gift is provided to an employee, other than the Chief Executive Officer, and the discount or free value is over \$50, inclusive of GST, with the Chief Executive Officer.

### **Definitions**

District: is defined as the Peel Region of Western Australia and the Local Government Areas covered by the Hotham-Williams Economic Development Alliance.

Elected Members: includes the Shire President and all Councillors.

In accordance with section 5.90A of the *Local Government Act 1995* an event is defined as a:

- Concert
- Conference
- Function
- Sporting event
- Occasions prescribed by the *Local Government (Administration) Regulations 1996*.

### **Acronyms**

CEO – Chief Executive Officer

GST – Goods and Services Tax

LGIS – Local Government Insurance Services

WALGA – Western Australian Local Government Association

### **Notewell:**

If an Elected Member receives a ticket in their name, in their role as an Elected Member, of \$300 or greater value, they are still required to comply with normal gift disclosure requirements.

Whilst the law permits gifts greater than \$300 to be accepted by the Chief Executive Officer (but not other employees), in their role with the Shire, the Chief Executive Officer and all other employees, by operation of this Policy, are prohibited from accepting any gift greater than \$300, unless from the

## ATTACHMENT 8.5.2B

Shire as the organiser of the event, or as a gift pursuant to section 5.50 of the *Local Government Act 1995* (gratuity on termination).

If the Chief Executive Officer or an employee receives a ticket in their name, in their role as an employee, of between \$50 and \$300, they are required to comply with normal gift disclosure requirements and the Code of Conduct regarding notifiable and prohibited gifts.

An event does not include training, which is dealt with separately.

Nothing in this Policy shall be construed as diminishing the role of the Chief Executive Officer in approving attendance at activities or events by other employees that in the opinion of the CEO, are appropriate, relevant and beneficial to the Shire of Boddington and its employees.

### Objective:

The Shire of Boddington is required under the *Local Government Act 1995* to approve and report on attendance at events for Elected Members and the Chief Executive Officer.

This policy addresses attendance at any events, including concerts, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to outline the process associated with attendance at an event and provide transparency about the attendance at events of Council members, the Chief Executive Officer (CEO) and other employees.

Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose a potential conflict of interest if the ticket is above \$300 (inclusive of GST) and the donor has a matter before Council. Any gift received that is \$300 or less (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest.

Resolution No:

Resolution Date:

## 8.5.3 Elected Member Continuing Professional Development Policy

File Reference:	Policy Manual – Policy 5.16
Author:	Graham Stanley, Director Corporate & Community Services
Disclosure of any Interest:	N/A
Date of Report:	21 May 2020
Attachments:	8.5.3A Draft Elected Member Continuing Professional Development Policy

### Summary:

As part of the State Governments review of the *Local Government Act 1995*, Council is required to endorse the Elected Member Continuing Professional Development Policy.

### Background:

As part of the Local Government Act Review, Parliament on 27 June 2019 passed the *Local Government Legislation Amendment Act 2019*. The Amendment Act addressed the complex and significant role that the Shire President and Elected Members take on when elected to Council.

One of the substantial changes to the Act included an introduction of mandatory training for candidates and Elected Members. The changes to the Act also require Councils to adopt a policy in relation to the continuing professional development of Elected Members with a requirement for a Policy to be published on the local government website.

The Department of Local Government, Sport and Cultural Industries (DLGSC) have subsequently advised that all Council Members will need to complete the Council Member Essentials training course, within 12 months of being elected. The course has been developed to provide Council Members with the skills and knowledge to perform their roles as leaders in their district.

### Consultation:

Public consultation is not applicable to this report.

The Officer has consulted with the Executive Management Team and utilised the Department of Local Government, Sport and Cultural Industries (DLGSCI) and local government sector consultation. It should be noted that the proposed policy position was guided by the requirements of legislation.

### Comment:

The Shire President and Elected Members of the Shire of Boddington will be required to undertake the mandatory training of Council Member Essentials within 12 months of being elected to Council, unless in the previous 5 years, they have passed the Diploma of Local Government 52756WA (Elected Member) or the course titled LGASS00002 Elected Member Skill Set.

The Council Member Essentials course comprises of the following five units:

- Understanding Local Government – ½ day (Prerequisite);
- Serving on Council – ½ day;
- Meeting Procedures – 2 days;
- Conflicts of Interests – 1 day; and
- Understanding Financial Reports and Budgets – 1 day.

The training will take approximately five days to complete face to face or online. Once completed the training is valid for five years so the requirement for training for an individual

Elected Member is after every second election. All five units are expected to be available for online learning.

There are currently three training organisations able to provide the training with several delivery options available, being:

- WALGA;
- South Metropolitan TAFE; or
- North Metropolitan TAFE.

The new policy requires the Shire of Boddington to ensure continuing professional development opportunities be provided to the Shire President and Elected Members independently from the mandatory training requirements.

The Shire will investigate opportunities for professional skill development based on the direction of Council or individual Elected Members requests.

The Act does not prescribe an amount to be set aside for this purpose, and the draft policy presented to Council suggests that this be done during the annual budget process so that WALGA and other training agencies can provide an overview and indication of costs for training for consideration at that time.

#### Statutory Environment:

#### ***Local Government Act 1995***

#### ***Division 10 – Training and development***

#### ***5.126. Training for council members***

- (1) *Each council member must complete training in accordance with regulations.*
- (2) *Regulations may –*
  - (a) *prescribe a course of training; and*
  - (b) *prescribe the period within which training must be completed; and*
- (c) *prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and*
- (d) *provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5 000 for the offence.*

#### ***5.127. Report on training***

- (1) *A local government must prepare a report for each financial year on the training completed by council members in the financial year.*
- (2) *The CEO must publish the report on the local government's official website within 1 month after the end of the financial year to which the report relates.*

#### ***5.128. Policy for continuing professional development***

- (1) *A local government must prepare and adopt\* a policy in relation to the continuing professional development of council members.*  
*\* Absolute majority required.*
- (2) *A local government may amend\* the policy.*  
*\* Absolute majority required.*
- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (4) *The CEO must publish an up-to-date version of the policy on the local government's official website.*
- (5) *A local government –*
  - (a) *must review the policy after each ordinary election; and*
  - (b) *may review the policy at any other time.*

Strategic Implications: -Nil

Financial/Budget Implications:

The financial implications to the Shire are not known at this stage, however there will be costs associated with training and professional development.

An allocation for Elected Member training and professional development will be included each year as part of the annual budget process.

Workforce Implications:

The Draft Policy provides direction for Elected Members to undertake required training and ongoing professional development.

Policy Implications:

The proposal recommends establishment of a new policy, consistent with the intent of the legalisation.

When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under the Act.

The Chief Executive Officer must publish an up-to-date version of the policy on the local government's official website.

Voting Requirement: Absolute Majority

OFFICER'S RECOMMENDATION – ITEM 8.5.3
---------------------------------------

That Council, BY AN ABSOLUTE MAJORITY:

1. ADOPTS the Elected Member Continuing Professional Development Policy pursuant to section 5.128 of the *Local Government Act 1995* as attached to this report; and
2. That the Chief Executive Officer include the Policy on the Shire of Boddington website.

## ATTACHMENT 8.5.3A

### 05.16 ELECTED MEMBER CONTINUING PROFESSIONAL DEVELOPMENT POLICY

#### Policy Statement:

The *Local Government Act 1995* requires all Elected Members to undertake compulsory training within 12 months of being elected. The Shire of Boddington is required under the *Local Government Act 1995* to adopt and report on compulsory training, and additionally, continuing development for Elected Members of the Shire of Boddington.

It is policy that –

Elected Members of the Shire of Boddington undertake and successfully complete the following prescribed professional development training modules titled “Council Member Essentials” within the period of 12 months from the day the council member was elected, unless a prescribed exemption applies:

- Understanding Local Government;
- Serving on Council;
- Meeting Procedures;
- Conflicts of Interest; and
- Understanding Financial Reports and Budgets.

All units and associated costs will be paid for by the Shire and completed within the 12 months following election. The training is valid for 5 years.

Additionally, the Shire will publish, on the Shire’s website, training undertaken by all Elected Members within one month after the end of the financial year pursuant to the *Local Government Act 1995*.

It is Council’s preference that the training is undertaken via the eLearning method which is the more cost efficient form of delivery. It is acknowledged however that there may be Elected Members who prefer to receive training face-to-face and/or opportunities to attend training which is being delivered in the region or in the Perth metropolitan area.

#### Ongoing Professional Development

The professional development of Elected Members is an important activity of the Shire to ensure that its decision making is of the highest standard and is the product of informed and ethical debate by well trained and committed Elected Members acting in the best interest of all of the community.

Elected Members are encouraged to nominate to attend other conferences or training opportunities to enhance and broaden their knowledge of local government issues to support the community.

#### Eligible Formal Training Events

The formal training events to which this policy applies is limited to those conducted by, or organised by, any of the following organisations or individuals:

- The West Australian Local Government Association (WALGA);
- Local Government Professionals WA;
- Accredited training organisations offering training which is directly related to the role and responsibilities of Elected Members;
- Information sessions organised by the Department of Local Government, Sport and Cultural Industries; or

## ATTACHMENT 8.5.3A

- Seminars, training and/or information sessions provided by individuals with a demonstrably strong knowledge of local government in Western Australia.  
The following are examples of other conferences or training opportunities as described above:
- National General Assembly of Local Government;
- WA Local Government Week;
- Special "one off" conferences sponsored by WALGA or the Department of Local Government, Sport and Cultural Industries on important local government issues;
- Annual conferences of major professions of local government;
- The Annual Road Congress;
- Conferences which advance the development of Elected Members in their role as Councillors; or
- Conferences of organisations on which an Elected Member has been elected or appointed as a delegate.

### PROCEDURES

#### Approval of Professional Development

Considerations for approval of the training or professional development activity include:

- The costs of attendance including registration, travel and accommodation, if required;
  - The Budget provisions allowed and the uncommitted or unspent funds remaining;
  - Any justification provided by the applicant when the training is submitted for approval;
  - The benefits to the Shire of the person attending;
  - Identified skills gaps of elected members both individually and as a collective;
  - Alignment to the Shire's Strategic Objectives; and
  - The number of Shire representatives already approved to attend.
- Consideration of attendance at training or professional development courses, other than the online Council Member Essentials, which are deemed to be approved, are to be assessed as follows:
- Events for the Shire President must be approved by the Deputy Shire President, in conjunction with the CEO; and
  - Events for Councillors must be approved by either the Council or the Shire President, in conjunction with the CEO.

#### Travel Arrangements

All booking arrangements for other conferences and training for Elected Members are coordinated through the Chief Executive's Office. Elected Members should note that the *Local Government Act 1995* precludes an Elected Member to pre-spend Shire funds.

Any airline travel for an Elected Member is to be booked at economy level and booking arrangements are to be reviewed upon any improved discount offer being identified. Any upgrade to Business Class is permissible provided the Council member funds the difference in cost.

Other than to amend departure times, tickets provided to representatives of the Shire shall not be exchanged, downgraded or rebated. Tickets or bookings may not be altered to include personal travel that is not part of the scheduled conference itinerary.

The proposed duration of another conference or training attendance together with travel time and planned supplementary pre or post conference activities relevant to the Shire of Boddington will be notified to Council or the Chief Executive Officer for confirmation and/or amendment prior to the delegate's departure for the other conference or training.

## ATTACHMENT 8.5.3A

### Expenses

Expenses relating to other conferences and training as approved, will be paid direct by the Shire. Expenses may include the following items:

- Air fare;
  - Travel insurance;
  - Conference registration;
  - Copy of conference proceedings;
  - Room accommodation;
  - Reasonable phone utilisation;
  - Reasonable laundry expenses; and
  - Meals in the hotel where registered if these are not provided during the course of the conference.
- Incidental expenses include:
- Phone calls made outside the accommodation premises and for the purposes of the conference and/or Council business;
  - Travel to and from the conference venue; and
  - Travel to and from all airport destinations.

### Reporting and Publishing

All Elected Members attending any other conference or training are expected to report to Council on the benefits achieved by attending and should make the conference papers available to other Councillors.

A record of conferences or other training attended by Elected Members will be maintained by the Chief Executive Officer.

The Chief Executive Officer is to prepare a report each financial year on prescribed professional development training completed by Elected Members in the financial year. This report is to be published on the Shire official website within 1 month after the end of the financial year to which the report relates.

### OBJECTIVE

To ensure that Elected Members of the Shire of Boddington meet and comply with the prescribed professional development requirements under the *Local Government Act 1995*, and to further encourage participation in other conferences and training specifically designed to enhance skills and knowledge relating to roles and responsibilities, as an Elected Member of the Shire of Boddington.



## 8.6 CHIEF EXECUTIVE OFFICER:

### 8.6.1 Action Sheet

Disclosure of Interest: Nil  
Date: 22 May 2020  
Author: Chris Littlemore

#### Purpose of Report

To bring forward Councillors information the Action Report with actions taken on previous Council resolutions.

Meeting Date	Resolution Number	Responsible Officer	Subject	Date Completed	Comments Current Status
16/4/20	31/20	CEO	Suspension of certain provisions of the Shire of Boddington Standing Orders Local Law	16/4/20	complete
16/4/20	36/20	CEO	Adoption of Audit Committee Charter	16/4/20	On website Sent to AMD auditors
16/4/20	37/20	CEO	COVID-19 Business & Community Response		Pending
21/5/20	38/20	CEO	Differential Rating		Pending
21/5/20			Consideration of a Staff Matter		Pending

For information only.

8.6.2	Actions Performed Under Delegated Authority for the Month of April 2020
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File Ref. No: ADM0686  
 Disclosure of Interest: Nil  
 Date: 11 April 2020  
 Author: Chief Executive Officer  
 Attachments: Nil

Summary

To report back to Council actions performed under delegated authority for the month of April 2020.

Background

There is no specific requirement to report on actions performed under delegated authority. But to increase transparency this report has been prepared for Council and includes all actions performed under delegated authority for the month of April 2020.

- Affixing of Common Seal
- One off Delegation to CEO
- Authorisation to call tenders
- Building Permits issued;
- Health Approvals issued
- Development Approvals
- Subdivision approvals
- Land Administration

Comment

The following tables outline the action performed within the organization relative to delegated authority for the month of April 2020 and are submitted to Council for information.

Common Seal - Nil	
Date Affixed	Documentation

Delegation to CEO - Nil	
Date Affixed	Documentation

Authorisation to call Tenders - Nil	
Date	Documentation

Peter Haas - PEHO			
Building Applications			
Application No.	Applicant	Lot & Street	Type of Building Work
3279	S & N Kelsall 1056 Bannister- Marradong Road Bannister	Lot 505 No 1056 Bannister- Marradong Road Bannister	Dwelling Extension
3284	M Gelissen 24 Hill Street Boddington	Lot 161 No 493 Chalk Brook Road Bannister	Shed
3282	Bodiga Pty Ltd 34-36 Bannister Road Boddington	Lot 50 No 36 Bannister Road Boddington	Office
3283	D & H Wood 23 Allwood Avenue Hilbert	Lot 60 No 306 Crossman- Dwarda Road Crossman	Shed

**Health - Nil**

Steve Thompson - Town Planning Consultant			
Development Approvals - Nil			
Application No.	Applicant	Lot & Street	Type of Approval

Subdivision Applications - Nil			
Application No.	Applicant	Lot & Street	Action

Land Administration - Nil			
Application No.	Applicant	Lot & Street	Action

Strategic Implications – Nil

Statutory Environment

Regulation 19 of the *Local Government (Administration) Regulations 1996* requires delegates to keep a record of each occasion on which they exercise the powers or discharge the duties delegated to them.

Policy Implications - Nil

Financial Implications - Nil

Economic Implications – Nil

Social Implications - Nil

Environmental Considerations – Nil

Consultation - Nil

Voting Requirements – Simple Majority

OFFICER'S RECOMMENDATION – ITEM 8.6.2

That Council accept the report outlining the actions performed under delegated authority for the month of April 2020.

### 8.6.3 Review of Local Laws

File Ref. No: (ADM0097) LAEN  
Disclosure of Interest: Nil  
Date: 26 May 2020  
Author: CEO/DCCS  
Attachments: 8.6.1 Local Laws (separate attachment)

Council is to consider advertising its intent to review local laws.

#### Background

Council is required to review its local laws within 8 years from when the local law commenced.

#### Comment

The following local laws are due to be reviewed by Council:

- a. Beekeeping
- b. Parking and Parking Facilities
- c. Activities on Thoroughfares and Trading in Thoroughfares.
- d. Dogs
- e. Local Government Property
- f. Standing orders
- g. Cemeteries
- h. Fences
- i. Health
- j. Pest plants
- k. Unightly land and refuse, rubbish or disused materials on land
- l. Livestock and wandering at large.

Strategic Implications – Nil

#### Statutory Environment

*Local Government Act 1994*

3.16. Periodic review of local laws

- (1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.
- (2) The local government is to give local public notice stating that –
  - (a) the local government proposes to review the local law; and
  - (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and
  - (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.

- (3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.
- (4) When its council has considered the report, the local government may determine\* whether or not it considers that the local law should be repealed or amended.

Policy Implications - Nil

Financial Implications - Nil

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations – Nil

Consultation Nil

### Options

Council can:

1. adopt the recommendation/s;
2. adopt the recommendation/s with further amendments; or
3. not accept the recommendation/s, giving reasons..

### Voting Requirements - Absolute Majority

OFFICER RECOMMENDATION – ITEM 8.6.3
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That Council resolve as follows

1. To give local public notice of its intention to review the following local laws:
  - a. Beekeeping
  - b. Parking and Parking Facilities
  - c. Activities on Thoroughfares and Trading in Thoroughfares.
  - d. Dogs
  - e. Local Government Property
  - f. Standing orders
  - g. Cemeteries
  - h. Fences
  - i. Health
  - j. Pest plants
  - k. Unightly land and refuse, rubbish or disused materials on land
  - l. Livestock and wandering at large.
2. That Council will receive submissions about the Local laws until close of business on 16 July 2020.

9. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS MOTION HAS BEEN GIVEN:

Nil at this time.

10. URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:

Nil at this time.

Move that pursuant to S5.23 (2) (c) as Council is about to discuss a contract entered into that the meeting be closed to members of the public.

11. CONFIDENTIAL ITEM:

11.1.1	Confidential – Request for Rent Relief – for lease of Shire Building
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Move that the meeting be re-opened to the public.

12. CLOSURE OF MEETING: