



Ordinary Council Meeting

Minutes | 30th April 2020

Disclaimer

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SHIRE OF QUAIRADING

The Ordinary Meeting of Council was held electronically in accordance with Regulation 14D(2)(a) of the Local Government (Administration) Regulations 1996, due to the State of Emergency declared in Western Australia, effective 16th March 2020 and the subsequent government directives with regard to public gatherings, the public were unable physically attend this meeting.

The Ordinary Council Minutes of Meeting held on Thursday 30th April 2020 commencing at 2.15pm.

ITEM 1 OPENING & ANNOUNCEMENTS

The Shire President opened the Meeting at 2.15 pm.

"Before we start our Meeting, I would like to acknowledge that we are meeting on Noongar / Ballardong land and we pay respect to the original custodians...past, present and future and welcome you all here today for this Meeting".

Cr Davies welcomed Councillors and Staff to the e-meeting, conducted a roll call at the commencement of the meeting and confirmed the below Elected Members and Staff were in attendance for the electronic meeting.

Cr Davies advised the meeting that Mr David Collard and Ms Helen Creed would be presenting to Council in regard to the Nyoongar Pathway Program and the Child Care transition to REED respectively.

ITEM 2 ATTENDANCE AND APOLOGIES

Councillors

Cr WMF Davies	Shire President
Cr JN Haythornthwaite	Deputy Shire President
Cr BR Cowcill	
Cr JW Haythornthwaite	
Cr JR Hippiisley	
Cr B McGuinness	(From 2.19 pm)
Cr PD Smith	
Cr TJ Stacey	

Council Officers

Mr GA Fardon	Chief Executive Officer
Mr A Rourke	Executive Manager of Works & Services
Mr N Gilfellon	Executive Manager of Corporate Services
Mr RM Bleakley	IPR & Strategic Projects Officer
Mrs A Strauss	Executive Officer

Observers/Visitor

Mr David Collard	(2.20 pm – 2.45 pm)
Ms Helen Creed	(3.04 pm – 3.22 pm)

Apologies

Nil.

Leave of Absence Previously Granted

Nil.

ITEM 3 PUBLIC QUESTION TIME

No Written Questions submitted.

ITEM 4 DEPUTATIONS / PRESENTATIONS / SUBMISSIONS / PETITIONS

2.20 pm

Mr David Collard thanked Council for providing the opportunity for him to present the Nyoongar Pathway NRM Program and delivered a brief introduction including his own background.

Noongar Pathway NRM Program

Origin of program – Native title and the Indigenous Land Usage Agreement

Issues – Local capacity to manage natural resources; current shortfalls in educational institutions to meet these needs; job creation, skills requirements and retention of persons in community linking to NRM and Native Title and the Indigenous Land Usage Agreement.

Objectives – Upskilling of local population through modifications to existing education pathway to integrate traditional knowledge with mainstream curriculum.

Goals – Upgrading of capacity to manage natural resources; Cultural knowledge and intergenerational transfer.

Program Timeline

Pilot phase – Funded by NRM in 2017/18

Phase 2 – Funding through LotteryWest from 2019 to 2021

Vision is that the program will run for 20 years.

How

Educational pathway – linking primary through to tertiary and vocational.

Who

Targeting all students both Wadjela and Nyoongar

Focus

STEM – Science, Technology, Environment and Mathematics

Integration between traditional knowledge and mainstream curriculum.

David Collard provided a brief summary of the program being run through Quairading District High School, the links and partnerships with other institutions (Muresk, Curtin University), and activities associated with community engagement and caring for country (convening of Elders Councils).

Cr McGuinness enquired about sources of funding for the Program and asked if Mr Collard was aware of the new State NRM funding window.

Mr Collard replied that he was not aware of this particular opportunity, but realises that there are multiple funding streams available.

Cr Smith asked Mr Collard to what extent of support from the local Quairading Community is he receiving for the program?

Mr Collard replied that he is aware that it is not just about the School. He is also aware that there are longstanding differences within the Quairading Community. However, there are strong linkages with Community Elders and a series of workshops have been held in Quairading to strengthen these relationships.

Cr Davies thanked Mr Collard for presenting to Council.

2.45 pm

Mr Collard left the Meeting.

ITEM 5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil received.

ITEM 6 DECLARATIONS OF INTEREST

The following pro forma written declarations were received by the CEO and read aloud: -

- Cr McGuinness - Impartiality Interest with Item 10.2 (4) Community Grants Program (2020/21) - Round 1 - Doodenanning Sports Club
- Cr Cowcill - Impartiality Interest with Item 10.2 (4) Community Grants Program (2020/21) - Round 1 - Wamenusking Sports Club
- Cr Smith - Impartiality Interest with Item 10.2 (2) District Promotion - Chairperson of the Tourism Steering Group and Item 10.2 (4) Community Grants Program (2020/21) - Round 1 - Doodenanning Sports Club and the Quairading Agricultural Society.
- Mr Gilfellon - Financial Interest with Item 10.4 Child Care - Transition to REED - Partner is a Casual Employee of the Little Rainmakers Child Care Centre.

Verbal Declarations of Interest

Cr Davies - Impartiality Interest with Item 10.2 (4) Community Grants Program (2020/21) - Round 1 - Doodenanning Sports Club

Cr Jo Haythornthwaite - Impartiality Interest with Item 10.2 (4) Community Grants Program (2020/21) - Round 1 - Wamenusking Sports Club

Cr John Haythornthwaite - Impartiality Interest with Item 10.2 (4) Community Grants Program (2020/21) - Round 1 - Quairading Bowling Club

7.1 Confirmation of Minutes – 26th March 2020

RESOLUTION: 143-19/20

MOVED Cr Jo Haythornthwaite SECONDED Cr McGuinness

That the Minutes of the Ordinary Meeting of Council held on the 26th March 2020 be confirmed as a true and accurate record.

CARRIED 8/0

7.2 Business Arising

Cr Cowcill

Page 22 of the Agenda – Resolution 133-19/20 carried by Absolute Majority

Cr Cowcill queried why the motion was carried by Absolute Majority.

Chief Executive Officer advised that the Local Government Act specifies requirements for an 'Absolute Majority' decision for matters which constitute the most important decisions undertaken by Council. An 'Absolute Majority' decision requires at least 50% of the total number of Elected Members of Council (whether present or not).

Cr Hippisley

Page 22 of the Agenda – Resolution 133-19/20 Voting narrative

Cr Hippisley enquired why there was no narrative recorded on the voting for this Motion.

The Chief Executive Officer advised that an Elected Member may request that their vote, or the votes of all the Elected Members, be recorded in the minutes. Council's Minuting protocol is for the recording of Council's decisions rather than a narrative style of minuting.

Page 5 of the Agenda – CRISP System

Cr Hippisley enquired if there has been any further development on this issue?

Cr Davies advised that there had been further contact with the Shire President of the Shire of Bruce Rock who will be arranging a presentation on CRISP in the near future.

Cr John Haythornthwaite

Page 38 of the Agenda – Resolution 139-19/20 Reassignment of Library Services Agreement

Cr John Haythornthwaite queried why this motion had to be brought to Council and sought clarification on the legal procedure relating to the reassignment.

The Chief Executive Officer advised that Council and the Proprietor of the Quairading Bookpost have a Contract for the business to provide library services for Council. The leasehold of the business has been sold and the transfer of the Library Contract to the new proprietor cannot take place without Council's written consent.

ITEM 8 MATTERS FOR CONSIDERATION – BUILDING AND TOWN PLANNING

No matters for consideration.

ITEM 9 MATTERS FOR CONSIDERATION – FINANCE & AUDIT

9.1 Accounts for Payment – March 2020

Meeting Date	30 th April 2020
Responsible Officer	CEO Graeme Fardon
Reporting Officer	EMCS Nathan Gilfellow
Attachments	(i) March 2020 Payment List (ii) Transport Takings (iii) Credit Card Statement
Owner/Applicant	Shire of Quairading
Disclosure of Interest	Nil

OFFICER RECOMMENDATION

RESOLUTION: 144-19/20

MOVED Cr Jo Haythornthwaite SECONDED Cr Hippisley

That Council note the following:

1. That Schedule of Accounts for March covering Municipal Vouchers 23706 to 23713 & EFT 7637 to EFT 7784 totalling \$458,366.17 be received and
2. That Police Licensing payments for the month of March 2020 totalling \$45,580.40 be received (Attachment 9.1.2); and
3. That fund transfers to Corporate Credit Card for March 2020 balance totalling \$894.16 be received (Attachment 9.1.3); and
4. That Net Payroll payments for the month March 2020 totalling \$112,338.11; and
5. That the Lease payment for the month of March 2020 on the CESM Vehicle totalling \$1,140.08.

CARRIED 8/0

IN BRIEF

Payments are per attached schedules 9.1.1/2/3

MATTER FOR CONSIDERATION

Note the accounts paid during March 2020.

BACKGROUND

Accounts paid are required to be submitted each month.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996 (Reg 13 (1)) requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Payment from Council's Municipal Fund. Expenditure as per delegated authority and included in the adopted 2019/2020 Budget.

Payments made for the 2019/20 Year in the Payments List have been included in Councils Budget in accordance with section 6.8 of the Local Government Act 1995.

STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

Governance Objective: Strong governance and community engagement

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability

COMMUNITY CONSULTATION

Nil

RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Risk Matrix Rating considered Low – On Risk Matrix given Purchasing / Procedures followed, together with Management Separation of acceptance of duties and Processes in place.

Health – Risk Matrix Rating considered Low.

Reputation – Risk Matrix Rating considered Low – Creditors reviewed weekly and paid in accordance to agreed terms.

Operation – Risk Matrix Rating considered Low.

Natural Environment – Risk Matrix Rating considered Low.

9.2 Financial Information–Statements of Income and Expenditure for the Period Ending – 31st March 2020

Meeting Date	30 th April 2019
Responsible Officer	CEO Graeme Fardon
Reporting Officer	EMCS Nathan Gilfellow
Attachments	(i) Financial Statements for March
Owner/Applicant	Shire of Quairading
Disclosure of Interest	Nil

OFFICER RECOMMENDATION

RESOLUTION: 145-19/20

MOVED Cr Smith SECONDED Cr Stacey

That Council receive the Monthly Financial Statements for the period ending 31st March 2020.

CARRIED 8/0

IN BRIEF

- Monthly Financial Statements for the period ending 31st March 2020 attached.
- Monthly Financial Statements have been updated based on the Moore Stephens Monthly Statements Model.
- The Monthly Financial Statements report include the Fund Balances Report and the Variance Report previously reported separately.

MATTER FOR CONSIDERATION

To receive the monthly Financial Report and Statements.

BACKGROUND

Council resolved in October 2000 (Minute Number 071-00/01) to receive Financial Statements in the required statutory format. Requests for new Monthly Financial Statements started a search for a new template. The current template is based on the Moore Stephens Monthly Budget Template.

STATUTORY ENVIRONMENT

Amendments to the regulations, gazetted on the 31st March 2005 and effective from the 1st July 2005, have repealed the existing regulations (34 and 35) relating to monthly and quarterly / triannual financial reports.

They have been substituted in accordance with a new Regulation 34. This new regulation only requires Local Governments to report on a monthly basis, although it is much more prescriptive as to what is required and its intention is to establish a minimum standard across the industry.

The new regulations require Local Government to prepare each month a statement of financial activity as per attachment. This statement is intended to report on the sources and application of funds highlighting variances to budget for the month in question.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The Model Monthly Financial Statements cost \$430 (2018/19) and will be an ongoing annual expense if the latest model is needed. Staff time is used to update and customise the template for Council preferences.

STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

Governance Objective: Strong governance and community engagement

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability

COMMUNITY CONSULTATION

Nil

RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Risk Matrix Rating considered Low – Comprehensive Monthly Financial Reports in accordance with the Local Government’s Financial Regulation 34 including individual schedules on each budget line item provided to Council for analysis.

Health – Risk Matrix Rating considered Low.

Reputation – Risk Matrix Rating considered Low.

Operation – Risk Matrix Rating considered Low – Level verified through Council Financial Audits.

Natural Environment – Risk Matrix Rating considered Low.

COMMENT

The Monthly Financial Statements have been updated based on the Moore Stephens Monthly Reporting Template. They now also include the Fund Balances Report and the Variation Report which were previously separate items.

The Model Template has been updated to include profit and loss statements for the Medical Practice, Childcare and Caravan Park. The Statements can continue to be updated and customised to include relevant information for Council and Staff and to work with improved Management Accounting practices.

9.3 Elected Members Meeting Fees & Allowances - Western Australian Salaries and Allowances Tribunal (SAT) Determination

Meeting Date	30 th April 2020
Responsible Officer	CEO Graeme Fardon
Reporting Officer	CEO Graeme Fardon
Attachments	(i) Determination of the Salaries and Allowances Tribunal
Owner/Applicant	n/a
Disclosure of Interest	<p>Elected Members Exempt under Section 5.63 of the Local Government Act (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter –</p> <p>(a) an interest common to a significant number of electors or ratepayers; or</p> <p>(b) an interest in the imposition of any rate, charge or fee by the local government; or</p> <p>(c) an interest relating to –</p> <p>(i) a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers; or</p> <p>(ii) a gift permitted by section 5.100A; or</p> <p>(iii) reimbursement of an expense that is the subject of regulations made under section 5.101A;</p>

OFFICER RECOMMENDATION

- That Council set the following Elected Members Meeting Fees and Allowances for the 2020/2021 Year in accordance with Band 4 of the Salaries and Allowances Tribunal Determination.
- | | |
|--------------------------------------|---------------------|
| Shire President – Council Meeting | \$_____ per Meeting |
| Shire President – Committee Meetings | \$_____ per Meeting |
| Councillors – Council Meeting | \$_____ per Meeting |
| Councillors – Committee Meetings | \$_____ per Meeting |
- Shire President’s Annual Allowance be set at \$_____

RESOLUTION: 146-19/20

MOVED Cr Jo Haythornthwaite SECONDED Cr Cowcill

- That Council set the following Elected Members Meeting Fees and Allowances for the 2020/2021 Year in accordance with Band 4 of the Salaries and Allowances Tribunal Determination, with the Fees and Allowances unchanged from the 2019/20 Year.
- | | |
|--------------------------------------|-------------------|
| Shire President – Council Meeting | \$440 per Meeting |
| Shire President – Committee Meetings | \$76 per Meeting |
| Councillors – Council Meeting | \$214 per Meeting |
| Councillors – Committee Meetings | \$76 per Meeting |
- Shire President’s Annual Allowance be set at \$513

CARRIED 8/0

IN BRIEF

- The Tribunal has determined there will be no increase in remuneration, fees, expenses and allowance ranges provided to CEOs and Elected Members.
- Council remains in Band 4;
- Council in the past has supported a Meeting Fee be paid to Elected Members rather than paying an Annual Fee. An Absolute Majority Vote is required if Council were to determine that an Annual Fee be paid to Councillors;
- Council is required to pay the Prescribed Minimum Fee within Band 4 or determine a Meeting Fee within the Band 4 range;
- In light of the State Public Health Emergency and the resulting Economic downturn, the State Government and WALGA have been calling upon Council's to show leadership in the restraint on operational expenditure and also to provide for a freeze on Council Rates and Charges in the 2020/2021 Financial Year.

MATTER FOR CONSIDERATION

Council to consider Elected Member Meeting Fees and Allowances for the 2020/2021 Year.

BACKGROUND

The Tribunal has considered sections 2.7 to 2.10 and 5.41 of the LG Act, which outlines the roles and responsibilities of local governments, councillors, mayors, presidents and their deputies and the functions of local government Chief Executive Officers (CEOs).

The Tribunal invited individual local governments to provide information in order to ensure the Tribunal is informed on developments across the sector.

The Tribunal continues to apply the four Band allocation model established in its 2012 determination. The model allows a number of measurable and non-measurable factors to be considered when assessing appropriate levels of remuneration.

The Tribunal notes that the remuneration ranges set for these Bands provide some flexibility to local governments. The Tribunal will only adjust a classification when a local government or regional local government can demonstrate a substantial and sustained increase within the parameters of the band allocation model.

This inquiry's considerations were influenced by the sudden and overriding issue of Coronavirus (COVID-19). There is considerable uncertainty regarding the consequences of COVID-19 and its impact on the State's economic circumstances.

The Tribunal recognises the need for remuneration provided to public officers to accord with community expectations. At this time of great uncertainty and challenge for all Western Australians, the need for the Tribunal to exercise restraint is indisputable.

STATUTORY ENVIRONMENT

Salaries and Allowances Act 1975

1. Section 7A of the Salaries and Allowances Act 1975 ('the SA Act') requires the Salaries and Allowances Tribunal ('the Tribunal') to "inquire into and determine, the amount of remuneration, or the minimum and maximum amounts of remuneration, to be paid or provided to chief executive officers of local governments".
2. Under Section 7B(2) of the SA Act, the Tribunal must inquire into and determine the amount of:

- fees, or the minimum and maximum amounts of fees, to be paid under the Local Government Act 1995 ('the LG Act') to elected council members for attendance at meetings;
- expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the LG Act to elected council members; and
- allowances, or the minimum and maximum amounts of allowances, to be paid under the LG Act to elected council members.

Local Government Act 1995

Section 5.98 of the Local Government Act 1995 specifically refers to the setting of Meeting Fees for Council and Committee Meetings.

Section 5.99 provides authority for Council to determine (by Absolute Majority) the payment of an Annual Fee to Councillors rather than a Meeting Fee based on attendance.

The Local Government Act 1995 does also provide for the reimbursement of other costs as prescribed in Regulation.

POLICY IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

Council's Current Budget for Meeting Fees (and other Expenses Claimed) is \$31,500 per Annum and \$513 for the Shire President's Allowance.

It is projected that the Members Fees & Allowance Expense (GL0322) to the 30th June 2020 will total \$32,013.

Subject to Council Resolution, the 2020/2021 Budget will need to reflect the Meeting Fee Level and Shire President's Allowance determined by Council.

STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

Governance Objective: Strong governance and community engagement

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability

COMMUNITY CONSULTATION

No consultation was required or undertaken in relation to this report.

RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Risk Matrix Rating is assessed as Low. Councillor Meeting Fees and the Shire President's Annual Allowance are provided for in the Annual Budget based on an estimate of the number of Meetings to be conducted by Council during the forthcoming year.

Health – Risk Matrix Rating is assessed as Low

Reputation – Risk Matrix Rating is assessed as Low. It is a legislative requirement for Elected Members Fees to be within the stated range of Band 4.

Operation – Risk Matrix Rating is assessed as Low. Payment of Councillors Meeting Fees and Annual Shire President's Allowance are included in normal operations of Council. Annual Statement of Meeting Fees paid to each Councillor are issued for Income Tax Declaration purposes.

Natural Environment – Risk Matrix Rating is assessed as Low.

COMMENT

The Tribunal has determined there will be no increase in the ranges for remuneration, fees, expenses and allowance ranges provided to CEOs and elected members for the 2020/2021 Financial Year.

The Tribunal notes each local government is able to set remuneration within the band to which it is allocated. Each local government must conduct its own assessment to determine whether any increase, within the bands, is justified.

Prescribed Meeting Attendance fees per Meeting: -

- Shire President Council Meeting Fee Range is \$91 - \$490;
- Councillor Meeting Fee Range is \$91 - \$238;
- Committee Meeting Fee Range is \$46 - \$119;
- Shire President Annual Allowance \$513 - \$20,063
- ICT Expenses Annual Allowance is \$500 - \$3,500.

The Current Meeting Fees (2019/2020) set by Council are as follows: -

Council Meetings

- Shire President \$440.00
- Councillors \$214.00

Committee Meetings (and Other Prescribed Meetings)

- All Councillors \$76.00

Shire President Annual Allowance

Shire President \$513.00.

Committee Meeting Fees are paid on Standing Council Committee and other Prescribed Meetings (i.e. Regional Road Group Meetings and Central Country Zone Meetings);

Meeting Fees are not payable on Workshops or Committee Meetings where members of the public are also on the Committee;

The Shire President's Annual Allowance has historically been the Minimum Amount in Band 4 (Range \$513 - \$20,063)

Council has not previously supported an Allowance for the Deputy Shire President, being 25% of the Shire President's Allowance.

Council has previously considered but not supported to payment of an ICT (Information and Communications) Annual Allowance.

3.04pm

Presentation from the Chairperson of REED

Ms Helen Creed joined the Meeting at 3.04 pm and presented to Council on the Child Care Centre transition to Regional Early Education and Development Inc. (REED).

Ms Creed informed Council that REED was established in response to challenges identified by Early Childhood Education and Care services in more than 20 communities across the Wheatbelt region.

REED's services included early education and care centres, family day care, in-venue care, outside school hours and vacation care.

Corrigin Child Care Centre was the first Wheatbelt Early Childcare and Education service to join REED and there are now 17 Child Care Centres which have joined REED across the Wheatbelt.

Cr Hippisley enquired if local parents are on board with the transition to REED.

Ms Creed answered in the affirmative and said that REED go through the transition process with parents as well as the Centre's Managers involved. Ms Creed further stated that REED sends their Administration Staff to the Centre to assist with the smooth transition.

The Chief Executive Officer added that this process has been in discussion for last the 12-18 months with information provided to staff and parents.

Cr Smith asked if the current Staff will remain employed.

Ms Creed replied that it has always been REED's intention and practice to transfer current employees, including keeping existing hours/days of work.

Cr Wayne Davies thanked Ms Creed for her presentation and interest in our children and our Town.

3.12 pm

Cr John Haythornthwaite left the Meeting.

3.14pm

Cr John Haythornthwaite re-joined the Meeting

3.22 pm

Ms Helen Creed left the Meeting

10.1 Chief Executive Officer's Performance Review - Appointment of Consultant

Meeting Date	30 th April 2020
Responsible Officer	CEO Graeme Fardon
Reporting Officer	CEO Graeme Fardon
Attachments	Copy of Proposals (Under separate cover)
Owner/Applicant	n/a
Disclosure of Interest	Nil.

OFFICER RECOMMENDATION

That Council: -

1. Engage _____ to assist Council with the Chief Executive Officer's Performance Review Process for the 2019/2020 Year and establish the Key Performance Indicators for the 2020/2021 Year; and
2. That the Appraisal Process for the 2019/2020 Year to be completed by the 31st July 2020.

RESOLUTION: 147-19/20**MOVED Cr Jo Haythornthwaite SECONDED Cr McGuinness**

That Council: -

1. Engage Margaret Hemsley of LG People and Culture to assist Council with the Chief Executive Officer's Performance Review Process for the 2019/2020 Year and establish the Key Performance Indicators for the 2020/2021 Year; and
2. That the Appraisal Process for the 2019/2020 Year to be completed by the 31st July 2020.

CARRIED 6/2

IN BRIEF

- Statutory Compliance to undertake Annual CEO Performance Review.
- Pursuant to Section 5.38 of the Local Government Act 1995.
- Council has supported engaging a suitable HR Consultant to assist Council with the Review Process and to facilitate the setting of KPI's for the 2020/21 Financial Year.
- 3 Proposals have been received for Council's Consideration.

MATTER FOR CONSIDERATION

The Appointment of a suitable Consultant to assist Council with the conduct of the Chief Executive Officer's Performance Review Process and to assist Council with the establishment of the Key Performance Indicators for 2020/2021.

BACKGROUND

Council is seeking to appoint a suitably qualified and experienced independent facilitator to provide the following services:

To coordinate and facilitate the CEO's annual performance review against KPIs and in accordance with the requirement of the Local Government Act 1995

- (a) To guide Councillors in undertaking the performance review and its associated processes, including review the CEO KPIs; and
- (b) To present the findings and recommendations resulting from this process in a formal report to Council.

Council at its March 2020 Ordinary Council Meeting resolved that: -

RESOLUTION: 132-19/20

Council engage a suitable Independent HR Consultant to facilitate the Chief Executive Officer's Annual Performance Review.

Previously this Work has been undertaken by an external Consultant Mr John Philips of JPC.

Three (3) experienced HR / LG Consultants have been identified and have been invited to submit Proposals for Council's consideration.

STATUTORY ENVIRONMENT

Local Government Act 1995

5.38. Annual review of employees' performance

- (1) A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.
- (2) The CEO must ensure that the performance of each other employee who is employed for more than 1 year is reviewed.
- (3) A review under subsection (1) or (2) must be conducted at least once in relation to each year of the person's employment.

POLICY IMPLICATIONS

Audit & Risk Committees Terms of Reference: -

"7.7 CEO Performance Appraisal

The Audit and Risk Committee also be responsible for facilitating / arranging Chief Executive Officer's Performance Review Process."

FINANCIAL IMPLICATIONS

2019/20 Budget Allocation \$4,000 YTD Expenditure \$2,000

Cost to Council to engage an external Consultant to oversee the Chief Executive Officer's Performance Review Process and establish the Key Performance Indicators.

Budget Allocation to be included in the Draft Budget for 2020/21 Year - GL0372.

STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

Governance Objective: Strong governance and community engagement

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability

COMMUNITY CONSULTATION

No consultation was required or undertaken in relation to this report.

RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Risk Matrix Rating is assessed as Low. Competitive Consultant Proposals have been sought and received from three (3) Consultants. Budget Provision in the 2019/2020 Adopted Budget of \$4,000 (2 x \$2,000) and an appropriate Budget provision is to be included in the 2020/2021 Draft Budget.

Health – Risk Matrix Rating is assessed as Low

Reputation – Risk Matrix Rating is assessed as Low. Review is a Statutory Compliance Requirement. Failure to undertake CEO Performances Review will result in non-compliance which may impact on the Organisational Reputation.

Operation – Risk Matrix Rating is assessed as Low

Natural Environment – Risk Matrix Rating is assessed as Low. n/a

COMMENT

All three Consultants have submitted their respective Proposals detailing Experience, Methodology and Delivery Timeframes and Consultant Fees Applicable.

Given the current Restrictions due to Covid-19 all Consultants have offered a Remote Service.

Several Consultants have offered a Face to Face Proposal, if Government Restrictions permit.

10.2 Strategic Planning Committee Minutes – 15th April 2020

Meeting Date	30 th April 2020
Responsible Officer	CEO Graeme Fardon
Reporting Officer	CEO Graeme Fardon
Attachments	Minutes of Meeting
Owner/Applicant	Shire of Quairading
Disclosure of Interest	CEO - Nil.

Elected Members Declarations of Impartiality Interest

Declarations as made in Item 6 of the Meeting.

OFFICER RECOMMENDATION

RESOLUTION: 148-19/20

MOVED Cr McGuinness SECONDED Cr Hippisley

That Council receive the Minutes of the Strategic Planning Committee for its Meeting of 15th April 2020

CARRIED 8/0

That Council consider each of the Committee's following recommendations individually: -

1) Review of Cuneata Rise Estate Land Prices and Strategy

RESOLUTION: 149-19/20

MOVED Cr Hippisley SECONDED Cr Stacey

RECOMMENDATION: SP17-19/20

That the Strategic Planning Committee Recommend to Council that: -

1. To retain the current Sales Prices for the 12 Vacant Lots for the next 12 Months; and
2. Continue with the House and Land Package Promotion for a further 12 Months
3. That Council budget for the sale of one (1) Lot in the 2020/21 Budget to facilitate the Consideration of Purchasing Bids.

CARRIED 8/0

2) District Promotion

RESOLUTION: 150-19/20

MOVED Cr Smith SECONDED Cr Hippisley

RECOMMENDATION: SP18-19/20

That the Strategic Planning Committee Recommend to Council that: -

1. That Council receive the Chief Executive Officer's Report on District Promotion; and
2. That the Matter of the timing and quantum of a District Promotion be listed for the Draft Budget Workshops for the 2020/21 Financial Year.

CARRIED 8/0

3) Drought Communities Extension Programme

RESOLUTION: 151-19/20

MOVED Cr Smith SECONDED Cr Jo Haythornthwaite

RECOMMENDATION: SP19-19/20

That the Strategic Planning Committee recommend to Council: -

1. That Council receive the Chief Executive Officer's Report on the Drought Communities Extension Programme.
2. That Council support the identified Projects for submission for Grant Funding under the Drought Communities Extension Programme to a value of \$1.0M in Grant Funding.
3. That Council authorise the Chief Executive Officer to proceed with the finalisation of the Project Costings and any funding alternatives required, to achieve all the identified Projects.

CARRIED 8/0

3.47 pm

Cr Hippisley left the Meeting

3.48 pm

Cr Hippisley re-joined the Meeting.

4) Community Grants Program (2020/21) – Round 1

RESOLUTION: 152-19/20

MOVED Cr Jo Haythornthwaite SECONDED Cr Stacey

RECOMMENDATION: SP20-19/20

That the Strategic Planning Committee recommend to Council: -

1. That Council accepts the Officer's Report on Round 1 of the 2020/21 Community Grants and supports the Grant Assessment Document submitted by the Grants and Project Officer.
2. That Council allocates funds and resources in the 2020/21 Budget for Round 1 to the value of \$21,150.00 to the eight clubs and organisation listed in the Grant Assessment Document; and
3. That Council allocates the equivalent of 50% of the above figure (\$10,000) in the 2020/21 Budget for Grant 1 In-Kind funding and Round 2 of the Community Grant Program 2020/21.

CARRIED 8/0

IN BRIEF

For Council to be informed of discussions and recommendations of the Strategic Planning Committee and to determine its position in regard to the Recommendations.

MATTER FOR CONSIDERATION

Minutes of the Strategic Planning Committee.

BACKGROUND

The Strategic Planning Committee met on 15th April 2020 from which there are four (4) recommendations for Council consideration, namely: -

- RESOLUTION: SP17-19/20
- RESOLUTION: SP18-19/20
- RESOLUTION: SP19-19/20
- RESOLUTION SP20-19/20.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996.

POLICY IMPLICATIONS

N/A.

FINANCIAL IMPLICATIONS

SP17-19/20 – Nil – Review of Land Sale Prices. No Sales interest during the past 12 months. Proposed to include the sale of one (1) Lot in the 20/21 Draft Budget to enable CEO to use Delegated Authority to Sell, if a Reasonable offer is presented. No ongoing Sales Commission Fees for the Land.

SP18-19/20 – Nil – Recommendation is for District Promotion to be listed for inclusion in the 2020/2021 Draft Budget Workshops

SP19-19/20 – Nil for the 2019/20 Financial Year. Subject to the outcome of Council’s Application to the Drought Communities Extension Programme, an additional \$1.0M in Grant Funding for the identified Projects in the 2020/2021 Financial Year.

SP20-19/20 – Nil for the 2019/2020 Financial Year. Recommendation is the amount of \$31,150 for the Community Grants Program be included in the 2020/2021 Draft Budget. Being \$21,150 for Round 1 and \$10,000 for Ongoing In Kind Grants and Round 2 of the Program which closes on the 30th September 2020.

STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

Governance Objective: Strong governance and community engagement

ITEM	OUTCOMES AND STRATEGIES
G1	Robust Integrated Planning and Reporting (IPR)
G1.1	Continual improvement in IPR, transparency and accountability

COMMUNITY CONSULTATION

SP17-19/20 – Ongoing low key Publicity for the Cuneata Rise Land sales.

SP18-19/20 – District Promotion is see an integral component of the Tourism and Business Attraction Strategies which were both informed by Community and Business Consultation.

SP19-19/20 – No Specific Consultation on the Drought Communities Extension Programmes, however many Project Proposals have been the subject of broad Community Consultation.

SP20-19/20 – The Community Grants Program was extensively promoted in the Community over a period of 3 months. Applications for Round 1 closed on the 31st March 2020.

RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial – Risk Matrix Rating assessed in the individual Items in the Minutes.

Health – Risk Matrix Rating assessed in the individual Items in the Minutes.

Reputation – Risk Matrix Rating assessed in the individual Items in the Minutes.

Operation – Risk Matrix Rating assessed in the individual Items in the Minutes.

Natural Environment – Risk Matrix Rating assessed in the individual Items in the Minutes.

COMMENT

Minutes of the 15th April 2020 Meeting of the Strategic Planning Committee include four (4) recommendations to Council for which the background of each recommendation is contained in the Minutes.

3.49 pm

Council adjourned for Afternoon Tea break.

3.58 pm

The Shire President resumed the Meeting.

All Councillors and Staff were present at the re-commencement of the Meeting.

10.3 Participation in the National Redress Scheme

Meeting Date	30 th April 2020
Responsible Officer	CEO Graeme Fardon
Reporting Officer	CEO Graeme Fardon
Attachments	(i) Local Government Information Paper (December 2019). (ii) Facilities Spreadsheet
Owner/Applicant	Shire of Quairading
Disclosure of Interest	The Author does not have any Impartiality, Financial or Proximity Interests that requires disclosure.

OFFICER RECOMMENDATION

RESOLUTION: 153-19/20

MOVED Cr McGuinness SECONDED Cr Smith

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. Supports the participation of the Shire of Quairading in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;
3. Grants authority to Shire of Quairading to execute a service agreement with the State, if a Redress application is received;
4. Notes that a confidential report will be provided if a Redress application is received by the Shire of Quairading.

CARRIED 8/0

IN BRIEF

This item is for the Shire of Quairading 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 Quairading to participate in the National Redress Scheme;
- Formally endorse the Shire of Quairading'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.

MATTER FOR CONSIDERATION

Council's participation in the National Redress Scheme as a State Government Institution.

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) 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 1st 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 1st January 2019.

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

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

STATUTORY ENVIRONMENT

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

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

POLICY IMPLICATIONS

N/A.

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 and location. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

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

STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

Social Objective: Active, healthy, safe and inclusive community

ITEM	OUTCOMES AND STRATEGIES
S2	Healthy community
S2.1	Advocate on behalf of the community for improved access to health
S2.2	Promote public health
S3	Safe community
S3.1	Support emergency services planning, risk mitigation, response and recovery

CONSULTATION

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

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

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;

- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

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

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings, including the Central Country Zone 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 3rd 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.

RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Risk Matrix Rating is assessed as Low. Council is mitigating the Financial Risk by agreeing to participate in the National Government Redress Scheme as a State Government Institution. The majority of financial costs are then borne by the State Government. Financial Risk is escalated if Council do not participate in the Scheme and a Redress Claim was made and substantiated against Council.

Health – Risk Matrix Rating is assessed as Low

Reputation – Risk Matrix Rating is assessed as Low. If Council participate in the Scheme any Claims are dealt with by the State Government and therefore reputational risk can be mitigated.

Operation – Risk Matrix Rating is assessed as Low. It is considered that the administration / research work involved if a Claim is submitted would be within Council’s normal operational structure.

Natural Environment – Risk Matrix Rating is assessed as Low.

COMMENT

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

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

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

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

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

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

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) 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 4th 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 Quairading's participation in the Scheme.

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

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

Considerations for the Shire of Quairading include: -

1. Executing a Service Agreement

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

Council 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 Quairading 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 Quairading'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

Council 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 Quairading do not have any influence on the decision made and there is no right of appeal.

10.4 Child Care Centre – Transition to REED

Meeting Date	30 th April 2020
Responsible Officer	EMCS Nathan Gilfellow
Reporting Officer	EMCS Nathan Gilfellow
Attachments	(i) Merger Agreement (Under separate cover) (ii) Lease Agreement (Under separate cover) (iii) REED Background
Owner/Applicant	Shire of Quairading
Disclosure of Interest	Nil

Executive Manager of Corporate Services Mr Gilfellow declared a financial interest for item 10.4.

Council unanimously resolved that Mr Gilfellow remain in the Meeting.

OFFICER RECOMMENDATION

RESOLUTION: 154-19/20

MOVED Cr McGuinness SECONDED Cr Smith

1. That Council approve the Merger Agreement for Little Rainmakers Child Care Centre with Regional Early Education and Development Inc.
2. That subject to the Consent of the Minister for Lands, Council approve the Lease Agreement for the premises at 14 Murphy St Quairading with Regional Early Education and Development Inc.
3. That subject to Item 2, Council authorise the Shire President and the Chief Executive Officer to execute the Merger Agreement and Lease documents.

CARRIED 8/0

IN BRIEF

- Over the past couple of years, Council's Management has been working with Regional Early Education and Development Inc ('REED') towards the transfer the operations of the Little Rainmakers Child Care Centre from Council Management to REED.
- Council has previously supported in principle the transfer of the Child Care Centre responsibilities to REED subject to the development and presentation of a suitable Lease and Transfer Agreement.
- The Merger Agreement outlines the key characteristics of the transfer to REED.
- The Lease Agreement is for 14 Murphy St Quairading and is for a Term of 10 years with an option to extend for a further 10 Years.
- The Minister for Land's Consent is required for the Lease to be proceeded with.
- Council's CEO and REED Officers have negotiated the Transition Agreement and the Terms of the proposed Lease.
- Subject to Council's Approval and the Minister's Consent, it is planned for the transfer of the Management and Operations of the Little Rainmakers Child Care Centre to occur on the 1st July 2020.

MATTER FOR CONSIDERATION

To approve the Lease of the Child Care Centre building at 14 Murphy Street Quairading and the Transfer Agreement with REED.

BACKGROUND

The Shire of Quairading took over the licence and management of the Little Rainmakers Child Care Centre in 2013 and has run the Centre since. The Centre is currently run 3 days a week, Tuesday to Thursday from 8am to 5pm. The Childcare Centre is used by the Quairading Playgroup on Mondays between 9am and Noon.

The Childcare Centre has 5 employees currently employed, 2 part-time Permanent staff and 3 Casuals. The Centre normally runs with two part-time staff and one casual for after school care or on busier days.

The Council employees will terminate their employment with Council with Council paying out their Leave entitlements and Staff will be offered employment by REED.

The Shire of Quairading has been responsible for all Licensing and Compliance with Early Childhood Education Regulations which are onerous.

The History and background of the REED was provided in a link in the Agenda.

STATUTORY ENVIRONMENT

Local Government Act 1995, S3.58

Local Government (Function and General) Regulation 1996, Reg.30 – Exempt Transaction

POLICY IMPLICATIONS

n/a.

FINANCIAL IMPLICATIONS

The transfer of the operations to REED will reduce the Income from Childcare charges (Current Budget: \$125,000) and decrease the operational costs of maintaining the Service (Current Budget: \$139,162). Under the lease agreement the Shire will still be responsible for the maintenance of the Childcare Premises including the maintenance of the gardens (Current Budget \$13,885).

The result is expected to lead to operational savings, with last year's deficit being \$17,539. The current YTD surplus is \$17,823, however includes the Sustainability Grant of \$36,000 already fully collected.

Council will payout any unused Leave entitlements upon termination of the Permanent Staff.

STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

Social Objective: Active, healthy, safe and inclusive community

ITEM	OUTCOMES AND STRATEGIES	WORKING WITH
S4	Inclusive community	
S4.3	Support economic participation through child care provision	-

CONSULTATION

Council Staff have consulted with the Little Rainmakers representatives and Staff have been kept fully informed over the past 2 years. REED representatives have met with the Centre's Staff over the past 12-months.

RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Risk Matrix Rating is assessed as Low. There will be some savings from the operation of the Child Care Centre. The maintenance of the Centre however will remain a cost to Council, with the lease having no rental/ lease payments to offset the cost of maintaining the Centre.

Health – Risk Matrix Rating is assessed as Low

Reputation – Risk Matrix Rating is assessed as Medium. The Transfer will end the Shire’s control of the Child Care operations. This may present a reputational risk with the Community viewing the operations and governance of the Centre being made outside of the Community. However, this should be controlled with the presence of a Community Support Group being a mechanism for Child Care Stakeholders to communicate with REED Management.

Operation – Risk Matrix Rating is assessed as Low. The Transfer of the Centre is expected to reduce statutory risk, with the REED organisation in a better position to operate in the Childcare environment.

Natural Environment – Risk Matrix Rating is assessed as Low.

COMMENT

The Transfer of the Little Rainmakers Centre to REED is expected to lead to some operational savings and will reduce the Operational Risk of running the Centre, with REED better placed to run the organisation in the complex Childcare environment. This should allow the Centre to continue to run to a high standard into the future.

The agreement includes a provision to allow the use of the Centre on Mondays for the Quairading Playgroup. REED will provide this to the Playgroup at no cost. The Shire currently charges \$210 annually for the use of the Centre.

10.5 LEMC Minutes – 19th March 2020

Meeting Date	30 th April 2020
Responsible Officer	CEO Graeme Fardon
Reporting Officer	Graeme Fardon
Attachments	(i) LEMC Minutes – 19 th March 2020
Owner/Applicant	LEMC Committee
Disclosure of Interest	CEO - Nil

OFFICER RECOMMENDATION

RESOLUTION: 155-19/20

MOVED Cr Cowcill SECONDED Cr Smith

That Council receive the Minutes of Local Emergency Management Committee for its Meeting of 19th March 2020

CARRIED 8/0

That Council consider the Committee's following recommendation: -

1) Telstra Mobile Telephone System

RESOLUTION: 156-19/20

MOVED Cr Hippisley SECONDED Cr McGuinness

RECOMMENDATION: LEMC4- 19/20

That the Local Emergency Management Committee recommend to Council: -

That Council further lobby Federal/State Governments and Telstra for the upgrading of the Telstra Mobile Base Stations to increase battery backup and Network capacity within the Shire of Quairading.

CARRIED 8/0

Council Discussion

The Meeting commented on the Signal Amplifier for Buildings and Vehicles that CESM Mr Simon Bell had spoken about at the LEMC Meeting.

IN BRIEF

- LEMC Meeting held on the 19th March 2020
- The Quairading St John's Ambulance Representative raised the issue that during the recent power outage on the 11th February 2020, there was no communications within the vicinity of the Quairading town site for an extended period of time.
- Once the power was restored there were still ongoing connectivity complications with the system.
- The concern about reliability of the Mobile Telephone was expressed by many of the LEMC Members

- This has been an ongoing issue with Council making previous Complaints to Telstra and lobbying approaches to both local Federal and State Members for Parliament.
- Council was also unsuccessful in its Complaint to the Telecommunications Ombudsman
- Telstra had previously advised of upgrades undertaken to the Quairading Mobile Base Station and also a new Mobile Tower at Pantapin to improve coverage to the eastern part of the District.
- Further lobbying approaches can be made including District Emergency Management Committee (DEMC), RDA Wheatbelt, Wheatbelt Development Commission.
- It is also understood that WALGA have had meetings with Telstra representatives on the broader issue of the reliability and coverage of the Telstra Mobile Network across the State.

MATTER FOR CONSIDERATION

Minutes of the LEMC Committee Meeting.

BACKGROUND

The Local Emergency Management Committee met on 19th March 2020 from which there is one (1) recommendations for Council consideration, namely: -

- RECOMMENDATION: LEMC4- 19/20

STATUTORY ENVIRONMENT

Emergency Management Act 2005 -

s.38 - Local emergency management committees

s.41 - Emergency management arrangements in local government.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS - Strategic Community Plan 2017 - 2027

Social Objective: Active, healthy, safe and inclusive community

ITEM	OUTCOMES AND STRATEGIES
S3	Safe community
S3.1	Support emergency services planning, risk mitigation, response and recovery

COMMUNITY CONSULTATION

No consultation was required or undertaken in relation to this report.

RISK ASSESSMENT - Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Risk Matrix Rating is assessed as Low.

Health - Risk Matrix Rating is assessed as Medium. However increased risk to public health given the lack of reliability of the mobile telephone system which is used by local emergency services.

Reputation – Risk Matrix Rating is assessed as Low. Reputational Risk Rating escalates as Emergency Services and the broader Community expect Council to be able to lobby for improved Services and Utilities.

Operation – Risk Matrix Rating is assessed as Low. Council operations are impacted also by the unreliability of the mobile telephone system.

Natural Environment – Risk Matrix Rating is assessed as Low.

COMMENT

Minutes of the 19th March 2020 Meeting of the Local Emergency Management Committee include one (1) recommendation to Council.

10.6 Nyoongar Pathways Program

Meeting Date	30 th April 2020
Responsible Officer	Graeme Fardon - CEO
Reporting Officer	Richard Bleakley - IPR&SPO
Attachments	(i) Nyoongar Pathway Project Flier (ii) Nyoongar Pathways - Letter of Support (Dec 2018) (iii) Shire Memorandum of Understanding - Draft - Nyoongar Pathway 2020
Owner/Applicant	SWALSC (Mr David Collard)
Disclosure of Interest	Nil

OFFICER RECOMMENDATION

RESOLUTION: 157-19/20

MOVED Cr McGuinness SECONDED Cr Jo Haythornthwaite

That the Council support the signing of the Memorandum of Understanding between South West Aboriginal Land and Sea Council and the Shire of Quairading to progress the Nyoongar NRM Pathway Pilot Project with the objective supporting the project's engagement with local schools, businesses and neighbouring local government organisations.

CARRIED 8/0

IN BRIEF

- In 2015 the WA Government agreed to a Native Title Settlement in the South West.
- Following on from this, concerns were raised that local capacity to manage these resources and derive the potential benefits from future opportunities was a limiting factor.
- The Nyoongar Pathways Pilot Program was formulated as a means for addressing this and was initially funded through the State NRM
- In 2017 the Program engaged with local institutions (Quairading District High School) as well as regional and state bodies.
- In 2018, Council provided a Letter of Support in Principal for the Nyoongar Pathways Project
- In 2019, South West Land Aboriginal and Sea Council (SWALSC) secured additional funding through Lotterywest to continue for a further three years - December 2021.
- SWALSC is seeking an MOU with the Shire of Quairading to facilitate the delivery of the Nyoongar Pathways Program through access to Shire facilities for workshops and training events.

MATTER FOR CONSIDERATION

The entering into the Memorandum of Understanding on the Noongar Pathway Pilot Project between SWALC and the Shire of Quairading.

BACKGROUND

Nyoongar Pathway Program is the initiative of a local Nyoongar member, Mr David Collard, arising from the Native Title Settlement Agreement entered into in May 2015 by the WA State Government.

In May 2015, the WA Government agreed to the largest native title settlement in Australia totalling about \$1.3 billion, affecting around 40,000 Nyoongar People and encompassing approximately 200,000 square kilometres in southwest WA. The Settlement is to resolve the Nyoongar Native Title Claims in exchange for a package of benefits that includes about 320,000 ha of land being transferred into the Nyoongar land estate as well as joint management of the State's conservation estate.

It is apparent though that there is currently very limited capacity amongst Nyoongar people to manage this land to meet contemporary requirements, capitalise on future opportunities and accommodate aspirations.

The Nyoongar NRM Pathways project was established in July 2017 with State NRM Program funding to support the building of long-term capacity in Nyoongar communities to enable them to lead caring-for-country and regional sustainability activities. Through the creation of community partnerships, embedded long-term learning pathways, and connections to industry, the project lays the framework to improve the long term social, economic, ecological, and cultural sustainability of regional communities.

The project focuses on four key areas:

1. Caring for Country:
2. Education
3. Traditional knowledge and scientific knowledge being complementary.
4. Capacity and authority

The project has been delivered through a series of programs at the Quairading District High School supported by both regional and state educational institutions, as well as a number of workshops and training events both at the Quairading Community Building and regionally.

In December 2018 the CEO on behalf of Council provided a Letter of Support in Principle for the Nyoongar Pathway Program. (See Attachment)

A further tranche of funding has been secured through Lotterywest in February 2019 for a period of three years (December 2021).

The Program currently is being delivered through the Quairading District High School, and also a series of workshop with Community Elders both regionally and on a number of occasions at the Quairading Community Building.

STATUTORY ENVIRONMENT

n/a

POLICY IMPLICATIONS

n/a

FINANCIAL IMPLICATIONS

Nil - The Shire will not incur additional costs through the signing of the MoU.

STRATEGIC IMPLICATIONS – Strategic Community Plan 2017 - 2027

Economic Objective: Growing economy and employment opportunities

ITEM	OUTCOMES AND STRATEGIES
ED1	Economic diversity and resilience
ED1.1	Economic and tourism development, including: <ul style="list-style-type: none">▪ work with stakeholders to determine facilitation approach to business and jobs growth

Social Objective: Active, healthy, safe and inclusive community

ITEM	OUTCOMES AND STRATEGIES
S4	Inclusive community
S4.1	Facilitate the Nyoongar Reconciliation and Cultural Awareness Process

Natural Environment Objective: To preserve and sustain our natural environment

ITEM	OUTCOMES AND STRATEGIES
NE2	Protected and valued natural areas
NE2.2	Ensure nature reserves and reserves are well managed to meet the needs of the community to enjoy natural areas

Governance Objective: Strong governance and community engagement

ITEM	OUTCOMES AND STRATEGIES
G2	Strengthened Advocacy and Partnerships
G2.3	Regional and sub-regional partnerships to achieve better outcomes for the community

CONSULTATION

Mr Collard has been a regular invited attendee at the Reconciliation Action Planning Committee Meetings to update Members and Observers on the progress of the Pathways Program.

RISK ASSESSMENT – Risk Management Policy and Risk Management Governance Framework Applicable.

Financial - Risk Matrix Rating is assessed as Low. Mr Collard has paid for the hire of the Community Building for Meetings / Workshops for the Program. The CEO has previously approved use of the Community Building for school children's Nyoongar language sessions conducted by Mr Collard and allocated the forgone Hire Fees (Sponsorship) to the Council's Reconciliation GL 4572.

Health – Risk Matrix Rating is assessed as Low.

Reputation – Risk Matrix Rating is assessed as Low. It is considered that Council's reputation and continued success on Reconciliation will be further enhanced through Council's support of the Pilot Project.

Operation – Risk Matrix Rating is assessed as Low.

Natural Environment – Risk Matrix Rating is assessed as Low. Potential long term benefits as it promotes intergenerational knowledge transfer, interaction of traditional knowledge and sciences, and the development of local capacity to manage reserves within the Shire.

COMMENT

The Program has selected the Quairading Community as the location to pilot the project.

The program is an innovative project designed to address a series of issues and actions highlighted in the Shire's Strategic Community Plan and its Reconciliation Plan as well as matters relating to the Native Title Settlement Agreement in the South West.

- The program is seeking a Memorandum of Understanding:
 - to promote the Nyoongar Pathways Program; and
 - to assist in the delivery of the program through access to facilities for workshops and training forums.

The Program has sufficient financial resources to deliver the project and is not seeking additional funding.

ITEM 11 MATTERS FOR CONSIDERATION – HEALTH AND BUILDING

No matters for consideration.

No matters for consideration.

ITEM 13 URGENT COUNCILLORS' BUSINESS

No matters for consideration.

ITEM 14 CONFIDENTIAL BUSINESS – AS PER LOCAL GOVERNMENT ACT S5.23 (2)

No matters for consideration.

ITEM 15 NEXT MEETING DATE

The next Ordinary Meeting of Council is scheduled to take place on Thursday 28th May 2020, commencing at 2.00 pm at the Council Chambers, 10 Jennaberring Road, Quairading. (Venue to be confirmed)

ITEM 16 CLOSURE

Cr Davies thanked Councillors and Staff for their participation in the electronic Meeting.
There being no further business, the Chairman closed the Meeting at 4.19 pm.

I certify the Minutes of the Ordinary Meeting of Council held on 30th April 2020 were confirmed on 28th May 2020 as recorded on Resolution No. _____

Confirmed..... 28/05/20