

Shire of Goomalling



COUNCIL MEETING MINUTES

December 2020

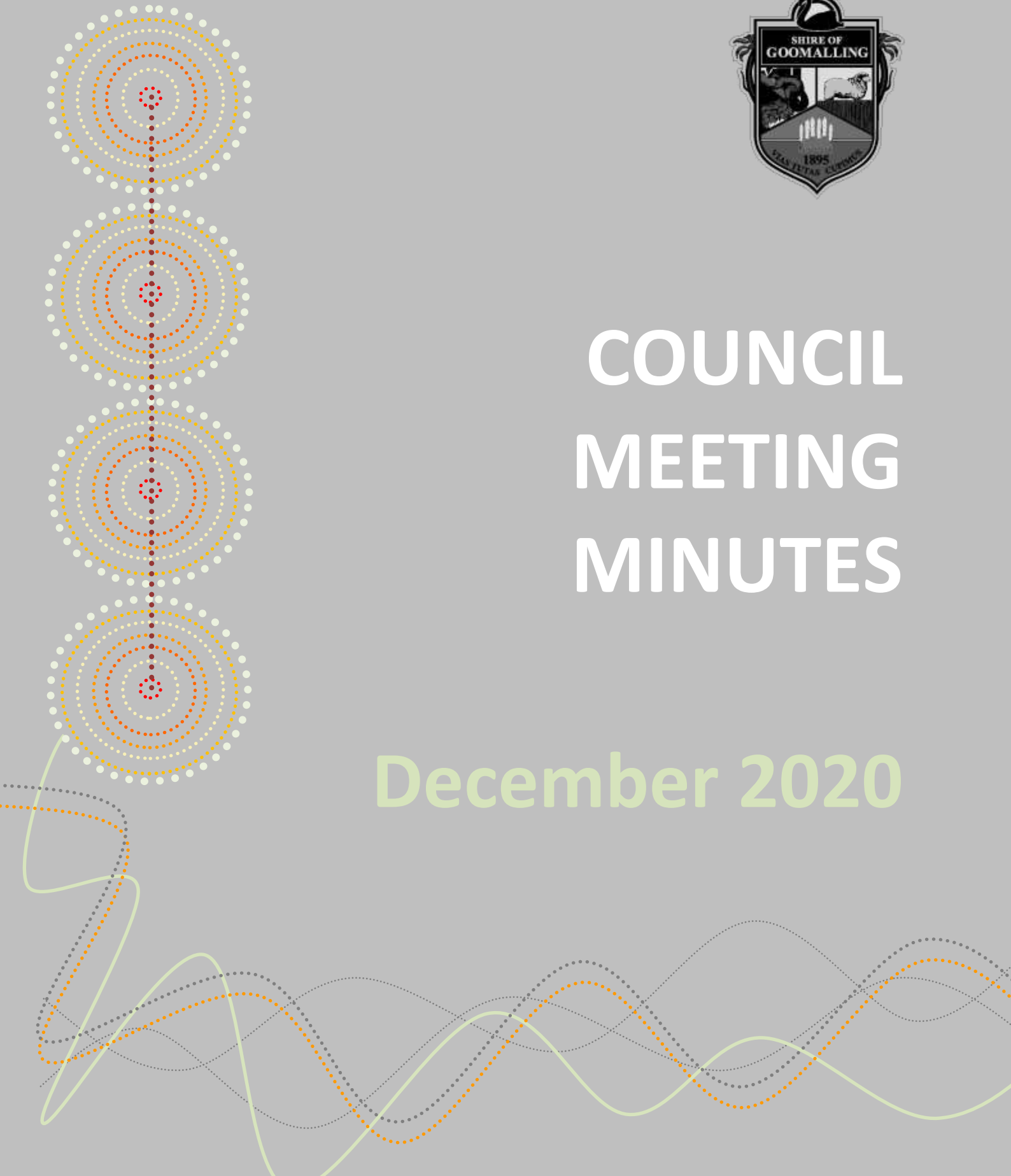




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NYOONGAR ACKNOWLEDGEMENT

We acknowledge this land that we meet on today is part of the traditional lands of the Nyoongar people and that we respect their spiritual relationship with their country. We also acknowledge the Nyoongar Ballardong people as the custodians of the greater Goomalling/Koomal area and that their cultural and heritage beliefs are still important to the living Nyoongar Ballardong people today.

NOTICE OF MEETING

Meeting No. 11 of 2020 of the Shire of Goomalling Council to be held in the Council Chambers, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 16 December 2020 beginning at 3.57pm.

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting opened at 3.57 pm

2. RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE

2.1. Attendance

Council	President & Chairperson	Cr Barry Haywood
	Councillor	Cr Christine Barratt
	Councillor	Cr Casey Butt
	Councillor	Cr Julie Chester
	Councillor	Cr Roland Van Gelderen
	Councillor	Cr Brendon Wilkes
	Councillor	Cr Rodney Sheen
Administration	Finance Manager	Miss Natalie Bird
	Works Manager	Mr David Long

2.2. Apologies

Apologies were received from Mr Peter Bentley for non-attendance at today's meeting

2.3. Approved Leave of Absence

3. DECLARATION OF:

- FINANCIAL INTEREST
- MEMBERS IMPARTIALITY INTEREST
- PROXIMITY INTEREST

4. PUBLIC QUESTION TIME

Nil

5. APPLICATION FROM MEMBERS FOR LEAVE OF ABSENCE

Nil



6. CONFIRMATION AND RECEIVING OF MINUTES & BUSINESS ARISING

6.1 Ordinary Meeting of Council held Wednesday 18 November 2020

300. RESOLUTION

Moved Cr Barratt, seconded Cr Van Gelderen

that the minutes of the Ordinary Meeting of Council held on Wednesday 18 November 2020, be confirmed as a true and correct record of proceedings.

CARRIED 7/0
By Simple Majority

6.2 Annual General Meeting of Electors held Tuesday 15 December 2020

301. RESOLUTION

Moved Cr Chester, seconded Cr Wilkes

that the minutes of the Annual General Meeting of Electors held Tuesday 15 December 2020, be received.

CARRIED 7/0
By Simple Majority

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

- Shire President – Wheatbelt Secondary Freight Meeting Tuesday 15 December 20
- Shire President – Avon Midland Zone Meeting Friday 20 November 20
- Shire President, Cr Van Gelderen, Cr Barratt, Cr Wilkes Cr Butt attended the Shire’s Christmas Party 27 November 20
- Shire President, Cr Van Gelderen, Cr Barratt, Cr Wilkes, Cr Van Gelderen, Cr Butt and Cr Chester attended the Electors Meeting Tuesday 15 December 20

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil



9. OFFICERS' REPORTS

9.1 SCHEDULE OF ACCOUNTS PAID 1 NOVEMBER TO 30 NOVEMBER 2020

DATE:	9 December 2020
SUBJECT:	Schedule of Accounts Paid
PROPONENT:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Christine Schorer – Accounts Payable
REPORTING OFFICER:	Natalie Bird – Finance Manager
FILE NO:	N/A
ASSESSMENT NO:	N/A

FUND VOUCHERS AMOUNT

EFT 2649-2729	\$481,665.91
Direct Debits 8433-8438	\$103,598.30
Cheques 7311-7325	\$57,276.99
Payroll 6399, 6404	\$102,530.00
Super DD12907, DD12930	\$17,032,05
TOTAL	\$762,103.25

ATTACHMENTS

- Schedule of Accounts Paid November 2020
- Corporate Credit Card Statements October 2020

VOTING REQUIREMENT

Simple Majority

OFFICER COMMENTS

RECOMMENDATION

That vouchers from the Municipal Fund and Trust Fund as detailed, be approved by Council:

EFT 2649-2729	\$481,665.91
Direct Debits 8433-8438	\$103,598.30
Cheques 7311-7325	\$57,276.99
Payroll 6399, 6404	\$102,530.00
Super DD12907, DD12930	\$17,032,05
TOTAL	\$762,103.25



302. RESOLUTION (Officer Recommendation)

Moved Cr Van Gelderen, seconded Cr Wilkes

That vouchers from the Municipal Fund and Trust Fund as detailed, be approved by Council:

EFT 2649-2729	\$481,665.91
Direct Debits 8433-8438	\$103,598.30
Cheques 7311-7325	\$57,276.99
Payroll 6399, 6404	\$102,530.00
Super DD12907, DD12930	\$17,032.05
TOTAL	\$762,103.25

CARRIED 7/0
By Simple Majority

9.2 FINANCIAL REPORT FOR NOVEMBER 2020

DATE:	10 December 2020
SUBJECT:	Monthly Financial Report
PROONENT:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Natalie Bird – Finance Manager
REPORTING OFFICER:	Natalie Bird – Finance Manager
FILE NO:	N/A
ASSESSMENT NO:	N/A

PURPOSE

In accordance with the Local Government (Financial Management) Regulations 1996, to follow is the presentation of the Monthly Financial Reports to Council.

BACKGROUND

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4
 Local Government (Financial Management) Regulations 1996 – Clause 34 and 35

POLICY IMPLICATIONS

No specific policy regarding this matter.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds



STRATEGIC IMPLICATIONS

4.1.4 Provide reporting processes in transparent, accountable and timely manner.

ATTACHMENTS

Monthly Financial Report to 30 November 2020

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Monthly Financial Report to 30 November 2020 be received by Council.

303. RESOLUTION (Officer Recommendation)

Moved Cr Barratt, seconded Cr Wilkes

That the Monthly Financial Report to 30 November 2020 be received by Council.

**CARRIED 7/0
By Simple Majority**

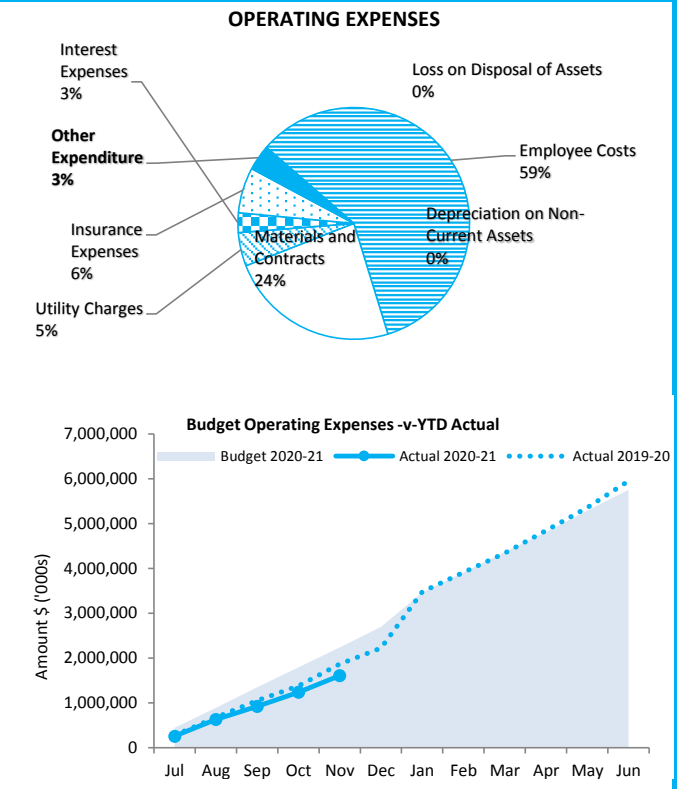
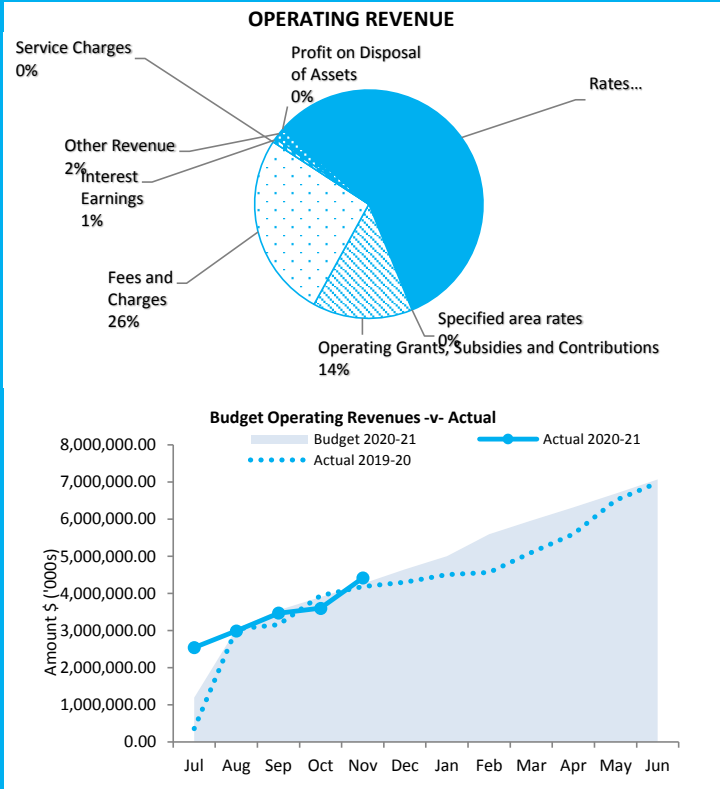
SHIRE OF GOOMALLING
MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the period ending 30 November 20

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

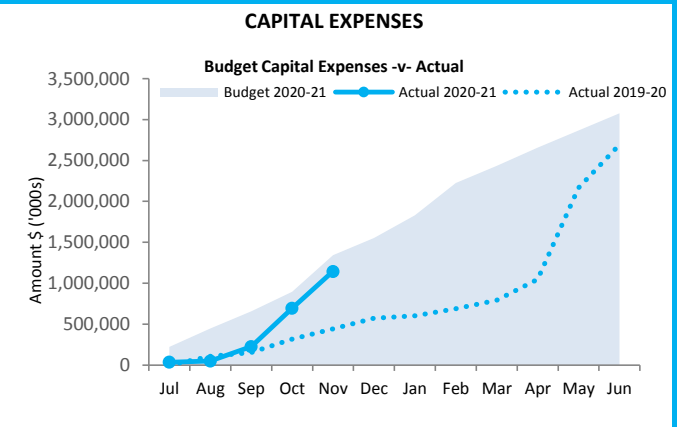
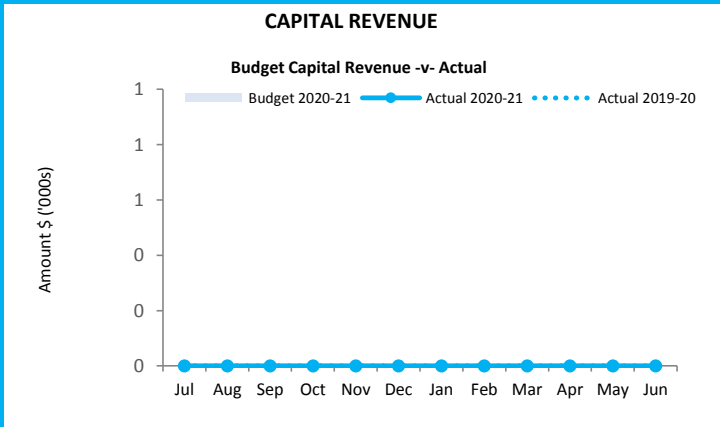
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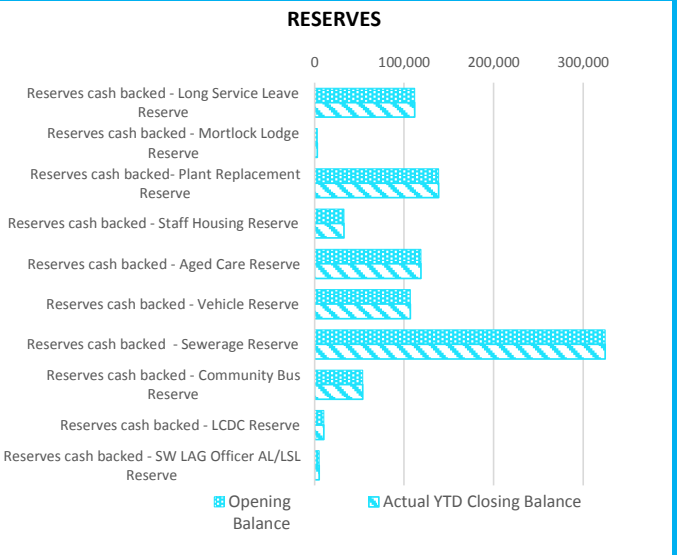
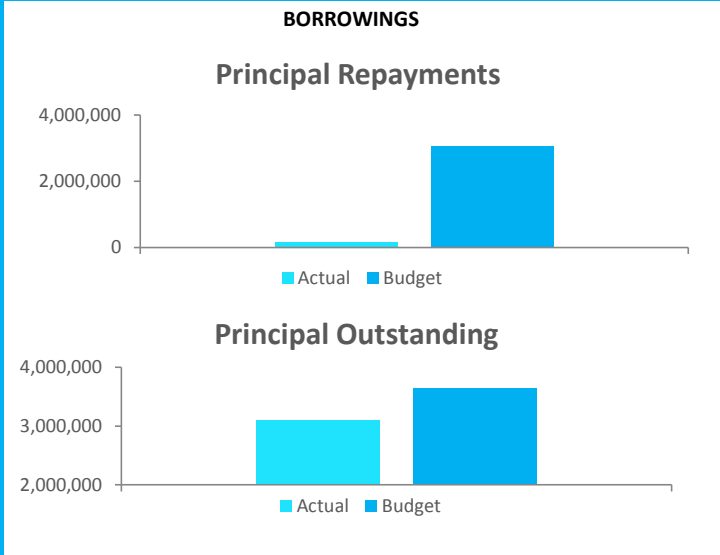
OPERATING ACTIVITIES



INVESTING ACTIVITIES



FINANCING ACTIVITIES



Funding surplus / (deficit) Components

Funding surplus / (deficit)				
	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
Opening	(\$0.16 M)	(\$0.16 M)	(\$0.29 M)	(\$0.13 M)
Closing	\$0.00 M	\$1.01 M	\$1.09 M	\$0.08 M

Refer to Statement of Financial Activity

Cash and cash equivalents		
	\$	% of total
Unrestricted Cash	\$0.57 M	35.5%
Restricted Cash	\$1.04 M	64.5%

Refer to Note 2 - Cash and Financial Assets

Payables		
	\$	% Outstanding
Trade Payables	\$0.00 M	
Over 30 Days		0.0%
Over 90 Days		0%

Refer to Note 5 - Payables

Receivables		
	\$	% Collected
Rates Receivable	\$0.47 M	80.5%
Trade Receivable	\$0.72 M	
Over 30 Days		4.8%
Over 90 Days		4.7%

Refer to Note 3 - Receivables

Key Operating Activities

Amount attributable to operating activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
\$0.39 M	\$1.74 M	\$1.85 M	\$0.11 M

Refer to Statement of Financial Activity

Rates Revenue		
	\$	% Variance
YTD Actual	\$2.19 M	
YTD Budget	\$1.97 M	11.3%

Refer to Note 6 - Rate Revenue

Operating Grants and Contributions		
	\$	% Variance
YTD Actual	\$0.48 M	
YTD Budget	\$0.38 M	27.5%

Refer to Note 12 - Operating Grants and Contributions

Fees and Charges		
	\$	% Variance
YTD Actual	\$0.90 M	
YTD Budget	\$0.67 M	33.4%

Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$0.60 M)	(\$0.41 M)	(\$0.31 M)	\$0.09 M

Refer to Statement of Financial Activity

Proceeds on sale		
	\$	%
YTD Actual	\$0.00 M	
Adopted Budget	\$0.00 M	

Refer to Note 6 - Disposal of Assets

Asset Acquisition		
	\$	% Spent
YTD Actual	\$1.14 M	
Adopted Budget	\$3.08 M	(62.8%)

Refer to Note 7 - Capital Acquisition

Capital Grants		
	\$	% Received
YTD Actual	\$0.96 M	
Adopted Budget	\$2.44 M	(60.8%)

Refer to Note 7 - Capital Acquisition

Key Financing Activities

Amount attributable to financing activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
\$0.37 M	(\$0.16 M)	(\$0.16 M)	\$0.00 M

Refer to Statement of Financial Activity

Borrowings	
Principal repayments	\$0.16 M
Interest expense	\$0.09 M
Principal due	\$3.09 M

Refer to Note 8 - Borrowings

Reserves	
Reserves balance	\$0.91 M
Interest earned	\$0.00 M

Refer to Note 10 - Cash Reserves

Lease Liability	
Principal repayments	\$0.00 M
Interest expense	\$0.00 M
Principal due	\$0.00 M

Refer to Note 9 - Lease Liabilities

This information is to be read in conjunction with the accompanying Financial Statements and notes.

KEY TERMS AND DESCRIPTIONS

FOR THE PERIOD ENDED 30 NOVEMBER 2020

STATUTORY REPORTING PROGRAMS

Shire operations as disclosed in these financial statements encompass the following service orientated activities/programs.

PROGRAM NAME AND OBJECTIVES

ACTIVITIES

GOVERNANCE

To provide a decision making process for the efficient allocation of resources

To include the activities of members of Council and the administration support available to the Council for the provision of governance of the district. Other costs relate to assisting elected members and ratepayers on matters which do not concern specific Council services.

GENERAL PURPOSE FUNDING

To collect revenue to allow for the provision of services.

Rates, general purpose government grants and interest revenue.

LAW, ORDER, PUBLIC SAFETY

To provide services to help ensure a safer and environmentally conscious community.

Supervision and enforcement of various local laws relating to fire prevention, animal control, community crime prevention and other aspects of public safety including emergency services.

HEALTH

To provide an operational framework for environmental and community health.

Inspection of food premises and food control. Provision of Medical Surgery and Doctor. Also noise control and waste disposal compliance

EDUCATION AND WELFARE

To provide services to disadvantaged persons including the elderly, children and youth.

Maintenance of child minding centre, playgroup centre, senior citizens centre. Provision and maintenance of youth services.

HOUSING

To provide and maintain housing for staff, aged and community housing projects operated by Joint Venture with the Department of Housing.

Staff housing, provision of general rental accommodation to the public when not required by staff.

COMMUNITY AMENITIES

To provide necessary services as required by the community.

Rubbish collection and recycling, operation of disposal sites, administration, maintenance & operation of the Shire Townsite Sewerage Scheme. Administration of the Shire of Goomalling Town Planning Scheme. Administration, maintenance & operation of the Goomalling public cemeteries, public toilets & the Goomalling Community Bus.

RECREATION AND CULTURE

To establish & effectively manage infrastructure and resources which will help the social wellbeing of the community.

Maintenance and operation of public halls, swimming pool, sporting pavilions, parks and gardens, recreation centre, sports playing surface areas and reserves including football oval, hockey oval, tennis courts, bowling greens. Contribution to the operation of the Goomalling Public Library, museums and cultural facilities.

TRANSPORT

To provide safe, effective and efficient transport services to the community.

Construction and maintenance of streets, roads, footpaths, drainage & signs. Maintenance and operation of street lights, works depot and aerodrome. Cleaning of streets and provision and maintenance of street trees. Purchase, maintenance and operation of plant.

ECONOMIC SERVICES

To help promote the Shire and its economic wellbeing.

Tourism and area promotion including the maintenance and operation of the Shire of Goomalling Caravan Park facilities and Motel Units. Provision of rural services including building control, standpipes, noxious weeds and vermin control. Maintenance costs associated with the Goomalling Community Resource Centre.

OTHER PROPERTY AND SERVICES

To monitor and control Council's overheads operating accounts.

Private works, plant repairs and operations. Housing and Engineering operations costs.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2020**

STATUTORY REPORTING PROGRAMS

	Ref	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
	Note						
		\$	\$	\$	\$	%	
Opening funding surplus / (deficit)	1(c)	(160,439)	(160,439)	(286,328)	(125,889)	78.47%	
Revenue from operating activities							
Governance		19,500	8,120	14,116	5,996	73.84%	
General purpose funding		2,416,807	2,175,378	2,205,135	29,757	1.37%	
Law, order and public safety		115,950	40,795	78,989	38,194	93.62%	▲
Health		662,000	265,415	284,918	19,503	7.35%	
Education and welfare		600	250	36	(214)	(85.60%)	
Housing		276,500	115,200	105,304	(9,896)	(8.59%)	
Community amenities		495,294	478,664	464,217	(14,447)	(3.02%)	
Recreation and culture		56,400	16,340	38,141	21,801	133.42%	▲
Transport		112,500	46,870	101,507	54,637	116.57%	▲
Economic services		408,563	170,185	128,405	(41,780)	(24.55%)	▼
Other property and services		62,920	26,205	38,969	12,764	48.71%	▲
		4,627,034	3,343,422	3,459,737	116,315		
Expenditure from operating activities							
Governance		(214,387)	(89,225)	(68,206)	21,019	23.56%	▲
General purpose funding		(98,582)	(41,060)	(41,093)	(33)	(0.08%)	
Law, order and public safety		(301,532)	(116,415)	(78,931)	37,484	32.20%	▲
Health		(706,306)	(294,255)	(293,937)	318	0.11%	
Education and welfare		(17,516)	(7,290)	(6,875)	415	5.69%	
Housing		(386,746)	(160,455)	(112,106)	48,349	30.13%	▲
Community amenities		(680,171)	(283,255)	(261,783)	21,472	7.58%	
Recreation and culture		(905,589)	(377,030)	(294,871)	82,159	21.79%	▲
Transport		(1,403,610)	(584,690)	(279,732)	304,958	52.16%	▲
Economic services		(982,905)	(274,135)	(226,524)	47,611	17.37%	▲
Other property and services		(55,178)	(8,115)	54,711	62,826	774.20%	▲
		(5,752,522)	(2,235,925)	(1,609,347)	626,578		
Non-cash amounts excluded from operating activities	1(a)	1,517,099	631,440	0	(631,440)	(100.00%)	▼
Movement in liabilities associated with restricted cash		0	0	0	0	0.00%	
Amount attributable to operating activities		391,611	1,738,937	1,850,390	111,453		
Investing Activities							
Proceeds from non-operating grants, subsidies and contributions	13	2,441,769	919,680	956,335	36,655	3.99%	
Less Unspent Non-Operating Grants represented as Contract Liabilities	13	0	0	(143,454)			
Net Revenue from Non-Operating Grants	13	2,441,769	919,680	812,882			
Proceeds from financial assets at amortised cost - self supporting loans	8	36,791	18,027	18,027	0	0.00%	
Payments for property, plant and equipment and infrastructure	7	(3,075,836)	(1,342,911)	(1,144,069)	198,842	14.81%	▲
Amount attributable to investing activities		(597,276)	(405,204)	(313,161)	92,043		
Financing Activities							
Proceeds from new debentures	8	3,450,000	0	0	0	0.00%	
Payments for principal portion of lease liabilities	9	(2,088)	(2,088)	(2,088)	0	0.00%	
Repayment of debentures	8	(3,048,956)	(157,781)	(157,781)	0	0.00%	
Transfer to reserves	10	(32,851)	0	0	0	0.00%	
Amount attributable to financing activities		366,104	(159,869)	(159,869)	0		
Closing funding surplus / (deficit)	1(c)	0	1,013,425	1,091,033	77,608		

KEY INFORMATION

▲▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold. Refer to Note 2 for an threshold. Refer to Note 14 for an explanation of the reasons for the variance.

The material variance adopted by Council for the 2020-21 year is \$10,000 or 10.00% whichever is the greater.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

KEY TERMS AND DESCRIPTIONS

FOR THE PERIOD ENDED 30 NOVEMBER 2020

NATURE OR TYPE DESCRIPTIONS

REVENUE

RATES

All rates levied under the *Local Government Act 1995*. Includes general, differential, specified area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts and concessions offered. Exclude administration fees, interest on instalments, interest on arrears, service charges and sewerage rates.

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Refers to all amounts received as grants, subsidies and contributions that are not non-operating grants.

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Amounts received specifically for the acquisition, construction of new or the upgrading of identifiable non financial assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

REVENUE FROM CONTRACTS WITH CUSTOMERS

Revenue from contracts with customers is recognised when the local government satisfies its performance obligations under the contract.

FEES AND CHARGES

Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

SERVICE CHARGES

Service charges imposed under *Division 6 of Part 6 of the Local Government Act 1995*. *Regulation 54 of the Local Government (Financial Management) Regulations 1996* identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

INTEREST EARNINGS

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

OTHER REVENUE / INCOME

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

PROFIT ON ASSET DISPOSAL

Excess of assets received over the net book value for assets on their disposal.

EXPENSES

EMPLOYEE COSTS

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax, etc.

MATERIALS AND CONTRACTS

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance

agreements, communication expenses, advertising expenses,

membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

UTILITIES (GAS, ELECTRICITY, WATER, ETC.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

INSURANCE

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

LOSS ON ASSET DISPOSAL

Shortfall between the value of assets received over the net book value for assets on their disposal.

DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets.

INTEREST EXPENSES

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

OTHER EXPENDITURE

Statutory fees, taxes, allowance for impairment of assets, member's fees or State taxes. Donations and subsidies made to community groups.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2020**

BY NATURE OR TYPE

	Ref Note	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Opening funding surplus / (deficit)	1(c)	(160,439)	(160,439)	(286,328)	(125,889)	78.47%	
Revenue from operating activities							
Rates	6	1,967,805	1,967,805	1,966,799	(1,006)	(0.05%)	
Other rates	6	223,937	223,937	35,143	(188,794)	(84.31%)	▼
Operating grants, subsidies and contributions	12	890,722	425,985	484,643	58,658	13.77%	▲
Fees and charges		1,419,770	673,155	897,718	224,563	33.36%	▲
Interest earnings		29,700	12,950	19,878	6,928	53.50%	
Other revenue		95,100	39,590	55,558	15,968	40.33%	▲
		4,627,034	3,343,422	3,459,739	116,317		
Expenditure from operating activities							
Employee costs		(2,188,284)	(896,735)	(947,029)	(50,294)	(5.61%)	
Materials and contracts		(1,119,447)	(465,500)	(383,235)	82,265	17.67%	▲
Utility charges		(253,805)	(105,500)	(75,401)	30,099	28.53%	▲
Depreciation on non-current assets		(1,515,599)	(631,440)	0	631,440	100.00%	▲
Interest expenses		(395,405)	(29,620)	(44,197)	(14,577)	(49.21%)	▼
Insurance expenses		(163,480)	(67,955)	(102,190)	(34,235)	(50.38%)	▼
Other expenditure		(116,504)	(39,175)	(57,297)	(18,122)	(46.26%)	▼
		(5,752,524)	(2,235,925)	(1,609,349)	626,576		
Non-cash amounts excluded from operating activities	1(a)	1,517,099	631,440	0	(631,440)	(100.00%)	▼
Movement in liabilities associated with restricted cash			0	0	0	0.00%	
Amount attributable to operating activities		391,609	1,738,937	1,850,390	111,453		
Investing activities							
Proceeds from non-operating grants, subsidies and contributions	13	2,441,769	919,680	956,335	36,655	3.99%	
Less Unspent Non-Operating Grants represented as Contract Liabilities	13	0	0	(143,454)			
Net Revenue from Non-Operating Grants	13	2,441,769	0	919,680	812,882		
Proceeds from financial assets at amortised cost - self supporting loans	8	36,791	18,027	18,027	0	0.00%	
Payments for property, plant and equipment and infrastructure	7	(3,075,836)	(1,342,911)	(1,144,069)	198,842	14.81%	▲
Amount attributable to investing activities		(597,276)	0	(405,204)	(313,161)	92,043	
Financing Activities							
Proceeds from new debentures	8	3,450,000	0	0	0	0.00%	
Payments for principal portion of lease liabilities		(2,088)	(2,088)	(2,088)	0	0.00%	
Repayment of debentures	8	(3,048,956)	(157,781)	(157,781)	0	0.00%	
Transfer to reserves	10	(32,851)	0	0	0	0.00%	
Amount attributable to financing activities		366,105	(159,869)	(159,869)	0		
Closing funding surplus / (deficit)	1(c)	0	1,013,425	1,091,033	77,608		

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold.

Refer to Note 14 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

(a) Non-cash items excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with Financial Management Regulation 32.

	Notes	Adopted Budget	YTD Budget (a)	YTD Actual (b)
Non-cash items excluded from operating activities				
		\$	\$	\$
Adjustments to operating activities				
Less: Movement in liabilities associated with restricted cash		1,500	0	0
Add: Depreciation on assets		1,515,599	631,440	0
Total non-cash items excluded from operating activities		1,517,099	631,440	0

(b) Adjustments to net current assets in the Statement of Financial Activity

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation* 32 to agree to the surplus/(deficit) after imposition of general rates.

		Last Year Closing 30 June 2020	This Time Last Year 30 November 2019	Year to Date 30 November 2020
Adjustments to net current assets				
Less: Reserves - restricted cash	10	(906,175)	(929,953)	(906,175)
Less: - Financial assets at amortised cost - self supporting loans	4	(36,791)	(34,340)	(18,764)
Add: Borrowings	8	342,378	3,001,210	180,422
Add: Provisions funded by Reserve	11	111,813	109,813	111,813
Add: Lease liabilities	9	2,088	0	0
Total adjustments to net current assets		(486,687)	2,146,730	(632,704)

(c) Net current assets used in the Statement of Financial Activity

Current assets				
Cash and cash equivalents	2	1,025,391	1,307,145	1,504,238
Rates receivables	3	216,986	2,032,970	469,515
Receivables	3	173,201	124,766	715,206
Stock on Hand	4	34,106	28,523	26,074
Total Current Assets		1,449,684	3,493,404	2,715,033
Less: Current liabilities				
Payables	5	(324,243)	(23,770)	(95,171)
Borrowings	8	(342,378)	(3,001,210)	(180,422)
Contract liabilities	11	(79,868)	0	(214,957)
Lease liabilities	9	(2,088)	0	0
Provisions	11	(500,748)	(391,543)	(500,748)
Total Current Liabilities		(1,249,325)	(3,416,523)	(991,298)
		200,359	76,881	1,723,736
Less: Total adjustments to net current assets	1(b)	(486,687)	2,146,730	(632,704)
Closing funding surplus / (deficit)		(286,328)	2,223,609	1,091,033

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

Description	Classification	Unrestricted	Restricted	Total Cash	Trust	Institution	Interest Rate	Maturity Date
		\$	\$	\$	\$			
Cash on hand								
Floats	Cash and cash equivalents	650		650	0			
Cash Deposits								
Municipal Bank Account	Cash and cash equivalents	571,911		571,911	0	Bendigo	0.00%	At Call
Trust Bank Account	Cash and cash equivalents		60,087	60,087	0	Bendigo	0.00%	
Medical Surgery Bank Account	Cash and cash equivalents		77,557	77,557				
Term Deposits								
Term Deposits - Reserve	Financial assets at amortised cost	0	900,974	900,974	0	Bendigo	0.30%	28/02/2021
Total		572,561	1,038,618	1,611,179	0			
Comprising								
Cash and cash equivalents		572,561	137,644	710,205	0			
Financial assets at amortised cost		0	900,974	900,974	0			
		572,561	1,038,618	1,611,179	0			

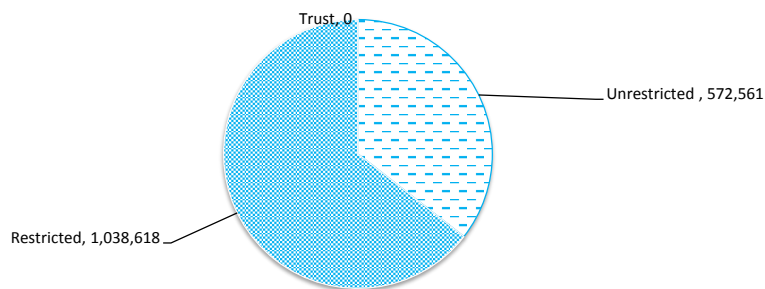
KEY INFORMATION

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other assets.



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2020**

**OPERATING ACTIVITIES
NOTE 3
RECEIVABLES**

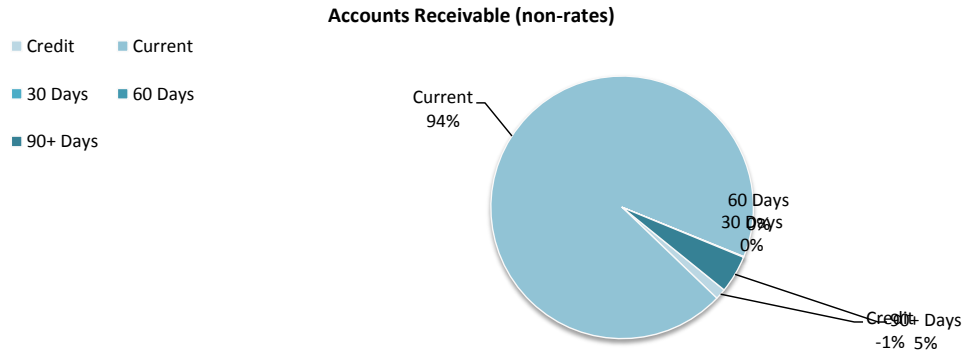
Rates receivable	30 Jun 2020	30 Nov 2020
	\$	\$
Opening arrears previous years	(24,355)	216,986
Levied this year	2,118,671	2,190,736
Less - collections to date	(1,877,330)	(1,938,207)
Equals current outstanding	216,986	469,515
Net rates collectable	216,986	469,515
% Collected	89.6%	80.5%

Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(8,882)	624,821	398	177	30,724	647,237
Percentage	(1.4%)	96.5%	0.1%	0%	4.7%	
Balance per trial balance						
Sundry receivable	0	647,237	0	0	0	647,237
GST receivable	0	49,205		0	0	49,205
Loans Club/Institutions - Current	0	18,764	0	0	0	18,764
Total receivables general outstanding						715,206

Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectable are written off when identified. An allowance for impairment of receivables is raised when there is objective evidence that they will not be collectible.



Other current assets	Opening Balance 1 July 2020	Asset Increase	Asset Reduction	Closing Balance 30 November 2020
	\$	\$	\$	\$
Inventory				
Stock On Hand	34,106	(8,032)	0	26,074
Total other current assets	34,106	(8,032)	0	26,074
Amounts shown above include GST (where applicable)				

KEY INFORMATION

Inventory

Inventories are measured at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	95,171	0	0	0	95,171
Percentage	0%	100%	0%	0%	0%	
Balance per trial balance						
Sundry creditors	0	0	0	0	0	0
ATO liabilities		26,356				26,356
Gst Payable		57,438				57,438
Bonds & Deposits Held - CI		11,377				11,377
Total payables general outstanding						95,171

Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2020

OPERATING ACTIVITIES
NOTE 6
RATE REVENUE

General rate revenue	Budget							YTD Actual			
	Rate in \$ (cents)	Number of Properties	Rateable Value	Rate Revenue	Interim Rate	Back Rate	Total Revenue	Rate Revenue	Interim Rates	Back Rates	Total Revenue
RATE TYPE				\$	\$	\$	\$	\$	\$	\$	\$
Gross rental value											
GRV Residential	0.10959	119	1,316,466	144,265	0	0	144,265	144,265	0	0	144,265
GRV Commercial	0.12322	17	321,640	39,632	0	0	39,632	39,632	0	0	39,632
GRV Industrial	0.11817	11	80,636	9,529	0	0	9,529	9,529	0	0	9,529
GRV Urban Farmland	0.10555	17	211,120	22,283	0	0	22,283	22,283	0	0	22,283
Unimproved value											
UV Rural Zone 2	0.0064	39	19,520,000	124,206	0	0	124,206	124,206	0	0	124,206
UV Special Rural	0.0126	10	1,002,500	12,657	0	0	12,657	12,657	0	0	12,657
UV General Zone 3	0.0069	214	195,846,000	1,354,863			1,354,863	1,354,863	0	0	1,354,863
Sub-Total		427	218,298,362	1,707,434	0	0	1,707,435	1,707,435	0	0	1,707,435
Minimum payment	Minimum \$										
Gross rental value											
GRV Residential	950	101	588,962	95,950	0	0	95,950	95,950	0	0	95,950
GRV Commercial	900	12	36,412	10,800	0	0	10,800	10,800	0	0	10,800
GRV Industrial	550	7	12,675	3,850	0	0	3,850	3,850	0	0	3,850
GRV Urban Farmland	715	7	23,741	5,005	0	0	5,005	5,005	0	0	5,005
Unimproved value											
UV Rural Zone 2	1,000	32	4,082,000	32,000	0	0	32,000	32,000	0	0	32,000
UV Special Rural	1,100	8	609,500	8,800	0	0	8,800	8,800	0	0	8,800
UV General Zone 3	1,195	87	7,863,192	103,965	0	0	103,965	103,965	(1,006)	0	102,959
Sub-total		254	13,216,482	260,370	0	0	260,370	260,370	(1,006)	0	259,364
Amount from general rates							1,967,805				1,966,799
Ex-gratia rates							35,143				35,143
Total general rates							2,002,948				2,001,942
Specified area rates	Rate in \$ (cents)										
Sewerage Residential	8.033		23,309	187,234	0	0	187,234	187,234	0	0	187,234
Sewerage Religious Church	4.00		390	1,560	0	0	1,560	1,560	0	0	1,560
Total specified area rates			23,699	188,794	0	0	188,794	188,794	0	0	188,794
Total							2,191,742				2,190,736

KEY INFORMATION

Prepaid rates are, until the taxable event for the rates has occurred, refundable at the request of the ratepayer. Rates received in advance give rise to a financial liability. On 1 July 2020 the prepaid rates were recognised as a financial asset and a related amount was recognised as a financial liability and no income was recognised. When the taxable event occurs the financial liability is extinguished and income recognised for the prepaid rates that have not been refunded.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2020**

**INVESTING ACTIVITIES
NOTE 7
CAPITAL ACQUISITIONS**

Capital acquisitions	Adopted		YTD Actual	YTD Actual Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Buildings	48,500	38,585	9,859	(28,726)
Furniture and equipment	0	0	11,673	11,673
Plant and equipment	16,000	16,000	0	(16,000)
Infrastructure - roads	2,969,336	1,246,326	1,121,308	(125,018)
Infrastructure - footpaths	42,000	42,000	1,230	(40,770)
Payments for Capital Acquisitions	3,075,836	1,342,911	1,144,069	(198,842)
Total Capital Acquisitions	3,075,836	1,342,911	1,144,069	(198,842)
Capital Acquisitions Funded By:				
	\$	\$	\$	\$
Capital grants and contributions	2,441,769	919,680	956,335	36,655
Borrowings	3,450,000	0	0	0
Cash backed reserves	906,175			
Reserves cash backed - Long Service Leave Reserve	1,500	0	0	0
Contribution - operations	(3,723,608)	423,231	187,734	(235,497)
Capital funding total	3,075,836	1,342,911	1,144,069	(198,842)

SIGNIFICANT ACCOUNTING POLICIES

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

30/06/2021

30/11/2020

		Adopted			
Account Description		Budget	YTD Budget	YTD Actual	Variance (Under)/Over
Land and Buildings					
48002	Archive Shelving - Admin Building storage	15,000	15,000	4,364	10,636
98001	Capital housing Up grades	17,000	7,085	5,495	1,590
138001	Public Buildings - Capital upgrade projects	16,500	16,500	0	16,500
	Total	48,500	38,585	9,859	28,726
Plant & Equipment					
118003	Oval Reitculation filtration	16,000	16,000	0	16,000
	Total	16,000	16,000	0	16,000
Infrastructure - Roads					
129904	EXPENSE - Regional Road Group Construction	811,431	342,386	424,803	(82,417)
129901	EXPENSE - R 2 R Construction	234,520	179,520	88,666	90,854
129912	Black Spot Funding	184,800	0	838	(838)
129910	Local Road and Community Infrastructure Program	245,740	102,400	45,537	56,863
129908	EXPENSE - Wheatbelt Secondary Freight Network	1,492,845	622,020	561,464	60,556
	Total	2,969,336	1,246,326	1,121,308	125,018
Furniture & Equipment					
78001	Replacement Server (Medical Surgery)	0	0	11,673	(11,673)
	Total	0	0	11,673	(11,673)
Infrastructure - Footpaths					
129911	Local Road and Community Infrastructure Program (footpaths)	42,000	42,000	1,230	40,770
	Total	42,000	42,000	1,230	0
TOTALS		3,075,836	1,342,911	1,144,069	158,072

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2020

FINANCING ACTIVITIES
NOTE 8
BORROWINGS

Repayments - borrowings

Information on borrowings Particulars	Loan No.	1 July 2020	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	
Housing										
Aged Housing Wollyam Street	114	176,217	0	0	8,352	176,264	167,865	-47	4,636	6,450
Recreation and culture										
New Sports Pavilion	111	1,106,776	0	0	13,291	1,106,776	1,093,485	0	35,085	30,000
Retic Football/Hockey Ovals	113	44,176	0	0	6,891	44,176	37,285	0	1,154	0
Economic services										
Community Centre	104	67,959	0	0	0	68,217	67,959	-258	1,994	2,857
Slater Homestead	105	20,382	0	0	0	20,466	20,382	-84	598	850
Rural Community Centre	106	359,173	0	0	17,426	359,173	341,747	0	7,363	15,643
Salmon Gum & Grange Subdivision	108	292,092	0	0	93,795	292,093	198,297	-1	11,169	0
Bank Overdraft - subdivision	112	945,000	0	0	0	945,000	945,000	0	19,163	324,280
Pay out old loans								0		
New Cumulative Loan				3,450,000			0	3,450,000		
B/Fwd Balance		3,011,775	0	3,450,000	139,754	3,012,165	2,872,021	3,449,610	81,162	380,080
C/Fwd Balance		3,011,775	0	3,450,000	139,754	3,012,165	2,872,021	3,449,610	81,162	380,080
Self supporting loans										
Recreation and culture										
Self Supporting Loan MSC	110	235,040	0	0	18,027	36,791	217,013	198,249	0	14,322
Self Supporting Loan MSC	110	235,040	0	0	18,027	36,791	217,013	198,249	7,530	14,322
Total		3,246,815	0	3,450,000	157,781	3,048,956	3,089,034	3,647,859	88,692	394,402
Current borrowings		3,048,956					(180,422)			
Non-current borrowings		197,859					3,269,456			
		3,246,815					3,089,034			

All debenture repayments were financed by general purpose revenue.

Self supporting loans are financed by repayments from third parties.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2020**

**FINANCING ACTIVITIES
NOTE 8
BORROWINGS**

Repayments - borrowings

Information on borrowings Particulars	Loan No.	1 July 2020	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	

New borrowings 2020-21

Particulars	Amount Borrowed	Amount Borrowed	Institution	Loan Type	Term Years	Total Interest & Charges	Interest Rate	Amount (Used)		Balance Unspent
	Actual	Budget						Actual	Budget	
	\$	\$				\$	%	\$	\$	\$
Consolidation of existing loans (x12)	0	3,450,000	WATC	Debenture	20	0	2.90%	0	0	0
	0	3,450,000				0		0	0	0

KEY INFORMATION

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2020**

**FINANCING ACTIVITIES
NOTE 9
LEASE LIABILITIES**

Movement in carrying amounts

Information on leases Particulars	Lease No.	1 July 2020	New Leases		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	
Other property and services										
Photocopier		2,088			2,088	2,088	0	0	42	42
Total		2,088	0	0	2,088	2,088	0	0	42	42
Current lease liabilities		2,088					0			
		2,088					0			

All lease repayments were financed by general purpose revenue.

KEY INFORMATION

At inception of a contract, the Shire assesses if the contract contains or is a lease. A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. At the commencement date, a right of use asset is recognised at cost and lease liability at the present value of the lease payments that are not paid at that date. The lease payments are discounted using that date. The lease payments are discounted using the interest rate implicit in the lease, if that rate can be readily determined. If that rate cannot be readily determined, the Shire uses its incremental borrowing rate.

All contracts classified as short-term leases (i.e. a lease with a remaining term of 12 months or less) and leases of low value assets are recognised as an operating expense on a straight-line basis over the term of the lease.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2020**

**OPERATING ACTIVITIES
NOTE 10
CASH RESERVES**

Cash backed reserve

Reserve name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Reserves cash backed - Long Service Leave Reserve	111,813	1,500	0	0	0		0	113,313	111,813
Reserves cash backed - Mortlock Lodge Reserve	3,172	0	0	0	0		0	3,172	3,172
Reserves cash backed- Plant Replacement Reserve	138,550	22,901	0	0	0		0	161,451	138,550
Reserves cash backed - Staff Housing Reserve	32,994	500	0	0	0	0	0	33,494	32,994
Reserves cash backed - Aged Care Reserve	118,681	1,500	0	0	0		0	120,181	118,681
Reserves cash backed - Vehicle Reserve	107,115	1,300	0	0	0		0	108,415	107,115
Reserves cash backed - Sewerage Reserve	324,513	4,500	0	0	0	0	0	329,013	324,513
Reserves cash backed - Community Bus Reserve	53,776	450	0	0	0		0	54,226	53,776
Reserves cash backed - LCDC Reserve	10,361	200	0	0	0		0	10,561	10,361
Reserves cash backed - SW LAG Officer AL/LSL Reserve	5,200	0	0	0	0	0	0	5,200	5,200
	906,175	32,851	0	0	0	0	0	939,026	906,175

KEY INFORMATION

Other current liabilities	Note	Opening Balance 1 July 2020	Liability Increase	Liability Reduction	Closing Balance 30 November 2020
		\$	\$	\$	\$
Contract liabilities					
- operating	12	79,868	143,454	(8,366)	214,957
Total unspent grants, contributions and reimbursements		79,868	143,454	(8,366)	214,957
Provisions					
Annual leave		242,757	0	0	242,757
Long service leave		257,991	0	0	257,991
Total Provisions		500,748	0	0	500,748
Total other current assets		580,616	143,454	(8,366)	715,705

KEY INFORMATION

Provisions

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Employee benefits

Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2020

NOTE 12

OPERATING GRANTS AND CONTRIBUTIONS

Provider	Operating grants, subsidies and contributions revenue		
	Adopted Budget Revenue	YTD Budget	YTD Revenue Actual
	\$	\$	\$
Operating grants and subsidies			
General purpose funding			
GRANTS - General Purpose	206,175	85,905	103,016
GRANTS - Untied Road Grants	180,784	75,325	84,708
Law, order, public safety			
REVENUE - ESL Grant	45,000	11,250	15,245
Recreation & Culture			
REVENUE - Other Recreation & Sport - No GST	18,500	415	2,700
Community amenities			
REVENUE - Other Grant Funding	138,000	138,000	138,000
Transport			
REVENUE - Direct Grant	93,000	38,750	91,115
Other property and services			
Various Contributions	209,263	30,536	49,860
	890,722	380,181	484,643

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2020

NOTE 13
NON-OPERATING GRANTS AND CONTRIBUTIONS

	Non operating grants, subsidies and contributions revenue				
	Adopted Budget Revenue	YTD Budget	YTD Revenue Actual	YTD Expenditure Actual	YTD Unspent Contract Liability
	\$	\$	\$	\$	\$
Non-operating grants and subsidies					
General purpose funding					
Grants - Federal Government	271,061	112,940	123,210	45,537	(77,673)
Transport					
Revenue - Grants Regional Road Group	1,813,111	755,460	156,601	424,803	0
Revenue - Grant Wheatbelt Secondary Freig	0	0	618,869	561,464	(57,405)
Revenue - Grants R 2 R	234,520	0	0	0	0
Revenue - Grants Black Spot	123,077	51,280	49,280	88,666	0
Economic services					
Revenue - Pioneer Pathways	0	0	8,375	0	(8,375)
	2,441,769	919,680	956,335	1,120,470	(143,454)

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2020**

**NOTE 14
EXPLANATION OF MATERIAL VARIANCES**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date Actual materially.

The material variance adopted by Council for the 2020-21 year is \$10,000 or 10.00% whichever is the greater.

Reporting Program	Var. \$	Var. %	Timing/ Permanent	Explanation of Variance
	\$	%		
Revenue from operating activities				
Governance	5,996	73.84%		Within material variance
General purpose funding - rates	(1,006)	(0.05%)		Within material variance
General purpose funding - other	29,757	1.37%		Within material variance
Law, order and public safety	38,194	93.62%	▲ Timing	Timing of receiving the funds from DFES for the ESL collection
Health	19,503	7.35%		Within material variance
Education and welfare	(214)	(85.60%)		Within material variance
Housing	(9,896)	(8.59%)		Within material variance
Community amenities	(14,447)	(3.02%)		Within material variance
Recreation and culture	21,801	133.42%	▲	Extra funds from the Goomalling Football/Cricket clubs for the leases of the properties for cropping.
Transport	54,637	116.57%	▲	Timing in the receiving of the RRG monies for roadworks on Meckering and Calingiri Goomalling Roads
Economic services	(41,780)	(24.55%)	▼	Timing of receiving the funds for the pioneerpathway works.
Other property and services	12,764	48.71%	▲	Have received extra private works monies not budgeted for the month of August BGC contribution towards the road maintenance on Sheen road
Expenditure from operating activities				
Governance	21,019	23.56%	▲	Within material variance
General purpose funding	(33)	(0.08%)		Within material variance
Law, order and public safety	37,484	32.20%	▲ Timing	Yet to run the depreciation due to the final audit not been completed.
Health	318	0.11%		Within material variance
Education and welfare	415	5.69%		Within material variance
Housing	48,349	30.13%	▲ Timing	Yet to run the depreciation due to the final audit not been completed.
Community amenities	21,472	7.58%	Timing	Yet to run the depreciation due to the final audit not been completed.
Recreation and culture	82,159	21.79%	▲ Timing	Yet to run the depreciation due to the final audit not been completed.
Transport	304,958	52.16%	▲ Timing	Yet to run the depreciation due to the final audit not been completed.
Economic services	47,611	17.37%	▲ Timing	Yet to run the depreciation due to the final audit not been completed.
Other property and services	62,826	774.20%	▲ Timing	Yet to run the depreciation due to the final audit not been completed.
Investing activities				
Proceeds from non-operating grants, subsidies and contributions	36,655	3.99%		Within material variance
Proceeds from disposal of assets	0	0.00%		
Proceeds from financial assets at amortised cost - self supporting loans	0	0.00%		
Payments for financial assets at amortised cost - self supporting loans	0	0.00%		
Payments for property, plant and equipment and infrastructure	198,842	14.81%	▲	Dependent on the timing of the capital works for road works and also up grading to buildings
Financing activities				
Proceeds from new debentures	0	0.00%		
Transfer from reserves	0	0.00%		
Payments for principal portion of lease liabilities	0	0.00%		
Repayment of debentures	0	0.00%		
Transfer to reserves	0	0.00%		



9.3 PROPOSAL FOR LOCAL GOVERNMENT CHILD SAFETY OFFICERS

DATE:	10 December 2020
PROPONENT:	Child Safety Officers
SUBJECT:	State Government
LOCATION:	N/A
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	N/A
ASSESSMENT NO:	N/A

PURPOSE

Council is requested to make comment with regard to a proposal for Local Government Child Safety Officers.

BACKGROUND

The Department of Local Government, Sport and Cultural Industries (DLGSC) is part of the Western Australian Government (State Government) implementing reforms from the recommendations of the Royal Commission into Institutional responses to Child Sexual Abuse (the Royal Commission).

The Royal Commission was established to investigate systemic failures by institutions in relation to allegations and incidents of child sexual abuse. The Royal Commission found that across many decades, many of society's institutions failed to protect children. The Royal Commission's final report contained 409 recommendations directed towards the development of effective government regulation, improvement in institutional governance and increased community awareness of child sexual abuse in institutions.

In response to the Royal Commission, the State Government is:

- developing a system of independent oversight to improve child safety in organisations
- developing a State policy position on the Royal Commission's recommendation 6.12 specifying that local governments should designate child safety officers from within existing staff profiles.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended).

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Could be significant if this role becomes a legislated part of Council's responsibilities. Council would be required to facilitate a role which currently does not exist. While it is suggested that this could be from the current staffing profile, I am not of the opinion that this could be absorbed under the current structure.



STRATEGIC IMPLICATIONS

- 1.1.3 Support community organisations, give local youth a voice on youth issues
- 1.1.5 Expand indigenous, cultural and social programs throughout the district
- 1.4.5 Collaborate with stakeholders to update and implement the community safety plan
- 1.4.6 Provide community services to uphold public safety standards

COMMENTS AND DETAILS

Independent Oversight

The State Government is advocating for the development of an independent oversight system comprising the following four areas:

- organisations to report certain types of misconduct by their employees (including contractors and volunteers) involving children (known as reportable conduct) to an independent oversight body
- organisations engaged in child related work to comply with child safe standards (known as the National Principles for Child Safe Organisations) and their compliance be monitored by an independent oversight body
- out-of-home care providers be accredited by an independent oversight body
- youth detention environment to comply with the National Principles and their compliance be monitored by an independent oversight body.

Ombudsman WA has drafted the Parliamentary Commissioners Amendment (Reportable Conduct) Bill 2020. The Bill obliges heads of organisations, including local governments, to notify an independent body of misconduct involving children, known as reportable conduct, by their employees, volunteers and contractors. **Consultation on the draft legislation closes 31 January 2021.**

The Royal Commission recommended 10 child safe standards to improve child safe cultures and practices across all sectors providing services to children and young people. The standards have since been incorporated into the National Principles for Child Safe Organisations which were endorsed by the Council of Australian Governments in February 2019.

The National Principles guide organisations to create child safe cultures and practices. The Department of the Premier and Cabinet (DPC) is leading community consultation about how the legal compliance with the National Principles should be implemented.

Organisations undertaking child-related work, such as local governments, are encouraged to provide comment by completing an online survey **before 26 February 2021**. The department is hosting a webinar (30 minutes) on the independent oversight of organisations at 12noon, Wednesday 16 December.

Local Government Child Safety Officers

Royal Commission Recommendation 6.12 states that local governments should designate child safety officer positions from within **existing** staff profiles. The Department of Communities and



DLGSC has drafted a discussion paper for the WA Local Government sector to better understand and respond to this recommendation.

DLGSC will be hosting two webinars for local governments at 1:30-2:30pm Monday 14 December 2020 and Thursday 4 February 2021 to respond to queries about the discussion paper. The State Government is seeking a formal response to the discussion paper, preferably through council, from local governments **by 2 April 2021**. Responses will inform the development of the State Government's policy position.

The State Government acknowledges that local governments will have differing levels of understanding of the Royal Commission and child safeguarding. Further information relating to the Independent Oversight System including how to provide a response is available on wa.gov.au

ATTACHMENTS

- Information about the proposed Reportable Conduct Scheme for Western Australia – Ombudsman
- National Principles for Child Safe Organisations 2019
- Discussion paper regarding implementation of child safety officers Rec 6.12 FINAL APPROVED VERSION (002)
- Reportable Conduct Scheme Green Bill

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council:

Consider what comment if any, it wishes to make regarding the proposal for Local Government Child Safety Officers.

304. RESOLUTION

Moved Cr Van Gelderen, seconded Cr Wilkes

That regarding the proposal for Local Government Child Safety Officers, Council provides feedback to The Department of Local Government, Sport and Cultural Industries (DLGSC) that it does not feel that it is Council's responsibility to employ a dedicated officer; once again it is cost shifting from other tiers of Government and should be the responsibility of the Department of Child Protection and the Police Department.

**CARRIED 7/0
By Simple Majority**

Information about the proposed Reportable Conduct Scheme for Western Australia



The office of the Ombudsman acknowledges Aboriginal and Torres Strait Islander people of Australia as the traditional custodians of Australia. We recognise and respect the exceptionally long history and ongoing cultural connection Aboriginal and Torres Strait Islander people have to Australia, recognise the strength, resilience and capacity of Aboriginal and Torres Strait Islander people and pay respect to Elders past, present and future.

We acknowledge the Whadjuk Noongar people as the traditional custodians of the land on which the office of the Ombudsman is located.

What is this Information Sheet about?

This Information Sheet is about the proposed Reportable Conduct Scheme for Western Australia.

What is the proposed Reportable Conduct Scheme?

It is a scheme to report employee misconduct involving children. The Royal Commission into Institutional Responses to Child Sexual Abuse found that organisations need to improve their responses to child abuse and recommended that state and territory governments set up schemes which oblige heads of organisations to notify an independent body of misconduct involving children, known as reportable conduct, by their employees, volunteers and contractors.

The proposed Reportable Conduct Scheme for Western Australia will provide independent oversight of how certain organisations prevent and handle allegations and convictions of child abuse involving any of the organisation's employees.

The proposed Reportable Conduct Scheme will apply to organisations that exercise a high degree of responsibility for children and where there is a heightened risk of child abuse. These organisations will need to notify the Ombudsman of allegations and convictions of child abuse involving their employees (please see below for who is considered an employee).

The Ombudsman can then review the findings made and the action taken by the organisation or undertake their own investigation.

Why do we need a Reportable Conduct Scheme?

Reportable conduct schemes aim to prevent harm to children and make children safer. The Royal Commission into Institutional Responses to Child Sexual Abuse recommended the introduction of nationally consistent reportable conduct schemes.

The objective of the proposed Reportable Conduct Scheme Bill is to protect children from harm by implementing a scheme for:

- reporting and investigating allegations and convictions of child abuse involving employees of certain organisations; and
- taking appropriate action in response to findings of child abuse.

The proposed Reportable Conduct Scheme is based on the principles that:

- the protection and best interests of children are paramount considerations; and
- if a child is able to form views on an allegation or conviction of child abuse and it is appropriate to consult the child —
 - the child must be given the opportunity to express their views freely; and
 - their views are to be given due weight in accordance with the child's development and the circumstances; and
- criminal conduct or suspected criminal conduct should be reported to the police; and
- the Ombudsman and others involved in the reportable conduct scheme should work in collaboration to ensure a fair process is used in the investigation of allegations and convictions of child abuse; and
- employees who are the subject of allegations of child abuse are entitled to be afforded natural justice in investigations into their conduct.

What is Reportable Conduct?

The conduct of an employee that must be notified to the Ombudsman is:

- a sexual offence or sexual misconduct against, with or in the presence of a child;
- physical assault committed against, with, or in the presence of a child;
- significant neglect of a child;
- any behaviour that causes significant emotional or psychological harm to a child; and
- other offences that might be decided by Parliament after the introduction of the Reportable Conduct Scheme.

What organisations are covered?

The types of organisations covered by the proposed scheme will include:

- accommodation and residential services;
- religious institutions;
- childcare services;
- child protection and out-of-home care services;
- disability services;
- education services;
- health services; and
- justice and detention services.

The scheme will not apply to organisations that do not have care, supervision or authority over children.

Who are Employees?

For an organisation covered by the proposed scheme, an 'employee' will include:

- any officer or employee of the organisation;
- a volunteer, contractor or subcontractor who provides services to children;
- for a religious body, a minister of religion or a religious leader; and
- a carer under the *Children and Community Services Act 2004*.

What is the Ombudsman's role?

The Ombudsman will work with organisations covered by the proposed scheme to build on existing procedures and reporting requirements. The Ombudsman will:

- assist organisations to identify, notify and investigate reportable conduct by their employees;
- provide oversight of the organisation's investigation of reportable conduct by an employee and the action taken if a finding of reportable conduct is made;
- if it is in the public interest to do so, undertake their own investigation and make recommendations to the organisation;
- monitor the organisations' systems for preventing, notifying and dealing with reportable conduct; and
- report to Parliament on the scheme.

The Ombudsman will also share information with police and key institutions to better protect children from abuse, including informing the Chief Executive Officer of the Department of Communities of a finding of reportable conduct to enable an assessment or re-assessment of a person who has a Working with Children Check card.

What does an organisation need to do?

The proposed Reportable Conduct Scheme will require heads of organisations that are covered by the scheme to:

- have certain systems in place, including systems for preventing, notifying and dealing with any allegations or convictions of child abuse involving an employee;
- notify the Ombudsman about any allegations or convictions of child abuse involving an employee;
- investigate any allegations or convictions of child abuse involving an employee and provide a report to the Ombudsman at the end of the investigation on any findings made and actions taken; and
- report to other bodies, such as WA Police, the Department of Communities or professional bodies as required.

How will the Reportable Conduct Scheme interact with the Working with Children Check Scheme?

The proposed Bill will also make amendments to the *Working with Children (Criminal Record Checking) Act 2004 (WA)* so that reportable conduct findings can cause an assessment or re-assessment of a person who has a Working with Children Check card.

When would the proposed Reportable Conduct Scheme start?

If approved by Parliament, the scheme will be phased in, with childcare services, child protection and out-of-home care services, education services, health services and justice and detention services covered in the first year and the remaining services after 12 months of operation of the scheme. The phased commencement of the scheme over two years will assist organisations to prepare for the new requirements.

Can I have a say on the proposed Reportable Conduct Scheme?

Yes you can. For the proposed Reportable Conduct Scheme to start, Parliament must change the law. The first part of changing the law is introducing a Bill into Parliament. The Bill for the proposed Reportable Conduct Scheme is called a 'Green Bill' which allows for the public to be consulted about the Bill and provide submissions before the final Bill is introduced into Parliament. The Green Bill has been tabled in Parliament and can be viewed by any member of the public [here](#).

All submissions must be received by 31 January 2021.

Where can I get a copy of the Green Bill?

If you would like to read the *Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2020* that would create the Reportable Conduct Scheme please go to this [link](#).

How do I provide my submission?

You can provide your submission directly to the office of the Ombudsman. We want to make it as easy for you as possible, so you can provide your submission in an email to:

reportableconduct@ombudsman.wa.gov.au

What if I have read this Information Sheet but still have questions?

If you have any questions that are not answered by this Information Sheet you should not hesitate to contact our office on:

Telephone: (08) 9220 7471

Email: reportableconduct@ombudsman.wa.gov.au



**Child Safe
Organisations**
National Principles



**National Principles
for Child Safe
Organisations**

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Further information:

For further information about the copyright in this publication, please contact:

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Foreword

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) uncovered shocking abuse of children within institutions in Australia.

The Commission recommended taking action to make organisations across the country safe for children.

The development of the National Principles for Child Safe Organisations (National Principles) is a key national reform in response to these recommendations.

The Principles have been endorsed by all Commonwealth, state and territory governments.

They provide a nationally consistent approach to embedding child safe cultures within organisations that engage with children, and act as a vehicle to give effect to all Royal Commission recommendations related to child safe standards.

I would like to thank all who contributed to the development of the National Principles and their accompanying guidance material.

Development of the National Principles was led by Community Services Ministers across Australia under the *Third Action Plan 2015-2018 of the National Framework for Protecting Australia's Children 2009-2020* and the National Children's Commissioner, Megan Mitchell, in consultation with a broad range of sectors engaging with children.

Representatives from key advocacy groups and academia also contributed, as well as children and young people themselves.

Adopting the National Principles is an important step to better protecting Australia's children.



Scott Morrison
Prime Minister of Australia
Chair of the Council of Australian Governments

Preamble

A wide range of organisations work with children and young people throughout Australia. These may be small and community based, such as a sports club or playgroup where families and community members contribute voluntarily, through to more highly organised structures like schools, hospitals and churches. They may also be businesses or organisations employing staff and/or volunteers providing services to and working with children and young people. Some may work across state boundaries.

In 2013, the Australian Government established a Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) in response to community concern about widespread reports of cases where Australian institutions failed to protect children from sexual abuse. The Commission's final recommendations emphasised that members of the public, children and young people, parents, carers, families and communities should feel confident that organisations working with children provide safe environments in which children's rights, needs and interests are met.

The National Principles draw on the work of the Royal Commission, Australia's Children's Commissioners and Guardians and the 2005 National Framework for Creating Safe Environments for Children.

They provide a national approach to embedding a child safe culture across all sectors of Australian society in which children are involved.

Underpinned by a child-rights approach and based on the standards recommended by the Royal Commission, the National Principles are designed to build capacity and deliver child safety and wellbeing in organisations, families and communities and prevent future harm. In order to allow flexibility in implementation and in recognition of the variety of organisational types, sizes and capacities,

the National Principles outline at a high level the 10 elements that are fundamental for making an organisation safe for children.

The National Principles emphasise the importance of culturally safe environments and practices for Aboriginal and Torres Strait Islander children and young people. Aboriginal and Torres Strait Islander families and communities are more likely to access services that are culturally safe and experience better outcomes in such services. This includes improving the way organisations engage with Aboriginal and Torres Strait Islander children and their families, recognising the impact of intergenerational trauma, and respecting cultural diversity.

The National Principles collectively show that a child safe organisation is one that creates a culture, adopts strategies and takes action to promote child wellbeing and prevent harm to children and young people. A child safe organisation consciously and systematically:

- creates an environment where children's safety and wellbeing is 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
- creates conditions that increase the likelihood of identifying any harm
- responds to any concerns, disclosures, allegations or suspicions.

The adoption and application of national child safe principles in any institution or organisation across Australia, in which children are involved, is a significant milestone in promoting child safety and wellbeing.



Wheel of Child Safety

National Principles for Child Safe Organisations

- 1.** Child safety and wellbeing is embedded in organisational leadership, governance and culture.
- 2.** Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
- 3.** Families and communities are informed and involved in promoting child safety and wellbeing.
- 4.** Equity is upheld and diverse needs respected in policy and practice.
- 5.** People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- 6.** Processes to respond to complaints and concerns are child focused.
- 7.** Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- 8.** Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- 9.** Implementation of the national child safe principles is regularly reviewed and improved.
- 10.** Policies and procedures document how the organisation is safe for children and young people.

As of 1 February 2019, all Parties have confirmed their commitment to the National Principles for Child Safe Organisations as follows:

<p><i>The Prime Minister of Australia on behalf of the Commonwealth of Australia</i></p> <p>The Hon Scott Morrison MP</p>	
<p><i>The Premier of New South Wales on behalf of the State of New South Wales</i></p> <p>The Hon Gladys Berejiklian MP</p>	<p><i>The Premier of Victoria on behalf of the State of Victoria</i></p> <p>The Hon Daniel Andrews MP</p>
<p><i>The Premier of Queensland on behalf of the State of Queensland</i></p> <p>The Hon Anastacia Palaszczuk MP</p>	<p><i>The Premier of Western Australia on behalf of the State of Western Australia</i></p> <p>The Hon Mark McGowan MLA</p>
<p><i>The Premier of South Australia on behalf of the State of South Australia</i></p> <p>The Hon Steven Marshall MP</p>	<p><i>The Acting Premier of Tasmania on behalf of the State of Tasmania</i></p> <p>The Hon Jeremy Rockliff MP</p>
<p><i>The Acting Chief Minister of the Australian Capital Territory on behalf of the Australian Capital Territory</i></p> <p>Ms Yvette Berry MLA</p>	<p><i>The Chief Minister of the Northern Territory on behalf of the Northern Territory</i></p> <p>The Hon Michael Gunner MLA</p>

Guidance

Australia ratified the United Nations Convention on the Rights of the Child (CRC) in 1990. Under the Convention, children, like adults, possess human rights. They also have the right to special protection because of their vulnerability to exploitation and abuse. Under the Convention, a child is defined as every human being below eighteen years of age.

The following pages provide detailed guidance on each of the principles to support the adoption of the National Principles across all organisations engaging with children across Australia.

For each principle, the guidance provides:

- the intent and key elements of the principle
- key action areas, showing where organisations should take action to create a culture of child safety
- indicators that the principle is upheld, providing practical examples of signs that the principle is effectively in place
- references to examples of relevant Articles of the CRC.

This guidance is intended to support organisations to consistently and effectively implement the National Principles. It is provided as a best practice guide and allows flexibility in implementation and in recognition of the variety of organisational types, sizes and capacities.

A set of tools and resources to support implementation of the National Principles within organisations can be accessed through the National Office for Child Safety webpage (<https://pmc.gov.au/domestic-policy/national-office-child-safety>).

Principle 1

Child safety and wellbeing is embedded in organisational leadership, governance and culture.

This principle provides guidance on the role of organisational leadership and governance in promoting inclusive and welcoming environments for children and young people, a culture of accountability and the ways in which a child safe culture is developed and maintained.

Adoption of this principle shows that the organisation has a commitment to child safety and wellbeing through all levels of the organisation. Governance arrangements are transparent and include a child safety and wellbeing policy, practice guidance, a Code of Conduct and a risk management framework. Governance arrangements vary depending on the type, nature and size of an organisation. Organisational leadership provides an authorising environment for the sharing of information about risks to children and young people.

Key action areas:

- 1.1 The organisation makes a public commitment to child safety.
- 1.2 A child safe culture is championed and modelled at all levels of the organisation from the top down and the bottom up.
- 1.3 Governance arrangements facilitate implementation of the child safety and wellbeing policy at all levels.
- 1.4 A Code of Conduct provides guidelines for staff and volunteers on expected behavioural standards and responsibilities.
- 1.5 Risk management strategies focus on preventing, identifying and mitigating risks to children and young people.
- 1.6 Staff and volunteers understand their obligations on information sharing and recordkeeping.

Indicators that this principle is upheld:

- * The organisation can demonstrate they have publicly available and current documents such as a child safety and wellbeing policy, practice guidance, information sharing protocols, staff and volunteer codes of conduct and risk management strategies.
- * The organisational leadership models and regularly reinforces attitudes and behaviours that value children and young people and a commitment to child safety, child wellbeing and cultural safety. This commitment is clear in duty statements, performance agreements and staff and volunteer review processes.
- * Staff, volunteers, children and young people have a sound knowledge of children's rights, including their rights to feel safe and be heard, and the accountabilities that accompany these rights.
- * Leaders promote sharing good practice and learnings about child safety and wellbeing.

Principle 2

Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.

This principle describes an organisational culture that supports children and young people to understand what child safety and wellbeing means. They are informed about their rights and responsibilities in an age appropriate way. They contribute and actively participate in building an organisational culture that is safe for them.

Children and young people know about the organisation's commitment to child safety and wellbeing and access relevant information and programs. They recognise safe environments and understand protective strategies. In such environments, children and young people feel comfortable participating in decisions and communicating their views and concerns. Ultimately, however, the responsibility for child safety and wellbeing in an organisation rests with the organisation and its workers.

Staff and volunteers value and respect children and young people's identity and culture, are comfortable and skilled in engaging with them, understand their developmental needs and build on children and young people's strengths and capacities.

Key action areas:

- 2.1 Children and young people are informed about all of their rights, including to safety, information, and participation.
- 2.2 The importance of friendships is recognised and support from peers is encouraged, to help children and young people feel safe and be less isolated.
- 2.3 Where relevant to the setting or context, children may be offered access to sexual abuse prevention programs and to relevant related information in an age appropriate way.
- 2.4 Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to express their views, participate in decision-making and raise their concerns.

Indicators that this principle is upheld:

- * The organisation has programs and resources to educate children and young people on their rights including their right to safety and right to be listened to.
- * The organisation is proactive in providing age appropriate platforms to regularly seek children and young people's views and encourage participation in decision-making.
- * Staff and volunteers have a good understanding of children and young people's developmental needs.
- * Opportunities for participating are documented and regularly reviewed.
- * The organisational environment is friendly and welcoming for children and young people.
- * Children and young people participate in decision-making in the organisation, including in relation to safety issues and risk identification.
- * Children and young people can identify trusted adults and friends.
- * Children and young people are informed about their roles and responsibilities in helping to ensure the safety and wellbeing of their peers.

Principle

3

Families and communities are informed, and involved in promoting child safety and wellbeing.

This principle outlines the range of ways an organisation can involve families and the community in its approach to child safety and wellbeing, relevant policies and practices and the provision of accessible information. This will help inform parents and carers about safeguarding children and young people and encourage their feedback and input. They will be empowered to speak up and drive conversations regarding child safety and wellbeing and how and when they can raise issues and concerns.

Families have the primary responsibility for the upbringing of their children, and are aware of their children's primary protective networks. There is wide variety in the structure of families, the role different family members may play in a child's life, their backgrounds and cultures. Families and carers are best placed to advise about their children's needs and capabilities and can inform organisations about practices and environments that are safe for them. In a safe environment, children, young people, family and community members feel that their culture and identity are respected.

Key action areas:

- 3.1 Families participate in decisions affecting their child.
- 3.2 The organisation engages and openly communicates with families and the community about its child safe approach and relevant information is accessible.
- 3.3 Families and communities have a say in the development and review of the organisation's policies and practices.
- 3.4 Families, carers and the community are informed about the organisation's operations and governance.

Indicators that this principle is upheld:

- * The organisation is responsive to the needs of families and communities, including to cultural safety aspects.
- * The organisation creates opportunities for families and communities to be involved in how the organisation operates, including encouraging their children's participation and feedback.
- * The organisation has clear and accessible information for families and communities about the organisation's operations and policies, including child safety and wellbeing policy, Code of Conduct, record keeping practices and complaints and investigation processes.
- * The organisation seeks feedback from families and communities on issues of child safety and wellbeing and incorporates this into their policies and practices.
- * The organisation engages with and supports approaches that build cultural safety through partnerships and respectful relationships.



Article 2 of the CRC: All children have rights, no matter who they are, where they live, what their parents do, what language they speak, what their religion is, their sex or gender, what their culture is, whether they have disability, whether they are rich or poor.

Principle

4

Equity is upheld and diverse needs respected in policy and practice.

This principle examines how recognition of children and young people's diverse circumstances enables an organisation to work in a more child centred way and empowers children and young people to participate more effectively. This builds an organisational culture that acknowledges the strengths and individual characteristics of children, and embraces all children regardless of their abilities, sex, gender, or social, economic or cultural background.

A welcoming organisation is one where all children and young people feel comfortable and where services are provided in culturally safe and inclusive ways. This reduces the risk of discrimination, exclusion, bullying and abuse.

Key action areas:

- 4.1 The organisation, including staff and volunteers, understands children and young people's diverse circumstances, and provides support and responds to those who are vulnerable.
- 4.2 Children and young people have access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand.
- 4.3 The organisation pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, children from culturally and linguistically diverse backgrounds, those who are unable to live at home, and lesbian, gay, bisexual, transgender and intersex children and young people.

Indicators that this principle is upheld:

- * The organisation has specific policies in place that promote equity and respect diversity for the safety and wellbeing of all children and young people.
- * The organisation produces child-friendly material in accessible language and formats that promotes inclusion and informs all children and young people of the support and complaints processes available to them.
- * Board members, employees and volunteers champion attitudes and behaviours that respect the human rights of all children and young people, and are inclusive, well informed and responsive to diverse needs.
- * Board members, staff and volunteers reflect on how discrimination and exclusion, whether intentional or unintentional, may work against a safe and inclusive culture and they develop proactive strategies to address this.
- * Staff and volunteers are trained to recognise and respond effectively to children and young people with diverse needs.



Principle 5

People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

This principle describes recruitment and staff development policies, including appropriate screening, that are a foundation of child safe organisations. This principle also includes induction training, understanding child safety responsibilities and cultural safety concepts, and appropriate supervision of staff and volunteers. Reporting obligations, training in record keeping and information sharing provide staff and volunteers with relevant practice tools to better safeguard children and young people.

Key action areas:

- 5.1 Recruitment, including advertising, referee checks and staff and volunteer pre-employment screening, emphasise child safety and wellbeing.
- 5.2 Relevant staff and volunteers have current working with children checks or equivalent background checks.
- 5.3 All staff and volunteers receive an appropriate induction and are aware of their responsibilities to children and young people, including record keeping, information sharing and reporting obligations.
- 5.4 Ongoing supervision and people management is focused on child safety and wellbeing.

Indicators that this principle is upheld:

- * The organisation emphasises its commitment to child safety and wellbeing when advertising for, recruiting and screening staff and volunteers.
- * Duty statements, selection criteria and referee checks demonstrate children and young people are valued and respected, commitment to child safety and wellbeing, understanding of children's developmental needs and culturally safe practices.
- * Employers, staff and volunteers in an organisation have completed background check requirements.
- * Staff and volunteers understand the child safety policy and procedures of the organisation and meet their record keeping, information sharing and reporting responsibilities.
- * Ongoing staff support, supervision and performance management processes involve child safety elements.
- * The organisation maintains suitable record keeping systems and protocols for staff and volunteers.
- * The organisation has a range of tools and processes to monitor and mitigate risk.

Principle 6

Processes to respond to complaints and concerns are child focused.

This principle provides guidance on how human resource management policies and practices and effective complaints management processes should be accessible, responsive to and understood by children and young people, families, staff and volunteers. Complaint management processes will be linked to the Code of Conduct and provide details about where breaches of the Code have occurred. Training will help staff and volunteers to recognise and respond to neglect, grooming and other forms of harm, provide appropriate support to children and young people in these instances and meet legal requirements. This includes training to assist in responding to different types of complaints, privacy considerations, listening skills, disclosures of harm and reporting obligations.

Key action areas:

- 6.1 The organisation has an accessible, child focused complaint handling policy which clearly outlines the roles and responsibilities of leadership, staff and volunteers, approaches to dealing with different types of complaints, breaches of relevant policies or the Code of Conduct and obligations to act and report.
- 6.2 Effective complaint handling processes are understood by children and young people, families, staff and volunteers, and are culturally safe.
- 6.3 Complaints are taken seriously, and responded to promptly and thoroughly.
- 6.4 The organisation has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and co-operates with law enforcement.
- 6.5 Reporting, privacy and employment law obligations are met.

Indicators that this principle is upheld:

- * Staff and volunteers are well-informed about their roles and responsibilities, reporting and privacy obligations and processes for responding to disclosures. They feel empowered and supported to draw attention to breaches of the Code of Conduct within the organisation and to challenge these behaviours.
- * The complaints handling policy prioritises the safety and wellbeing of children and young people and recognises the role of families and communities in understanding and using the policy.
- * Policies and procedures demonstrate regard for fairness to all parties to a complaint or investigation including support and information as appropriate.
- * Staff and volunteers have a good knowledge of the different ways children and young people express concerns or distress and disclose harm.
- * Information about all complaints and concerns, including breaches of relevant policies or the Code of Conduct, is recorded and analysed, including in relation to processes, timeframes and record keeping practices. Systemic issues are identified and mitigated through this process.
- * Children and young people know who to talk to if they are feeling unsafe and know what will happen.
- * Timely feedback is provided to children and young people, families, staff and volunteers who raise concerns or complaints. This includes reporting back on incidents, concerns and complaints.

Principle 7

Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.

This principle emphasises the importance of information, ongoing education and training for staff and volunteers. Staff and volunteers build on their knowledge and skills and evidence-based practice tools through professional seminars and memberships, supervised peer discussions, team training days and access to research and publications. This ensures staff and volunteers develop awareness and insights into their attitudes towards children and young people, and have a contemporary understanding of child development, safety and wellbeing. They are able to identify indicators of child harm, respond effectively to children and young people and their families and support their colleagues. Staff and volunteers are able to respond in culturally appropriate ways to children and young people who disclose or show signs that they are experiencing harm inside or outside the organisation.

Staff and volunteers are trained in the rights of children and young people in relation to record keeping, and the possible uses and audiences for records that may be created.

Key action areas:

- 7.1 Staff and volunteers are trained and supported to effectively implement the organisation's child safety and wellbeing policy.
- 7.2 Staff and volunteers receive training and information to recognise indicators of child harm including harm caused by other children and young people.
- 7.3 Staff and volunteers receive training and information to respond effectively to issues of child safety and wellbeing and support colleagues who disclose harm.
- 7.4 Staff and volunteers receive training and information on how to build culturally safe environments for children and young people.

Indicators that this principle is upheld:

- * The organisation provides regular opportunities to educate and train staff on child safety and wellbeing policies and procedures and evidence-based practice.
- * The organisation provides a supportive and safe environment for staff and volunteers who disclose harm or risk to children and young people.
- * Staff and volunteers receive training on the rights of children and young people in relation to records being created about children and young people and their use.
- * Staff and volunteers recognise the range of indicators of child harm.
- * Staff and volunteers respond effectively when issues of child safety and wellbeing or cultural safety arise.



Principle 8

Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.

This principle highlights that reducing the risk of harm in physical and online environments is an important preventative mechanism. Risk management strategies clarify potential risks where adult to child or child to child interactions occur, or where the physical environment is unsafe.

Technological platforms within organisations provide valuable tools in education, communication and help seeking. Risks associated with these platforms are minimised through all necessary means, including: education of children and young people, parents, staff and volunteers about expectations of online behaviour; the application of safety filters; and communication protocols.

Key action areas:

- 8.1 Staff and volunteers identify and mitigate risks in the online and physical environments without compromising a child's right to privacy, access to information, social connections and learning opportunities.
- 8.2 The online environment is used in accordance with the organisation's Code of Conduct and child safety and wellbeing policy and practices.
- 8.3 Risk management plans consider risks posed by organisational settings, activities, and the physical environment.
- 8.4 Organisations that contract facilities and services from third parties have procurement policies that ensure the safety of children and young people.

Indicators that this principle is upheld:

- * The organisation's risk management strategy addresses physical and online risks, including risks arising from child to child and adult to child interactions and the state and nature of physical spaces.
- * The organisation's policies promote the use of safe online applications for children and young people to learn, communicate and seek help.
- * The organisation considers ways in which the physical environment might promote cultural safety.
- * Staff and volunteers are proactive in identifying and mitigating physical and online risks.
- * Staff and volunteers access and use online environments in line with the organisation's Code of Conduct and relevant communication protocols.
- * Children and young people and their families are informed, in culturally appropriate ways, about the use of the organisation's technology and safety tools.
- * Third party contractors for the provision of facilities and services have appropriate measures in place to ensure the safety and wellbeing of children and young people.

Principle 9

Implementation of the national child safe principles is regularly reviewed and improved.

This principle emphasises that child safe organisations seek to continuously improve their delivery of child safe services and their operations. They also conduct reviews to ensure that organisational policies and procedures, including record keeping practices, are being implemented by staff and volunteers. The participation and involvement of staff, volunteers, children and young people, families and community mentors in these reviews will strengthen the organisation's child safeguarding capacities. This includes the importance of reporting on the findings of reviews, and sharing good practice and learnings on a regular basis. Regular reviews ensure that organisations address new challenges or concerns that arise.

Key action areas:

- 9.1 The organisation regularly reviews, evaluates and improves child safe practices.
- 9.2 Complaints, concerns and safety incidents are analysed to identify causes and systemic failures so as to inform continuous improvement.
- 9.3 The organisation reports on the findings of relevant reviews to staff and volunteers, community and families and children and young people.

Indicators that this principle is upheld:

- * The organisation seeks the participation of children and young people, parents and communities in its regular reviews of child safety and wellbeing policies, procedures and practices.
- * Child safety and wellbeing indicators are included in documentation used for reviews.
- * Review outcomes are considered and implemented to improve child safe practices.
- * Regular analysis of complaints demonstrates improvement in child safe practices.



Principle 10

Policies and procedures document how the organisation is safe for children and young people.

This principle outlines the importance of organisations having a clearly documented child safety and wellbeing policy. This will ensure that all stakeholders, including organisational staff and volunteers, children and young people and their families and carers, are aware of how the organisation is planning to meet its obligations to create an environment that is safe for children. Partner agencies or organisations funded to provide services to children and young people should demonstrate adherence to child safety and wellbeing policies and practices.


Documenting policies and procedures ensures consistent application of child safe practices across the organisation. It also enables organisations to examine, through review processes, adherence to child safety and wellbeing principles and practices.

Key action areas:

- 10.1 Policies and procedures address all national child safe principles.
- 10.2 Policies and procedures are documented and easy to understand.
- 10.3 Best practice models and stakeholder consultation informs the development of policies and procedures.
- 10.4 Leaders champion and model compliance with policies and procedures.
- 10.5 Staff and volunteers understand and implement policies and procedures.

Indicators that this principle is upheld:

- * The organisation's child safety and wellbeing policy is comprehensive and addresses all ten of these Principles.
- * The organisation's child safety and wellbeing policy and procedures are documented in a language and format that is easily understood and accessible to staff, volunteers, families and children and young people.
- * Audits of the organisation's policies and procedures provide evidence of how the organisation is child safe through its governance, leadership and culture.
- * Practice within the organisation is consistent across the board and compliant with child safe policies and procedures, including culturally safe work practices.
- * Interviews or surveys of children and young people, families and community members demonstrate confidence in and awareness of the organisation's policies and procedures on promoting a child safe culture.
- * Surveys of executive, staff and volunteers demonstrate high levels of understanding of policies, procedures and practice requirements of the organisation.



The Australian Human Rights Commission was engaged by the Australian Government Department of Social Services to lead consultations and development of the National Principles for Child Safe Organisations. The goal is to build cultures in all organisational settings to advance the safety and wellbeing of children and young people.

Work continues with national sector organisations on the implementation of the National Principles and development of related resources.

For more information on Child Safe Organisations please go to:

<https://childsafe.humanrights.gov.au/>

Contact: childsafe@humanrights.gov.au

For more information on the National Office for Child Safety go to:

<https://pmc.gov.au/domestic-policy/national-office-child-safety>

Contact: nationalofficeforchildsafety@pmc.gov.au



This initiative is part of the WA Government's action to create a Safer WA for Children by implementing the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse.

Discussion paper on the implementation of child safety officers in local governments

Recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse

December 2020



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1. Background

1.1 Royal Commission into Institutional Responses to Child Sexual Abuse

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission (Royal Commission)) was established in response to allegations of child sexual abuse in institutional contexts that had been emerging in Australia for many years. The Royal Commission's Final Report¹ made 409 recommendations, with 310 applicable to the Western Australian State Government.

The recommendations of the Royal Commission emphasised that organisations working with children must be able to provide safe environments where the rights, needs and interests of children are met. The Royal Commission recommended a range of mechanisms to support child safe organisations, including 10 Child Safe Standards (rec 6.5), which organisations the standards should apply to (rec 6.9) and the role of an independent oversight body to monitor and enforce the standards (rec 6.10 and 6.11) to promote child safety across organisations and the role of child safety officers in local government (rec 6.12).

The Royal Commission also envisioned that the National Office for Child Safety (rec 6.16 and 6.17) would have a key role in collaborating with the Commonwealth, state and territory governments to support national consistency. It would do this by leading capacity building, continuous improvement of child safe initiatives through resources development, best practice material and evaluation. They also expected the National Office for Child Safety to promote participation and empowerment of children and young people.

1.2 National Principles for Child Safe Organisations

The Royal Commission defined child safe organisations as those which create cultures, adopt strategies and take actions to prevent harm to children, including child sexual abuse. The Royal Commission proposed 10 Child Safe Standards be adopted to foster child safety and wellbeing in organisations across Australia, as referenced above.

The Council of Australian Governments endorsed the National Principles for Child Safe Organisations (National Principles) in February 2019. The National Principles (Appendix 1) incorporate the 10 Child Safe Standards recommended by the Royal Commission, with a broader scope that goes beyond child sexual abuse to include all forms of abuse or potential harm to children.

1.3 What is happening in Western Australia to support implementation?

In Western Australia, the Royal Commission recommendations related to the National Principles are being led by the Department of Communities and the Department of the Premier and Cabinet in partnership with key government agencies and the Commissioner for Children and Young People (CCYP).

The Department of the Premier and Cabinet is leading the development of advice to the State Government on an independent oversight system, which will include the monitoring and enforcing of the National Principles for organisations engaged in child-related work. The Royal Commission was of the view that all organisations should strive to be child safe but

¹ <https://www.childabuseroyalcommission.gov.au/final-report>

recommended that organisations providing the following services should be required to implement the National Principles:

- accommodation and residential services for children;
- activities or services under the auspices of a religious denomination;
- childcare or childminding services;
- child protection services;
- activities or services where clubs and associations have a significant involvement by children;
- coaching or tuition services for children;
- commercial services for children;
- services for children with a disability;
- education services for children;
- health services for children;
- justice and detention services for children; and
- transport services for children.

The Department of Communities is leading the implementation of the National Principles through a range of administrative and legislative levers such as funding agreements and regulatory frameworks. They are also providing support to government and non-government agencies to implement the National Principles in preparation for independent oversight.

Western Australia currently has a voluntary approach to the implementation of the National Principles focused on capacity building, led by CCYP, while options for legally requiring implementation are developed. CCYP has enabling legislation to raise awareness, provide capacity building and consult with children. In 2019, CCYP revised their child safe resources to align with the National Principles.

2. Role of local governments

The Royal Commission cited the fundamental role local governments play in assisting and resourcing communities across Australia, particularly in regional and remote areas where access to resources and services is often more limited than for their urban counterparts.

The Royal Commission highlighted the important roles local governments play in communities that impact on the safety of children including:

- providing services to children, for example libraries, swimming pools and childcare;
- providing spaces for community activities, for example halls, theatres and sports grounds;
- funding or contracting services;
- facilitating community education or outreach programs;
- regulating planning and development approvals, infrastructure and property services; and
- water and food inspection².

The active role local governments take in community development and community safety, particularly roles that impact on child safety, was recognised as an opportunity to integrate their direct responsibilities to children with their wider role within the community. Local governments are recognised as well placed to support smaller organisations within their communities to implement the National Principles and create child safe environments.

Through this consultation process the State Government has two key aims:

- to develop a better understanding of the current role of local governments in promoting child safety and how the outcomes of this work are reported internally, to executive and to council; and
- to use this understanding of current work promoting child safety to inform development of an approach to meet recommendation 6.12 of the Royal Commission in implementing the child safety officer role.

2.1 Engagement with the local communities

As part of the response to this consultation process it would be useful for local governments to consider how to engage their local communities in relation to this issue. This active engagement can ensure that the community's expectations and the local government's outcomes and investment in child safety are well understood.

Local governments undertaking the required periodical review of their Integrated Planning and Reporting, may choose to include discussions on child safety as part of the engagement with the local community.

² Final Report: Volume 6, Making institutions child safe, p.300

3. Child safety officers

Recommendation 6.12 of the Royal Commission recommended that, with support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:

- a) developing child safe messages in local government venues, grounds and facilities;
- b) assisting local institutions to access online child safe resources;
- c) providing child safety information and support to local institutions on a need's basis; and
- d) supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.

Child safety officers are intended to promote child safety within the organisation and support smaller community-based organisations providing services to children to create child safe environments. The role would be expected to support local staff and volunteers to build existing capacity around child safety within their organisations by providing information and assistance.

The Royal Commission's view was that a child safety officer proximate to services and local industries would be especially important in regional and remote areas, given these communities are known to routinely miss out on resources and access to services that are available in urban centres. In regional and remote communities, child safety officers could be a conduit for information.

The Royal Commission's view was that child safety officers should work closely with the independent state oversight body responsible for monitoring and enforcing the National Principles, as they would be well placed to support smaller organisations to understand how they can be child safe.

The intent of the Royal Commission is for local governments to identify where they already have existing staff who could fulfil a role of promoting child safety within the organisation and supporting smaller local organisations to develop capacity in this area. Local governments could create new positions to facilitate implementation of this role where desired and resourcing allows. Volume 6³ and Volume 14⁴ of the Royal Commission's Final Report provide this recommendation in detail.

Acknowledging the existing investment local governments make to promoting community safety, including child safety, the Royal Commission stated that local governments do not need to provide additional financial investment into implementing a child safety officer role and suggest that existing community safety positions within local governments could be expanded to align existing responsibility to strengthen child safety.

The following portfolios may have existing roles that could be considered for alignment with child safety responsibilities and it is recognised that significant work is already occurring in

³ https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_6_making_institutions_child_safe.pdf

⁴ https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_14_sport_recreation_arts_culture_community_and_hobby_groups.pdf

these areas within some local governments to promote child safety, as recommended by the Royal Commission:

- Community safety;
- Community and club development;
- Governance and risk;
- Communications; and
- Disability Access and Inclusion.

It is also recognised that not all local governments have existing community safety positions or have limited capacity to expand the functions of these roles to include child safety. In fulfilling the functions of the child safety officer role, it is recognised that local government staff will need access to appropriate training. Where local governments have limited resources to create child safety officer positions the Royal Commission suggested that state and territory governments may be able to provide assistance.

3.1 Functions of the child safety officer

The four key functions of child safety officers, recommended by the Royal Commission, are outlined below with suggestions as to how each function may look in practice. It is noted that some of these examples may represent work already occurring in many local governments.

a) Developing child safe messages in local government venues, grounds and facilities

Developing child safe messages in local government venues, grounds and facilities promotes the knowledge and understanding of child safety by community members. Public messaging promotes the rights of children to feel safe as well as increasing the understanding of child safety by staff, volunteers and community members and acting as a deterrent for those who may intend to cause harm to children.

To implement this function would include:

- Working with key stakeholders including CCYP and the Working with Children Screening Unit to ensure that nationally consistent child safe messages are identified for use in local governments' venues, grounds and facilities.
- Working with internal communication teams to print posters/signs outlining nationally consistent child safe messages for their various venues, grounds and facilities.

b) Assisting local institutions to access online child safe resources

Institutions in local communities such as sole traders (i.e. music teachers, tennis coaches), private and community organisations (i.e. arts, cultural, community, sport and recreation groups, clubs and associations) may require assistance to access online child safe resources.

To implement this function would include:

- Facilitating the inclusion of information about child safety on their local government website including links to online child safe resource created by CCYP and the National Office of Child Safety. This would be in line with the current practice of many local governments in providing information and a link to Kidsport⁵ on their websites.

⁵ Kidsport is a scheme that enables low income families to participate in community sport through provision of financial assistance towards club fees).

- Signposting local government staff and local organisations to CCYP, the National Office of Child Safety, and other relevant resources on the local government's website.

Other local government resources may also assist in facilitating this function. Community Resource Centres and libraries provide physical access to computers and the internet, and library staff could provide support to access suitable online child safe resources. Community, Club Development and Community Safety Officers may signpost to online resources within newsletters.

c) Provide child safety information and support to local institutions on a need's basis

Child safety officers are expected to provide general advice around promoting child safety and the implementation of the National Principles within organisations. For some local governments this may include hosting workshops/seminars with external providers.

It is expected that child safety officers would be supported by relevant agencies, such as CCYP, the National Office of Child Safety, or in the case of child protection concerns, the Western Australia Police Force or Department of Communities in meeting this function.

While it is not the intention of the Royal Commission for local government child safety officers to be a direct point of contact for community members or staff seeking advice on child protection matters, it would be important for anyone in this role to have appropriate knowledge and understanding of child abuse and neglect, as well as local child safeguarding procedures, in order to provide appropriate information, guidance and signposting. It is important for the local government to consider what support mechanisms are in place, to ensure the wellbeing of child safety officers when dealing with these matters and what specific areas of training would be required to build upon existing skills and knowledge of staff.

d) Support local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds

Communities within local government areas differ based on social demographics. The needs of supporting children from diverse backgrounds will differ based on the local population.

To implement this function would include:

- Identifying needs within the local community and key services providing support in meeting these needs.
- Working collaboratively with local government staff, responsible for supporting disability inclusion and access and promoting the needs of Aboriginal and culturally diverse children, to provide advice and support to local organisations on implementing child safe approaches that are accessible and inclusive for children with diverse needs.
- Linking local institutions with key services, including disability advocacy services, Aboriginal family support services or professional interpreters.

4. Progress to date across jurisdictions

Information relating to implementation of the recommendation for local government child safety officers in each state/territory is outlined below. The National Office for Child Safety intends to work with the Australian Local Government Association to develop a plan for implementation at a national level.

Jurisdiction	Action to date
Western Australia	Accepted in principle. The Department of Communities is leading implementation of child safety officers in partnership with the Department of Local Government, Sport and Cultural Industries. The Department of the Premier and Cabinet is leading the development of advice to the State Government on an independent oversight system.
Victoria	Accepted in principle. Volume 6 of the Final Report identifies that a rural city council in Victoria has appointed two child safety officers to help prevent and respond to concerns of abuse. With the Victorian Government's support, Vicsport provides a 'helpdesk', which delivers assistance and advice to state sporting associations, regional sport assemblies, regional academies of sport, clubs and associations to assist them with cultural change, policy development, change management and communications to meet obligations in Victoria's Child Safe Standards.
New South Wales	Accepted in principle.
Australian Capital Territory	Accepted in principle. No reported progress.
Northern Territory	Accepted in principle. No reported progress.
Queensland	Listed for further consideration. The Queensland Government notes this recommendation is primarily the responsibility of the local government sector. The Queensland Government notes there are likely to be resource implications associated with implementing this recommendation, particularly for smaller remote, rural and Indigenous local governments, and will collaborate with the local government sector to identify the best way to support local institutions.
South Australia	Noted. This recommendation is seen to be the responsibility of local governments and is outside the scope of the South Australian Government's response to the Final Report
Tasmania	Accepted in principle. The Tasmanian Government agreed to work with the Local Government Association to progress this work.

5. Process for consultation with the local government sector

Phase 1 – Endorsement of consultation process (complete)

September 2020

The Department of Communities and the Department of Local Government, Sport and Cultural Industries developed a proposed consultation process, which was shared, discussed and endorsed with the Local Government Professionals of Western Australia's (LG Pro) Community Development Network on 1 October 2020. The paper was also shared with the leadership group of the Western Australian Local Government Association's (WALGA) Local Government Community Safety Network for comment and feedback.

Phase 2 – Consultation process (in progress)

December 2020 – April 2021

This discussion paper was developed by the Department of Communities and the Department of Local Government, Sport and Cultural Industries, in consultation with the Department of the Premier and Cabinet, CCYP and WALGA. It will be distributed to individual local governments through WALGA and LG Pro by Wednesday, 2 December 2020, with feedback required from individual local governments and peak bodies by Close of Business on Friday, 2 April 2021.

The State Government will facilitate presentations for local governments on the discussion paper via webinar on Monday, 14 December 2020 and Thursday, 4 February 2021. The webinars will be presented by the Department of Communities and the Department of Local Government, Sport and Cultural Industries with support from WALGA and LG Pro. To register your interest please email childsafeguarding@dlqsc.wa.gov.au prior to each webinar.

This consultation process aligns with the consultation on the design of the independent oversight system, which includes the monitoring and enforcing of the National Principles. Between November 2020 and February 2021, feedback is being sought from organisations likely to be impacted by the independent oversight and broader community stakeholders on particular elements of the system and how they will work. The local government sector is encouraged to provide feedback through the dedicated consultation webpage <http://www.wa.gov.au/independent-oversight-system-consultation>.

It is recommended that local government officers seek a position in relation to both consultation issues, child safety officers and the independent oversight system, from their respective councils during the consultation period to inform the organisation's feedback. Each local government should then respond individually to the consultation questions with specific feedback relevant to their geographical context.

Phase 3 – Presentation of policy position and guidance on implementation

April – June 2021

The consultation findings from this discussion paper will inform a draft report by Friday, 7 May 2021. The draft report will outline the State Government's proposed implementation of recommendation 6.12 and provide guidance as to how local governments can implement the role of child safety officers, including what support will be needed.

The draft report will be shared with WALGA, LG Pro, the Department of the Premier and Cabinet and CCYP for comments and feedback before being made publicly available and distributed to the local government sector as a final report by Friday, 4 June 2021.

6. Consultation questions

Responses to consultation questions are due to the Department of Communities by Close of Business on Friday, 2 April 2021. Responses can be emailed to csaroyalcommission@communities.wa.gov.au.

- 1) Please specify which local government you are responding on behalf of.

Click or tap here to enter text.

- 2) What is your role within the organisation?

Click or tap here to enter text.

- 3) Please consider each of the functions of a child safety officer and the three accompanying questions for each.

a) Developing child safe messages in local government venues, grounds and facilities;

In what ways is this function already being delivered within your local government and by which existing role/s and portfolio/s?

Click or tap here to enter text.

In what ways can this existing work be built upon to implement the function, as recommended by the Royal Commission?

Click or tap here to enter text.

What supports or training might be needed to achieve full implementation of this function?

Click or tap here to enter text.

b) Assisting local institutions to access online child safe resources

In what ways is this function already being delivered within your local government and by which existing role/s and portfolio/s?

Click or tap here to enter text.

In what ways can this existing work be built upon to implement the function, as recommended by the Royal Commission?

Click or tap here to enter text.

What supports or training might be needed to achieve full implementation of this function?

Click or tap here to enter text.

c) *Providing child safety information and support to local institutions on a need's basis;*

In what ways is this function already being delivered within your local government and by which existing role/s and portfolio/s?

Click or tap here to enter text.

In what ways can this existing work be built upon to implement the function, as recommended by the Royal Commission?

Click or tap here to enter text.

What supports or training might be needed to achieve full implementation of this function?

Click or tap here to enter text.

d) *Supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.*

In what ways is this function already being delivered within your local government and by which existing role/s and portfolio/s?

Click or tap here to enter text.

In what ways can this existing work be built upon to implement the function, as recommended by the Royal Commission?

Click or tap here to enter text.

What supports or training might be needed to achieve full implementation of this function?

Click or tap here to enter text.

- 4) Please specify any additional feedback in relation to the proposed implementation of child safety officers within Western Australia.

Click or tap here to enter text.

7. Further information and resources

Contact information

Please contact any of the State Government representatives below to discuss queries relating to this paper or the consultation process.

Amanda Furnell
Manager Royal Commission Implementation Team
Strategy and Partnerships
Department of Communities
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Mobile: 0418 968 952
Email: childsafeguarding@dlgsc.wa.gov.au

Resources

Further detail about the National Principles and resources relating to their implementation in organisations can be found on the websites listed below.

The Commissioner for Children and Young People Western Australia's website has a range of resources related to implementation of the National Principles, as well as links to provide information, resources and practical examples on each of the 10 National Principles.

<https://www.ccyp.wa.gov.au/our-work/child-safe-organisations-wa/>

The National Office for Child Safety provides further resources to help organisations, children and young people, parents and carers learn about the National Principles and how they should be used.

<https://childsafety.pmc.gov.au/what-we-do/national-principles-child-safe-organisations>

A Working with Children Check is a compulsory screening strategy in Western Australia and one strategy to keep children safe. The website includes a range of resources including creating a child safe organisation through recruitment and staff management.

<https://workingwithchildren.wa.gov.au/about/safeguarding-children>

Appendix 1:

National Principles for Child Safe Organisations

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
6. Processes to respond to complaints and concerns are child focused.
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
9. Implementation of the national child safe principles is regularly reviewed and improved.
10. Policies and procedures document how the organisation is safe for children and young people.

The Australian Human Rights Commission was engaged by the Australian Government Department of Social Services to lead consultations and development of the National Principles for Child Safe Organisations. The goal is to build cultures in all organisational settings to advance the safety and wellbeing of children and young people.

A full description of the National Principles can be found at:

[National Principles for Child Safe Organisations \(humanrights.gov.au\)](https://www.humanrights.gov.au/national-principles-for-child-safe-organisations)

WESTERN AUSTRALIA

Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2020

DRAFT BILL FOR PUBLIC COMMENT

The Government proposes to introduce into Parliament a Bill to amend the *Parliamentary Commissioner Act 1971* and the *Working with Children (Criminal Record Checking) Act 2004*.

This draft Bill has been prepared for public comment but it does not necessarily represent the Government's settled position.

All submissions must be received by 31 January 2021 and should be forwarded to: reportableconduct@ombudsman.wa.gov.au

For further information please see the Ombudsman Western Australia website at <http://www.ombudsman.wa.gov.au>

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**Parliamentary Commissioner Amendment
(Reportable Conduct) Bill 2020**

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Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2020

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22.	Section 30B amended	37
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24.	Schedule 1 amended	37
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Western Australia

LEGISLATIVE ASSEMBLY

**Parliamentary Commissioner Amendment
(Reportable Conduct) Bill 2020**

A Bill for

***An Act to amend the *Parliamentary Commissioner Act 1971* and the
*Working with Children (Criminal Record Checking) Act 2004.****

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Parliamentary Commissioner Amendment (Reportable Conduct) Act 2020*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) Part 2 Division 3 — on the day after the period of 12 months beginning on the day on which section 7 comes into operation;
- (c) the rest of the Act — on a day fixed by proclamation.

**Part 2 — *Parliamentary Commissioner Act 1971*
amended**

Division 1 — Preliminary

3. Act amended

This Part amends the *Parliamentary Commissioner Act 1971*.

Division 2 — General amendments

4. Long title amended

In the long title delete “**authorities and to the deaths of certain children**” and insert:

authorities, to the deaths of certain children and to the reportable conduct scheme

5. Section 4 amended

In section 4 insert in alphabetical order:

CCS Act means the *Children and Community Services Act 2004*;

Commissioner of Police means the person holding or acting in the office of Commissioner of Police under the *Police Act 1892*;

head, of a relevant entity, means —

(a) in relation to a department or an organisation as those terms are defined in the *Public Sector Management Act 1994* section 3(1) —

(i) the chief executive officer or chief employee of the department or organisation; or

(ii) the delegate of the chief executive officer or the chief employee of the department or organisation;

or

(b) in relation to any other authority —

(i) the chief executive officer of the authority; or

- 1 (ii) if there is no chief executive officer —
2 the president, chairman or other
3 principal or presiding member of the
4 authority, or if the authority is
5 constituted by a single person, that
6 person; or
7 (iii) the delegate of a person referred to in
8 subparagraph (i) or (ii);
9 or
10 (c) a person prescribed, or a person of a class
11 prescribed, by the regulations to be the head of
12 an entity or a delegate of that person; or
13 (d) in any other case —
14 (i) the chief executive officer of the entity
15 (however described); or
16 (ii) if there is no chief executive officer —
17 the principal officer of the entity
18 (however described); or
19 (iii) if there is no chief executive officer or
20 principal officer — a person, or the
21 holder of a position, in the entity
22 nominated by the entity and approved
23 by the Commissioner; or
24 (iv) the delegate of a person referred to in
25 subparagraph (i), (ii) or (iii);

26 **relevant entity** means an entity to which the reportable
27 conduct scheme applies under section 19H;

28 **religious body** means a body established or operated
29 for a religious purpose that operates under the auspices
30 of 1 or more religious denominations or faiths;

31 **reportable allegation** has the meaning given in
32 section 19E;

33 **reportable conduct** has the meaning given in
34 section 19F;

35 **reportable conduct scheme** means the scheme
36 established under Part III Division 3B;

37 **reportable conviction** has the meaning given in
38 section 19G;

39

1 **6. Section 19A amended**

2 In section 19A(1) delete the definition of *CCS Act*.

3 **7. Part III Division 3B inserted**

4 After Part III Division 3A insert:

5

6 **Division 3B — Reportable conduct scheme**

7 **Subdivision 1 — Preliminary**

8 **19C. Terms used**

9 In this Division —

10 *assault* means —

11 (a) the intentional or reckless application of
12 physical force without lawful justification or
13 excuse; or

14 (b) any act that intentionally or recklessly causes
15 another person to apprehend immediate and
16 unlawful violence;

17 *child* means a person who is under 18 years of age;

18 *conduct* means an act or an omission to do an act;

19 *contractor* includes —

20 (a) an officer of, or a person employed or engaged
21 to work for, a contractor; and

22 (b) a subcontractor of a contractor; and

23 (c) an officer of, or a person employed or engaged
24 to work for, a subcontractor; and

25 (d) a volunteer working for a contractor or a
26 subcontractor;

27 *employee*, of a relevant entity —

28 (a) means an individual who has reached 18 years
29 of age and is —

30 (i) an officer or employee of the relevant
31 entity, whether or not the individual's
32 work is in connection with any work or
33 activities of the entity that relate to
34 children; or

- 1 (ii) engaged by the entity to provide
2 services to children, including as a
3 volunteer or contractor; or
- 4 (iii) a carer as defined in the CCS Act
5 section 3;
- 6 and
- 7 (b) if the relevant entity is a religious body —
- 8 (i) includes a minister of religion and a
9 religious leader of the religious body;
10 but
- 11 (ii) does not include a person only because
12 the person participates in worship;
- 13 and
- 14 (c) if the relevant entity is the Police Force of
15 Western Australia, includes a person appointed
16 under the *Police Act 1892* Part I as an officer or
17 constable of the Police Force;
- 18 **investigation**, of a matter, includes any preliminary or
19 other inquiry into, or examination of, the matter;
- 20 **investigation information** means information —
- 21 (a) relating to a reportable allegation or a
22 reportable conviction; or
- 23 (b) obtained as a result of an investigation into a
24 reportable allegation or reportable conviction
25 conducted by the Commissioner or a relevant
26 entity; or
- 27 (c) relating to any of the following —
- 28 (i) the progress, conduct or findings of an
29 investigation referred to in
30 paragraph (b);
- 31 (ii) any action taken or not taken as a result
32 of the findings of an investigation
33 referred to in paragraph (b);
- 34 **investigator** means a person conducting an
35 investigation under this Act on behalf of the head of a
36 relevant entity for the purposes of the reportable
37 conduct scheme;
- 38 **relevant commencement day** means the day on which
39 the *Parliamentary Commissioner Amendment*
40 *(Reportable Conduct) Act 2020* section 7 comes into
41 operation;

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sexual misconduct —

- (a) includes misconduct against, with or in the presence of, a child that is sexual in nature; but
- (b) does not include a sexual offence;

sexual offence —

- (a) means an offence of a sexual nature under a law of this State, another State, a Territory or the Commonwealth, committed against, with or in the presence of, a child; and
- (b) includes, without limitation —
 - (i) an offence under *The Criminal Code* Chapter XXXI committed against, with or in the presence of, a child; and
 - (ii) an offence of a sexual nature under *The Criminal Code* Chapter XXV; and
 - (iii) an offence of a sexual nature under any other provision of *The Criminal Code* committed against, with or in the presence of, a child; and
 - (iv) an offence under a law of another State, a Territory or the Commonwealth the elements of which, if they had occurred in this State, would have constituted an offence of a kind referred to in subparagraph (i), (ii) or (iii); and
 - (v) an offence of attempting, or of conspiracy or incitement, to commit an offence of a kind referred to in subparagraphs (i) to (iv) or paragraph (a); and
 - (vi) an offence that, at the time it was committed —
 - (I) was an offence of a kind referred to in subparagraphs (i) to (v) or paragraph (a); or
 - (II) in the case of an offence committed before the relevant commencement day — was an offence of a kind referred to in subparagraphs (i) to (v) or paragraph (a).

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19D. Conviction

- (1) For the purposes of this Division, a reference to a **conviction** in relation to an offence committed by a person is a reference to any of the following —
- (a) a court making a formal finding of guilt in relation to the offence;
 - (b) if there has been no formal finding of guilt before conviction — a court convicting the person of the offence;
 - (c) a court accepting a plea of guilty from the person in relation to the offence;
 - (d) a court acquitting the person following a finding under *The Criminal Code* section 27 that the person is not guilty of the offence on account of unsoundness of mind or an acquittal following an equivalent finding under a law of another State, a Territory or the Commonwealth.
- (2) For the purposes of this Division, a reference to a **conviction** includes a reference to a conviction that is a spent conviction.
- (3) For the purposes of subsection (2), an offence becomes spent if, under a law of this State, another State, a Territory or the Commonwealth, the person concerned is permitted not to disclose the fact that the person was convicted or found guilty of the offence.
- (4) For the purposes of this Division, a reference to a **conviction** does not include a reference to a conviction that is subsequently quashed or set aside by a court.

19E. Reportable allegation

In this Act —
reportable allegation —

- (a) means any information that leads a person to form a suspicion on reasonable grounds that an employee has committed reportable conduct or conduct that may involve reportable conduct, whether or not the conduct is alleged to have occurred within the course of the employee’s employment; but

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(b) does not include information relating to a reportable conviction.

19F. Reportable conduct

In this Act —

reportable conduct means —

(a) the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded and whether the conduct occurred before, on or after the relevant commencement day —

- (i) a sexual offence;
- (ii) sexual misconduct;
- (iii) an assault committed against, with or in the presence of, a child;
- (iv) an offence prescribed by the regulations for the purposes of this definition;

but

(b) does not include conduct that is —

- (i) reasonable for the discipline, management or care of a child or of another person in the presence of a child, having regard to —
 - (I) the characteristics of the child, including the age, health and developmental stage of the child; and
 - (II) any relevant code of conduct or professional standard that at the time applied to the discipline, management or care of the child or the other person;

or

- (ii) trivial or negligible and that has been or will be investigated and recorded as part of another workplace procedure; or
- (iii) of a class or kind exempt from being reportable conduct under section 19L(1).

1 **19G. Reportable conviction**

2 In this Act —

3 *reportable conviction* —

4 (a) means a conviction for an offence under a law
5 of the State, another State, a Territory or the
6 Commonwealth that is an offence referred to in
7 paragraph (a)(i) or (iv) of the definition of
8 *reportable conduct* in section 19F; and

9 (b) in relation to a person, includes a conviction
10 entered for the person before, on or after the
11 relevant commencement day.

12 **19H. Entities to which reportable conduct scheme applies**

13 The reportable conduct scheme applies to an entity set
14 out in Column 2 of Schedule 2 that —

15 (a) exercises care, supervision or authority over
16 children as part of its primary functions or
17 otherwise; and

18 (b) is not exempt under section 19M(1).

19 **19I. Object and principles**

20 (1) The object of this Division is to protect children from
21 harm by establishing and implementing a scheme
22 for —

23 (a) reporting and investigating reportable
24 allegations and reportable convictions; and

25 (b) taking appropriate action in response to
26 findings of reportable conduct.

27 (2) The reportable conduct scheme is based on the
28 principles that —

29 (a) the protection and best interests of children are
30 paramount considerations; and

31 (b) if a child is able to form views on a matter
32 concerning a reportable allegation or reportable
33 conviction and it is appropriate in the
34 circumstances to consult the child —

35 (i) the child must be given the opportunity
36 to express the views freely; and

37 (ii) the views are to be given due weight in
38 the investigation in accordance with the

- 1 developmental capacity of the child and
2 the circumstances;
3 and
4 (c) criminal conduct or suspected criminal conduct
5 should be reported to the police; and
6 (d) the Commissioner and others involved in the
7 reportable conduct scheme should work in
8 collaboration to ensure a fair process is used in
9 the investigation of reportable allegations and
10 reportable convictions; and
11 (e) employees who are the subject of reportable
12 allegations are entitled to be afforded natural
13 justice in investigations into their conduct.

14 **Subdivision 2 — Role of Commissioner**

15 **19J. Administration, oversight and monitoring of**
16 **scheme**

17 The Commissioner is responsible for administering,
18 overseeing and monitoring the reportable conduct
19 scheme.

20 **19K. Functions of Commissioner**

- 21 (1) The Commissioner has the following functions in
22 relation to the reportable conduct scheme —
23 (a) to educate and provide advice to relevant
24 entities in order to assist them to identify
25 reportable conduct and to notify and investigate
26 reportable allegations and reportable
27 convictions;
28 (b) to oversee the investigation of reportable
29 allegations and reportable convictions by
30 relevant entities;
31 (c) if the Commissioner considers it to be in the
32 public interest to do so — to investigate
33 reportable allegations and reportable
34 convictions;
35 (d) if the Commissioner considers it in the public
36 interest to do so — to investigate whether
37 reportable allegations or reportable convictions
38 have been appropriately handled or investigated
39 or responded to by the head of a relevant entity;

- 1 (e) to make recommendations to relevant entities in
2 relation to the findings of the investigations
3 referred to in paragraph (c) or (d);
- 4 (f) to monitor the compliance of relevant entities
5 with the reportable conduct scheme and
6 whether appropriate action is taken by a
7 relevant entity;
- 8 (g) to monitor a relevant entity's systems for
9 preventing, notifying and dealing with
10 reportable conduct;
- 11 (h) to report to Parliament on the reportable
12 conduct scheme;
- 13 (i) to perform any other function conferred on the
14 Commissioner under this Division.

15 (2) Without limiting the Commissioner's investigation
16 powers under this Act, the Commissioner may exercise
17 any power and perform any function the Commissioner
18 has under Divisions 3 and 4 for the purpose of
19 performing the Commissioner's functions under this
20 Division.

21 **19L. Commissioner may exempt conduct**

- 22 (1) The Commissioner may exempt a class or kind of
23 conduct of employees of a relevant entity from being
24 reportable conduct.
- 25 (2) The Commissioner must publish the details of an
26 exempt class or kind of conduct on the Commissioner's
27 website.

28 **19M. Commissioner may exempt entities**

- 29 (1) The Commissioner may exempt an entity from the
30 reportable conduct scheme.
- 31 (2) The Commissioner must give written notice to an
32 entity of an exemption under subsection (1) that relates
33 to the entity.
- 34 (3) An exemption under subsection (1) continues until the
35 Commissioner gives the entity written notice that the
36 exemption is revoked.

1 **19N. Commissioner may exempt investigations**

- 2 (1) The Commissioner may exempt the head of a relevant
3 entity from commencing or continuing an
4 investigation.
- 5 (2) An exemption under subsection (1) may be for a
6 specified period.
- 7 (3) Without limiting subsection (1), the Commissioner
8 may exempt the head of the relevant entity if —
9 (a) the matter is already being dealt with or
10 investigated by another appropriate person or
11 body; or
12 (b) the head of the relevant entity has made a
13 request for the exemption in a notice under
14 section 19U.
- 15 (4) The Commissioner must give written notice to the head
16 of the relevant entity of an exemption under
17 subsection (1) that relates to the entity.
- 18 (5) An exemption under subsection (1) continues until —
19 (a) the Commissioner gives the head of the
20 relevant entity written notice that the exemption
21 is revoked; or
22 (b) if the exemption is for a specified period — the
23 end of the specified period.
- 24 (6) The head of the relevant entity is not required to
25 provide a report of an investigation under
26 section 19V(1) if the investigation is exempt under this
27 section.

28 **Subdivision 3 — Systems to deal with reportable conduct**

29 **19O. Head of relevant entity must ensure systems in**
30 **place**

31 The head of a relevant entity must ensure that the
32 relevant entity has in place —

- 33 (a) a system for preventing reportable conduct by
34 an employee of the relevant entity in the course
35 of the person’s employment; and
36 (b) a system for enabling any person, including an
37 employee of the relevant entity, to notify the
38 head of the relevant entity of a reportable

- 1 allegation or reportable conviction involving an
2 employee of the relevant entity of which the
3 person becomes aware; and
- 4 (c) a system for enabling any person, including an
5 employee of the relevant entity, to notify the
6 Commissioner of a reportable allegation or
7 reportable conviction involving the head of the
8 relevant entity of which the person becomes
9 aware; and
- 10 (d) a system for investigating a reportable
11 allegation or reportable conviction relating to
12 an employee of the relevant entity and taking
13 appropriate action in response to a finding of
14 reportable conduct; and
- 15 (e) a system for the receipt, handling and
16 disclosure of information relating to
17 investigation information, reportable
18 allegations and reportable convictions.

19 **19P. Commissioner must monitor relevant entity**

- 20 (1) The Commissioner must monitor the compliance by a
21 relevant entity with the requirements of section 19O.
- 22 (2) If requested by the Commissioner, the head of a
23 relevant entity must provide to the Commissioner any
24 information about a system referred to in section 19O.
- 25 (3) The Commissioner may make recommendations for
26 action to be taken by the head of a relevant entity and
27 may provide the head of the relevant entity with any
28 necessary information relating to the recommendations
29 if a reasonable concern with a system referred to in
30 section 19O is identified.

31 **Subdivision 4 — Notice, investigation and reporting**

32 **19Q. Report of reportable allegation or reportable**
33 **conviction**

- 34 (1) This section applies if a person becomes aware of a
35 reportable allegation or reportable conviction involving
36 an employee of a relevant entity.
- 37 (2) If the person is an employee of the relevant entity, the
38 employee must as soon as practicable after becoming

- 1 aware of the reportable allegation or reportable
2 conviction —
- 3 (a) report the matter to the head of the relevant
4 entity; or
- 5 (b) if the matter relates to the head of the relevant
6 entity — report the matter to the
7 Commissioner.
- 8 (3) If the person is not an employee of the relevant entity,
9 the person may —
- 10 (a) report the matter to the head of the relevant
11 entity; or
- 12 (b) if the matter relates to the head of the relevant
13 entity — report the matter to the
14 Commissioner.
- 15 (4) A person who has made a report to the head of the
16 relevant entity under this section may report the matter
17 to the Commissioner if the person is not satisfied with
18 the response of the head of the relevant entity to the
19 report.

20 **19R. Head of relevant entity must notify Commissioner**

- 21 (1) This section applies if the head of a relevant entity
22 becomes aware of a reportable allegation or a
23 reportable conviction involving a person who is an
24 employee of the relevant entity.
- 25 (2) The head of the relevant entity must give written notice
26 to the Commissioner of the following information
27 within 7 working days after becoming aware of the
28 reportable allegation or reportable conviction —
- 29 (a) details of the reportable allegation or reportable
30 conviction;
- 31 (b) the name (including any former name and alias)
32 and date of birth of the employee;
- 33 (c) whether the police have been contacted about
34 the reportable allegation or reportable
35 conviction;
- 36 (d) the risk assessment made and the risk
37 management action taken or proposed to be
38 taken by the relevant entity;

- 1 (e) the name, address and telephone number of the
2 relevant entity;
- 3 (f) the name of the head of the relevant entity;
- 4 (g) how the head of the relevant entity intends to
5 proceed with the matter;
- 6 (h) any information prescribed by the regulations.
- 7 (3) The head of the relevant entity is only required to
8 provide information under subsection (2)(a), (b), (c)
9 and (h) of which the head of the relevant entity is
10 aware.
- 11 (4) The Commissioner, at the request of the head of the
12 relevant entity may, in writing, extend the time for
13 giving a notice under this section.
- 14 (5) This section does not apply in relation to conduct of
15 employees of a relevant entity that is of a class or kind
16 of conduct that is exempt under section 19L(1).
- 17 (6) It is an offence for the head of a relevant entity to fail,
18 without reasonable excuse, to comply with
19 subsection (2).
20 Penalty for this subsection: a fine of \$5 000.
- 21 (7) It is a defence to a charge for an offence against
22 subsection (6) for the person charged to prove that the
23 person honestly and reasonably believed that another
24 person had notified the Commissioner of the reportable
25 allegation or reportable conviction in accordance with
26 subsection (2).

27 **19S. Information may be disclosed to Commissioner or**
28 **head of entity**

- 29 (1) The head of a relevant entity may disclose any
30 information to the Commissioner that the head of the
31 relevant entity believes on reasonable grounds reveals
32 reportable conduct involving an employee of the
33 relevant entity.
- 34 (2) An employee of a relevant entity may disclose any
35 information to the Commissioner that the employee
36 believes on reasonable grounds reveals reportable
37 conduct involving the head of the relevant entity.
- 38 (3) A person who makes a report to the head of a relevant
39 entity under section 19Q may disclose any information

1 to the head of the relevant entity that the person
2 believes on reasonable grounds reveals reportable
3 conduct involving an employee of the relevant entity.

4 (4) A person who has made a report to the head of the
5 relevant entity under section 19Q and is not satisfied
6 with the response of the head of the relevant entity to
7 the report may disclose any information to the
8 Commissioner that the person believes on reasonable
9 grounds reveals reportable conduct involving an
10 employee of the relevant entity.

11 **19T. Head of relevant entity must respond to reportable**
12 **allegation or reportable conviction**

13 (1) As soon as practicable after the head of a relevant
14 entity becomes aware of a reportable allegation or
15 reportable conviction involving an employee of the
16 relevant entity, the head of the relevant entity —

17 (a) must —

18 (i) investigate the reportable allegation or
19 reportable conviction; or

20 (ii) arrange for an employee of the relevant
21 entity to investigate the reportable
22 allegation or reportable conviction on
23 behalf of the head of the relevant entity;
24 or

25 (iii) engage a person as an independent
26 investigator to investigate the reportable
27 allegation or reportable conviction on
28 behalf of the head of the relevant entity;

29 and

30 (b) must inform the Commissioner of the identity
31 of the person who will conduct the
32 investigation.

33 (2) The head of a relevant entity must give an employee
34 who is the subject of an investigation under this section
35 an opportunity to make submissions to the head of the
36 relevant entity setting out the employee's responses in
37 relation to —

38 (a) the reportable allegation or reportable
39 conviction; and

- 1 (b) any proposed adverse findings of the
2 investigation; and
- 3 (c) any actions affecting the employee that are
4 proposed to be taken as a result of the findings
5 of the investigation.
- 6 (3) The head of a relevant entity must take all reasonable
7 steps to ensure that an investigation under this section
8 is carried out in a timely way.
- 9 (4) The Commissioner may, in writing, request the head of
10 a relevant entity to provide investigation information to
11 the Commissioner.
- 12 (5) The head of a relevant entity must comply with a
13 request under subsection (4).
- 14 (6) It is an offence for the head of a relevant entity to fail,
15 without reasonable excuse, to comply with
16 subsection (1) or (5).
17 Penalty for this subsection: a fine of \$5 000.

18 **19U. Commissioner must be notified of matters affecting**
19 **investigation**

- 20 (1) The head of a relevant entity must give the
21 Commissioner written notice, as soon as practicable, if,
22 in relation to a matter being investigated under
23 section 19T(1), the head of the relevant entity —
- 24 (a) forms the view that the matter does not
25 constitute reportable conduct; or
- 26 (b) becomes aware that another appropriate person
27 or body is dealing with or investigating the
28 matter; or
- 29 (c) is required by law to comply with the directions
30 of another person or body in relation to the
31 investigation of the matter; or
- 32 (d) is requested by another appropriate person or
33 body to cease, or discontinue for a period, the
34 investigation of the matter.
- 35 (2) The notice must be in a form and contain the
36 information required by the Commissioner.

1 (3) The head of the relevant entity may, in the notice,
2 request the Commissioner to exempt the head of the
3 relevant entity under section 19N(1) from the
4 requirement to continue the investigation.

5 **19V. Head of relevant entity must report outcome of**
6 **investigation**

- 7 (1) The head of a relevant entity must, as soon as
8 practicable after the end of an investigation under
9 section 19T(1) of a reportable allegation or reportable
10 conviction, give the Commissioner —
11 (a) a written report setting out —
12 (i) the findings of the investigation and the
13 reasons for those findings; and
14 (ii) any disciplinary or other action taken, or
15 proposed to be taken, in relation to the
16 reportable conduct; and
17 (iii) any submissions made by the employee
18 under section 19T(2); and
19 (iv) if the entity does not propose to take any
20 disciplinary or other action in relation to
21 the employee — the reasons why no
22 action is to be taken;
23 and
24 (b) any other information that the head of the
25 relevant entity considers relevant to the report.
- 26 (2) After receiving the report and other information, the
27 Commissioner may, by written notice given to the head
28 of the relevant entity, request any additional
29 information specified in the notice that the
30 Commissioner considers relevant to determine
31 whether —
32 (a) the reportable allegation or reportable
33 conviction was properly investigated; and
34 (b) appropriate action was taken as a result of the
35 investigation.
- 36 (3) The head of a relevant entity must comply with a
37 request of the Commissioner under subsection (2).

- 1 (4) It is an offence for the head of a relevant entity to fail,
2 without reasonable excuse, to comply with
3 subsection (1) or (3).

4 Penalty for this subsection: a fine of \$5 000.

5 **19W. Commissioner may conduct own investigation**

- 6 (1) The Commissioner may conduct an investigation under
7 this section if the Commissioner considers it is in the
8 public interest to do so.

- 9 (2) The Commissioner may make a decision to conduct an
10 investigation under this section —

11 (a) on the Commissioner's own initiative; or

12 (b) in response to a report or disclosure under this
13 Division; or

14 (c) in response to a complaint made to the
15 Commissioner in relation to —

16 (i) the handling or investigation by the
17 head of a relevant entity under this
18 Division of a reportable allegation or
19 reportable conviction involving an
20 employee of the relevant entity; or

21 (ii) a finding of, or action taken or not taken
22 by, the head of a relevant entity under
23 this Division in relation to a reportable
24 allegation or reportable conviction
25 involving an employee of the relevant
26 entity.

- 27 (3) An investigation may be conducted into any of the
28 following —

29 (a) any reportable allegation or reportable
30 conviction involving an employee of a relevant
31 entity;

32 (b) any handling or investigation by the head of a
33 relevant entity of a reportable allegation or
34 reportable conviction involving an employee of
35 the relevant entity;

36 (c) any action taken or not taken by the head of a
37 relevant entity in response to a finding of
38 reportable conduct by an employee of the
39 relevant entity.

- 1 (4) The Commissioner may make the following findings
2 following an investigation under subsection (3)(a) —
3 (a) that there are reasonable grounds to suspect that
4 the employee has engaged in reportable
5 conduct;
6 (b) that the employee has a reportable conviction;
7 (c) that there are no, or no reasonable, grounds to
8 suspect that the employee has engaged in
9 reportable conduct;
10 (d) that the employee does not have a reportable
11 conviction.

12 **19X. Notice to head of relevant entity of Commissioner’s**
13 **investigation**

- 14 (1) If the Commissioner decides to conduct an
15 investigation under section 19W, the Commissioner
16 must give the head of the relevant entity written notice
17 stating —
18 (a) that the Commissioner intends to carry out an
19 investigation under section 19W; and
20 (b) particulars of the investigation; and
21 (c) whether the Commissioner requires the head of
22 the relevant entity not to commence, or to
23 suspend, an investigation by the head of the
24 relevant entity into a matter the Commissioner
25 has decided to investigate.
- 26 (2) The Commissioner, on completing an investigation
27 under section 19W, may require the head of the
28 relevant entity to continue an investigation that is
29 suspended under subsection (1)(c).
- 30 (3) The head of a relevant entity must, as far as
31 practicable, comply with a requirement of the
32 Commissioner under subsection (1)(c) or (2).
- 33 (4) It is an offence for the head of a relevant entity to fail,
34 without reasonable excuse, to comply with
35 subsection (3).
36 Penalty for this subsection: a fine of \$5 000.

- 1 **19Y. Provisions relating to investigation under**
2 **section 19W(3)(a)**
- 3 (1) This section applies if the Commissioner decides to
4 conduct an investigation referred to in
5 section 19W(3)(a).
- 6 (2) The Commissioner must give the employee who is the
7 subject of the investigation written notice stating —
8 (a) that the Commissioner intends to carry out an
9 investigation under this section; and
10 (b) particulars of the investigation.
- 11 (3) As soon as practicable after the investigation ends, the
12 Commissioner —
13 (a) must give the head of the relevant entity written
14 notice stating that the investigation has ended;
15 and
16 (b) must report to the head of the relevant entity —
17 (i) the findings of the investigation; and
18 (ii) the reasons for the findings;
19 and
20 (c) may make any recommendations that the
21 Commissioner thinks fit.
- 22 (4) The head of a relevant entity must not take any action
23 to implement a recommendation of the Commissioner
24 under subsection (3)(c) involving an employee of the
25 relevant entity until the later of the following —
26 (a) the end of the period under section 19Z(2) for
27 the employee to apply for a review of the
28 finding;
29 (b) if the employee makes an application under
30 section 19Z(1) for a review of the finding —
31 the final determination of the review.
- 32 (5) As soon as practicable after the investigation ends, the
33 Commissioner must —
34 (a) give the employee who is the subject of the
35 investigation written notice stating that the
36 investigation has ended; and

- 1 (b) report to the employee —
2 (i) the findings of the investigation; and
3 (ii) the reasons for the findings.

4 **19Z. Application to State Administrative Tribunal for**
5 **review**

- 6 (1) A person aggrieved by a finding of the Commissioner
7 on an investigation conducted under section 19W(3)(a)
8 may apply to the State Administrative Tribunal for a
9 review of the finding.
- 10 (2) An application under subsection (1) must be made
11 within 28 days after the person is notified of the
12 finding for which the review is sought.
- 13 (3) For a review under this section, the State
14 Administrative Tribunal is to be constituted by a
15 judicial member as defined in the *State Administrative*
16 *Tribunal Act 2004* section 3(1).
- 17 (4) A finding of the Commissioner on an investigation
18 conducted under section 19W(3)(a) is taken to be a
19 decision for the purposes of the *State Administrative*
20 *Tribunal Act 2004* Part 3 Division 3.

21 **19ZA. Relevant entities that are agents of Crown**

22 Sections 19R(6), 19T(6), 19V(4) and 19X(4) do not
23 apply to a relevant entity that is an agent of the Crown.

24 **19ZB. Concurrent investigations or proceedings**

- 25 (1) This section applies if —
26 (a) the Commissioner of Police advises the
27 Commissioner or the head of a relevant entity
28 that an investigation or finding under this
29 Division is likely to compromise a police
30 investigation; or
31 (b) another person or body with authority to
32 investigate the conduct of an employee of a
33 relevant entity advises the Commissioner or the
34 head of the relevant entity that an investigation
35 or finding under this Division is likely to
36 compromise an investigation by that person or
37 body (a *relevant investigation*).

- 1 (2) The Commissioner or the head of the relevant entity
2 may —
- 3 (a) suspend the investigation or finding until
4 otherwise advised; and
- 5 (b) take steps to manage any risks while the
6 investigation or finding is suspended; and
- 7 (c) if the investigation or finding was being
8 conducted by the head of the relevant entity —
- 9 (i) advise the Commissioner about the
10 suspension under this section; and
- 11 (ii) advise the Commissioner of the steps
12 being taken to manage the risks.
- 13 (3) Before making a decision about whether to suspend or
14 continue an investigation, the Commissioner or the
15 head of the relevant entity must consult with the
16 Commissioner of Police or the person conducting the
17 relevant investigation.
- 18 (4) Before making a decision under subsection (2)(b) about
19 the steps to be taken to manage risks the Commissioner
20 or the head of the relevant entity must consult with, as
21 the case requires —
- 22 (a) the Commissioner of Police or the officer in
23 charge of the police investigation; or
- 24 (b) the person or body conducting the relevant
25 investigation.
- 26 (5) If the Commissioner or the head of the relevant entity
27 decides not to suspend the investigation, the
28 Commissioner or the head of the relevant entity must
29 ensure the investigation is conducted in a way that does
30 not compromise the police investigation or the relevant
31 investigation, as the case requires.
- 32 (6) This section does not affect the operation of any other
33 Act.
- 34 (7) In this section, a police investigation or relevant
35 investigation includes any court proceeding (including
36 an appeal) arising out of the investigation.

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Subdivision 5 — Disclosure of information

19ZC. Investigation information may be disclosed to child or parent

- (1) The Commissioner or the head of a relevant entity may disclose investigation information to any of the following —
 - (a) a child who is the subject of conduct that forms the basis of a reportable allegation or a reportable conviction that has been investigated by the Commissioner or the head of the relevant entity;
 - (b) a parent or guardian of a child referred to in paragraph (a), or a person who has parental responsibility for the child.
- (2) The Commissioner or the head of a relevant entity must not disclose information under subsection (1) —
 - (a) if the disclosure would —
 - (i) put the wellbeing of the child at risk; or
 - (ii) contravene the CCS Act section 124F or 240; or
 - (iii) compromise an investigation under this Act, a police investigation, a relevant investigation referred to in section 19ZB or an investigation under another Act;
 - or
 - (b) in any circumstances prescribed by the regulations.

19ZD. Commissioner may request information about reportable convictions

- (1) In this section —

court means the Supreme Court, the District Court, the Magistrates Court or the Children’s Court;

Registrar in relation to —

 - (a) the Supreme Court, means the Principal Registrar of the Supreme Court; or
 - (b) the District Court, means the Principal Registrar of the District Court; or

- 1 (c) the Magistrates Court, means the Principal
2 Registrar of the Magistrates Court; or
- 3 (d) the Children’s Court, means a registrar of the
4 Children’s Court.
- 5 (2) The Commissioner may make a request to the Registrar
6 of a court to provide information relating to a
7 reportable conviction entered against an employee of a
8 relevant entity that the Commissioner reasonably
9 requires for the purposes of an investigation under the
10 reportable conduct scheme.
- 11 (3) The Commissioner is authorised to disclose
12 information obtained under this Division or Division 3
13 or 4 for the purpose of that request.
- 14 (4) The Registrar of the court to whom a request may be
15 made under subsection (2) is authorised to disclose
16 information to the Commissioner for the purposes of an
17 investigation under the reportable conduct scheme.
- 18 (5) This section applies despite section 13(2).

19 **Subdivision 6 — Review of amendments made by**
20 ***Parliamentary Commissioner Amendment (Reportable***
21 ***Conduct) Act 2020***

22 **19ZE. Review of amendments made by *Parliamentary***
23 ***Commissioner Amendment (Reportable Conduct)***
24 ***Act 2020***

- 25 (1) The Minister must review the operation and
26 effectiveness of the amendments made to this Act by
27 the *Parliamentary Commissioner Amendment*
28 *(Reportable Conduct) Act 2020*, and prepare a report
29 based on the review, as soon as practicable after the 5th
30 anniversary of the day on which section 7 of that Act
31 comes into operation.
- 32 (2) The review must include consideration as to whether
33 the reportable conduct scheme should be expanded to
34 apply to any other entities.
- 35 (3) The Minister must cause the report to be laid before
36 each House of Parliament as soon as practicable after it
37 is prepared, but not later than 12 months after the
38 5th anniversary.

- 1 (4) If, in the Minister's opinion, a House of Parliament will
2 not sit during the period of 21 days after finalisation of
3 the report, the Minister must send the report to the
4 Clerk of the House.
- 5 (5) When the report is sent to the Clerk of a House it is
6 taken to have been laid before the House.
- 7 (6) The laying of the report that is taken to have occurred
8 under subsection (5) must be recorded in the Minutes,
9 or Votes and Proceedings, of the House on the first
10 sitting day of the House after the Clerk receives the
11 report.
12

13 **8. Section 19 amended**

14 After section 19(8) insert:

- 15
- 16 (9) This section applies to an investigation by the
17 Commissioner for the purposes of the reportable
18 conduct scheme as follows —
- 19 (a) subsections (1) and (1a) do not apply;
- 20 (b) a reference to a department or authority is taken
21 to be a reference to a relevant entity;
- 22 (c) a reference to the principal officer of a
23 department or authority is taken to be a
24 reference to the head of a relevant entity;
- 25 (d) subsection (7)(b) applies only if the
26 investigation relates to a relevant entity that is a
27 department or authority.
28

29 **9. Section 20 amended**

30 (1) After section 20(2A) insert:

- 31
- 32 (2AA) No obligation to maintain secrecy or other restriction
33 upon the disclosure of information obtained by or
34 furnished to the head of a relevant entity or an
35 investigator conducting an investigation under
36 Division 3B, whether imposed by any enactment or by
37 any rule of law, applies to the disclosure of information
38 for the purposes of that investigation.
39

1 (2) In section 20(2B) delete “Crown or any authority to which this
2 Act applies” and insert:

3

4 Crown, any authority to which this Act applies or a relevant
5 entity

6

7 (3) In section 20(3):

8 (a) delete “(2A)” and insert:

9

10 (2A), (2AA)

11

12 (b) delete “he” and insert:

13

14 the person

15

16 **10. Section 21 amended**

17 (1) In section 21 delete “For” and insert:

18

19 (1) For

20

21 (2) At the end of section 21 insert:

22

23 (2) For the purposes of conducting an investigation under
24 Division 3B, the Commissioner may, at any time, enter
25 any premises occupied or used by any relevant entity,
26 and inspect those premises or anything for the time
27 being in those premises.

28

29 **11. Section 22A amended**

30 In section 22A(1) delete “concerning any complaint under this
31 Act or any investigation under this Act.” and insert:

32

33 concerning —

34 (a) any complaint under this Act; or

35 (b) any investigation under this Act, other than an
36 investigation carried out for the purposes of the
37 reportable conduct scheme.

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Note: The heading to amended section 22A is to read:

Consultation other than in relation to reportable conduct scheme

12. Section 22AA inserted

After section 22A insert:

22AA. Consultation in relation to reportable conduct scheme

- (1) The Commissioner may consult the Corruption and Crime Commission, the Public Sector Commissioner, the Inspector of Custodial Services or the Director of Public Prosecutions concerning —
 - (a) a reportable allegation or reportable conviction;
or
 - (b) any investigation under this Act carried out for the purposes of the reportable conduct scheme;
or
 - (c) any other matter that is relevant to the functions of the Commissioner under the reportable conduct scheme.

- (2) The Commissioner or the head of a relevant entity may consult with a specified person concerning —
 - (a) a reportable allegation or reportable conviction;
or
 - (b) any investigation under this Act carried out for the purposes of the reportable conduct scheme;
or
 - (c) any other matter that is relevant to the functions of the Commissioner or the head of the relevant entity under the reportable conduct scheme.

- (3) In subsection (2) —

specified person means —

 - (a) the Commissioner of Police; or
 - (b) the Commissioner for Children and Young People; or
 - (c) the CEO as defined in the CCS Act section 3;
or

1 (d) the CEO as defined in the *Working with*
2 *Children (Criminal Record Checking) Act 2004*
3 section 4.

4 (4) Information obtained by the Commissioner, the Deputy
5 Commissioner or a member of the Commissioner’s
6 staff under this Act for the purposes of the reportable
7 conduct scheme may be disclosed for the purposes of
8 any consultation by the Commissioner under
9 subsection (1) or (2).

10 (5) Information obtained by the head of a relevant entity or
11 an investigator conducting an investigation under this
12 Act for the purposes of the reportable conduct scheme
13 may be disclosed for the purposes of any consultation
14 by the head of the relevant entity under subsection (2).
15

16 **13. Section 22B amended**

17 In section 22B:

18 (a) after “this Act” insert:

19
20 (other than an investigation carried out for the purposes
21 of the reportable conduct scheme)
22

23 (b) in paragraph (e)(ii) delete “Commissioner,” and insert:

24
25 Commissioner for Children and Young People,
26

27 **14. Section 22C inserted**

28 After section 22B insert:

29
30 **22C. Disclosure of certain information relating to**
31 **reportable conduct scheme**

32 (1) In this section —

33 *reportable conduct information* means information
34 obtained by the Commissioner, the Deputy
35 Commissioner or a member of the Commissioner’s
36 staff for the purposes of the reportable conduct scheme.

- 1 (2) The Commissioner, the Deputy Commissioner or a
2 member of the Commissioner’s staff authorised for the
3 purposes of this section by the Commissioner or the
4 Deputy Commissioner may disclose reportable conduct
5 information if —
- 6 (a) the information —
- 7 (i) is disclosed to a person referred to in
8 section 22B(aa), (b), (c), (d) or (ea); and
- 9 (ii) concerns a matter of a kind for which
10 information can be disclosed to that
11 person under section 22B;
- 12 or
- 13 (b) the information —
- 14 (i) is disclosed to the Commissioner of
15 Police; and
- 16 (ii) concerns a matter that is relevant to the
17 functions of the Commissioner of
18 Police;
- 19 or
- 20 (c) the information —
- 21 (i) is disclosed to the Commissioner for
22 Children and Young People or a
23 member of the staff of the
24 Commissioner for Children and Young
25 People authorised for the purposes of
26 this subparagraph by the Commissioner
27 for Children and Young People; and
- 28 (ii) concerns a matter that is relevant to the
29 functions of the Commissioner for
30 Children and Young People under the
31 *Commissioner for Children and Young
32 People Act 2006*;
- 33 or
- 34 (d) the information —
- 35 (i) is disclosed to the CEO as defined in the
36 CCS Act section 3 or a member of the
37 staff of the Department as defined in
38 that section; and

- 1 (ii) concerns a matter that is relevant to the
2 functions of the CEO under that Act;
- 3 or
- 4 (e) the information —
- 5 (i) is disclosed to the CEO as defined in the
6 *Working with Children (Criminal*
7 *Record Checking) Act 2004* section 4 or
8 a member of the staff of the Department
9 as defined in that section; and
- 10 (ii) concerns a matter that is relevant to the
11 functions of the CEO under that Act.
12

13 **15. Section 23 amended**

- 14 (1) In section 23(1):
- 15 (a) after “investigation” (first occurrence) insert:
16
17 by the Commissioner
18
- 19 (b) in paragraph (c) delete “section 22A or 22B.” and insert:
20
21 Division 3B or section 22A, 22AA, 22B or 22C(2).
22
- 23 (2) In section 23(1b):
- 24 (a) delete “his opinion,” and insert:
25
26 the Commissioner’s opinion,
27
- 28 (b) delete “person,” and insert:
29
30 person or of the proper operation of the reportable
31 conduct scheme,
32
- 33 (3) In section 23(1d)(a) after “authority” insert:
34
35 or relevant entity
36

- 1 (4) After section 23(1e)(a) insert:
2
- 3 (aa) if the opinions relate to a relevant entity, the
4 head of the relevant entity; or
5
- 6 **16. Section 23A amended**
- 7 (1) In section 23A delete “Any” and insert:
8
- 9 (1) Any
10
- 11 (2) At the end of section 23A insert:
12
- 13 (2) Subsection (1) does not apply to a document sent to the
14 Commissioner, the Deputy Commissioner or a member
15 of the Commissioner’s staff for the purposes of the
16 reportable conduct scheme.
17
- 18 **17. Section 25 amended**
- 19 After section 25(7) insert:
20
- 21 (8) This section applies in relation to an investigation by
22 the Commissioner for the purposes of the reportable
23 conduct scheme as follows —
- 24 (a) any reference to the appropriate authority is
25 taken to be a reference to the relevant entity;
- 26 (b) any reference to the principal officer of the
27 appropriate authority is taken to be a reference
28 to the head of the relevant entity;
- 29 (c) subsection (3) applies only if the investigation
30 relates to a relevant entity that is a department
31 or authority;
- 32 (d) for the purposes of an investigation referred to
33 in section 19W(3)(a) —
- 34 (i) subsections (1) and (2) do not apply;
35 and

- 1 (ii) a reference in subsections (3) to (5) to a
2 recommendation under subsection (2) is
3 taken to be a reference to a
4 recommendation under
5 section 19Y(3)(c).
6

7 **18. Section 28 inserted**

8 At the end of Part III Division 5 insert:
9

10 **28. Annual report to include report on reportable**
11 **conduct scheme**

- 12 (1) The annual report of the accountable authority of the
13 Parliamentary Commissioner for Administrative
14 Investigations under the *Financial Management*
15 *Act 2006* Part 5 must include a report about the
16 operation of the reportable conduct scheme in the
17 financial year to which the report relates, including the
18 following —
19 (a) a description of the activities of the
20 Commissioner in relation to the reportable
21 conduct scheme;
22 (b) an evaluation of the response of relevant
23 entities to the recommendations of the
24 Commissioner under the reportable conduct
25 scheme;
26 (c) a description of matters relating to the
27 reportable conduct scheme, including trends,
28 notifications and investigations.
29 (2) A report under subsection (1) must not include
30 information that could lead to the identification of a
31 child or a person investigated under the reportable
32 conduct scheme.
33 (3) This section does not limit the power of the
34 Commissioner under section 27(1) to also, at any time,
35 lay before each House of Parliament a report in relation
36 to the reportable conduct scheme.
37

1 **19. Section 29 amended**

2 After section 29(2) insert:

3

- 4 (3) References in this section, in relation to an
5 investigation for the purposes of the reportable conduct
6 scheme, to the party subject to the investigation include
7 references to the relevant entity or the head of the
8 relevant entity.

9

10 **20. Section 29A inserted**

11 After section 29 insert:

12

13 **29A. Delegation by Commissioner of Police**

- 14 (1) The Commissioner of Police may delegate any power
15 or duty of the Commissioner of Police under
16 section 19ZB, 22AA or 22C(2) to the following
17 persons —
- 18 (a) a specified police officer;
 - 19 (b) police officers of a specified rank or class;
 - 20 (c) another person appointed or employed under
21 the *Police Act 1892*.
- 22 (2) The delegation must be in writing signed by the
23 Commissioner of Police.
- 24 (3) A person to whom a power or duty is delegated under
25 this section cannot delegate that power or duty.
- 26 (4) A person exercising or performing a power or duty that
27 has been delegated to the person under this section is
28 taken to do so in accordance with the terms of the
29 delegation unless the contrary is shown.
- 30 (5) Nothing in this section limits the ability of the
31 Commissioner of Police to perform a function through
32 an officer or agent.

33

1 **21. Section 30AA inserted**

2 After section 30A insert:

3

4 **30AA. Protection from liability for giving information:**
5 **reportable conduct scheme**

- 6 (1) This section applies if a person acting in good faith —
- 7 (a) gives a report, notification or information to the
8 Commissioner under Part III Division 3B or in
9 the course of, or for the purposes of, an
10 investigation into a reportable allegation or
11 reportable conviction under this Act; or
- 12 (b) gives a report, notification or information to the
13 head of a relevant entity under Part III
14 Division 3B; or
- 15 (c) gives information to an investigator carrying
16 out an investigation under Part III Division 3B.
- 17 (2) The report, notification or information may be given
18 despite any other enactment, law or agreement that
19 prohibits or restricts its disclosure.
- 20 (3) In giving the information or making the report or
21 notification the person —
- 22 (a) does not incur any civil or criminal liability or
23 liability to be punished for a contempt of court;
24 and
- 25 (b) is not to be taken to have breached any duty of
26 confidentiality or secrecy imposed by law; and
- 27 (c) is not to be taken to have breached any
28 professional ethics or standards or any
29 principles of conduct applicable to the person's
30 employment or to have engaged in
31 unprofessional conduct.
- 32 (4) Civil proceedings cannot be brought against a person in
33 respect of an act referred to in subsection (1)(a), (b)
34 or (c) without the leave of the Supreme Court, and the
35 Supreme Court must not give leave unless it is satisfied
36 that there is substantial ground for the contention that
37 the person to be proceeded against has acted in bad
38 faith.
39

1 **22. Section 30B amended**

2 After section 30B(1)(e) insert:

3

- 4 (ea) has provided, is providing or will or may in the
5 future provide information in the course of, or
6 for the purpose of, an investigation of a
7 reportable allegation or reportable conviction to
8 the Commissioner or the head of a relevant
9 entity under this Act; or

10

11 **23. Section 33 replaced**

12 Delete section 33 and insert:

13

14 **33. Regulations**

15 The Governor may make regulations —

- 16 (a) amending Schedule 1 or 2; or
17 (b) prescribing all matters that are required or
18 permitted by this Act to be prescribed, or are
19 necessary or convenient to be prescribed, for
20 giving effect to the reportable conduct scheme.

21

22 **24. Schedule 1 amended**

23 In Schedule 1 delete the item relating to the *State Administrative*
24 *Tribunal Act 2004*.

25 **25. Schedule 2 inserted**

26 After Schedule 1 insert:

27

28 **Schedule 2 — Relevant entities to which this Act**
29 **applies**

30

[s. 19H]

Column 1

Column 2

Public bodies

A department.

An authority.

Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2020

Part 2 Parliamentary Commissioner Act 1971 amended

Division 2 General amendments

s. 25

Column 1	Column 2
Providers of education services	<p>A school as defined in the <i>School Education Act 1999</i> section 4.</p> <p>A college or other vocational education and training institution as those terms are defined in the <i>Vocational Education and Training Act 1996</i> section 5(1).</p> <p>A registered training provider as defined in the <i>Vocational Education and Training Act 1996</i> section 5(1).</p> <p>A university established under a written law.</p> <p>An Australian university college, an authorised non-university institution or a recognised overseas university as those terms are defined in the <i>Higher Education Act 2004</i> section 3.</p>
Providers of health services	<p>A health service provider as defined in the <i>Health Services Act 2016</i> section 6.</p> <p>A private hospital service provider as defined in the <i>Private Hospitals and Health Services Act 1927</i> section 2(1).</p> <p>A provider of a mental health service as defined in the <i>Mental Health Act 2014</i> section 4 that has inpatient beds for children and young people.</p> <p>A provider of a drug and alcohol treatment service that has inpatient beds for children and young people.</p> <p>An ambulance service.</p>
Providers of out-of-home care services	<p>A person who has entered into an agreement under the CCS Act section 15(1) for the provision of placement services.</p>
Providers of child care services	<p>An education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> section 5(1).</p> <p>A child care service as defined in the <i>Child Care Services Act 2007</i> section 4.</p>

Column 1

Column 2

Providers of youth justice services

A provider of a detention centre as defined in the *Young Offenders Act 1994* section 3.

 A provider of community justice services funded by the department principally assisting in the administration of the *Young Offenders Act 1994*.

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Division 3 — Additional amendments

26. Section 19F amended

In section 19F in the definition of *reportable conduct* after paragraph (a)(iii) insert:

- (iiia) significant neglect of a child;
- (iiib) any behaviour that causes significant emotional or psychological harm to a child;

27. Schedule 2 amended

In Schedule 2 after the item relating to Providers of youth justice services insert:

Religious bodies

A religious body that provides, or has provided, activities, facilities, programs or services that provide a means for adults to have contact with children.

Examples of activities, facilities, programs or services —

- (a) altar serving;
- (b) art groups;
- (c) bible study groups;
- (d) choirs and music groups;
- (e) church-run creches;
- (f) dance groups;
- (g) faith-based children’s and youth groups;
- (h) multi-faith networks;

Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2020

Part 2 Parliamentary Commissioner Act 1971 amended

Division 3 Additional amendments

s. 27

- (i) open days;
- (j) prayer groups;
- (k) religious community engagement and outreach;
- (l) religious festivals and celebrations;
- (m) religious services;
- (n) sports teams;
- (o) Sunday schools;
- (p) tutoring services;
- (q) youth camps.

Providers of disability services

A service provider as defined in the *Disability Services Act 1993* section 3.

A registered provider of supports and services under the National Disability Insurance Scheme established under the *National Disability Insurance Scheme Act 2013* (Commonwealth).

Providers of accommodation and respite services for children

A provider of a homelessness service that provides overnight beds only for children and young people and is funded by the department principally assisting in the administration of the CCS Act.

A provider of boarding facilities for students who are children.

An entity that provides overnight camps for children and young people as part of its primary activity.

A provider of any other accommodation or respite services for children.

Part 3 — Working with Children (Criminal Record Checking) Act 2004 amended

28. Act amended

This Part amends the *Working with Children (Criminal Record Checking) Act 2004*.

29. Section 4 amended

In section 4 insert in alphabetical order:

head, of a relevant entity, has the meaning given in the *Parliamentary Commissioner Act 1971* section 4;

Parliamentary Commissioner means the Commissioner as defined in the *Parliamentary Commissioner Act 1971* section 4;

relevant entity has the meaning given in the *Parliamentary Commissioner Act 1971* section 4;

relevant reportable conduct means reportable conduct that is prescribed by the regulations for the purposes of this definition;

reportable conduct has the meaning given in the *Parliamentary Commissioner Act 1971* section 19F;

30. Section 12 amended

(1) In section 12(3) in the Table after item 6 insert:

6A	The CEO is aware that a finding of relevant reportable conduct has been made in relation to the applicant under the <i>Parliamentary Commissioner Act 1971</i> Part III Division 3B.	s. 12(5)
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(2) In section 12(8):

(a) delete “offence,” and insert:

offence or finding of relevant reportable conduct,

s. 31

- 1 (b) in paragraphs (b) and (c) delete “committed;” and insert:
2
3 committed or the relevant reportable conduct occurred
4 or is alleged to have occurred;
5
6 (c) in paragraph (d) after “offence” insert:
7
8 or relevant reportable conduct
9
10 (d) in paragraph (e)(ii) delete “applicant;” and insert:
11
12 applicant; or
13
14 (e) after paragraph (e)(ii) insert:
15
16 (iii) any finding of relevant reportable
17 conduct made in relation to the
18 applicant;
19

20 **31. Section 13 amended**

- 21 In section 13(1)(a)(ii) after “criminal record” insert:
22
23 or the findings of the applicant’s relevant reportable conduct
24

25 **32. Part 2 Division 3A inserted**

- 26 After Part 2 Division 3 insert:
27

28 **Division 3A — Findings of relevant reportable conduct**

29 **18A. Findings of relevant reportable conduct**

- 30 (1) In this section —
31 *employee*, of a relevant entity, has the meaning given
32 in the *Parliamentary Commissioner Act 1971*
33 section 19C;
34 *identifying information*, in relation to a person,
35 includes the person’s —
36 (a) name and any former name and alias; and

- 1 (b) date of birth; and
2 (c) address.
- 3 (2) The Parliamentary Commissioner may give written
4 notice to the CEO of a finding of relevant reportable
5 conduct under the *Parliamentary Commissioner*
6 *Act 1971* if —
- 7 (a) the Parliamentary Commissioner reasonably
8 believes that the finding is in respect of a
9 person who —
- 10 (i) has applied for an assessment notice
11 under section 9 or 10; or
12 (ii) has a current assessment notice;
13 and
- 14 (b) the finding relates to a person who is or was an
15 employee of a relevant entity that is prescribed,
16 or is of a class of relevant entity prescribed, by
17 the regulations.
- 18 (3) A notice under subsection (2) must include the
19 following information in relation to the person to
20 whom the finding relates —
- 21 (a) any identifying information the Parliamentary
22 Commissioner holds in relation to the person;
23 (b) a brief summary of the relevant reportable
24 conduct and the finding.
- 25 (4) The CEO must treat a notice of a finding given to the
26 CEO under subsection (2) as an application for an
27 assessment notice by the person to whom the finding
28 relates.
- 29 (5) Information may be disclosed under this section despite
30 any other enactment, law or agreement that prohibits or
31 restricts its disclosure.
- 32 (6) If the person to whom the finding relates has a current
33 assessment notice, section 12 applies to the application
34 as if a reference in that section to issuing an assessment
35 notice were a reference to issuing an assessment notice
36 or a further assessment notice.
37

s. 33

1 **33. Part 3A inserted**

2 After section 34 insert:

3

4 **Part 3A — Information gathering and sharing**

5 **34A. Exchange of information with Parliamentary**
6 **Commissioner or head of relevant entity**

7 (1) In this section —

8 *identifying information* has the meaning given in
9 section 18A(1);

10 *investigation information* has the meaning given in the
11 *Parliamentary Commissioner Act 1971* section 19C;

12 *reportable allegation* has the meaning given in the
13 *Parliamentary Commissioner Act 1971* section 19E;

14 *reportable conviction* has the meaning given in the
15 *Parliamentary Commissioner Act 1971* section 19G.

16 (2) The CEO may disclose to the Parliamentary
17 Commissioner or the head of a relevant entity any
18 identifying information held in relation to a person who
19 is an applicant for an assessment notice under section 9
20 or 10.

21 (3) The CEO may request the Parliamentary
22 Commissioner or the head of the relevant entity to
23 provide information and documents (including
24 investigation information) about a reportable
25 conviction or a reportable allegation to which a finding
26 of relevant reportable conduct relates.

27 (4) The Parliamentary Commissioner or the head of the
28 relevant entity may disclose the information or
29 documents requested to the CEO.

30 (5) Information may be disclosed under this section despite
31 any other enactment, law or agreement that prohibits or
32 restricts its disclosure.

33

34



9.4 PROPOSAL STAFF CODE OF CONDUCT REGULATION CHANGES

DATE:	10 December 2020
SUBJECT:	Staff Code of Conduct
PROPONENT:	State Government
LOCATION:	N/A
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	132
ASSESSMENT NO:	N/A

PURPOSE

Council is requested to make comment with regard to a proposal for Local Government Officers Code of Conduct regulation changes.

BACKGROUND

The Department of Local Government, Sport and Cultural Industries (DLGSC) has undertaken a review of the Local Government Act and in doing so has created the Local Government Legislation Amendment Act 2019, and part of that legislation has a requirement for local government CEOs to prepare and adopt a code of conduct for employees.

The new regulations are based on the existing requirements at Part 9 - 34B & 34C of the Local Government (Administration) regulations. They also include the additional requirement for a CEO to address the following topics in a code of conduct:

- Personal behaviour
- Handling of information, record keeping and communications
- Fraudulent, corrupt and improper behaviour
- Use of local government resources; and
- Reporting of suspected wrongdoing.

These matters are in addition to requirements relating to gifts and conflicts of interests.

There are existing requirements for CEOs to formulate a code of conduct and this legislation seeks to provide enhancements to the existing provisions through change, and addition to the regulations.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended).

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil at this time.



STRATEGIC IMPLICATIONS

This matter is not directly dealt with in the Goomalling Community Strategic Plan

COMMENTS AND DETAILS

The legislative provisions in relation to gifts and interests are already quite complicated and it is my feeling that the proposed regulations will do little to simplify the legislation for ease of understanding or to improve compliance.

It is somewhat unclear what the new regulations are trying to achieve in relation to gifts. The current regulations include definitions for both notifiable gifts (between \$50 and \$300) and prohibited gifts (\$300 or more). The proposed regulations remove the definition of a notifiable gift but then include in clause 19AD provision for notification of the acceptance of gifts. Effectively, this achieves the same outcome but in a slightly different way.

There appears to be a desire to provide a legislative basis for a CEO to implement a lower threshold for a prohibited gift. I am not sure that this is necessary as, through Codes and policy, CEOs can currently set 'higher' standards in this area without the need for legislation. By promoting this option in a guidance note, it would effectively eliminate the unnecessary legislative burden in the proposed regulations which will just become more red tape.

It is also noted that the notification clause does not align with previous Departmental comment about simplifying the gift provisions and doing away with multiple levels of requirement. Neither does it follow the approach for Council members and CEOs in Clauses 5.87A and 5.87B which is likely discriminatory. I would be recommending that this clause be deleted.

I would wonder why we need to publish the CEO's determined threshold amount on our "official website"! This is a requirement for staff and staff do not generally visit the corporate website for guidance. They gain this information from an intranet or corporate procedure. Consequently, the provision is considered redundant. The legislation could require the determination to be 'captured' and made available to staff; although it is considered completely unnecessary to go to this level of detail in legislation.

It seems strange to place a requirement on the CEO to keep a register of gifts in the Code of Conduct. The Code relates to behaviours required of staff. A requirement for the CEO to keep a register should be mandated as a specific requirement outside of the Code of Conduct.

The conflict of interest provisions broadly appears to reflect current provisions relating to impartiality interests in the current Clause 34C. However, they are made somewhat more difficult as the definition of an interest is no longer embedded in the Clause itself but moved to the definitions clause in the proposed regulations.

It is also noted that provisions around officers disclosing interests are included in Section 5.70 of the Act and it may be worth considering whether the legislation can be streamlined here.

The proposed Regulation 19AG provides the core legislative guidance for a Code of Conduct for staff. There is potential for this clause to be expanded to reflect proposed clause 19AC (not accepting a prohibited gift) and a requirement to include provisions relating to conflicts of



interest. This approach would meet the State Government's desire for new legislation (not simply repeating the old) and provide a much simpler framework to assist with both compliance and enforcement.

ATTACHMENTS

Local Government Employee Code of Conduct explanatory Notes

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council:

Consider what comment if any, it wishes to make regarding the proposal for Local Government Employee Code of Conduct Regulations.

305. RESOLUTION

Moved Cr Butt, seconded Cr Chester

That Council make no comment regarding the proposal for Local Government Employee Code of Conduct Regulations.

**CARRIED 7/0
By Simple Majority**

Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020

– LG Employee Code of Conduct Explanatory Notes

Section in Amendment Act	Section in LG Act	Topic
<p>Section 25</p>	<p>5.51A – Code of Conduct for employees</p> <p>(1) The CEO must prepare and implement a code of conduct to be observed by employees of the local government.</p> <p>(2) The CEO may amend the code of conduct.</p> <p>(3) The CEO must publish an up-to-date version of the code of conduct on the local government’s official website.</p> <p>(4) Regulations may prescribe the content of, and other matters in relation to, codes of conduct under this section.</p> <p>(5) A code of conduct under this section is of no effect to the extent that it is</p>	<p>Code of Conduct – Employees</p> <p>Section 25 of the <i>Local Government Legislation Amendment Act 2019</i> inserts section 5.51A into the <i>Local Government Act 1995</i>, requiring the CEO of a local government to prepare and implement a Code of Conduct for employees.</p> <p>5.51A also provides the head of power for a CEO to amend the code of conduct. Regulations may prescribe the content of, and other matters in relation to, codes of conduct under this section.</p> <p>A local government CEO is required to publish an up-to-date version of the code of conduct on the local government’s website.</p> <p>Section 25 will be proclaimed at the same time as the Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020.</p>

	inconsistent with regulations made for the purposes of subsection (4).	
Regulation	Amends	Explanation
Part 2 Regulation 3 – Regulations amended	Part 2 amends the Local Government (Administration) Regulations 1996.	<p>Part 2 amends the Local Government (Administration) Regulations 1996 (Administration Regs).</p> <p>These new regulations are based on the existing requirements at Part 9 - 34B & 34C, they also include the additional requirement for a CEO to address the following topics in a code of conduct:</p> <ul style="list-style-type: none"> • Personal behaviour • Handling of information, records keeping and communications • Fraudulent, corrupt and improper behaviour • Use of local government resources; and • Reporting of suspected wrongdoing. <p>These matters are in addition to requirements relating to gifts and conflicts of interests.</p>

<p>Part 4A inserted Regulation 4 – After regulation 19A insert:</p> <p>Part 4A – Content of codes of conduct for employees (Act s.5.51A (4))</p>	<p>Part 4A replaces Part 9 of the Local Government (Administration) Regulations 1996.</p>	<p>Regulation 4 deals with the content of codes of conduct for local government employees.</p> <p>These regulations amend the current provisions regarding gifts and conflicts of interest, while requiring at a minimum, that additional matters are included in the Code based on the Public Sector Commission’s guidelines: ‘Developing a code of conduct guide for local government’.</p> <p>New provisions have been included in the regulations that enable a CEO to set a prohibited gift threshold lower than \$300 if they choose. In effect, a prohibited gift can have a limit of anywhere between nil and \$300.</p> <p>Amendments to the gift provisions are based on feedback from the Public Sector Commission (PSC). The intent of these changes is to provide a local government CEO with the ability to set a value for gifts lower than what is already prescribed in regulations. If a CEO does not determine a lower gift threshold, the amounts prescribed in regulations remain unchanged.</p>
<p>Part 4A – Content of codes of conduct for employees</p> <p>19AA. Terms used In this Part — <i>activity involving a local government discretion</i> means an activity —</p>	<p>Part 4A replaces Part 9 of the Local Government (Administration) Regulations 1996.</p> <p>Regulation 19AA replaces 34B(1) and 34C(1).</p>	<p>The definition of a gift at 5.57 of the Local Government Act still applies. Gift exemptions also remain unchanged. The definition of an interest at 34C(1) of the Local Government (Administration) Regulations 1996 also applies.</p> <p>The current threshold amount for a gift that requires notification is set between \$50 and \$300. The amendments at 19AA and 19AB give a local government CEO the ability to determine</p>

<p>(a) that cannot be undertaken without an authorisation from the local government; or</p> <p>(b) by way of a commercial dealing with the local government;</p> <p>associated person means a person who —</p> <p>(a) is undertaking or seeking to undertake an activity involving a local government discretion; or</p> <p>(b) it is reasonable to believe is intending to undertake an activity involving a local government discretion;</p> <p>code of conduct means a code of conduct under section 5.51A;</p> <p>gift has the meaning given in section 5.57 except that it does not include —</p> <p>(a) a gift from a relative as defined in section 5.74(1); or</p> <p>(b) a gift that must be disclosed under the Local Government (Elections)</p>		<p>lower thresholds for gifts, or ban gifts altogether, by determining a threshold amount of nil.</p> <p>The value of a prohibited gift (or two or more gifts received within a period of 12 months) is still set at \$300 or more and is linked with local government discretion. However, a CEO may decide to set a lower value threshold for a prohibited gift or gifts (which may be nil). The time period for multiple gifts has been increased from 6 months to 12 months to align with gift requirements for CEOs and elected members.</p> <p>The reference to notifiable gifts has been removed. However, 19AD deals with gifts that require notification in the same way. The requirement to disclose receipt of a gift valued at over \$50 still applies. Additionally, amendments have been incorporated to account for gift thresholds lower than \$300.</p> <p>If a CEO decides to set a prohibited gift threshold of less than \$50, there is no requirement to provide notice of acceptance of such a gift (or gifts, if the value of multiple gifts received from the same person over a 12 month period is less than \$50). This is consistent with the current requirement.</p> <p>The definition linking local government discretion with a prohibited gift has been applied to an <i>associated person</i>. An associated person refers to a person who —</p> <p>(a) is undertaking or seeking to undertake an activity involving a local government discretion; or</p> <p>(b) it is reasonable to believe is intending to undertake an activity involving a local government discretion.</p>
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Regulations 1997 regulation 30B; or
(c) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
(d) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876) or the Local Government Professionals Australia WA (ABN 91 208 607 072);

interest –

(a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest;

and

(b) includes an interest arising from kinship, friendship or membership of an association;

prohibited gift, in relation to an employee, means —

(a) a gift worth the threshold amount for a prohibited gift or more than the threshold amount; or

<p>(b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 1 year that are in total worth the threshold amount for a prohibited gift or more than the threshold amount;</p> <p>threshold amount, for a prohibited gift, means \$300 or a lesser amount (which may be nil) determined by the CEO.</p>		
<p>19AB. Determinations</p> <p>(1) The CEO may determine an amount for the purposes of the definition of threshold amount in regulation 19AA.</p> <p>(2) A determination made under subregulation (1) must be published on the local government's official website.</p>	<p>Part 4A replaces Part 9 of the Local Government (Administration) Regulations 1996.</p> <p>Regulation 19AB is a new provision.</p>	<p>19AB(1) provides a local government CEO with the ability to set a prohibited gift threshold lower than \$300.</p> <p>19AB(2) requires any change made to threshold amounts to be published on the local government's website.</p> <p>Publication of the threshold in the gift register (if the threshold is not less than \$50) would satisfy this requirement.</p>

<p>19AC. Prohibited gifts</p> <p>(1) In this regulation — employee does not include the CEO.</p> <p>(2) A code of conduct must contain a requirement that an employee not accept a prohibited gift from an associated person.</p>	<p>Part 4A replaces Part 9 of the Local Government (Administration) Regulations 1996.</p> <p>19AC replaces 34B(2).</p>	<p>There is no change from the current prohibited gift requirements set out at 34B of the Local Government (Administration) Regulations 1996. A local government's code of conduct must contain a requirement that employees do not accept a prohibited gift (as defined at 19AA) from anyone in relation to a matter that involves (or it is reasonable to believe will involve) local government discretion.</p> <p>19AC has been updated to reflect the reference to an associated person at 19AA.</p> <p>19AC(1) clarifies that the requirement for prohibited gifts does not apply to the local government CEO. Gift provisions for CEO's are dealt with separately in the Local Government Act.</p>
<p>19AD. Notification of acceptance of gifts.</p> <p>(1) In this regulation — employee does not include the CEO.</p> <p>(2) This regulation applies if the threshold amount for a prohibited gift is \$50 or more.</p> <p>(3) A code of conduct must contain a requirement that an</p>	<p>Part 4A replaces Part 9 of the Local Government (Administration) Regulations 1996.</p> <p>19AD replaces 34B(3) and (4).</p>	<p>The requirements for notifiable gifts at 19AD are based on the requirements at 34B of the Local Government (Administration) Regulations 1996. However, 19AD links the threshold for a gift that requires notification with the threshold for a prohibited gift. If no change is made to the threshold amount for a prohibited gift, the threshold remains at \$300.</p> <p>In effect, any gift (other than a prohibited gift) received by an employee with a value between \$50 and \$300 must be disclosed to the local government CEO unless a determination is made at 19AB to set a lower threshold.</p>

<p>employee notify the CEO within 10 days after accepting from an associated person any of the following gifts —</p> <ul style="list-style-type: none">(a) a gift worth more than \$50 and less than the threshold amount for a prohibited gift;(b) a gift that is 1 of 2 or more gifts given to the employee by the same associated person within a period of 1 year that are in total worth between \$50 and the threshold amount for a prohibited gift. <p>(4) A code of conduct must contain a requirement that the notification be in writing and include —</p> <ul style="list-style-type: none">(a) the name of the associated person who gave the gift; and(b) the date on which the gift was accepted; and(c) a description, and the estimated value, of the gift; and(d) the nature of the relationship between the employee and the associated person; and(e) if the gift is 1 of 2 or more gifts given to the employee by		<p>There is no legislative requirement for local government employees to disclose gifts valued at less than \$50, unless multiple gifts are received from the same person within a 12 month period.</p> <p>19AD also details the information that needs to be recorded including:</p> <ul style="list-style-type: none">• The name of the associated person who gave the gift;• The date on which the gift was received;• A description of the gift and its estimated value;• The nature of the relationship between the employee and the associated person; and• If the gift is one of 2 or more gifts given to the employee by the same person within a 12 month period —<ul style="list-style-type: none">○ A description of each gift;○ The estimated value; and○ The date of acceptance.
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<p>the same associated person within a period of 1 year, each of the following in respect of each of the gifts accepted within the 1-year period —</p> <ul style="list-style-type: none"> (i) a description; (ii) the estimated value; (iii) the date of acceptance. 		
<p>19AE. Register of gifts A code of conduct must contain a requirement that the CEO —</p> <ul style="list-style-type: none"> (a) keep a register of gifts; and (b) record in the register details of notifications given to comply with a requirement made under regulation 19AD(2); and (c) publish an up-to-date version of the register on the local government’s official website. 	<p>Part 4A replaces Part 9 of the Local Government (Administration) Regulations 1996.</p> <p>Regulation 19AE replaces 34B(5).</p>	<p>The requirements pertaining to notifiable gift registers as outlined at 34B(5) of the Local Government (Administration) Regulations 1996 still apply.</p> <p>The reference to notifiable gifts has been amended. 19AE instead refers to a register of gifts. The requirements set out at 19AE otherwise remain unchanged from 34B(5).</p>
<p>19AF. Conflicts of interest (1) A code of conduct must contain a requirement that an employee who has an interest in any matter to be discussed at a council or committee</p>	<p>Part 4A replaces Part 9 of the Local Government (Administration) Regulations 1996.</p>	<p>The requirements pertaining to conflicts of interest as outlined at 34C of the Local Government (Administration) Regulations 1996 still apply.</p> <p>There are no new requirements outlined at 19AF.</p>

<p>meeting attended by the employee disclose the nature of the interest —</p> <p>(a) in a written notice given to the CEO before the meeting;</p> <p>or</p> <p>(b) at the meeting immediately before the matter is discussed.</p> <p>(2) A code of conduct must contain a requirement that an employee who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the employee disclose the nature of any interest the employee has in the matter —</p> <p>(a) in a written notice given to the CEO before the meeting;</p> <p>or</p> <p>(b) at the time the advice is given.</p> <p>(3) A code of conduct must exclude from a requirement made under subregulation (1) or (2) an interest referred to in section 5.60.</p> <p>(4) A code of conduct must excuse an employee from a requirement made under subregulation (1) or (2) to</p>	<p>Regulation 19AF replaces 34C.</p>	<p>The terminology in reference to a local government employee has been simplified.</p>
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<p>disclose the nature of an interest if —</p> <p>(a) the employee's failure to disclose occurs because the employee did not know that the employee had an interest in the matter; or</p> <p>(b) the employee's failure to disclose occurs because the employee did not know that the matter in which the employee had an interest would be discussed at the meeting and the employee discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.</p> <p>(5) A code of conduct must require that if, to comply with a requirement made under subregulation (1) or (2), an employee makes a disclosure in a written notice given to the CEO before a meeting then —</p> <p>(a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and</p> <p>(b) immediately before a matter to which the disclosure</p>		
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<p>relates is discussed at the meeting the person presiding must bring the notice and its contents to the attention of the persons present. (6) Subregulation (7) applies if —</p> <p>(a) to comply with a requirement made under subregulation (1), the nature of an employee’s interest in a matter is disclosed at a meeting; or (b) a disclosure is made as described in subregulation (4)(b) at a meeting; or (c) to comply with a requirement made under subregulation (5)(b), a notice disclosing the nature of an employee’s interest in a matter is brought to the attention of the persons present at a meeting. (7) The nature of the interest must be recorded in the minutes of the meeting.</p>		
<p>19AG. Other matters</p>		

<p>A code of conduct must contain requirements relating to —</p> <p>(a) the behaviour expected of an employee in relation to each of the following—</p> <p>(i) the performance of the employee’s duties;</p> <p>(ii) the employee’s dealings with other employees and the broader community;</p> <p>(iii) the use and disclosure of information acquired by the employee in the performance of the employee’s duties;</p> <p>(iv) the use by the employee of the local government’s finances and resources; and</p> <p>(b) the way in which the records of the local government are to be kept by an employee; and</p> <p>(c) matters relating to —</p> <p>(i) the reporting by an employee of suspected breaches of codes of conduct and unethical,</p>	<p>19AG Introduces new provisions relating to employee:</p> <p>Behaviour;</p> <p>Record keeping;</p> <p>Reporting of suspected breaches; and</p> <p>How suspected breaches of the code are managed.</p>	<p>19AG deals with matters that are based on the Public Sector Commission’s guidelines. An employee code of conduct must contain requirements relating to the expectation of behaviour in respect of:</p> <ul style="list-style-type: none"> • an employee’s work related duties; • dealings with other employees and the community; • use and disclosure of information and use of local government finances and resources. <p>A code of conduct must also deal with:</p> <ul style="list-style-type: none"> • the way in which records of the local government are to be kept by an employee; and matters relating to reporting of suspected breaches of the code and unethical, fraudulent, dishonest, illegal and corrupt behaviour; and • the way in which suspected breaches of the code by an employee and unethical, fraudulent, dishonest, illegal and corrupt behaviour is managed.
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<p>fraudulent, dishonest, illegal and corrupt behaviour; and (ii) the way in which suspected breaches of the code of conduct by an employee and unethical, fraudulent, dishonest, illegal and corrupt behaviour of an employee is to be managed.</p>		
<p>Regulation 5 – deletes Part 9.</p>	<p>Regulation 5 repeals Part 9 of the Local Government (Administration) Regulations 1996.</p>	<p>Regulation 5 repeals Part 9 of the Administration Regulations. Requirements at Part 9, 34B and 34C of the Local Government (Administration) Regulations 1996 have been incorporated into the Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020.</p>
<p>Part 3 — <i>Local Government (Audit) Regulations 1996 amended</i></p> <p>Regulation 6 - Regulations amended</p>	<p>Regulation 6 amends the Local Government (Audit) Regulations 1996.</p>	<p>Regulation 6 amends the Local Government (Audit) Regulations 1996.</p>
<p>Regulation 7.</p> <p>Regulation 13 amended</p>	<p>Regulation 7 Amends Regulation 13 of the Local Government (Audit) Regulations 1996.</p>	<p>Regulation 7 amends the Table of prescribed statutory requirements for compliance audits at Regulation 13 of the Local Government (Audit) Regulations 1996 by including the head of power at section 5.51A.</p>

<p>In regulation 13 in the Table under the heading "Local Government Act 1995" after the item for s.5.46 insert: s. 5.51A</p>		
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Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020

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Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Local Government Legislation Amendment Act 2019* sections 25 and 48 to 51 come into operation.

Part 2 — Local Government (Administration) Regulations 1996 amended

3. Regulations amended

This Part amends the *Local Government (Administration) Regulations 1996*.

4. Part 4A inserted

After regulation 19A insert:

Part 4A — Content of codes of conduct for employees (Act s. 5.51A(4))

19AA. Terms used

In this Part —

activity involving a local government discretion means an activity —

- (a) that cannot be undertaken without an authorisation from the local government; or
- (b) by way of a commercial dealing with the local government;

associated person means a person who —

- (a) is undertaking or seeking to undertake an activity involving a local government discretion; or
- (b) it is reasonable to believe is intending to undertake an activity involving a local government discretion;

code of conduct means a code of conduct under section 5.51A;

gift —

- (a) has the meaning given in section 5.57; but
- (b) does not include —
 - (i) a gift from a relative as defined in section 5.74(1); or
 - (ii) a gift that must be disclosed under the *Local Government (Elections) Regulations 1997* regulation 30B; or
 - (iii) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
 - (iv) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876) or the Local Government Professionals Australia WA (ABN 91 208 607 072);

interest —

- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
- (b) includes an interest arising from kinship, friendship or membership of an association;

prohibited gift, in relation to an employee, means —

- (a) a gift worth the threshold amount for a prohibited gift or more than the threshold amount; or
- (b) a gift that is 1 of 2 or more gifts given to the employee by the same person within a period of 1 year that are in total worth the threshold amount for a prohibited gift or more than the threshold amount;

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threshold amount, for a prohibited gift, means \$300 or a lesser amount (which may be nil) determined by the CEO.

19AB. Determinations

- (1) The CEO may determine an amount for the purposes of the definition of *threshold amount* in regulation 19AA.
- (2) A determination made under subregulation (1) must be published on the local government's official website.

19AC. Prohibited gifts

- (1) In this regulation —
employee does not include the CEO.
- (2) A code of conduct must contain a requirement that an employee not accept a prohibited gift from an associated person.

19AD. Notification of acceptance of gifts

- (1) In this regulation —
employee does not include the CEO.
- (2) This regulation applies if the threshold amount for a prohibited gift is \$50 or more.
- (3) A code of conduct must contain a requirement that an employee notify the CEO within 10 days after accepting from an associated person any of the following gifts —
 - (a) a gift worth more than \$50 and less than the threshold amount for a prohibited gift;
 - (b) a gift that is 1 of 2 or more gifts given to the employee by the same associated person within a period of 1 year that are in total worth

between \$50 and the threshold amount for a prohibited gift.

- (4) A code of conduct must contain a requirement that the notification be in writing and include —
- (a) the name of the associated person who gave the gift; and
 - (b) the date on which the gift was accepted; and
 - (c) a description, and the estimated value, of the gift; and
 - (d) the nature of the relationship between the employee and the associated person; and
 - (e) if the gift is 1 of 2 or more gifts given to the employee by the same associated person within a period of 1 year, each of the following in respect of each of the gifts accepted within the 1-year period —
 - (i) a description;
 - (ii) the estimated value;
 - (iii) the date of acceptance.

19AE. Register of gifts

A code of conduct must contain a requirement that the CEO —

- (a) keep a register of gifts; and
- (b) record in the register details of notifications given to comply with a requirement made under regulation 19AD(2); and
- (c) publish an up-to-date version of the register on the local government's official website.

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19AF. Conflicts of interest

- (1) A code of conduct must contain a requirement that an employee who has an interest in any matter to be discussed at a council or committee meeting attended by the employee disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (2) A code of conduct must contain a requirement that an employee who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the employee disclose the nature of any interest the employee has in the matter —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the time the advice is given.
- (3) A code of conduct must exclude from a requirement made under subregulation (1) or (2) an interest referred to in section 5.60.
- (4) A code of conduct must excuse an employee from a requirement made under subregulation (1) or (2) to disclose the nature of an interest if —
 - (a) the employee's failure to disclose occurs because the employee did not know that the employee had an interest in the matter; or
 - (b) the employee's failure to disclose occurs because the employee did not know that the matter in which the employee had an interest would be discussed at the meeting and the employee discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.

- (5) A code of conduct must require that if, to comply with a requirement made under subregulation (1) or (2), an employee makes a disclosure in a written notice given to the CEO before a meeting then —
- (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding must bring the notice and its contents to the attention of the persons present.
- (6) Subregulation (7) applies if —
- (a) to comply with a requirement made under subregulation (1), the nature of an employee's interest in a matter is disclosed at a meeting; or
 - (b) a disclosure is made as described in subregulation (4)(b) at a meeting; or
 - (c) to comply with a requirement made under subregulation (5)(b), a notice disclosing the nature of an employee's interest in a matter is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

19AG. Other matters

A code of conduct must contain requirements relating to —

- (a) the behaviour expected of an employee in relation to each of the following —
 - (i) the performance of the employee's duties;

**Local Government Regulations Amendment (Employee Code of Conduct)
Regulations 2020**

Part 2 Local Government (Administration) Regulations 1996
amended

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- (ii) the employee's dealings with other employees and the broader community;
 - (iii) the use and disclosure of information acquired by the employee in the performance of the employee's duties;
 - (iv) the use by the employee of the local government's finances and resources;
- and
- (b) the way in which the records of the local government are to be kept by an employee; and
 - (c) matters relating to —
 - (i) the reporting by an employee of suspected breaches of codes of conduct and unethical, fraudulent, dishonest, illegal and corrupt behaviour; and
 - (ii) the way in which suspected breaches of the code of conduct by an employee and unethical, fraudulent, dishonest, illegal and corrupt behaviour of an employee are to be managed.

5. Part 9 deleted

Delete Part 9.

**Part 3 — Local Government (Audit) Regulations 1996
amended**

6. Regulations amended

This Part amends the *Local Government (Audit) Regulations 1996*.

7. Regulation 13 amended

In regulation 13 in the Table under the heading “*Local Government Act 1995*” after the item for s. 5.46 insert:

s. 5.51A

Clerk of the Executive Council



10. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL

306. RESOLUTION

Moved Cr Barratt, seconded Cr Butt

That Council agree for the late items to be dealt with.

**CARRIED 7/0
By Simple Majority**

11.1 PROPOSAL FOR LOCAL ROADS AND INFRASTRUCTURE PROGRAM

DATE:	15 December 2020
SUBJECT:	LRCIP Projects
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	74
ASSESSMENT NO:	N/A

PURPOSE

Council is requested to nominate projects for the Local Roads and Community Infrastructure Program Extension (LRCI Program Phase 2).

BACKGROUND

The Federal Government has written to Council following the 2020-21 Federal Budget, offering to partner with local governments as they play a critical role as part of the national recovery from the COVID-19 pandemic, delivering local jobs, through local projects.

The letter outlined that as the closest tier of government to the people it serves, local governments remain an essential support for communities across Australia, helping them through this downturn and planning for the recovery. Under the initial funding available through the LRCI Program, local government areas identified more than 2,200 projects, providing opportunities and support for local jobs, firms and procurement in all areas of the nation.

The Federal Government has committed to extending the LRCI Program to assist local governments to deliver local road and community infrastructure projects, as well as helping to create local job opportunities particularly where employment in other sectors have been negatively impacted.

The Federal Government encourages us to identify projects to maximise the opportunity for a range of workers to be retained, redeployed and employed to deliver ready to roll-out projects that provide economic stimulus and benefits to communities. Under the LRCI Program Extension the Shire of Goomalling will receive an additional funding allocation of \$207,047. This funding will be available from 1 January 2021, with the Program being extended until the end of 2021.



The Program Guidelines and Grant Agreements are currently being drafted and will be provided in the coming weeks and we have been encouraged to consider projects we may wish to nominate for funding under the Program Extension. We have submitted Project Nominations for the initial funding.

Council will now need to identify projects to take advantage of the second funding amount.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended).

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

This will increase funding and expense by \$207,047.

STRATEGIC IMPLICATIONS

There is no direct link to the Community Strategic Plan.

COMMENTS AND DETAILS

Council could apply this funding in part to the High Street Path Project and it could also apply an amount to the proposal for Anstey Park. There is also the potential to apply some of this funding to the likely Beecroft Road Bridge Project as well.

Council is currently expending considerable funds in road construction and maintenance and it would be prudent to direct some funds to town projects such as the Anstey Park and Bike Path projects.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council:

Consider which projects Council will direct LRCI Program funds to.

307. RESOLUTION

Moved Cr Van Gelderen, seconded Cr Chester

That Council nominate the following projects for LRCIP funding:

- **High Street Path Project**
- **Anstey Park development**
- **Footpaths (in particular Quinlan Street renewal)**

**CARRIED 7/0
By Simple Majority**



11.2 PROPOSAL ELECTED MEMBER PROFESSIONAL DEVELOPMENT AND TRAINING POLICY

DATE:	15 December 2020
SUBJECT:	Elected Member Professional Development Policy
PROPONENT:	Dept of Local Government & Communities
LOCATION:	N/A
AUTHOR:	Peter Bentley – Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	33
ASSESSMENT NO:	N/A

PURPOSE

Council to consider the proposed Draft Elected Member Professional Development and Training Policy as is now required by legislation.

BACKGROUND

The Department of Local Government, Sport and Cultural Industries (DLGSCI) has undertaken a review of the Local Government Act and in doing so has created the Local Government Legislation Amendment Act 2019, and part of that legislation has a requirement for local government CEOs to prepare and have Council adopt a policy for elected member professional development and training.

This policy must be posted on Council's website to comply with the legislation.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended).

POLICY IMPLICATIONS

This will be a new policy.

FINANCIAL IMPLICATIONS

Nil at this time although provision will be made in each budget year for elected member training and professional development.

STRATEGIC IMPLICATIONS

This matter is not directly dealt with in the Goomalling Community Strategic Plan

COMMENTS AND DETAILS

The CEO has provided a draft of the proposed policy for Council's consideration. The document will be reformatted to fit within the format of the new policy manual currently under review and development.

Council has the opportunity to provide the CEO with any comment or propose changes to the policy.

The policy is now a legislated requirement and in addition the CEO must publish a report and register regarding elected member training.

ATTACHMENTS

Proposed Elected Member Professional Development and Training policy



VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council:

Consider what comment or changes if any, it wishes to make regarding the proposed Elected Member Professional Development and Training policy and adopt the proposed policy as amended.

308. RESOLUTION

Moved Cr Van Gelderen, seconded Cr Barratt

That Council

Adopt the proposed Elected Member Professional Development and Training policy, as presented.

**CARRIED 7/0
By Simple Majority**

PROPOSED ELECTED MEMBER PROFESSIONAL DEVELOPMENT AND TRAINING POLICY

PURPOSE

The primary objective of this policy is to provide guidance concerning the professional development of Elected Members.

POLICY

Council acknowledges its commitment to the training and development of Elected Members to assist in the fulfilment of duties and responsibilities of public office and in the interests of effective representation.

Elected Members are encouraged to continually improve their knowledge and expertise to enhance the quality of representation and promote well informed decision making. This can be achieved by participating in conferences, programs and training courses which provides for professional development relating to their role and responsibilities in local government.

Such professional development programs are those developed by industry-recognised providers and (generally) delivered locally.

Access and participation in the identified professional development courses and programs is made available to all Elected Members.

1. Meeting the professional development needs of Elected Members

The Council will endeavour to address and meet the identified professional development needs of Elected Members.

The options for providing such professional development will include:

1.1 Mandatory Modules for Elected Members

- All Elected Members elected to Council following the 2019 local government elections are required to complete the five mandatory modules of the Council Member Essentials Course.
- The training is valid for five years therefore an Elected Member is only required to undertake the training at every second election.
- The course must be completed within 12 months of appointment to Council.

1.2 Continuing Professional Development

- Council's Administration will develop a training program in consultation with Elected Members to help identify specific training courses, workshops and forums, relating to the roles and responsibilities of Elected Members.
- Elected Members will be provided access to all West Australian Local Government Association (WALGA) Elected Member training and development programs;
- Elected Members will be encouraged to attend annual conferences of the major professions in local government and other institutions of relevance to local government activities; and
- Elected Members will be able to attend eligible events where the Chief Executive Officer (CEO) or Council is of the opinion attendance would benefit the Elected Member and the Shire.

2. Accessing professional development

Request for professional development may be initiated by the Elected Member or through the CEO and must be forwarded to the CEO prior to enrolment or registration. The CEO will consult with the President in relation to the request to determine that:

- the application is relevant and appropriate and addresses the Elected Member's professional development needs;
- there are enough funds available for all costs likely to be incurred in the elected member's proposed professional development; and
- the proposed Elected Member is the most appropriate to undertake the specific professional development.

No Elected Member is permitted to undertake professional development in the last 6 months of his or her term of office, unless approved by Council.

The CEO is authorised to approve requests from Elected Members for professional development based on consultation with the Shire President and providing that:

- The training, development or conference is organised by an identified, industry recognised training provider; and
- The training, development or conference is held within the Perth metropolitan region or within the Wheatbelt Region.

Any requests that do not meet the above criteria, including those for attendance at courses or conferences outside of the Perth metropolitan area or the Wheatbelt region are to be submitted to Council for consideration.

If the Shire President and CEO determine NOT to approve a request for professional development, the affected Elected Member has the right to put the matter before Council for consideration and final determination.

3. Booking Arrangements

The Council Administration will make all bookings associated with the proposed professional development, including where relevant, airline bookings, accommodation and registration.

4. Registration

The Shire will pay all normal registration costs for Elected Members, including those costs relating to official luncheons, dinners and tours/inspections that are relevant to the interests of the Shire.

5. Accommodation

The Shire will pay reasonable accommodation costs. This includes the night before and/or after the training, development or conference where this is necessary because of travel, airline flights and/or conference timetables. Where practicable and available, accommodation shall normally be booked at the training, development or conference venue or if unavailable, at premises near the venue.

6. Travel

Where travel is involved, the travel is to be undertaken by the shortest most practical route, to and from the venue. All reasonable travel costs to and from the venue will be met by the Shire.

7. Cash Allowance - Payment and Reimbursement

Reimbursement of Expenses shall be made in accordance with Policy – 'Council Members - Allowances, Fees and Reimbursement of Expenses Policy'

A daily cash allowance may be made for meals and incidental expenses.

All cash allowances must be acquitted within two weeks of returning to Goomalling. Cash not acquitted shall be refunded to the Shire at the same time. Attendees shall acquit the cash allowance on a reconciliation form which can be provided by the CEO. Where possible this should be supported by receipts. The daily cash allowance shall be paid to cover all reasonable incidental expenses associated with the conference attendance, such as:

- Reasonable phone utilisation;
- Breakfasts, lunches, dinners and other meals not included in the conference registration fee;
- Reasonable laundry expenses;
- An optional activity specified in a conference program;
- Travel to and from the conference venue, and
- Travel to and from all airport destinations.
- Incidental expenses (e.g. Venue/exhibition entrance fees, parking fees).

8. Elected Member/Officer Delegate Accompanying Person

Where an Elected Member is accompanied at a conference, all costs for or incurred by the accompanying person including but not limited to travel, breakfast, meals, registration and/or participation in any conference programs, are to be borne by the accompanying person and not by the Shire. The exception to the above being the cost of attending any official conference dinner, where partners would normally attend. An accompanying person's registration, and program fees, are to be paid direct by the attendee/delegate to the conference organiser.

9. Reports

Following attendance at conferences, congresses, study tours and any seminars, forums, workshops of two (2) days or more duration, the Elected Member/s that attended shall submit an individual or composite report, which is to be signed by each attendee, to the Council (to be included in the Information Bulletin) within thirty days of their return to Perth, for the Council's information and records. The report shall include a summary of the event's proceedings, major points of interest to the City and any recommendations, including as to whether attendance at similar conferences in the future is warranted.

Council's Administration is also required to report annually on completed training. Completed training must be published on the Council's website for that financial year. This will include the Council Member Essentials Course and any continuing professional development undertaken by Elected Members.

10. Budget allocation

Any approval for professional development is subject to budgetary funds being available.

SCOPE

This Policy applies to the Elected Members of the Shire.

DEFINITIONS

"Professional Development" means; training, conferences, conventions, congresses, study tours, forums, information sessions, workshops and events related to local government and of interest to the Shire of Goomalling.



12. MATTERS BEHIND CLOSED DOORS

Nil

13. INFORMATION BULLETIN

309. RESOLUTION

Moved Cr Van Gelderen, seconded Cr Wilkes

That the Information Bulletin be received.

CARRIED 7/0
By Simple Majority

14. MEETING CLOSURE

The Shire President thanked everyone for their attendance and declared the meeting closed at 5.25 pm