



# AGENDA

Dear Commissioner,

I respectfully advise that an **ORDINARY COUNCIL MEETING** will be held in the **Civic Centre, McGregor St, Port Hedland**, on **Wednesday, 25 September 2019**, commencing at **5:30pm**.

**MEETING AGENDA ATTACHED**

Yours faithfully

A handwritten signature in black ink, appearing to read "David Pentz".

David Pentz  
Chief Executive Officer

13 September 2019

**DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Town of Port Hedland for any act, omission, statement or intimation occurring during Council Meetings. The Town of Port Hedland disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.

Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Town of Port Hedland advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.

**DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS**

*Local Government Act 1995 – Section 5.65, 5.70 and 5.71*

*Local Government (Administration) Regulation 34C*

<i>This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Administration) Regulation 34C</i>			
Name			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Important Note:** Should you declare a **Financial or Proximity Interest**, in accordance with the Act and Regulations noted above, you are required to leave the room while the item is being considered.

For an **Impartiality** Interest, you must state the following prior to the consideration of the item:

*“With regard to agenda item (read item number and title), I disclose that I have an impartiality interest because (read your reason for interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”*

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**Item 1 Opening of Meeting**

The Commissioner is to declare the meeting open at [Enter Time](#).

**Item 2 Acknowledgement of Traditional Owners and Dignitaries**

The Commissioner acknowledges the Kariyarra people, on whose lands we are meeting, and pays his respects to Elders past, present and emerging.

**Item 3 Recording of Attendance**

**3.1 Attendance**

**Present:** Commissioner Fredrick Riebeling

**In Attendance:** David Pentz (Chief Executive Officer), Anthea Bird (Director Corporate and Performance), Michael Cuvalo (Acting Director Development, Sustainability and Lifestyle), Peter Chandler (Acting Director Infrastructure and Town Services), Josephine Bianch (Acting Director Community Services)

**3.2 Attendance by Telephone / Instantaneous Communications**

Not applicable during Council suspension.

**3.3 Apologies**

Not applicable during Council suspension.

**3.4 Approved Leave of Absence**

Not applicable during Council suspension.

**3.5 Disclosure of Interests**

Name	Item No.	Interest	Nature

**Item 4 Applications for Leave of Absence**

Not applicable during Council suspension.

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**Item 5 Response to Previous Questions**

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**5.1 Response to Questions taken on notice from Public at the Council held on Wednesday 25 September 2019****5.1.1 MR DAVID MCGOWAN**

*I represent the Port Hedland Yacht Club. With the self-supporting loans that are currently outstanding to the Port Hedland Yacht Club (Yacht Club) and the South Hedland Bowling and Tennis Club (Bowls Club), what was the cost to the Town of Port Hedland in administering those loans?*

The Acting Manager Financial Services has provided the following statement:

The government guarantee fee is approximately \$3,000 every six months for the Port Hedland Yacht Club and the South Hedland Bowls Club combined. The Town does not pass this cost onto the respective clubs. This amount does not include staff costs in administering the loans and the financial impact of the timing difference between payment of the loans to Western Australian Treasury Corporation (WATC) and receiving the matching reimbursement from both organisations.



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## Item 6 Public Time

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*Important note:*

*'This meeting is being recorded on audio tape and streamed live online as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is reminded that in accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders nobody shall use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the chairperson to do so. Members of the public are also reminded that in accordance with section 6.17(4) of the Town of Port Hedland Local Law on Standing Orders mobile telephones must be switched off and not used during the meeting.'*

*In accordance with section 6.7(3) of the Town of Port Hedland Local Law on Standing Orders, members of the public are required to complete a question form and place the completed form in the tray provided.*

*If the Presiding Member determines that questions and statements are out of order due to the use of an offensive or objectionable expression or are defamatory, they will not be recorded or responded to.*

6.1 Public Question Time

6.2 Public Statement Time

6.3 Petitions/Deputations/Presentations/Submissions

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## Item 7 Questions from Members without Notice

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Not applicable during Council suspension.

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## Item 8 Announcements by Presiding Member without Discussion

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The Commissioner's Meetings for August 2019:

Date	Meeting	Topic
01/8/2019	Grants Commissioner WA	Chairman of Grants Commission
01/8/2019	Rivers Regional Council Meeting	Chairman of Council
04/8/2019	Anthony Miller - Chamber of Minerals & Energy	Introduction
04/8/2019	Peter Peck - Liquor Stores Association of WA	Banned Drinking Register (DRB) and Takeaway Alcohol Management System (TAMS)
04/8/2019	Minister Alannah MacTiernan	Marina, West End

Date	Meeting	Topic
06/8/2019	Meeting with Premier	West End
06/8/2019	Minister Saffioti	West End IP50, Wodgina Airstrip zoning
07/8/2019	Minister Templeman	General
07/8/2019	WALGA Week Breakfast with Hon. David Templeman	Breakfast
07/8/2019	State & Local Government Forum WALGA Week	Forum
07/8/2019	Ondry Vita - Indigenous Leader Group	Meeting
07/8/2019	WALGA AGM	AGM
07/8/2019	WALGA Opening reception	Reception
08/8/2019	LG Policy Awards Breakfast	Breakfast
08/8/2019	Minister Tinley	Housing
08/8/2019	Minister Wyatt	Lands
08/8/2019	Minister Johnston	Wodgina airstrip
08/8/2019	Frank Marra, CEO Landcorp, Stuart Nahajski GM Regional Landcorp, Paul Ferrant Manager Regional North Landcorp	Meeting with Landcorp
08/8/2019	WALGA Week gala dinner	Networking
09/8/2019	WAPC Chairman	Planning/lands
09/8/2019	WALGA Official closing ceremony	Closing ceremony
10/8/2019	Business of the Year Awards	Awards
12/8/2019	Local Emergency Management Committee	Meeting
12/8/2019	Patrick Smith	Rates/employee complaint
12/8/2019	Tom Stevens - Desert Aboriginal Group	Meeting
13/8/2019	Spirit Radio	Interview
13/8/2019	Port Hedland Directory	Meeting
13/8/2019	Louise Newbery	Private and confidential
13/8/2019	Audit Risk and Governance Committee Meeting	As per agenda
13/8/2019	Business after hours hosted by Roy Hill	Networking
14/8/2019	PHCCI/TOPH Quarterly catchup	Catch up
15/8/2019	ABC radio	Interview
15/8/2019	Agenda feedback session	As per agenda
15/8/2019	Confidential briefings	As per agenda
15/8/2019	Frank Edwards - community member	Rodeo
15/8/2019	Peter Carter	Private and confidential
15/8/2019	Neil Gilmartin	General discussions
15/8/2019	Kerry Robinson – Kariyarra Elder	Meeting
15/8/2019	Brent Ruddler	Meeting
15/8/2019	George Daccache	Private and confidential
15/8/2019	HSHS Board meeting	As per agenda
15/8/2019	Hedland Collective	Childcare
16/8/2019	Sharyn Morrow - Pilbara Community Legal Services	Meeting
16/8/2019	Pilbara Tourism Association	Tourism
19/8/2019	Tony Huckery	Rates
Date	Meeting	Topic

20/8/2019	Roger Richardson	Coastal Management
20/08/2019	Luke Jessop	PH Cricket Association
21/08/2019	Spirit Chat	Interview
21/08/2019	Peter Carter	Pilbara Airlines
21/08/2019	Seafarers	Cruise ships
22/08/2019	Gino Passerini	Toy Library
23/08/2019	Gary Silcock	Meeting
26/08/2019	Frank Cain	Meeting
26/08/2019	Indonesian Consul General of WA	Economic cooperation
27/08/2019	Mandurah OCM	As per agenda
28/08/2019	Mineral Resources	Meeting
28/08/2019	OCM	As per agenda
29/8/2019	ABC radio	Interview
29/8/2019	Spoilbank briefing	As per agenda
29/8/2019	DFES	Bushfire MOU/Tropical Cyclone preparations
29/8/2019	Trina Stroddart - Julyardi Aboriginal Corporation	Meeting
29/8/2019	Nathan Frost, Accor Hotel area General Manager Operations WA, Emily Etheridge Ibis Styles Port Hedland GM	Meeting
30/8/2019	Dave McGowan	Marina/yacht club
30/8/2019	Hon Melissa Price MP	Member for Durack, Minister for Defence Industry
30/8/2019	Chris Macko	Meeting
30/8/2019	Brendon Grylls	Aviair Inter Regional Flight Network

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**Item 9 Declaration of Commissioner to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting**

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The Commissioner is to declare that he has given due consideration to all matters contained in the agenda.

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**Item 10 Confirmation of Minutes of Previous Meeting**

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**OFFICER'S RECOMMENDATION**

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 28 August 2019 are a true and correct record, with the correction below.

**11.3.3 Award of Tender RFT1819-66 Playground Replacement (File No. 21/07/0041)****CM201920/037 OFFICER'S RECOMMENDATION \ COUNCIL DECISION**

That Council endorse the recommendation of the evaluation panel and award the Tender for RFT1819-66 Playground Replacement as below:

- Part A Shay Gap Memorial Park to Yurra Pty Ltd Option 1 valued at ~~\$406,554.08 (ex GST)~~ \$824,945.86 (ex GST), with a contract term based on the length of the project.
- Part B Cemetery Beach Playground to Active Discovery Option 1 valued at ~~\$824,945.86 (ex GST)~~ \$406,554.08 (ex GST), with a contract term based on the length of the project.

*CARRIED BY COMMISSIONER RIEBELING*

*SIMPLE MAJORITY VOTE REQUIRED*

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*Disclaimer*

*Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until formal notification in writing by the Town has been received. Decisions made at this meeting can be revoked, pursuant to the Local Government Act 1995.*

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## Item 11 Reports of Officers

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### 11.1 Corporate and Performance

11.1.1	REVISED POLICY 2/022 'PANELS OF PRE-QUALIFIED SUPPLIERS' (FILE NO. 04/03/0001)
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**Author:** Procurement Officer  
**Authorising Officer:** Director Corporate and Performance  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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#### OFFICER'S RECOMMENDATION

That Council:

1. Adopt revised Policy 2/022 'Panels of Pre-Qualified Suppliers' as per attachment 1.
2. Revise the current wording to the condition in section 1.2.9 of Delegation Register to read: "In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total estimated consideration under the resulting panel is \$300,000 or less and the expense is included in the adopted Annual Budget".

*ABSOLUTE MAJORITY VOTE REQUIRED*

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#### PURPOSE

The purpose of this report is for Council to consider the revised Policy 2/022 Panels of Pre-Qualified Suppliers and to consider clarified wording to a condition in the delegation register relating to the establishment of panels of pre-qualified suppliers.

#### DETAIL

The existing Policy 2/022 Panels of Pre-Qualified Suppliers was adopted by Council on 28 February 2018. The review was conducted in accordance with Division 3 of the *Local Government (Functions and General) Regulations 1996* to ensure best practice procurement is achieved through the use of panels of pre-qualified suppliers. The reasons for the key amendments to Policy 2/022 are set out below.

#### PROPOSED AMENDMENTS

1. *Removal of wording in Section 1. Objectives*

The new policy removes the wording providing '*[a] panel should not be created for planned, scheduled works that are required over the proposed panel period, where each of the works, goods or services required exceed the tender threshold on a regular basis*'.

The reason for deleting this restriction is that, in most instances, panels of pre-qualified suppliers are utilised for goods and services that are planned for in the adopted annual budget. With few exceptions, these goods and services are planned and scheduled.

This restriction is inconsistent with the requirement for panels being established where this a demonstrated ongoing need and results in panels being largely ineffectual.

## 2. *Change to available Distribution Methods in Section 2.2 Distributing Work Amongst Panel Members*

The Town currently has three available distribution methods that can be utilised by staff when establishing a panel. When releasing an invitation to apply to join a panel of pre-qualified suppliers, the Town must determine how the panel will operate, including how quotes will be sought from the panel.

### Distribution Method A

This method requires quotes to be sought from all panel members in every instance. The new policy removes the wording in distribution Method A relating to evaluation criteria and the requirement for a value for money assessment to be conducted each time quotes are sought. It replaces it with criteria in another format to select the most suitable quote and supplier, which may include the product types required, or availability and timelines.

The reason for this amendment is that all panel members were required to respond to qualitative criteria and an extensive value for money assessment prior to nomination for the panel. That process inherently determines that all panel members offer value for money and it is unnecessary to require both panel members and the Town to carry out that evaluation process a second time.

### Distribution Method B

This method allows Town officers to contact one supplier from the panel to obtain quotes, however includes the requirement for works to be distributed so that all suppliers receive a similar value of works throughout the panel period.

The new policy provides that the Town will endeavour to distribute the work evenly, subject to the operational requirements of the Town at the time those goods and/or services are required. The reason for this amendment is to allow more flexibility to accord with operational requirements. For example, where several capital projects are being undertaken at the same time, the new policy allows contracts to be awarded to a panel member who is available and best suited for those works, rather than deferring the capital project to ensure even distribution of the works. The revised policy acknowledges where there are no project constraints, the work will be distributed evenly.

### 3. Revised Wording – Delegation Register

The Chief Executive Officer (CEO) currently has delegation to establish a panel of pre-qualified suppliers to supply particular goods and services, provided that *'the total consideration under the resulting contract is \$300,000 or less and the expense is included in the adopted Annual Budget*

It is proposed to amend the delegation register to now read *'where the total estimated consideration under the resulting panel is \$300,000 or less and the expense is included in the adopted Annual Budget.'*

The amendment will provide clarity. There was concern this condition was restricting a resulting contract entered into with a supplier on a pre-qualified supplier panel. WALGA confirmed the wording relates to the estimated value of the entire panel at the time it is established. The new wording reflects that.

### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because there is no significant substantive changes from the existing policy and therefore does not require public consultation.

### CONSULTATION

#### *Internal*

- Acting Director Infrastructure and Town Services
- Project Manager
- Executive Leadership Team

#### *External Agencies*

Policies and the delegation registers from WALGA and various local governments were reviewed prior to finalising the proposed draft, including the Shire of Augusta Margaret River, City of Albany, City of Greater Geraldton and Shire of Serpentine Jarrahdale.

#### *Community*

Nil

### LEGISLATION AND POLICY CONSIDERATIONS

The review of this policy was conducted in accordance with Division 3 of the *Local Government (Functions and General) Regulations 1996*.

Section 5.42 of the *Local Government Act 1995* requires that any delegation of powers to the CEO must be made by an absolute majority. Section 2.7 of the *Local Government Act 1995* states (in part) that the role of Council is to determine the local government's policies.

### FINANCIAL AND RESOURCES IMPLICATIONS

There are no known financial or resource implications associated with amending this policy.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Town's Strategic Community Plan 2018-2028 is applicable in the consideration of this item:

- 2.b.3 Red tape for business is minimised through review and reform of relevant policies and by-laws

There are no significant identifiable environmental, social or economic impacts relating to this item.

### *Corporate Business Plan*

The following action of the Town's Corporate Business Plan 2018-2022 applies in relation to this item:

- 4.b.3.1 Ensure governance information provided to the community is in line with legislated requirements

## RISK MANAGEMENT CONSIDERATIONS

There is a service interruption risk associated with this item because the Town expects to establish additional panels of pre-qualified suppliers to assist in delivering the 19/20 capital works program. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3). This risk will be eliminated by the adoption of the officer's recommendation.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

*Option 3 – Do not adopt officer's recommendation*

## CONCLUSION

In relation to the revised policy, local governments have a responsibility under Division 3 of the *Local Government (Functions and General) Regulations 1996* to develop and adopt a policy for the provision of panels of pre-qualified suppliers. The proposed changes ensure best practice procurement and use of panels of pre-qualified suppliers.

## ATTACHMENTS

1. Revised policy 2/022 'Panels of Pre-Qualified Suppliers'
2. Current policy 2/022 'Panels of Pre-Qualified Suppliers'





## 2/022 Panels of Pre-Qualified Suppliers

### 1. Objective

In accordance with Regulation 24AC of the *Local Government (Functions and General) Regulations 1996*, a Panel of Pre-qualified Suppliers ("Panel") may be created where the following factors apply:

- A range of similar goods and services are required to be purchased on a continuing and regular basis;
- There are numerous potential suppliers in the local area, that would satisfy the test of 'value for money';
- The purchasing activity under the intended panel is assessed as being of a low to medium risk;
- The panel will streamline and improve procurement processes; and
- The Town of Port Hedland (ToPH) has the capability to establish, manage the risks and achieve the benefits expected of the proposed panel.

### 2. Content

#### 2.1. *Establishing a Panel*

Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the panel. They are to be established for a maximum term of three (3) years, inclusive of any options to extend or renew the contract.

Where a panel is to be established, the Town will endeavour to appoint suppliers to the panel or each category within the panel, on the basis that best value for money is demonstrated. A minimum of three (3) suppliers are required to establish a panel, or for appointment to a category within the panel.

In the event that a panel member leaves a panel and this results in the panel being reduced to just two (2) panel members and the Town is unable to replace the panel member, then that panel may be disbanded. This should be documented in the request document and any subsequent agreements/contracts.

## *2.2. Distributing Work Amongst Panel Members*

To satisfy Regulation 24AC(2), the distribution of work between the suppliers will be dependent on the unique nature of the goods or services. The detailed information associated with each invitation to apply to join the panel (the request document) will prescribe one of the following options:

- a) **The ToPH will obtain quotations from each pre-qualified supplier on the panel with respect to all purchases.**

This will ensure each panel member will have the opportunity to bid for each item of work under the panel, with pre-determined criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work.

OR

- b) **The ToPH will purchase goods and services exclusively from any pre-qualified supplier appointed to that panel.**

The ToPH will endeavour to distribute the goods or services required between each panel member evenly, subject to the operational requirements of the Town at the time those goods and/or services are required. Care will be taken to ensure that no one contactor is overloaded at any particular time by keeping accurate records of the timelines of each job;

OR

- c) **The ToPH will develop a ranking system for selection to the panel.**

The Town will invite the highest ranked panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked panel member is to be made and so forth until a panel member accepts a Contract. Should the list of panel members invited be exhausted with no panel member accepting the offer to provide goods/services under the panel, the Town may then invite suppliers that are not pre-qualified under the panel, in accordance with the Purchasing Thresholds stated Purchasing Policy As per Regulation 24AD(5)(f) the request document must clearly stipulate that the ToPH does not intend to purchase exclusively from the panel.

When a ranking system is established, the panel will not operate for a period exceeding 12 months.

### 2.3. Purchasing from a Panel

The invitation to apply to be considered to join a panel of pre-qualified suppliers must state the functionality of the panel, and the distribution method to be used.

As per regulation 24AJ, in every instance, a contract for an item of work with a pre-qualified supplier must not exceed 12 months, or include any options to renew or extend.

Quotes obtained through a panel of pre-qualified suppliers can be authorised in accordance with the Delegations Register.

## 3. Compliance & Reporting

The ToPH shall:

- Implement processes to facilitate this Policy and associated management procedures, and will implement processes to report departures, non-compliance and/or exceptions;
- On a quarterly basis report to the ToPH's Audit and Risk Committee any identified non-compliance with this Policy and associated management procedures, and any occurrence of the CEO exercising his/her discretion to undertake any policy exempt procurement; and
- Review, and if appropriate, seek to revise this Policy and associated management procedures to ensure ongoing relevance.

A failure to comply with the requirements of this policy will be subject to investigation. Findings will be considered in context of the code of conduct, and reasonable expectations for the officer's performance of their role.

Where a breach is substantiated it may be treated as:

- An opportunity for additional training to be provided;
- A disciplinary matter, which may or may not be subject to reporting requirements under the *Public Sector Management Act 1994*;
- Misconduct in accordance with the *Corruption, Crime and Misconduct Act 2003*.

## 4. Record Keeping

All records and documents associated with the panel process must be recorded and retained as defined within the State Records Act and the ToPH's Records Keeping Policy.

### Definitions

Nil.

Relevant legislation	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i> <i>State Records Act 2000</i>
Delegated authority	<b>Delegations/Subdelegations/Authorisation Registers</b>
Business unit	Governance
Directorate	Corporate & Performance

<i>Governance to complete this section</i>			
Version Control	Version No.	Resolution No.	Adoption date
	V01	CM201718/140	28 February 2018
Review frequency	Bi-Annually		

**Document Control Statement** – The electronic reference copy of this Policy is maintained by the Governance Team. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://www.porthedland.wa.gov.au/documents/public-documents/policies> to ensure that you have the current version. Alternatively, you may contact the Governance Team.



**2/022 Panels of Pre-Qualified Suppliers**

**1. Objective**

In accordance with Regulation 24AC of the *Local Government (Functions and General) Regulations 1996*, a Panel of Pre-qualified Suppliers ("Panel") may be created where the following factors apply:

- A range of similar goods and services are required to be purchased on a continuing and regular basis;
- There are numerous potential suppliers in the local area, that would satisfy the test of 'value for money';
- The purchasing activity under the intended panel is assessed as being of a low to medium risk;
- The panel will streamline and improve procurement processes; and
- The Town of Port Hedland (ToPH) has the capability to establish, manage the risks and achieve the benefits expected of the proposed panel.

A panel should not be created for planned, scheduled works that are required over the proposed panel period, where each of the works, goods or services required exceed the tender threshold on a regular basis.

**Content**

*2.1. Establishing a Panel*

Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the panel. They are to be established for a maximum term of three (3) years, inclusive of any options to extend or renew the contract.

Where a panel is to be established, the Town will endeavour to appoint suppliers to the panel or each category within the panel, on the basis that best value for money is demonstrated. A minimum of three (3) suppliers are required to establish a panel, or for appointment to a category within the panel.

In the event that a panel member leaves a panel and this results in the panel being reduced to just two (2) panel members and the Town is unable to replace the panel member, then that panel may be disbanded. This should be documented in the request document and any subsequent agreements/contracts.



*2.2. Distributing Work Amongst Panel Members*

To satisfy Regulation 24AC(2), the distribution of work between the suppliers will be dependent on the unique nature of the goods or services. The detailed information associated with each invitation to apply to join the panel (the request document) will prescribe one of the following options:

- a) The ToPH will obtain quotations from each pre-qualified supplier on the panel with respect to all purchases. This will ensure each panel member will have the opportunity to bid for each item of work under the panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance;

OR

- b) The ToPH will purchase goods and services exclusively from any pre-qualified supplier appointed to that panel. The ToPH will aim to distribute the goods or services required between each panel member so that the total value of works awarded to each contractor is similar at the end of the panel period. Care will be taken to ensure that no one contractor is overloaded at any particular time by keeping accurate records of the timelines of each job;

OR

- c) The ToPH will develop a ranking system for selection to the panel, The Town will invite the highest ranked panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked panel member is to be made and so forth until a panel member accepts a Contract. Should the list of panel members invited be exhausted with no panel member accepting the offer to provide goods/services under the panel, the Town may then invite suppliers that are not pre-qualified under the panel, in accordance with the Purchasing Thresholds stated Purchasing Policy As per Regulation 24AD(5)(f) the request document must clearly stipulate that the ToPH does not intend to purchase exclusively from the panel. When a ranking system is established, the panel will not operate for a period exceeding 12 months.

As per regulation 24AJ, in every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which is inclusive of options to extend the contract.



2.3. Purchasing from a Panel

The invitation to apply to be considered to join a panel of pre-qualified suppliers must state whether quotations are either to be invited to every member (within each category, if applicable) of the panel for each purchasing requirement, whether a ranking system is to be established, or otherwise.

Each quotation process, including the invitation to quote, communications with panel members, quotations received, evaluation of quotes and notification of award communications must all be made through the ToPH's online procurement portal.

The ToPH shall:

- Implement processes to facilitate this Policy and associated management procedures, and will implement processes to report departures, non-compliance and/or exceptions;
- On a quarterly basis report to the ToPH's Audit and Risk Committee any identified non-compliance with this Policy and associated management procedures, and any occurrence of the CEO exercising his/her discretion to undertake any policy exempt procurement; and
- Review, and if appropriate, seek to revise this Policy and associated management procedures to ensure ongoing relevance.

A failure to comply with the requirements of this policy will be subject to investigation. Findings will be considered in context of the code of conduct, and reasonable expectations for the officer's performance of their role.

Where a breach is substantiated it may be treated as:

- An opportunity for additional training to be provided;
- A disciplinary matter, which may or may not be subject to reporting requirements under the *Public Sector Management Act 1994*;
- Misconduct in accordance with the *Corruption, Crime and Misconduct Act 2003*.

3. Record Keeping & Reporting

A file is to be maintained for each quotation process made under each panel that captures all communications between the ToPH and panel members and registered in the ToPH's electronic records system. All records and documents associated with the panel process must be recorded and retained as defined within the State Records Act and the ToPH's Records Keeping Policy.

Definitions

Nil.



Policy

Relevant legislation	<i>Local Government Act 1995 Local Government (Functions and General) Regulations 1996 State Records Act 2000</i>
Delegated authority	<b>Delegations/Subdelegations/Authorisation Registers</b>
Business unit	Governance
Directorate	Corporate & Performance

<i>Governance to complete this section</i>			
Version Control	Version No.	Resolution No.	Adoption date
	V01	CM201718/140	28 February 2018
Review frequency	Choose an item.		

**Document Control Statement** – *The electronic reference copy of this Policy is maintained by the Governance Team. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://www.porthedland.wa.gov.au/documents/public-documents/policies> to ensure that you have the current version. Alternatively, you may contact the Governance Team.*



**11.1.2 REVIEW OF THE TOWN OF PORT HEDLAND AUDIT, RISK AND GOVERNANCE COMMITTEE TERMS OF REFERENCE (FILE NO 13/15/0001)**

**Author:** Senior Governance Advisor  
**Authorising Officer:** Director Corporate and Performance  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

That Council:

1. Approve the change of name from Audit, Risk and Governance Committee to Audit Committee;
2. Adopt revised 'Audit Committee Terms of Reference' as per attachment 1;
3. Note that the appointment of Audit Committee members will follow after the Local Government Elections, which is proposed to be held in early 2020; and
4. Acknowledges the contributions of external member, Freeman of the Town of Port Hedland, Arnold Carter, during his membership on the Audit, Risk and Governance Committee.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider the proposed changes to the current 'Audit, Risk and Governance (ARG) Committee Terms of Reference', which has been renamed to the 'Audit Committee (the Committee) Terms of Reference'.

**DETAIL**

An Audit Committee is to be established in accordance with section 7 of the *Local Government Act 1995*. The Committee is to provide guidance and assistance to the local government and is accountable to Council. This Committee also supports Council in fulfilling its responsibilities in relation to financial reporting, internal control structure and audit functions.

The ARG Committee's Terms of Reference (TOR) was first adopted by Council in November 2011. The purpose of the TOR is to facilitate and provide guidance in relation to the operation of the Committee. An annual review, suggesting improvements and assessing the adequacy of the TOR is coordinated by the Governance Team and Council is to approve any proposed changes and ensure appropriate disclosure as might be required by legislation or regulation.

The last review of the TOR was presented at the Ordinary Council Meeting held on 1 November 2017, where Council voted to retain the current TOR. Upon review and comparison with other local governments, it was identified that the Town's TOR is lengthy and restrictive.

The proposed amendments are aimed at bringing back the basic functions as depicted in the *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996*. The proposed changes to the current TOR are noted below.

#### *Audit Committee Terms of Reference*

The *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996* addresses audits and specifies that each local government is to establish an Audit Committee. As the Committee primarily focuses on matters relating to internal and external audit, it is advised that the current TOR be renamed to 'Audit Committee Terms of Reference'. Matters regarding risk and governance will still be a matter for consideration.

#### *Authority*

On 28 June 2018, the Department of Local Government, Sport and Cultural industries issued a circular advising all local governments of the revised 'Guide to Local Government Auditing Reforms'. The circular addressed amendments to the *Local Government (Audit) Regulations 1996* and one of the key changes related to the role of the Committee being strengthened to assist the Chief Executive Officer (CEO) of a local government to carry out reviews under Regulation 17 of the Audit Regulations of systems and procedures concerning risk management, internal control and legislative compliance. The Committee is authorised to monitor and advise the CEO in reviews conducted in audit systems and procedures.

The Town is considering outsourcing internal audit functions with a three-year programme, which will be determined in conjunction with internal auditors and the Office of the Auditor General. The Internal Audit Plan will identify and assess risks for all business units and will also determine which Internal Audits will be performed. This process will identify gaps within business units and the Town will then implement appropriate internal controls to ensure objective goals are achieved efficiently and effectively.

It is advised that the Committee provide assistance to the CEO when implementing an established Internal Audit Plan. This is proposed under section 4 by adding clause 4.2 as follows:

4.2 Monitor and advise the CEO in reviews conducted under regulation 17(1) of the <i>Local Government (Audit) Regulations 1996</i> and regulation 5(2)(c) of the <i>Local Government (Financial Management) Regulations 1996</i> .
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#### *Composition of Committee Members*

At the Ordinary Council Meeting held in November 2017, Council decided to retain the current TOR and appointed all Elected Members and two community members to the Committee.

Section 7.1A (1) of the *Local Government Act 1995* states:

*'A local government is to establish an Audit committee of three (3) or more persons to exercise the powers and discharge the duties conferred on it.'*

It is advised that the Committee comprise of three (3) members in total, being three (3) Elected Members and no community/independent member. An uneven number in membership will also reduce the risk of the Presiding Member using their casting vote.

This is proposed under section 5 by amending clause 5.1 as follows:

5.1 The Audit Committee will comprise of three Elected Members.

It is also proposed that the Committee may seek advice from an external independent advisor. The independent advisor should have sufficient knowledge in financial management, reporting and auditing, as well as relevant skills in providing independent expert advice and benefit to the Committee. This is proposed under section 5 by amending clause 5.4 and including clause 5.5 as follows:

5.4 The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the Town.

5.5 Members may seek advice from an external independent advisor. The independent advisor will have a Certified Practising Accountant (CPA) qualification or relevant discipline or experience in a similar position and have recent work experience in medium to big businesses, potentially with local government. The independent advisor will also have demonstrated understanding and/or experience in:

- Accounting Standards (AASB)
- Tax Legislation
- *Local Government Act 1995*
- Local Government and/or Band 1 Council

#### *Internal Control and Internal Audit*

Internal control is an ongoing system which is made up of procedures, policies and measures designed to make sure that an organisation meets its objectives. Internal Audit is a function that is performed at specific times to evaluate whether the process leading to the identification of risks and the controls already in place are working effectively and efficiently.

The revised TOR provide for the current sections 7.3 and 7.6 to be combined and simplified. This is proposed under section 7.2 as follows:

## 7.2 Internal Control and Internal Audit

- 7.2.1 Ensure adequate systems of internal control are in place to mitigate key business risks and promote the effectiveness and efficiency of operations.
- 7.2.2 Approve, review and suggest improvements to the Internal Audit Plan and ensure the Internal Audit function is operating effectively, independently and in accordance with the Institute of Internal Auditor's International Standards for the Professional Practice of Internal Auditing.
- 7.2.3 Receive and review all audit reports and provide advice to the Council on significant issues identified in audit reports and action to be taken on issues raised, including identification and dissemination of good practice.
- 7.2.4 Monitor management's implementation of internal audit recommendations, processes and practices to ensure that the independence of the audit function is maintained.

### Biennial Review

The current TOR recommends that an annual review is to be conducted. This review is to assess and suggest improvements to the TOR and Council is requested to approve any proposed changes. Based on researching five (5) other local government's TOR it was noted that reviews are mostly conducted every two years or in line with the election of new members for Council. It is therefore proposed that a review of the TOR be undertaken biennially, after the Local Government Elections.

### **LEVEL OF SIGNIFICANCE**

This matter is considered to be of low significance, as it does not meet any criteria in the Town's policy 4/009 'Significant Decision Making' which deems it significant.

### **CONSULTATION**

#### *Internal*

- Acting Manager Financial Services
- Director Corporate and Performance
- Governance Team

### *External Agencies*

The following local government's Audit Committees TOR were reviewed in preparation of this item:

- City of Karratha
- City of Stirling
- City of Mandurah
- City of Belmont
- City of Greater Geraldton

The Department of Local Government, Sport and Cultural Industries, Circular no. 02-2018 (Guide to Local Government Auditing Reforms – June 2018).

### *Community*

Nil

## **LEGISLATION AND POLICY CONSIDERATIONS**

Pursuant to section 7.9.2 of The Town of Port Hedland Audit Committee Terms of Reference, an annual review is required as per the current TOR.

*Local Government Act 1995*, section 7.1A (1), states that local government is to establish an audit committee of three (3) or more persons to exercise the powers and discharge the duties conferred on it.

*Local Government Act 1995*, section 7.1A (2), states that at least three (3) of the members, and the majority of the members, are to be council members and that an absolute majority resolution of Council is required in appointing members to the Committee.

Regulation 16 of the *Local Government (Audit) Regulations 1996*, states the functions of the Audit Committee.

## **FINANCIAL AND RESOURCES IMPLICATIONS**

There are no identifiable financial implications to Council with endorsement of the reviewed Audit Committee Terms of Reference.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

The following sections of the Town's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 4.b.1 Sound long-term financial planning is implemented
- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken

There are no significant identifiable environmental, social or economic impacts relating to this item.

## RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item if the reviewed TOR, which promotes legislative compliance, transparency and accountability, is not endorsed by Council. The risk rating is considered to be medium (9), which is determined by a likelihood of (3) possible and a consequence of (3) moderate.

This risk will be eliminated by the adoption of the officer's recommendation.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

*Option 3 – Do not adopt officer's recommendation*

## CONCLUSION

The Audit Committee is an advisory committee which primarily focuses on matters relating to financial reporting, internal control structure, and internal and external audit functions. The reviewed TOR aim to reflect current practices and legislative compliance, whilst providing a more succinct framework to exercise thorough internal and external audit functions, ethical decision making, financial and risk management practices, and promote the provision of recommendations and advice to Council.

## ATTACHMENTS

1. Revised Audit Committee Terms of Reference
2. Audit, Risk and Governance Terms of Reference with Tracked Changes



**TOWN OF PORT HEDLAND**

**AUDIT COMMITTEE**

**TERMS OF REFERENCE**

## **AUDIT COMMITTEE TERMS OF REFERENCE**

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### **1. Purpose of the Terms of Reference**

The purpose of the terms of reference is to facilitate the operation of the Audit Committee.

### **2. Introduction**

The Audit Committee has been established in accordance with Part 7 of the Local Government Act 1995.

The Audit Committee is an advisory committee formally appointed by the Council and is responsible to the Council. The Audit Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any financial responsibility. The Audit Committee does not have any management functions and is therefore independent of management.

The Audit Committee will primarily focus on relevant matters relating to Audit (internal and external).

The Audit Committee objective is to assist the Town of Port Hedland Council in liaising with the auditor and overseeing the external audit function and promoting the transparency and accountability of the Town's financial management systems and reporting. The role of the Audit Committee is to report to the Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.

### **3. Objectives**

The objectives of the Audit Committee are to oversee:

- 3.1 The integrity of external financial reporting, including accounting policies.
- 3.2 The scope of work, objectivity, performance and independence of the external auditor.
- 3.3 The establishment, effectiveness and maintenance of controls and systems to safeguard the Town's financial and physical resources.
- 3.4 The systems or procedures that are designed to ensure that the Town and its subsidiaries comply with relevant statutory and regulatory requirements.
- 3.5 The process for recognising risks arising from the Town's operations and strategies, and consider the adequacy of measures taken to manage those risks.
- 3.6 The process and systems which protect the Council against fraud and irregularities.

The Audit Committee must also add to the credibility of Council by promoting ethical standards through its work.



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**AUDIT COMMITTEE TERMS OF REFERENCE**

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**4. Authority**

The Audit Committee has the authority to:

- 4.1 Review and suggest improvements to the internal and external auditor's annual audit plans and the outcomes/results of all audits undertaken.
- 4.2 Monitor and advise the CEO in reviews conducted under regulation 17(1) of the *Local Government (Audit) Regulations 1996* and regulation 5(2)(c) of the *Local Government (Financial management) Regulations 1996*.
- 4.3 Formally meet with the Town's appointed external auditor as necessary.
- 4.4 Seek resolution on any disagreements between management and the external auditors on financial reporting.
- 4.5 Advise Council on any or all of the above as deemed necessary.

**5. Composition of Committee Members**

- 5.1 The Audit Committee will comprise of three Elected Members.
- 5.2 The Council will appoint Audit Committee members.
- 5.3 The Presiding Member and Deputy Presiding Member will be appointed by the Audit Committee, biennially by election by all committee members after the Ordinary Local Government Election.
- 5.4 The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the Town.
- 5.5 Members may seek advice from an external independent advisor. The independent advisor will have a Certified Practising Account (CPA) qualification or relevant discipline or experience in a similar position and have recent work experience in medium to big businesses, potentially with local government. The independent advisor will also have demonstrated understanding and/or experience in:
  - Accounting Standards (AASB)
  - Tax Legislation
  - *Local Government Act 1995*
  - Local Government experience and/or Band 1 Council
- 5.6 A quorum will be a minimum of 50% of the membership.
- 5.7 Audit Committee members are required by the Local Government Act and Code of Conduct in observing the requirements of declaring any proximity, financial or impartiality interests that relate to any matter to be considered at each meeting.
- 5.8 New members will receive relevant information and briefings on their appointment to assist them to meet their committee responsibilities.

## **AUDIT COMMITTEE TERMS OF REFERENCE**

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### **6. Meetings**

- 6.1 Meetings may be called by the Presiding Member of the Audit Committee, or at the request of the Mayor or Chief Executive Officer.
- 6.2 The Audit Committee meetings are generally open to the public unless the Presiding Member or Chief Executive Officer deem it necessary to proceed behind closed doors pursuant to Section 5.23 of the Local Government Act 1995.
- 6.3 All Elected Members are invited to attend each Audit Committee meeting.
- 6.4 All Audit Committee members are expected to attend each meeting in person.
- 6.5 The Chief Executive Officer will facilitate the meetings of the Audit Committee and invite members of management, internal and external auditors or others to attend meetings as observers and to provide pertinent information, as necessary.
- 6.6 The Audit Committee will develop a forward meeting schedule that includes the dates, location, and proposed work plan for each meeting for the forthcoming year, that cover all the responsibilities outlined in this terms of reference.
- 6.7 Meeting agendas will be prepared and provided at least one week in advance to members, along with appropriate briefing materials.
- 6.8 Minutes will be taken at each meeting and presented to the subsequent meeting for confirmation.

### **7. Responsibilities**

The Audit Committee will carry out the following responsibilities:

#### **7.1 Risk management**

- 7.1.1 Review and suggest improvements to whether management has in place a current and comprehensive enterprise risk management framework and associated procedures for effective identification and management of the Town's business and financial risks, including fraud.
- 7.1.2 Determine whether a sound and effective approach has been followed in managing the Town's major risks including those associated with individual projects, program implementation, and activities.
- 7.1.3 Assess the impact of the Town's enterprise risk management framework on its control environment and insurance arrangements.
- 7.1.4 Review and suggest improvements to the process of developing and implementing the Town's fraud control arrangements and satisfy itself the Town has appropriate processes and systems in place to detect, capture and effectively respond to fraud-related information.

## **AUDIT COMMITTEE TERMS OF REFERENCE**

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### **7.2 Internal Control and Internal Audit**

- 7.2.1 Ensure adequate systems of internal control are in place to mitigate key business risks and promote the effectiveness and efficiency of operations.
- 7.2.2 Approve, review and suggest improvements to the Internal Audit Plan and ensure the Internal Audit function is operating effectively, independently and in accordance with the Institute of Internal Auditor's International Standards for the Professional Practice of Internal Auditing.
- 7.2.3 Receive and review all audit reports and provide advice to the Council on significant issues identified in audit reports and action to be taken on issues raised, including identification and dissemination of good practice.
- 7.2.4 Monitor management's implementation of internal audit recommendations, processes and practices to ensure that the independence of the audit function is maintained.

### **7.3 Financial Report**

- 7.3.1 Review and suggest improvements to significant accounting and reporting issues, including complex or unusual transactions and highly judgemental areas, and recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the financial report.
- 7.3.2 Review with management and the external auditors the results of the audit, including any difficulties encountered, and suggest improvements if required..
- 7.3.3 Review and suggest improvements to the annual financial report and performance report of the Town of Port Hedland and its subsidiaries, and consider whether it is complete, consistent with information known to Audit Committee members, and reflects appropriate accounting principles.
- 7.3.4 Review and suggest improvements to the process for the consolidation of financial information of the Town related entities into the financial reports of the Town.
- 7.3.5 Review with management and the external auditors all matters required to be communicated to the Audit Committee under the Australian Auditing Standards, and suggest improvements if required..
- 7.3.6 Review and suggest improvements to the draft Annual Financial Statements and recommend the adoption of the Annual Financial Statements to Council.

### **7.4 Compliance**

- 7.4.1 Review and suggest improvements to the systems and processes to monitor effectiveness of the system for monitoring compliance with legislation and regulations and the results of management's investigation and follow-up (including disciplinary action) of any instances of non-compliance.

## **AUDIT COMMITTEE TERMS OF REFERENCE**

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7.4.2 Keep informed of the findings of any examinations by regulatory agencies and any auditor (internal or external) observations and monitor management's response to these findings.

7.4.3 Obtain regular updates from management about compliance matters.

7.4.4 Review and suggest improvements to the annual Compliance Audit Return and report to the Council the results of the review.

### **7.5 External Audit**

7.5.1 Review and suggest improvements to the external auditor's proposed audit scope and approach for financial performance audits, including any reliance on internal auditor activity.

7.5.2 Consider the findings and recommendations of relevant Performance Audits undertaken by the external auditor and ensure the Town implements relevant recommendations.

7.5.3 Provide an opportunity for the Audit Committee to meet with the external auditors to discuss any matters that the Audit Committee or the external auditors believe should be discussed privately.

7.5.4 Annually review and suggest improvements to the performance of external audit including the level of satisfaction with external audit function.

7.5.5 Monitor management's implementation of external audit recommendations.

### **7.6 Reporting Responsibilities**

7.6.1 Report regularly to the Council about Audit Committee activities, issues, and related recommendations through circulation of minutes.

7.6.2 Monitor that open communication between the internal auditor, the external auditors, and the Town's management occurs.

### **7.7 Other Responsibilities**

7.7.1 Perform other activities related to this terms of reference as requested by the Council.

7.7.2 A biennial review after the Local Government Elections, suggest improvements to and assess the adequacy of the Audit Committee terms of reference, request Council approval for proposed changes, and ensure appropriate disclosure as might be required by legislation or regulation.

**AUDIT COMMITTEE TERMS OF REFERENCE**

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*(Adopted by Council at its Ordinary Meeting held 16 November 2011.  
Amended by Council at its Ordinary Meeting held 23 October 2013.  
Amended by Council at its Ordinary Meeting held on 11 December 2013.  
Amended by Council at its Ordinary Meeting held on 27 May 2015.  
Amended by Council at its Ordinary Meeting held on 28 October 2015.  
Amended by Council at its Ordinary Meeting held on 22 June 2016.  
Amended by Council at its Ordinary Meeting held on 24 May 2017.  
Re-Adopted by Council at its Ordinary Meeting held on 1 November 2017.)*



**TOWN OF PORT HEDLAND**

**~~AUDIT, RISK AND GOVERNANCE  
COMMITTEE~~ AUDIT COMMITTEE**

**TERMS OF REFERENCE**

**AUDIT, RISK & GOVERNANCE COMMITTEE TERMS OF REFERENCE**

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## AUDIT, RISK & GOVERNANCE COMMITTEE TERMS OF REFERENCE

### 1. Purpose of the Terms of Reference

The purpose of the terms of reference is to facilitate the operation of the ~~Audit, Risk and Governance Committee~~Audit Committee.

### 2. Introduction

The ~~Audit, Risk and Governance Committee~~Audit Committee has been established in accordance with Part 7 of the Local Government Act 1995.

The ~~Audit, Risk and Governance Committee~~Audit Committee is an advisory committee formally appointed by the Council and is responsible to the Council. The ~~Audit, Risk and Governance Committee~~Audit Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any financial responsibility. The ~~Audit, Risk and Governance Committee~~Audit Committee does not have any management functions and is therefore independent of management.

The ~~ARG Audit C~~ommittee will primarily focus on relevant matters relating to Audit (internal and external), ~~Risk and Governance~~.

The ~~Audit, Risk and Governance Committee~~Audit Committee objective is to assist the Town of Port Hedland Council in liaising with the auditor and overseeing the external audit function and promoting the transparency and accountability of the Town's financial management systems and reporting. The role of the Audit Committee is to report to the Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.

### 3. Objectives

The objectives of the ~~Audit, Risk and Governance Committee~~Audit Committee are to oversee:

- 3.1 The integrity of external financial reporting, including accounting policies.
- 3.2 The scope of work, objectivity, performance and independence of the external auditor.
- 3.3 The establishment, effectiveness and maintenance of controls and systems to safeguard the Town's financial and physical resources.
- 3.4 The systems or procedures that are designed to ensure that the Town and its subsidiaries comply with relevant statutory and regulatory requirements.
- 3.5 The process for recognising risks arising from the Town's operations and strategies, and consider the adequacy of measures taken to manage those risks.
- 3.6 The process and systems which protect the Council against fraud and irregularities.

The ~~Audit, Risk and Governance Committee~~Audit Committee must also add to the credibility of Council by promoting ethical standards through its work.



**AUDIT, RISK & GOVERNANCE COMMITTEE TERMS OF REFERENCE**

**4. Authority**

The ~~Audit, Risk and Governance Committee~~Audit Committee has the authority to:

4.1 Review and suggest improvements to the internal and external auditor’s annual audit plans and the outcomes/results of all audits undertaken.

~~4.2 Monitor and advise the CEO in reviews conducted under regulation 17(1) of the Local Government (Audit) Regulations 1996 and regulation 5(2)(c) of the Local Government (Financial management) Regulations 1996. Monitor and advise the CEO in reviews conducted in internal audit systems and procedures.~~

4.23 Formally meet with the Town’s appointed external auditor as necessary.

4.34 Seek resolution on any disagreements between management and the external auditors on financial reporting.

4.45 Advise Council on any or all of the above as deemed necessary.

**5. Composition of Committee Members**

5.1 The ~~Audit, Risk and Governance Committee~~Audit Committee will comprise of eleven three ~~Elected M~~members, ~~nine~~four ~~Elected Members~~and two ~~one~~independent members.

5.2 The Council will appoint ~~Audit, Risk and Governance Committee~~Audit Committee members.

5.3 The Presiding Member and Deputy Presiding Member will be appointed by the ~~Audit, Risk and Governance Committee~~Audit Committee, biennially by election by all committee members after the Ordinary Local Government Election.

5.4 The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the Town. ~~At least one member of the committee will have accounting or related financial management experience with an understanding of accounting and auditing standards in a public sector environment.~~

~~5.5 Members may seek advice from Thean external –independent membeadvisor. The independent advisor will have a Certified Practicing Account (CPA) qualification or relevant discipline or experience in a similar position and– hHave recent work experience in medium to big businesses, potentially with local government. The independent member advisor will also have demonstrated understanding and/or experience in:~~

- Accounting Standards (AASB)
- Tax Legislation
- Local Government Act 1995
- Local Government experience and/or Band 1 Council

~~5.56 The independent members will be appointed until the next Ordinary Local Government Election.~~

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**AUDIT, RISK & GOVERNANCE COMMITTEE TERMS OF REFERENCE**

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5.67 A quorum will be a minimum of 50% of the membership.

5.78 ~~Audit, Risk and Governance Committee~~Audit Committee members are required by the Local Government Act and Code of Conduct in observing the requirements of declaring any proximity, financial or impartiality interests that relate to any matter to be considered at each meeting.

5.89 New members will receive relevant information and briefings on their appointment to assist them to meet their committee responsibilities.

**6. Meetings**

6.1 Meetings may be called by the Presiding Member of the ~~Audit, Risk and Governance Committee~~Audit Committee, or at the request of the Mayor or Chief Executive Officer.

6.2 The ~~Audit, Risk and Governance Committee~~Audit Committee meetings are generally open to the public unless the Presiding Member or Chief Executive Officer deem it necessary to proceed behind closed doors pursuant to Section 5.23 of the Local Government Act 1995.

6.3 All Elected Members are invited to attend each ~~Audit, Risk and Governance Committee~~Audit Committee meeting.

6.4 All ~~Audit, Risk and Governance Committee~~Audit Committee members are expected to attend each meeting in person.

6.5 The Chief Executive Officer will facilitate the meetings of the ~~Audit, Risk and Governance Committee~~Audit Committee and invite members of management, internal and external auditors or others to attend meetings as observers and to provide pertinent information, as necessary.

6.6 The ~~Audit, Risk and Governance Committee~~Audit Committee will develop a forward meeting schedule that includes the dates, location, and proposed work plan for each meeting for the forthcoming year, that cover all the responsibilities outlined in this terms of reference.

6.7 Meeting agendas will be prepared and provided at least one week in advance to members, along with appropriate briefing materials.

6.8 Minutes will be taken at each meeting and presented to the subsequent meeting for confirmation.

**7. Responsibilities**

The ~~Audit, Risk and Governance Committee~~Audit Committee will carry out the following responsibilities:

**7.1 Risk management**

7.1.1 Review and suggest improvements to whether management has in place a current and comprehensive enterprise risk management framework and associated procedures for effective identification and management of the Town's business and financial risks, including fraud.

**AUDIT, RISK & GOVERNANCE COMMITTEE TERMS OF REFERENCE**

7.1.2 Determine whether a sound and effective approach has been followed in managing the Town's major risks including those associated with individual projects, program implementation, and activities.

7.1.3 Assess the impact of the Town's enterprise risk management framework on its control environment and insurance arrangements.

7.1.4 Review and suggest improvements to the process of developing and implementing the Town's fraud control arrangements and satisfy itself the Town has appropriate processes and systems in place to detect, capture and effectively respond to fraud-related information.

**7.2 Business continuity**

~~7.2.1 Determine whether a sound and effective approach has been followed in establishing the Town's business continuity planning arrangements, including whether business continuity and disaster recovery plans have been periodically updated and tested.~~

## **AUDIT, RISK & GOVERNANCE COMMITTEE TERMS OF REFERENCE**

### **7.3 Internal Control and Internal Audit**

~~7.3.1 Review and suggest improvements to whether management's approach to maintaining an effective internal control framework is sound and effective. Ensure adequate systems of internal control are in place to mitigate key business risks and promote the effectiveness and efficiency of operations.~~

~~7.3.2 Approve, review and suggest improvements to the Internal Audit Plan and ensure the Internal Audit function is operating effectively, independently and in accordance with the Institute of Internal Auditor's International Standards for the Professional Practice of Internal Auditing.~~

~~7.3.3 Receive and review all audit reports and provide advice to the Council on significant issues identified in audit reports and action to be taken on issues raised, including identification and dissemination of good practice.~~

~~7.3.4 Monitor management's implementation of internal audit recommendations, processes and practices to ensure that the independence of the audit function is maintained.~~

~~7.3.2 Review and suggest improvements to whether management has in place relevant policies and procedures and that they are periodically reviewed and updated.~~

~~7.3.3 Determine whether the appropriate processes are in place to assess, at least once a year, whether key policies and procedures are complied with.~~

~~7.3.4 Review and suggest improvements to whether appropriate policies and supporting procedures are in place for the management and exercise of delegations.~~

~~7.3.5 Consider how management identifies any required changes to the design or implementation of key internal controls.~~

### **7.4 Financial Report**

7.4.1 Review and suggest improvements to significant accounting and reporting issues, including complex or unusual transactions and highly judgemental areas, and recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the financial report.

7.4.2 Review with management and the external auditors the results of the audit, including any difficulties encountered, and suggest improvements if required.

7.4.3 Review and suggest improvements to the annual financial report and performance report of the Town of Port Hedland and its subsidiaries, and consider whether it is complete, consistent with information known to ~~Audit, Risk and Governance Committee~~ Audit Committee members, and reflects appropriate accounting principles.

7.4.4 Review and suggest improvements to the process for the consolidation of financial information of the Town related entities into the financial reports of the Town.

## AUDIT, RISK & GOVERNANCE COMMITTEE TERMS OF REFERENCE

7.4.5 Review with management and the external auditors all matters required to be communicated to the ~~Audit, Risk and Governance Committee~~ Audit Committee under the Australian Auditing Standards, and suggest improvements if required..

7.4.6 Review and suggest improvements to the draft Annual Financial Statements and recommend the adoption of the Annual Financial Statements to Council.

~~7.4.7 Receive the quarterly budget review.~~

### 7.5 Compliance

7.5.1 Review and suggest improvements to the systems and processes to monitor effectiveness of the system for monitoring compliance with legislation and regulations and the results of management's investigation and follow-up (including disciplinary action) of any instances of non-compliance.

7.5.2 Keep informed of the findings of any examinations by regulatory agencies and any auditor (internal or external) observations and monitor management's response to these findings.

7.5.3 Obtain regular updates from management about compliance matters.

7.5.4 Review and suggest improvements to the annual Compliance Audit Return and report to the Council the results of the review.

### ~~7.6 Internal Audit~~

~~7.6.1 Review with management and the internal auditor the terms of reference, activities and resourcing of the internal audit function and suggest improvements if required.~~

~~7.6.2 Review, suggest improvements to and recommend the annual internal audit plan for approval by the Council and all major changes to the plan.~~

~~7.6.3 Monitor that the internal auditor's annual plan is linked with and covers the material business risks.~~

~~7.6.4 Monitor processes and practices to ensure that the independence of the audit function is maintained.~~

~~7.6.5 Annually review the performance of the internal audit including the level of satisfaction with internal audit function having consideration of the Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing and suggest improvements if required.~~

~~7.6.6 Review and suggest improvements to all audit reports and provide advice to the Council on significant issues identified in audit reports and action to be taken on issues raised, including identification and dissemination of good practice.~~

~~7.6.7 Monitor management's implementation of internal audit recommendations.~~

### 7.7 External Audit

**AUDIT, RISK & GOVERNANCE COMMITTEE TERMS OF REFERENCE**

- 7.7.1 Review and suggest improvements to the external auditor's proposed audit scope and approach for financial performance audits, including any reliance on internal auditor activity.
- 7.7.2 Consider the findings and recommendations of relevant Performance Audits undertaken by the external auditor and ensure the Town implements relevant recommendations.
- 7.7.3 Provide an opportunity for the ~~Audit, Risk and Governance Committee~~Audit Committee to meet with the external auditors to discuss any matters that the ~~Audit, Risk and Governance Committee~~Audit Committee or the external auditors believe should be discussed privately.
- 7.7.4 Annually review and suggest improvements to the performance of external audit including the level of satisfaction with external audit function.
- 7.7.5 Monitor management's implementation of external audit recommendations.
- 7.8 Reporting Responsibilities
- 7.8.1 Report regularly to the Council about ~~Audit, Risk and Governance Committee~~Audit Committee activities, issues, and related recommendations through circulation of minutes.
- 7.8.2 Monitor that open communication between the internal auditor, the external auditors, and the Town's management occurs.
- 7.9 Other Responsibilities
- 7.9.1 Perform other activities related to this terms of reference as requested by the Council.
- 7.9.2 ~~Governance perform a Annually-biennial review after the Local Government Elections~~, suggest improvements to and assess the adequacy of the ~~Audit, Risk and Governance Committee~~Audit Committee terms of reference, request Council approval for proposed changes, and ensure appropriate disclosure as might be required by legislation or regulation.

*(Adopted by Council at its Ordinary Meeting held 16 November 2011.  
Amended by Council at its Ordinary Meeting held 23 October 2013.  
Amended by Council at its Ordinary Meeting held on 11 December 2013.  
Amended by Council at its Ordinary Meeting held on 27 May 2015.  
Amended by Council at its Ordinary Meeting held on 28 October 2015.  
Amended by Council at its Ordinary Meeting held on 22 June 2016.  
Amended by Council at its Ordinary Meeting held on 24 May 2017.  
Re-Adopted by Council at its Ordinary Meeting held on 1 November 2017.)*

**11.1.3 STATUS OF COUNCIL DECISIONS UPDATE (FILE NO. 13/06/0001)**

**Author:** Governance Officer  
**Authorising Officer:** Director Corporate and Performance  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

That Council receive and note the 'Status of Council Decisions' as at 12 September 2019 as per attachment 1.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is to for Council to consider the actions that have been undertaken in relation to decisions of Council which have not been fully completed.

**DETAIL**

The 'Status of Council Decisions' (SOCD) spreadsheet is an important administrative tool used by the Town to monitor the implementation of Council decisions. Any Council decision that has not yet been fully implemented will remain on the list until it has been completed.

Once the minutes of each Council meeting has been published, the minute taker uploads each decision of Council onto the spreadsheet and allocates it to the relevant officer for actioning and comment. The spreadsheet is accessible by all relevant Town officers.

The SOCD spreadsheet is presented on a quarterly basis for Council and the community to note the progress and status of decisions which have not been fully enacted, and the reasons for this.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance. The SOCD spreadsheet is for information purposes only.

**CONSULTATION***Internal*

All officers that have been deemed responsible for enacting each Council decision has provided an update on its status.

*External Agencies*

Nil

*Community*

Nil

## LEGISLATION AND POLICY CONSIDERATIONS

Section 2.7 of the *Local Government Act 1995* states how Council is responsible for directing the Local Government's affairs.

## FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications in relation to this item.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Town's Strategic Community Plan 2018-2028 is applicable in the consideration of this item:

- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken

There are no significant identifiable environmental, social or economic impacts relating to this item.

### *Corporate Business Plan*

The following section of the Town's Corporate Business Plan is applicable in the consideration of this item:

- 4.b.3.1 Ensure governance information provided to the community is in line with legislative requirements.

## RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be low (1) in terms of reputational impact. This rating is determined as an insignificant (1) consequence and a likelihood of rare (1).

## OPTIONS

There are no alternative options in relation to this item, as it is for Council to receive.

## CONCLUSION

The Status of Council Decisions spreadsheet is an important tool that Town officers utilise to implement and enact all decisions of Council. This quarterly report is to inform Council and the community of the status of decisions that have not been completed, or are of an ongoing nature.

## ATTACHMENTS

1. Status of Council Decisions as at 12 September 2019



# Status of Council Decisions



As at 12 September 2019

Date of Meeting	Meeting Type	Decision Number	Item Title	Decision of Council	Officers Status Update	% Complete
24/04/13	OCM	201213046	11.1.3.1 Request for Tender - Butler Way (Presty Pool Land Development Project (File No. 802201G))	That Council request the Chief Executive Officer or his delegate to prepare and advertise a Request for Tender for Reserve 40652 Butler Way Port Hedland in accordance with the provisions of section 3.37 of the Local Government Act 1995.	24/06/2014 - On hold acquisition not approved by the State of Western Australia. Town officers have secured the vesting of property for staff housing and land is being deconstrained via a grant from the Department of Regional Development and Lands 13/11/2015 - Ongoing - Staff Housing 14/10/2016 - Technically, the option to go to tender is still an option even though the project has changed scope. Civil works was completed in September 2016 and three lots have been created. The long term intention is to develop the site for executive housing however due to budget constraints this development will not happen in 2016/17. The issue of land tenure is something that will need to be addressed. Currently the parcel is a reserve for staff housing. The Town has the option to purchase this land from the State at a potential discount of 50%. 08/03/2018 - Update to be given by Director Infrastructure and Town Services in coming weeks following discussion of blocks. 01/05/2018 - Matter is up for consideration in the 2018/19 Budget (GS) 09/08/2018 - A budget has been put forward for consideration in the 2018/19 budget to cover the costs of undertaking the detailed design phase of the project with the delivery of the projects in 2019/20 (GS) 12/11/2018 - The project is on track to be delivered in 2019 - 2020. The funding has been listed for consideration in the LTFF. The detailed design works will be delivered in quarter 3 and 4. 27/02/2019 - An Architect has been appointed for the design of the properties on Butler Way. Final designs will be completed for ELT review in May 2019 (GS) 29/05/2019 - Final concept designs have been approved by Exec and are with the engaged architect for consideration, prior to finalization of schedules and Design documentation. These documents will form the base of scope for the works which will be released as a Request for Tender. Budget for the development of three properties on the parcel is proposed for FY2019/20. 02/09/2019 - RFT has been released and closes 16/9/19 for the development of 3 properties on the Lot at Butler street	70%
19/03/14	SCM	201314269	6.1.4 Town Planning Scheme Review and Caretaker Rights (File No. 18/09/040)	That Council: 1. Request the Chief Executive Officer, or his delegate(s), to consult with the community with regard to any direction proposed through the Scheme review including any proposals to the existing "Caretakers Dwelling(s)" and "Noxious Industries" in Wedgetield; and 2. Request the Chief Executive Officer, or his delegate(s), continue to investigate process improvement to ensure "leading practice" standards are maintained and improved throughout the various Town's departments. CARRIED 8/0	24/06/2014 - Caretakers dwellings are being reviewed as part of the planning scheme. The preparation of the scheme is ongoing with discussions ongoing with the dust task force 16/12/2016 - On Hold indefinitely pending finalisation of Local Planning Scheme 6 27/02/2018 - On hold pending review of Local Planning Scheme 5 (CR) 29/05/2019 - On hold pending review of Local Planning Scheme 5 (CR) 06/09/2019 - On hold pending review of Local Planning Scheme 5 (CR)	75%
27/08/14	OCM	201415031	11.4.2 Request to Lease - Play and Learn WA Pty Ltd	That Council: 1. Dispose of a 1582.42m <sup>2</sup> portion of Reserve 37820, Lot 550 Hedditch Street, South Hedland to Play and Learn WA Pty Ltd by way of land lease in accordance with Section 3.58 (3) of the Local Government Act 1995 on the following terms and conditions: a) Initial lease term 21 years; b) Option to extend by 21 years, subject to approval from the Minister of Lands in accordance with the management order; c) Annual rental of \$2,500 exclusive GST; d) Annual increase to the base rental by the Consumer Price Index (Perth) for the quarterly (12 month) figure, published in the immediate preceding period to the review date; e) All costs associated with the occupation of the land to be borne by the lessee, including, but not limited to any capital, operational and whole of life asset costs and Local Government rates, and f) Permitted purpose child care centre. Subject to no submissions being received in the requisite advertising period. CARRIED 6/0	Play and Learn are reviewing the DRAFT lease Building and construction planned to commence April 2015 12/03/2015 - Play and Learn may not go ahead with the proposal as there may be scope for them to remain on current site - Leasing Officer to prepare a letter to set deadline for activation of the lease site 21/04/2016 - To schedule meeting with Play and Learn WA to discuss their intention with the lease. 05/07/2016 - Leasing Officer writing to the proponent seeking advice as to whether they wish to continue or abandon the request. 27/07/2016 - Leasing Officer advised proponent's representative is returning from leave Monday 1 August 2016 and will respond in due course. 04/08/2016 - Leasing Officer has prompted again for advice as to Play and Learn's intent to continue with request. 19/08/2016 - Play and Learn received confirming it has not yet decided to remove themselves from South Hedland entirely however they have no intention of taking up a lease over the portion in the near future. They will continue to monitor the landscape in South Hedland and review their decision on an as-needs basis. 26/09/2016 - Advice remains as above. No change. Unable to remove as outstanding item until proposed Lessee advises they will not be requesting lease over portion. 08/02/2017 - No change. Town has not received any advice regarding their intentions for the parcel outside of the advice received on 19/8/16. 27/02/2018 - No change. Town has not received any advice regarding their intentions for the parcel outside of the advice received on 19/8/16 (TR) 29/05/2019 - No change. Town has not received any advice regarding their intentions for the parcel outside of the advice received on 19/8/16 (TR) 02/09/2019 - No change. Town has not received any advice regarding their intentions for the parcel outside of the advice received on 19/8/16 (TR)	95%
16/12/15	OCM	201516105	12.1.4 Lazy Lands - Request to renegotiate with the Department of Lands Regional and Metro Services	That Council: 1. Request the Chief Executive Officer, or his delegate(s), to continue to negotiate in good faith an acquisition/utilization strategy considering the amount of staff time and funds expended upon the properties with the Department for Lands - Regional and Metro Services for the two previously approved commercial development projects, being: a) The 1.4 hectare section of Reserve 8214 (Port Hedland Turf Club) approved for excision from the reserve on 14 November 2012, and b) The Northern portion of Reserve 37820 (South Hedland Tennis and Bowls Club) approved for excision from the reserve on 28 January 2015. 2. Note that the acquisition activity on behalf of the Town will cease on the 9 residential properties listed in the table below and they will remain recreation reserves. CARRIED 5/3	The official status is partially ongoing + ceased. Supporting background: 16 Dec OCM Council approved decision 201516105 to support to negotiate on acquiring 1.4ha Reserve 8214 McGregor Street and Reserve 37820 at the South Hedland Tennis and Bowls Club + cease acquisition activity on the 9 residential lots. Jan 2016 the Town appointed APC to carry out one final valuation of all sites, for the internal review of Council and the Exec. The decision was to again cease acquisition activity on the 9 residential lots. The Town has received a few official letters from the Department of Lands (Adam aware) re acquisition of the residential sites - Rhannon has issued response letters formally rejecting all offers to purchase the sites. The status of lazy lands is captured (and updated) in the Weekly Progress Reports on H-drive. 27/02/2018 - Progressing the implementation of lazy lands has not been identified as a priority and this project is therefore placed on hold pending further direction from executive (TB) 06/09/2019 - Progressing the implementation of lazy lands has not been identified as a priority and this project is therefore placed on hold pending further direction from executive (CR)	1%
27/01/16	OCM	201516155	13.1 Wealth Management Framework - Airport Lease Funds	That Council request that the Chief Executive Officer engage a suitable experienced legal firm to review the attached draft Trust governance structure presented as part of the Airport lease funds wealth management framework from a legal and tax perspective and report back to Council at a future meeting. CARRIED 8/0	Herbert Smith Freehills have been engaged to provide advice on pros and cons of internal vs external governance structure. Advice also received from Herbert Smith Freehills on permissible investment types under section 6.14 of the Local Government Act and Regulation 19C of the Financial Management Regulations. Confirmation has been received from the Department of Local Government. Information distributed to EMs via email on Friday 15 April 2016 and workshops held with EMs on 27 April 2016. Report to Council on the legal advice pending. An initial workshop on the general matter was held with available Elected Members on 8 June 16. Further Workshops are to be scheduled. 02/02/2017 - A concept forum session with Council was held on 9 November 2016 to consider governance model options and information was circulated separately for consideration. Since appointment of new CEO the executive team is currently working on a plan for a series of workshops with Elected Members to work to an agreed governance structure, investment framework and selection of preferred or allowable investments. 13/03/2018 - The Town is working through this matter with a view to presenting preliminary options to Council at a briefing on 24 March 2018. 18/05/2018 - Preliminary discussions have been undertaken with Elected Members, however we are looking to lobby with the state government on reducing the restrictions on the investment rules within the LG Act (JM) 27/11/2018 - There are no further updates at this stage (ELT) 08/03/2019 - There are no further updates at this stage (ELT) 05/09/2019 - Report to be presented to September 2019 Council Meeting.	75%
27/07/16	OCM	CM201617/017	12.2.4 Port Hedland Pony Club - License	That with respect to the request from the Port Hedland Pony Club to lease an additional portion of land, the Council: 1. Approve in principle to temporarily dispose of a portion of Reserve 29044, by way of license to become an annexure to the current lease agreement between the Town of Port Hedland and the Port Hedland Pony Club for Reserve 31462, Styles Road on the following terms and conditions: a) Initial Term - 12 months; b) First Option - 12 months. 2. Authorise the Acting Chief Executive Officer to liaise with the Department of Lands on the appropriate wording of the management order purposes(s) and acknowledge that the portion of Reserve 29044 is currently set aside as a possible development site for a caravan park and should this development progress, then this portion of the lease agreement (license) would cease. The agreed vacate terms are 90 days' notice in the event that the caravan park development is approved. 3. Acknowledge that there will be no additional fee payable by the Port Hedland Pony Club for the temporary use of this land. CARRIED 9/0	02/08/2016 - Department of Lands requested additional reasoning of the request and that this be forwarded to the Case Assessment Team for review and investigation. 05/08/2016 - Leasing Officer liaising with Planning and Development Team for progress for the request. 26/09/2016 - Leasing Officer progressing with the application process to amend the vesting order with Minister for Lands and Planning and Development Team. 09/11/2016 - Progressing through Planning and Development Team. 16/11/2016 - Final request sent to Department of Lands for amendment to vesting order. Waiting for processing. 08/02/2017 - Waiting for Department of Lands to amend vesting order. 16/8/17 - Leasing Officer has been in contact with Planning Officer seeking regular updates on the change of the vesting order. Department of Lands are still yet to make an amendment and so no progression can be made. 26/02/2018 - Department of Lands have advised the following: "A decision on native title is still being considered. Requirements for native title dispositions have changed dramatically and we are still receiving updates from our lawyers and State Solicitor's Office regarding the changes. The Department will advise the Town as soon as a decision is made." 02/05/2018 - Department of Planning, Lands and Heritage confirmed Native Title is still being worked through (KD) 09/08/2018 - No further progress until Native Title is worked through. (KD) 19/11/2018 - Amendment to Reserve purpose approved, amended Management Order received. Project returned to Senior Property Management Officer for completion. (KD) 19/11/2018 - Seeking advice from PHPC as to whether they wish to proceed with the license 27/02/2019 - No response from above actions. Have Contacted club committee email once more for advice 29/05/2019 - Community license agreement currently being drafted by McLeods due to complexity and template use for future agreements. Club has responded positively and we are moving forward for the execution of this agreement once finalized (TR) 04/09/2019 - Draft Deed of Variation has been sent to the Pony Club for comment/ review. The Deed is an amendment to current lease to license the adjacent parcel to the current leased area. (Please note discussed this with Legal advisor who approve)	85%
26/07/17	OCM	CM201718/013	12.3.1 Master Plan and Business Plan - McGregor Street Sporting and Recreation Precinct	That with respect to the McGregor Street Sporting and Recreation Precinct, Council: 1. Approve the development of a Master Plan and Business Plan which encompasses, but is not limited to, the buildings, open space and active reserves from the Port Hedland Skate Park, including the soccer / rugby ovals, tennis courts, canine area, turf club, Jim Caffrey Pavilion through to Wilson St, incorporating the infield and equine area of the racetrack. 2. Allocate \$100,000 in the 2017/18 Budget to finalise a Master Plan and Business Case for consideration by Council, funding agencies and industry to fulfill the requirements of point one (1) above. CARRIED 8/0	31/01/2018 - Director is managing this project. RFF consultants have been engaged to start work on this Master Plan project. Internal meetings have been held with the consultant 18/05/2018 - Project is currently tendered out to the market and closes 16 May. To be evaluated shortly afterwards and awarded prior to the end of financial year. (TB) 13/08/2018 - Tender has been assessed and to be awarded mid-August 2018. Project to commence by late August 2018. 23/11/2018 - Architect providing preliminary designs by mid-December. Consultant being sourced for community consultation. 08/03/2019 - Consultant has been engaged and two forums have been held in the last week of February 2019. (MC) 31/05/2019 - Final community workshops scheduled for June before masterplan going to Council for endorsement in August. 04/09/2019 - Masterplan presented to August 2019 OCM and endorsed. Concept drawings stage is being handed to projects team to manage.	85%

Date of Meeting	Meeting Type	Decision Number	Item Title	Decision of Council	Officers Status Update	% Complete
23/08/17	OCM	CM2017/18/026	12.2.2 Scheme Amendment No.80 – Rezoning Lots 352 & 2046 Tindale Street from Other Public Purpose-Waste Disposal and Treatment to Urban Development	That with respect to Scheme Amendment 80, Council: 1. In accordance with regulation 50 (3) (a) of the Planning and Development (Local Planning Schemes) Regulations 2015, supports Scheme Amendment 80 to the Town of Port Hedland Town Planning Scheme No. 5 without modification; 2. Forward the above information in relation to Amendment No. 80 to the Town of Port Hedland Town Planning Scheme No. 5 to the Western Australian Planning Commission for the Minister for Planning's consideration; and 3. Note that there were no objections received by the Town of Port Hedland during the public consultation period. CARRIED 7/0	31/01/2018 - Scheme Amendment 80 has been referred to WAPC and Minister for Planning and the Town is pending final approval. 20/02/2018 - WAPC has requested the Applicant undertake detailed flood, bushfire and earthworks studies before they are prepared to endorse the Amendment. The Applicant has agreed to preparing these studies and the Town is pending further advice from WAPC on how these are progressing. 01/05/2018 - Applicant has advised the detailed studies are being prepared and are due for completion in July 2018 (CR) 29/08/2018 - Still pending technical studies from applicant as per above (CR). 29/08/2018 - Still pending technical studies from applicant as per above (CR). 12/11/2018 - Still pending technical studies from applicant as per above (CR). 27/02/2019 - Scheme Amendment 80 is still not yet determined, and is with WAPC pending technical studies as per above (CR). 29/05/2019 - Scheme Amendment 80 is still not yet determined, and is with WAPC pending technical studies as per above (CR). 03/09/2019 - Scheme Amendment 80 is still not yet determined, and is with WAPC pending technical studies as per above (CR).	80%
22/11/17	OCM	CM2017/18/088	12.2.1 RSPCA Funding Approval and Contribution	That Council: 1. Provide in principle support for funding \$20,000 to be considered for inclusion at the next budget review for the proposed RSPCA WA Pilbara based Animal Welfare Improvement project. 2. Authorise the Chief Executive Officer to enter into a Memorandum of Understanding with RSPCA WA in relation to the Pilbara based Animal Welfare Improvement project. CARRIED 8/0	15/02/2018 - Awaiting MOU from RSPCA 10/04/2018 - MOU received and signed. Point 2 complete (TW) 18/05/2018 - Budget adopted at the Q2 budget review for 2017/18 financial year, and has been included in the proposed 2018/19 financial year for consideration by council (JM) 11/09/2018 - \$20,000 has been included in budget, and funds are being held by the Town until the RSPCA have finalised recruitment (MC) 02/11/2018 - Still pending recruitment of inspector by RSPCA, will await confirmation (MC) 27/02/2019 - No updates have been received from the RSPCA in relation to recruitment for the position or their intention to continue, will continue to seek determination from RSPCA (MC) 01/06/2019 - No new information received from RSPCA (MC) 03/09/2019 - no update and no additional information received from RSPCA - unlikely the program will proceed	95%
28/02/18	OCM	CM2017/18/165	11.3.2 Port Hedland Retirement Village – Temporary Management Arrangements (File No. 05/05/0017)	That Council: 1. Note the appointment of Foundation Housing Limited as facility manager of the Port Hedland Retirement Village (No. 34 Sutherland Street) for a 6-month period; 2. Approve the establishment of the Port Hedland Retirement Village Reserve to manage future income and expenditure associated with the facility with the reserve purpose being: "To fund the development, operation, maintenance and capital expenditure for the Port Hedland Retirement Village." 3. Request the Chief Executive Officer report back to the Council with a strategic plan for the Port Hedland Retirement Village which incorporates community and stakeholder consultation, financial and operation management within 6-months. 4. Recognize the important contribution the Port Hedland Retirement Village Inc. and its volunteers have provided to the Port Hedland community and delegate to the Chief Executive Officer authority to publicly recognize and celebrate the association's contribution to Port Hedland. CARRIED 8/0	22/05/2018 - Electrical, Building, structural and internal inspections have all been completed and final reports have been received with the exception of the structural report. Senior Property and Facilities Officer is compiling report for Executive to review. (TR) 10/09/2018 - Engineering, structural and compliance report completed and sent to Department of Housing. Awaiting decision from the Department as to whether to proceed with the facility. Once decision is received, a formal report will be presented to Council (ELT) 27/11/2018 - Point 2 - Reserve fund yet to be established. Point 3 - Consultant to be engaged to create a Strategic Plan (ELT) 06/03/2019 - The contract with Foundation Housing to manage the facility on the Town's behalf has been extended until 31 July 2019, with a further 6 month extension option at the Town's discretion. A reserve fund will be established at the time Council will determine to allocate funds to manage future income and expenditure associated with the facility. The Town is in the process of finalising a presentation to Council in relation to a additional structural, quantity surveyor and building surveyor reports commissioned following the December 2018 Special meeting on the matter (JB) 10/06/2019 - Refer to decision CM2018/19/201 made at 22 May 2019 for latest decision on this matter.	80%
28/03/18	OCM	CM2017/18/174	11.2.5 Short Term Recreational Vehicle Camping	That with respect to the provision of Short Term Recreational Vehicle Camping, Council: 1. Supports the Town achieving 'RV Friendly' status as defined and maintained by the Campervan and Motorhome Club of Australia. 2. Authorise the CEO to determine and manage the operational periods of the Port Hedland Turf Club RV Overflow Area. 3. Notes that Town of Port Hedland Ranger patrols will be adjusted as required to ensure conditions of use are adhered to; and 4. Commences discussions with local park operators and tourism operators to determine external RV Friendly management options. CARRIED 8/0	16/05/2018 - 1. RV Friendly status has been reinstated and is now on the CMCA website - 2. Opening date has been confirmed as Friday 13/04/18. Closure to be determined further into the season - 3. No action necessary - 4. Procurement Plan currently under development to facilitate RFG release (KD) 09/08/2018 - Points 1 & 3 complete. Point 4 outstanding - Procurement plan is to be finalised (KD) 02/11/2018 - Direction from ELT has been to place the external management of RV Area on hold until further notice. 08/03/2019 - Discussions regarding the RV camping have been on hold due to the finalisation of the McGregor Street Sporting and Recreation Precinct. (KD) 29/05/2019 - Caretaker being sought to assist with monitoring during 2019 season - permanent discussions remain on hold 03/09/2019 - Caretaker engaged until 30/09/2019 to assist with monitoring - permanent discussions remain on hold 04/04/2018 - Contract award letter currently being drafted, to be signed and sent.	80%
28/03/18	OCM	CM2017/18/176	11.2.5 Award of Tender 2017/14 South Hedland Integrated Sports Precinct	That Council: 1. Endorse the recommendation of the evaluation panel and award the Tender 2017/14 for the South Hedland Integrated Sports Precinct Architect Brief to Sandover Pinder for a projected contract value of \$1,286,765.50 (ex GST) subject to the STOPGO segments; and 2. Commence the Master Plan stage to the value of \$96,727 (ex GST), with any further stages exercisable at the discretion of the Town, following subsequent approval by the Council and future budget allocation. CARRIED 6/2	01/05/2018 - Initial project commencement meeting with Sandover Pinder has been established. Project underway. 15/05/2018 - Sandover Pinder to attend site on 16/05/2018 and meet key stakeholders to discuss project in greater detail. (TB) 13/08/2018 - Initial community consultation has commenced with feedback presented to Sandover Pinder. Further consultation to continue during August. 22/11/2018 - Carabineer (company name change from Sandover Pinder) has indicated that more community consultation is required. Currently sourcing appropriate consultants in the Sport and Recreation Industry. 28/02/2019 - Community consultation for design of architectural briefs commenced in February. 04/06/2019 - Final community consultation 20 June 2019, masterplan to Council at August OCM 04/09/2019 - Masterplan presented to Council at August 2019 OCM. Management of subsequent design stages of the contract now revert to the Project Management team.	50%
23/04/18	OCM	CM2017/18/190	11.3.1 Staff Housing Renewal Program	That with respect to the Capital Staff Housing Renewal Program, Council: 1. Approve to dispose of four residential properties as listed by way of sale at auction: a) 4 Janice Way South Hedland; b) 12 Janice Way South Hedland; c) 18 Logue Court South Hedland; and d) 3 Mitchie Crescent South Hedland. 2. Support the reserve sale price listing of each property as the lower level of the market range provided in the sales appraisals. 3. Approve that all revenue from the sale of the properties be set aside in the Housing Reserve to fund the next three years of the staff housing renewal program; and 4. Delegate authority to the CEO to enter into negotiations on behalf of the Town should the sale value of any property not meet the agreed upon reserve. CARRIED 7/0	07/05/2018 - Request for local real estate agents to register on Vendor Panel (Currently only one) has been sent out via procurement team. RFG currently being drafted by Senior Property and Facilities Officer. 29/05/2018 - RFG process has been completed and Peter Dunning at Ray White Port Hedland have been awarded the properties for sale. Officer has met with Mr Dunning and issued keys for the properties to be initially inspected (TR) 26/07/2018 - Auction has been set for the 22nd August 2018 at 7.00pm at Ray White South Hedland (TR) 09/08/2018 - Advertising is underway in anticipation for the auction per above (TR) 29/08/2018 - 4 Janice Way - Sold via auction 22/08/2018, 12 Janice Way - Sold via auction 22/08/2018, 3 Mitchie Crescent - to be put on the market following failure to sell via auction on 22/08/2018, 18 Logue Court - Planning are assisting with boundary work. View to sell via auction in the coming months. 05/11/2018 - Three of the four properties have sold above reserve. The fourth property requires subdivision which is being undertaken currently. Combined total earning for the disposal of the three properties at Auction is \$347,205.00. 27/02/2019 - Advice received from WA planning commission of the subdivision approval issued on 21/1/19. Works to be completed which are undergoing review by relevant bodies to ensure this can go ahead. Unable to list for sale until works on services are complete. 29/05/2019 - Horizon Power to supply quote for the installation of new meter for the service portion of the planning requirements. 3-4 weeks wait for advice of expected costs and install detail. 04/09/2019 - Horizon power have completed separation and have sent advice to Department of Lands for the issuance of a new Certificate of Title. Waiting on advice from Department of Lands prior to requesting agent to list.	85%
27/06/18	OCM	CM2017/18/228	11.2.3 Recommendation to Western Australian Planning Commission on Osprey Rural Structure Plan (File No. 2018.005)	That Council, pursuant to Part 4 of Schedule 2 – Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015: 1. Considers the submissions received during public consultation included as Attachment 2 of this report. 2. Recommends that the Western Australian Planning Commission approve the Osprey Rural Structure Plan with modifications as follows: a) Plan 1 – Structure Plan Map designates all sensitive land uses within the landfill and sand mine buffer areas as an Investigation Area or Future Residential Area. b) Section 4: Subdivision and Development Requirements of the Structure Plan report to include a section which details the requirements of the buffer areas including: i) Explanation of the need for the buffer. ii) Reference the Structure Plan to Clauses 6.6 and 6.7 of the Town of Port Hedland Local Planning Scheme No. 5 iii) Determine the requirements which need to be addressed prior to subdivision being permitted in areas subject to buffers iv) Updating Figure 16 – Indicative Staging Plan to accommodate the recommended modifications to the Structure Plan c) Reducing the amount of public open space to a maximum of 8% of the total subdivisible area, and contributing the remaining 2% of required public open space to the Town of Port Hedland as cash-in-lieu. d) Proposed public open space to be consolidated into not more than two (2) separate locations, and to be reflected in Section 4.6 and Figure 13 – Public Open Space Plan of the Structure Plan report. e) Modification of Section 4.6 and Figure 13 – Public Open Space Plan to remove public open space Park F and consolidate this area as a part of the proposed K-12 School site. f) Clause 4.3(e) is added to Part 1 – Implementation Section of the Structure Plan which details the requirements for a Health Risk Assessment to be undertaken prior to subdivision and development. g) Clause 5(c) is added to Part 1 – Implementation Section of the Structure Plan which states: "A Local Development Plan is to be prepared for the easternmost parts of Stage 6 and Stage 7 of the Structure Plan which detail acoustic requirements for buildings in accordance with State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning." h) Modify Plan 1 – Structure Plan Map to include the provision of a minimum of 10% of subdivisible area for R10 to R15 residential density in Stage 7 and Stage 8 of Figure 16 – Indicative Staging Plan. i) Include provisions in Section 4: Subdivision and Development Requirements to ensure a suitable local road network design and interface with public open spaces is developed at subdivision stage. 3. Requests that the Western Australian Planning Commission does not approve the Osprey Rural Structure Plan until such time as the Department of Water and Environment Regulation has endorsed a Local Water Management Strategy for the site. CARRIED 7/1 For Mayor Bianco, Deputy Mayor Newbery, Cr Alf, Cr Carter, Cr Daccache, Cr McDonogh, Cr De Agostini, Cr Hebbard.	29/08/2018 - The Osprey Rural Structure Plan was passed by Council subject to modifications. The Structure Plan has been referred to the Western Australian Planning Commission (WAPC) to assess the structure plan and recommendations by the Town of Port Hedland. The Town is to provide reasoning for the recommendations as requested by the WAPC. WAPC may determine that changes to the Structure Plan will require it to be re-advertised. (CR) 30/05/2019 - The WAPC has requested modifications be made to the Structure Plan by the applicant. The applicant is in the process of making the required changes, and then the Structure Plan will be sent back to the Town for analysis and review before providing additional comments and recommendation to the WAPC. 05/09/2019 - Creative Design & Planning are in the process of making modifications to the structure plan as requested. Expected completion date is TBC.	75%

Date of Meeting	Meeting Type	Decision Number	Item Title	Decision of Council	Officers Status Update	% Complete
26/09/18	OCM	CM201819/046	11.3.1 Adoption of the Town of Port Hedland Waste Strategy 2018	MOVED: CR MCDONOGH/SECONDED: CR ARIF That Council: 1 Adopt the Town of Port Hedland Waste Strategy 2018, consisting of recommendations included in the following strategic reports as attached: a) Town of Port Hedland Waste Management Strategy 2018; b) Town of Port Hedland Waste Management Economic Assessment 2018; and c) South Hedland Landfill Site Master Plan 2018. 2 Authorise the implementation of the recommendations from the Town of Port Hedland Waste Strategy 2018. CARRIED 7/1 For: Mayor Bianco, Deputy Mayor Newbery, Cr Arif, Cr Carter, Cr Daccache, Cr McDonogh, and Cr Pitt Against: Cr Whitwell	02/11/2018 - Discussions underway in regards to land acquisition required to deliver elements of the strategy. Discussions underway in regards to procurement process in relation to kerbside refuse collections options recommended in the strategy. Discussions underway in relation with the concept design of the community recycling centre approved through the strategy (CA) 27/02/2019 - RFT released for kerbside collections. Will close in mid-March, outcome of this will determine if the Town will outsource collections, and will also determine if kerbside commingle is included in the service. Land acquisition process for siting CRC has been halted due to concerns about length of time the process for acquiring the land would take and the value of the compensation that will be required in order to obtain the land. Information available suggested that moving forward with this solution would not provide the greatest value for money for the Town. Two new alternative locations are being reviewed for siting the CRC. Both locations will be within our existing boundaries. Final design plans are due in the first week of March and will be presented to ELT for discussion. A final site master plan is waiting on a decision for the siting of the CRC before this can be submitted to DWER for approval. 29/05/2019 - Officers recommendation for outsourcing of kerbside collections/recycling has been sent through to David for review before going to ELT and Council for approvals. Process has been slowed due to departure of Manager Waste Operations and Director Infrastructure and Town Services. Talls have been to site to view proposed areas for layout and construction of CRC. Additional Grant funding is being sourced through the Community and Industry Engagement Program.	40%
24/10/18	OCM	CM201819/062	14.3 Gratwick Aquatic Centre - Filter Replacement	MOVED: Cr MCDONOGH/SECONDED: CR PITT That Council, 1 Be informed of the results of the analysis of the GAC infrastructure failures and the recommendations to resolve the failures; 2 Authorise proceeding with the recommended solution to replace the damaged water filters at the GAC with a set of new filters; and 3 Amend the 2018/19 annual budget for the Gratwick Aquatic Centre Remedial Works capital project from \$806,000 to \$805,295 to be funded from the Asset Management Reserve, resulting in a nil impact to the 30 June 2019 closing surplus. CARRIED BY ABSOLUTE MAJORITY 9/0	02/11/2018 - Final designs are being completed. Once completed they will be sent to DPH for review. Once they have reviewed and approved the designs the filters will be ordered. Final approval is expected by end of December 2018. The lead time for the filters after they have been ordered is 12 weeks. There will be another 6 weeks after delivery before the works are completed (GS) 05/12/2018 - The Budget has been uploaded into Synergy (JM) 27/02/2019 - Works under the initial scope have all but completed except minor painting items to steel members and replacement of the top row tiling to the kids wading pool. The removal of the volley ball courts is also outstanding but has been removed from the contractors scope of works and is to be completed using the Town's turf replacement contract. Further remaining works outside of the initial scope are primarily upgrades to the plant room as a result of the failure of the filters during pressure testing. - 20th February through to 11th March. Works during this period will centre on preparing the plant room for fitout that is due to start in the 2nd half of March. Target: all surfaces, ie floor and walls, ready for fitout. - 12th March through to 27th March. Works during this period mark the start of the fitout of the plant room. The contractor Dynamic Pools will work through to 27th March before flying out for a week of RR returning on 4th April. Target: Plant room fitout 50% completion. - 4th April through to 14th May. Works during this period will conclude the fitout of the plant room. The contractor Dynamic Pools will be flying in on the day of the arrival of the filters in Port Hedland. Target: Plant room fitout 100% completion. - 3rd May through to 7th May. Works during this period will centre on commissioning of the new equipment and painting of pipe work. Target: Commissioning of new equipment. Following the completion of the commissioning of the equipment, the main and kid's pool will be filled, chemicals calibrated and balanced and the necessary water tests completed. There are no defined dates for these activities at this stage but further updates can be provided closer to the date of equipment commissioning and upon request. As part of the Commercial Renewals for 2018 - 2019 the Town will also be undertaking renewal and upgrade works to the current change facilities at GAC. This work is about to be awarded and is scheduled to be complete in line with the completion date for all other works at GAC. 04/09/2019 scope of works for Portions 1 & 2 and VO14 have been completed with the plant room commissioned and operational. Additional works are being completed by way of variation to prepare the facility for opening in October.	80%
24/10/18	OCM	CM201819/064	14.55 Spoilbank Marina Update	CM201819/064 COUNCIL DECISION MOVED: CR ARIF/SECONDED: CR WHITWELL 1 Note correspondence from the Minister for Regional Development, the Hon Alannah MacTiernan MLC, on the Spoilbank Marina project. 2 Endorse in principle the revised financial contribution associated with the development of the Spoilbank Marina project as listed under attachment 1 of this item. 3 Note that a further report will be submitted to Council requesting that it considers the specific re-purposing of funds as endorsed in point 2 above. 4 Nominates the Director Development, Sustainability and Lifestyle as the senior Town of Port Hedland representative on the Spoilbank Taskforce, and 5 Unspent funds remain in Spoilbank Reserve for future landside development and maintenance expenses. CARRIED 9/0	26/11/2018 - Update from ELT as follows: Point 1 - No action necessary - Point 2 - No further action for this point - Point 3 - Pending - Point 4 - No further action for this point - Point 5 - No further action for this point - All previous decisions in relation to the Spoilbank Marina are now considered superseded. 08/03/2019 - To date, all updates have been sent to Council. Point 2 still pending. (ELT) 04/09/2019 - Point 1 - no action required; Point 2 - no further action required; Point 3 - Further report was submitted and endorsed on 30/04/19 confirming the Town's contribution to the Spoilbank Marina Project; Point 4 - No further action; Point 5 - No further action for this point.	95%
17/12/18	SCM	CM201819/101	Port Hedland International Airport - Lease	MOVED: CR ARIF SECONDED: CR MCDONOGH That Council: 1 Notes that the Town of Port Hedland Chief Executive Officer and the General Manager of the Airport Operations signed a non-disclosure agreement on 4 September 2018 (confidential attachment 1) in relation to the matters outlined at Confidential briefing session with Elected Members on 4 September, which were reiterated at the 11 December 2018 briefing, and included for discussion in the documentation presented in the agenda for this Special Council meeting; 2 Agrees to a 12 month extension in the completion of the terminal development works include as part of the Capital Works Program listed in the Novation and Operating Deed (confidential attachment 2) dated 11 March 2016, extending the original deadline of 11 March 2021 to 11 March 2022; 3 Request that Port Hedland International Airport provide the Town with a Capital Works Program by 31 March 2019, for inclusion in the Initial Lessee Masterplan as detailed in the Novation and Operating Deed; 4 Agrees to change the standard reference in the Capital Works definition section of the Deed from the superseded International Air Transport Association (IATA) Level of service C (L05C) to the current IATA Optimum; 5 Agree to vary the definition of Capital works program in the Novation and Operating Deed to reference a terminal redevelopment "design" to accommodate at least 700,000 passengers per annum, with construction terminal redevelopment to accommodate at least 450,000 passengers per annum; and 6 Agree for the CEO or his delegate to work with PHA in determining the final and most appropriate wording to change the Novation and Operating Deed and notify the Council accordingly. CARRIED 7/0	Legal Advisor to contact PHA legal representatives to amend the Deed accordingly. 27/02/2019 - 26/2/19 - The Town and Ashurst (PHA's lawyer) agree on wording in final version Deed of Variation essentially requiring: (a) terminal design for 700 pas; (b) terminal construction for 450 pas, but constructed in accordance with the plans for 700 pas; and (c) a further year is granted to carry out the CWP. The Deed requires approval at PHA's Board meeting in early March. The Deed will also require PHA's financier's consent (which should be forthcoming). 03/04/2019 - Ashurst advised that the Board required drafting amendments and would be in contact with an amended Deed. 29/04/2019 - Ashurst provide a amended Deed. Deed has extensive amendments indicating: (a) increasing the terminal footprint from 450 pas to 700 pas would not require the terminal footprint to be fundamentally different; (b) the increase can be accommodated by simple operational or service changes to existing terminal (e.g. installation of conveyor belts and gates). 02/05/2019 - Discussion re amendments with ELT. Agreed the amendments were not consistent with Council's intent. Ashurst advised the Town does not accept the further amendments to the Deed. The Town is firm on the original wording. Ashurst respond it will need to speak with the Board and revert to Town. 03/09/2019 - (24/8/19) - PHA and Town's CEO agree PHA's lawyers will submit revised wording in Opco Variation Deed (Deed) to reflect the Council's decision. (16/8/19) - PHA's lawyers submit Deed with revised wording. Town accepts revised wording and common seal applied. Deed now subject to PHA's board and financier's consent before becoming operative.	75%
13/02/19	OCM	CM201819/116	11.2.4 Provision of Child Care	MOVED: DM NEWBERY/SECONDED: CR MCDONOGH That Council: 1 Note the results of the child care waiting list audit and associated report; 2 Endorse the following short-term measures to reduce the current child care waiting lists in Port Hedland: a Re-activation of the South Hedland TAFE child care centre subject to successful tenure negotiations and the receipt of external partnership funding to deliver the required capital works; b Subject to the provision of a detailed business case, conversion the Port Hedland Library to child care spaces; c Preparation of a local planning policy that exempts Family Day Care businesses from the requirement to obtain a Home Business planning approval from the Town where the Family Day Care proposal meets the following criteria: i) Complies with all Education and Care National regulations 2012 ii) Does not display any advertising signage greater than 0.2m <sup>2</sup> iii) Does not employ any persons that do not live at the property. iv) Does not operate outside of 7 am - 7pm Monday - Saturday in line with Environmental Protection (Noise) Regulations 1997 v) Involves pickup / drop-off areas located wholly within lot boundaries of the property; d Investigation of the viability for the Town to deliver after school programming and activities for primary school aged children; e Work with key industry stakeholders and the community to develop and implement Town of Port Hedland Child care strategic plan; and 3 Investigate long term child care infrastructure options as part of the MacGregor Park and JD Hardie master planning processes. 4 Investigate library options part of the McGregor Street multipurpose building in the future. CARRIED 7/0	08/03/2019 - At the Ordinary Council meeting in February 2019, Elected Members adopted the Officers recommendations presented in the Provision of Childcare report. Since the adoption of the recommendations, Officers been working closely with relevant departments and stakeholders to ensure that action timelines are established and that all 8 recommendations are implemented in a timely manner. Officers have met with Hedland Collective - childcare working group on 6 March 2019 to report and delegate further actions. (JE) 10/06/2019 - Planning policy referred to in part c. of this decision was adopted at May 2019 OCM. 03/09/2019 - Port Library has closed to enable upgrade works. A tender for works at both Port Library and South Hedland TAFE has been completed with report to be submitted to council in September. Discussions continue with funding partners fund works.	25%
13/02/19	OCM	CM201819/123	Proposed Closure of a portion of Whim Creek Road and Road No. 432	MOVED: CR MCDONOGH SECONDED: CR DACCACHE That Council, pursuant to Section 58 of the Land Administration Act 1997 resolves to: 1 Note the submissions received during advertising of the proposed road closures included as Attachment 1 (Schedule of Submissions); 2 Support the proposed closure of a portion of Whim Creek Road as shown on Attachment 2; 3 Support the proposed closure of a portion of Road No. 432 as shown on Attachment 2; and 4 Advise the Minister for Lands of Council's support. CARRIED 7/0	01/03/2019 - Letter drafted in as per resolution 4, with Director for signing (KD) 29/05/2019 - Request posted to DPLH 05/03 - no further action required until response received	70%
13/02/19	OCM	CM201819/124	11.2.2 Proposed Dedication of a portion of Redbank Road, Port Hedland	MOVED: CR PITT SECONDED: CR MCDONOGH That Council, pursuant to Section 56 of the Land Administration Act 1997 resolves to: 1 Support the proposed dedication of a portion of Redbank Road as shown in Attachment 1, subject to the road area being de-proclaimed from port land; 2 Indemnify the Minister for Lands against any claim for compensation in accordance with section 56(4) of the Land Administration Act 1997; 3 Advise the Pilbara Ports Authority (PPA) that all costs associated with the proposed dedication, including survey costs, will be payable by the PPA; and 4 Advise the Department of Planning, Lands and Heritage of the Council's resolution in accordance with section 56(2) of the Land Administration Act 1997. CARRIED 7/0	01/03/2019 - Letter drafted as per resolution 3 - with Director for signing. Letter drafted as per resolution 4 - with Director for signing (KD) 29/05/2019 - Request posted to DPLH 05/03 - no further action required until response received 04/09/2019 - no further updates	50%
27/03/19	OCM	CM201819/158	11.2.1 Phasing out Single Use Plastics (File No. 11/01/0005)	CM201819/158 OFFICER'S RECOMMENDATION/COUNCIL DECISION MOVED: CR ARIF SECONDED: CR HEBBARD That Council: 1 Develop a strategy to phase out the use of single use plastic items across all facets of Town of Port Hedland (Town) business operations over a 12 to 24 month period; and 2 Develop a policy to ban the use of single use plastic at events conducted on Town property. CARRIED 8/1 For: Cr Arif, Cr McDonogh, Mayor Bianco, Cr Hebbard, Cr Carter, Cr Whitwell, Cr Pitt, DM Newbery Against: Cr Daccache	29/05/2019 - Consultation phase has begun with relevant internal departments within the organisation. Investigation has commenced with respect to: - Environmentally friendly alternatives and their associated costs - Best practice strategies adopted across the state in eliminating single-plastic use so far as reasonably practicable (within Town operations) - Initiatives to incentivize minimising plastic use within the community (MC) 03/09/2019 - Analysis of single use plastic usage across town facilities has commenced with responsible officers submitting data to environmental health team. This will enable a detailed report that will scope the impact and costs associated with the removal of single use plastics. Update will be provided when report available.	15%

Date of Meeting	Meeting Type	Decision Number	Item Title	Decision of Council	Officers Status Update	% Complete
27/03/19	OCM	CM201819/160	11.3.1 Award of RFT 2018-41 Public Place Bin Enclosure Design, Manufacture and Supply	CM201819/160 OFFICER'S RECOMMENDATION/COUNCIL DECISION MOVED: CR MCDONOGH SECONDED: CR ARIF That Council endorse the recommendation of the evaluation panel and award RFT 2018 – 41 Public Place Bin Enclosure Design, Manufacture and Supply to GCI Group Pty Ltd for an estimate contract value of \$581,486.81 excluding GST over the duration of the contract term of five (5) years. CARRIED 9/0	29/05/2019 - Prototype bin has been fabricated and currently in transit. Once viewed and approved the first 40 bin enclosures can be ordered. 04/09/19 - CEO has signed off on requisition and PO has been issued to contractor, public place bins are currently being fabricated. There was a hold up with placing bin order due to transportation cost not being factored into the project.	25%
27/03/19	OCM	CM201819/161	11.3.2 Award of RFT 2018-31 McGregor Street Tank Replacement Stage 1	CM201819/161 OFFICER'S RECOMMENDATION/COUNCIL DECISION MOVED: CR ARIF SECONDED: CR MCDONOGH That Council: 1. Endorse the award of Separable Portion 1 RFT 2018-31 McGregor Irrigation Tank Replacement Stage 1 (Tank 1) to Industrial Automation Group for \$225,800.73 (ex GST). 2. Endorse the award of Separable Portion 2 RFT 2018-31 McGregor Irrigation Tank Replacement Stage 1 (Tank 2) to Industrial Automation Group for \$208,945.89 (ex GST) subject to Council adopting the 2019/2020 budget. CARRIED 9/0	10/06/2019 - Successful tenderer notified 04/09/2019 - Works commenced onsite & 2 x 300kl tanks have been constructed and are currently undergoing testing with commissioning to be completed by 13th sep with the demolition of the redundant tanks and fencing to follow on works are proposed to be completed onsite by end of October	80%
30/04/19	OCM	CM201819/174	11.1.3 Conduct of the 2019 Local Government Ordinary Elections	MOVED: CR ARIF SECONDED: CR DACCACHE That Council: 1. Declare the Western Australian Electoral Commission to be responsible for the conduct of the 2019 Local Government Ordinary Election together with any other elections or polls which may also be required, in accordance with section 4.2(4) of the Local Government Act 1995. 2. Decide that the method of conducting the 2019 Local Government Ordinary Election will be as an in-person election in accordance with section 4.61(7) of the Local Government Act 1995. 3. Note that there will be the following polling places on election day: (a) Civic Centre, Port Hedland; (b) South Hedland (location yet to be determined); and (c) Yandeyarra. 4. Approve the allocation of \$45,000 during deliberations of the 2019/20 Annual Budget for the associated costs of the 2019 Local Government Ordinary Election. CARRIED 7/0	27/05/2019: 1. WAEC have been notified of appointment - 2. As above, WAEC have been notified -3. Location in South Hedland to be confirmed, but most likely to be in the Stadium - 4. Finance team notified. 02/09/2019 - Due to the suspension of Council, this decision will be applied to the subsequent election following the end of the suspension period. Election is predicted to be in early 2020.	50%
30/04/19	OCM	CM201819/181	11.2.2 Spoilbank Marina – Agreement with LandCorp	CM201819/181 OFFICER'S RECOMMENDATION/COUNCIL DECISION MOVED: CR MCDONOGH SECONDED: CR WHITWELL That Council: 1. Confirm the Town's contribution to the Spoilbank Marina project: a. \$24 million contribution to the waterside component. b. The remainder of the Spoilbank Marina reserve to the landside component. 2. Appoint LandCorp as the Project Manager to deliver landside projects as confirmed by the taskforce on behalf of the Town. 3. Delegate to the Chief Executive Officer to negotiate an agreement and schedule of fees with LandCorp. CARRIED 7/0	27/05/2019 - Point 1(a) and (b) do not require any action. Point 2 has been completed. Point 3 - The CEO is in the process of negotiating fees and agreement with Landcorp which is nearing finalization (CR) 04/09/2019 - Point 1(a) and (b) do not require any action. Point 2 has been completed. Point 3 - Service Agreement between LandCorp and T&PH has been executed.	95%
30/04/19	OCM	CM201819/183	11.2.3 Port Hedland Townsite Coastal Hazard Risk Management Adaptation Plan	CM201819/183 OFFICER'S RECOMMENDATION/COUNCIL DECISION MOVED: CR ARIF SECONDED: CR MCDONOGH That Council: 1. Notes the submissions received on the draft Port Hedland Townsite Coastal Hazard Risk Management Adaptation Plan (CHRMAP) and modifications made in response to submissions as outlined in Attachment 1. 2. Adopts the final Port Hedland Townsite CHRMAP included as Attachment 2. 3. Acknowledges that funding implementation of the Port Hedland Townsite CHRMAP will require sourcing external funds, and will require separate Council approval to fund individual substantial projects. CARRIED 7/0	27/05/2019 - The Actions listed in the CHRMAP will be compiled into a Summary Document and prioritized for implementation (CR) 03/09/2019 - Prioritisation of CHRMAP actions has been placed on hold pending TC Veronica Infrastructure works and preparation of Coastal Reserves Management Plan which will guide implementation of the CHRMAP actions as they relate to coastal reserves.	50%
22/05/19	OCM	CM201819/215	15.1 Recruitment of the Chief Executive Officer (PER/19216)	MOVED: DM NEWMERY SECONDED: CR HEBBARD That Council: 1. Accept and endorse the proposed method and time line for recruitment of the position of Chief Executive Officer for the Town of Port Hedland; 2. Accept and endorse the engagement of specialist recruitment consultants to assist in the advertising search, shortlisting for candidates and KPI development for the upcoming vacancy of the Chief Executive Officer position via a Request for Quote process; and 3. Approve a budget allocation of up to \$150,000.00 for the recruitment, initial on boarding and legal costs associated with the recruiting of a Chief Executive Officer. CARRIED 9/0	05/05/2019 - Next stage of process to be presented and discussed at future Council Meeting. 03/09/2019 - Update as follows: 1. Process for commencement of recruiting CEO has commenced - 2. An RFQ was enacted and the company Gerard Daniels was selected as the recruitment agency to conduct the pre-selection process - 3. The budget was reduced in the budgeting exercise, however if funds up to the \$150,000 are required the budget review period will enable a request to move to the full \$150,000 approved amount.	20%
24/07/19	OCM	CM201920/009	11.2.2 Revised Local Planning Policy 02 – Advertising Signs	1. That Council, pursuant to Clause 3, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to: a) Adopt amended Local Planning Policy 02 – Advertising Signs, presented as Attachment 1 of this item for the purpose of public consultation. b) Advise amended Local Planning Policy 02 – Advertising Signs in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015. c) Note the Town's Election Sign Guidelines included as Attachment 3. CARRIED BY COMMISSIONER RIEBELING	05/09/2019 - LPP02 Advertising Signs has finished the consultation stage and is going to the October OCM for final adoption.	85%
24/07/19	OCM	CM201920/010	11.2.3 Port Hedland International Airport Initial Lessee Masterplan & Capital Works Program	That Council: 1. Approves the Initial Lessee Masterplan (Masterplan) included as Attachment 1 of this report to guide planning of the Port Hedland International Airport for the first 20 years of the lease, pursuant to clause 8.2 of the Novation and Operating Deed, subject to the following requirements being met within six (6) months to the satisfaction of the Town of Port Hedland: - Updated Australian Noise Exposure Forecast (ANEF) map to be provided in a form approved by Air Services, to replace Figures 23, 24 and 25 and update relevant sections of the Masterplan. 2. Approves the Capital Works Program included as Confidential Attachment 2 of this report, subject to the requirements of the Lease and Novation and Operating Deed being met in relation to implementation. 3. Delegates to the Chief Executive Officer to approve the final Masterplan to incorporate the updated ANEF map required by Recommendation 1 (a) and authorise the Chief Executive Officer to approve minor changes to the Masterplan and Capital Works Program prior to works being implemented. CARRIED BY COMMISSIONER RIEBELING	09/08/2019 - Pending submission of updated ANEF mapping by January 2020 as per Council resolution. 03/09/2019 - Pending submission of updated ANEF mapping by January 2020 as per Council resolution (CR).	75%
24/07/19	OCM	CM201920/011	11.2.4 JD Hardie Site Masterplan	1. That Council endorse the JD Hardie Site Masterplan (Attachment 1). 2. Authorise the Chief Executive Officer to proceed to the detailed design of the JD Hardie Site. CARRIED BY COMMISSIONER RIEBELING	29/07/2019 - Currently closing out stages 1 and 2 of the contract - awaiting invoice. Marketing the masterplan before handing project to infrastructure team. 04/08/2019 - Meeting 6/8/19 to manage Stage 3 (Schematic Drawings) of contract. Project Management team to manage these stages of the contract.	85%
24/07/19	OCM	CM201920/012	11.3.1 Request to Lease McGregor Street	That Council: 1. Approve the disposal of 144sqm of Reserve 53212, Lot 2052 McGregor Street, Port Hedland to CipherTel Pty Ltd by way of land lease in accordance with Section 3.58 (3) of the Local Government Act 1995 on the following terms and conditions: a) Initial lease term of 10 years; b) Option to extend for 11 years (total 21 years); c) Annual rental of \$8,500 per annum exclusive of GST; d) Annual increases of 3% per year cumulative; e) Annual rental to be guaranteed in the Town's community reserve account and applied to community facilities; and f) Permitted purpose of telecommunications facility. Subject to no submissions being received during the requisite advertising period. CARRIED BY COMMISSIONER RIEBELING	29/07/2019 - Public advertising will commence next week. 03/09/2019 - Public advertising period closed and will continue to progress with process	20%

**11.1.4 REVISED POLICY 3/007 'SENIOR EMPLOYEES AND APPOINTING ACTING CHIEF EXECUTIVE OFFICER' (FILE NO. 04/03/0001)**

**Author:** Manager Human Resources  
**Authorising Officer:** Director Corporate and Performance  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

That Council adopt amended policy 3/007 'Senior Employees and Appointing Acting Chief Executive Officer' as per attachment 1.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider adopting amended policy 3/007 'Senior Employees and Appointing Acting Chief Executive Officer' to ensure it remains current and in alignment with the approved restructure of directorates as per Council Decision CM201920/015 at the 24 July 2019 Ordinary Council Meeting.

**DETAIL**

The administration is currently undertaking a comprehensive review of Council policies to ensure they are relevant and meet the needs of Council and the community. Over the coming months, Council will be presented with a number of policies that require review based on their level of priority, significance and length of time that has passed since they were last reviewed. Policy 3/007 'Senior Employees and Appointing Acting Chief Executive Officer' is no longer current.

The policy outlines the corporate structure of directorates and is now superseded by approved restructuring of the directorates from three to four.

The previous directorates were:

- Directorate Corporate and Performance;
- Directorate Development, Sustainability and Lifestyle; and
- Directorate Infrastructure and Town Services.

The approved restructure of directorates is:

- Directorate Corporate Services;
- Directorate Community Services;
- Directorate Regulatory Services; and
- Directorate Infrastructure.

*Relevance to current staff*

Currently consultations and information sessions are being held with employees and the vacant director roles are being recruited. It would therefore be prudent to adjust policy 3/007 to reflect the approved structure.

*Proposed amendment*

The proposed amendment is to rename the role titles of the Directors to:

- Director Corporate Services;
- Director Community Services;
- Director Regulatory Services; and
- Director Infrastructure.

The objective of this policy is to ensure clarity of the structure and the senior executive roles.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, and does not require public consultation.

**CONSULTATION***Internal*

- Executive Leadership Team
- Manager Human Resources
- Manager Governance
- Senior Governance Advisor

*External Agencies*

Nil

*Community*

Nil

**LEGISLATION AND POLICY CONSIDERATIONS**

The role of Council, as defined in section 2.7(2)(b) the *Local Government Act 1995* is to determine the local government's policies.

**FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial or resource implications associated with this item.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

The following section of the Town's Strategic Community Plan 2018-2028 is applicable in the consideration of this item:

- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken

*Corporate Business Plan*

The following action of the Town's Corporate Business Plan 2018-2022 applies in relation to this item:

- 4.b.3.1 Ensure governance information provided to the community is in line with legislated requirements.

**RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item due to the extensive period of time that this policy remained unchanged. The risk rating is considered to be low (2), which is determined by a likelihood of unlikely (2) and a consequence of insignificant (1).

This risk will be eliminated by the adoption of the officer's recommendation.

**OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Do not adopt officer's recommendation*

**CONCLUSION**

It is recommended that Council adopt revised policy 3/007 'Senior Employees and Appointing Acting Chief Executive Officer' to ensure it remains current and in alignment with the approved restructure of directorates.

**ATTACHMENTS**

1. Updated Policy 3/007 Senior Employees and Appointing Acting Chief Executive Officer
2. Current Policy 3/007 Senior Employees and Appointing Acting Chief Executive Officer



Policy

**3/007 Senior Employees and Appointing Acting Chief Executive Officer**

Objective

The objective of this policy is to identify ‘Senior Employees’ positions within the Town of Port Hedland pursuant to section 5.37 of the *Local Government Act 1995* and to provide for the appointment of one of the Town’s senior employees to perform the role of Acting Chief Executive Officer during limited absences of the Chief Executive Officer.

Content

For the purposes of section 5.37 of the Act the Council shall designate the following employees to be ‘Senior Employees’:

- Director Corporate Services
- Director Community Service
- Director Regulatory Services
- Director Infrastructure

In accordance with the requirements of the *Local Government Act 1995*, section 5.36(2)(a), the Council has determined that the persons appointed as the permanent incumbent to the position of a senior employee are suitably qualified to perform the role of Acting Chief Executive Officer.

The Town’s senior employees will be appointed to perform the role of Acting Chief Executive Officer during limited absences of the Chief Executive Officer due to annual leave or extended sick leave.

Appointment to the role of Acting Chief Executive Officer shall be made in writing prior to the period of appointment for a defined period that does not exceed three months. A Council resolution is required for periods exceeding three months.

Senior employees will be appointed to the role of Acting Chief Executive Officer at the discretion of the Chief Executive Officer, subject to:

- performance and dependent on availability of the senior employee
- operational requirements of the senior employee

Definitions

Nil





Policy

Relevant legislation	Local Government Act 1995
Delegated authority	-
Business unit	Human Resources
Directorate	Corporate and Performance

<i>Governance to complete this section</i>			
Version Control	Version No.	Resolution No.	Adoption date
	01	-	24 November 2004
	02	201415/143	17 December 2014
	03	201516/012	29 July 2015
	04	CM201617/176	30 March 2017
Review frequency	3 Yearly		

**Document Control Statement** – The electronic reference copy of this Policy is maintained by the Governance Team. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://www.porthedland.wa.gov.au/documents/public-documents/policies> to ensure that you have the current version. Alternatively, you may contact the Governance Team.



Policy

**3/007 Senior Employees and Appointing Acting Chief Executive Officer**

Objective

The objective of this policy is to identify ‘Senior Employees’ positions within the Town of Port Hedland pursuant to section 5.37 of the *Local Government Act 1995* and to provide for the appointment of one of the Town’s senior employees to perform the role of Acting Chief Executive Officer during limited absences of the Chief Executive Officer.

Content

For the purposes of section 5.37 of the Act the Council shall designate the following employees to be ‘Senior Employees’:

- Director Corporate and Performance
- Director Development, Sustainability and Lifestyle
- Director Infrastructure and Town Services

In accordance with the requirements of the *Local Government Act 1995*, section 5.36(2)(a), the Council has determined that the persons appointed as the permanent incumbent to the position of a senior employee are suitably qualified to perform the role of Acting Chief Executive Officer.

The Town’s senior employees will be appointed to perform the role of Acting Chief Executive Officer during limited absences of the Chief Executive Officer due to annual leave or extended sick leave.

Appointment to the role of Acting Chief Executive Officer shall be made in writing prior to the period of appointment for a defined period that does not exceed three months. A Council resolution is required for periods exceeding three months.

Senior employees will be appointed to the role of Acting Chief Executive Officer at the discretion of the Chief Executive Officer, subject to:

- performance and dependent on availability of the senior employee
- operational requirements of the senior employee

Definitions

Nil



Policy

Relevant legislation	<i>Local Government Act 1995</i>
Delegated authority	-
Business unit	Human Resources
Directorate	Corporate and Performance

<i>Governance to complete this section</i>			
Version Control	Version No.	Resolution No.	Adoption date
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11.1.5 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 JULY 2019 (FILE NO. 12/14/0003)
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**Author:** Acting Manager Financial Services  
**Authorising Officer:** Director Corporate and Performance  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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#### OFFICER'S RECOMMENDATION

That Council, pursuant to section 6.4 of the *Local Government Act 1995*:

1. Receive the Statement of Financial Activity for the period ended 31 July 2019;
2. Receive the Material Variance Report;
3. Note the Accounts paid under delegated authority for period ended 31 July 2019; and
4. Receive the Credit Card Statements for period ended 31 July 2019.

*SIMPLE MAJORITY VOTE REQUIRED*

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#### PURPOSE

The purpose of this report is for Council to consider the Statement of Financial Activity for the period ended 31 July 2019. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

#### DETAIL

The information provided in this report is for the period ended 31 July 2019, with financial results included in *Attachment 1. Statement of Financial Activity Notes 1-9* prepared by the Town of Port Hedland.

It should be noted that the accounts presented with this agenda are based on 2018/19 unaudited statements, with the previous financial year closing position rolling forward as the opening position for 2019/20. While the statements are accurate, the financials are subject to final external audit and may change. This will result in differences between the financials attached and the financial statements presented for financial year 2018/19.

The Town of Port Hedland financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.

As part of the 2019/20 original budget, Council adopted the following thresholds as levels of material variances for financial reporting.

1. With regards to expenditure classified as capital projects, a variance of 10% or \$10,000, whichever is greater, of the year to date budget, with individual project as the level that requires explanation.
2. With regards to all other items excluding capital projects identified above, a variance of 10% or \$50,000, whichever is greater, of the year to date budget, with Nature and Type as the level that requires explanation.

Commentary is provided on variances as details above as per *Attachment 2 NOTE 10. Explanation of Material Variances*.

The opening funding surplus of \$2.5M presented in YTD Actual on the Statement of Financial Activity is as per the closing surplus for unaudited June 2019 financial statements.

The net current asset position as at 31 July 2019 was \$44.9M. The breakdown of the cash position is displayed below:

	2018/19 Actuals
Current Assets: Cash and Investments	\$225.1M
Restricted Cash – Reserves	\$232.0M
Unrestricted Cash Position as at 31 July 2019	\$(7.3)M

### *Previous Decisions*

The Statements of Financial Activity are presented to Council each month for noting.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because this report is presented to Council for information purposes only.

### **CONSULTATION**

#### *Internal*

All consultation and engagement is conducted internally.

#### *External Agencies*

Nil

#### *Community*

Nil

### **LEGISLATION AND POLICY CONSIDERATIONS**

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* detail the form and manner in which a local government is to prepare its statement of financial activity.

## FINANCIAL AND RESOURCES IMPLICATIONS

The statement of financial activity is to be supported by such information as is considered relevant by the local government containing;

- a. an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
- b. an explanation of each of the material variances referred to in sub-regulation (1)(d); and
- c. supporting information as is considered relevant by the local government.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Council's *Strategic Community Plan 2018-2028* is applicable in the consideration of this item:

- 4.b.1 Sound long-term financial planning is implemented
- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken

There are no significant identifiable environmental, social or economic impacts relating to this item.

## RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', There is a risk rating of medium (6) assigned in 2019/20 budget to the risk that a reduction in income or increase in expense throughout the 2019/20 financial year is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk action plan is to monitor revenue and expenditure on a regular basis ensure in line with budget and amend as needed.

## OPTIONS

### *Option 1 - Adopt Officers Recommendation*

Note the Statement of Financial Activity and reports for the period ended 31 July 2019 in accordance with regulation 34(1) of the *Local Government (Financial Management) Regulations 1996*.

### *Option 2 - Amend Officers Recommendation*

That Council receive the Statement of Financial Activity for the period ended 31 July 2019 and request further information or clarification.

### *Option 3 – Do not adopt Officers Recommendation*

That Council do not note or receive the Statement of Financial Activity for the period ended 31 July 2019.

**CONCLUSION**

The opening funding surplus of \$2.5 presented in YTD Actual on the Statement of Financial Activity is as per the closing surplus to be presented in the unaudited financial statements. The net current asset position was \$44.9M.

Variances in operating revenue and expenditure are addressed in detail in *Attachment 2 NOTE 10. Explanation of Material Variances*. The net current asset position will decrease as operating and capital budgets are expended throughout the year.

**ATTACHMENTS**

1. Statement of Financial Activity Notes 1 - 9 (under separate cover)
2. Note 10 Material Variance report (under separate cover)
3. Accounts paid under delegated authority listing (under separate cover)
4. Credit Card Statements for period ended 31 July 2019 (under separate cover)

**11.2 Development, Sustainability and Lifestyle**

There are no reports to be presented this month.



### 11.3 Infrastructure and Town Services

11.3.1	AWARD OF TENDER RFT1920-01 - 'PRE CYCLONE CLEAN UP GREENWASTE (FILE NO: 31/13/0022)
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**Author:** Coordinator Parks and Gardens  
**Authorising Officer:** Acting Director Infrastructure and Town Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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#### OFFICER'S RECOMMENDATION

That Council endorse the recommendation of the evaluation panel and award the Tender for RFT1920-01 (Pre Cyclone Clean up Green Waste) to XXXXXXXXX for a projected contract value of \$XXXXXXXXXX (excluding GST), and with an initial contract term of one (1) year with two (2) optional extensions of one (1) year each at the absolute discretion of the Chief Executive Officer.

*SIMPLE MAJORITY VOTE REQUIRED*

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#### PURPOSE

The purpose of this report is for Council to consider a summary of the assessment of submissions received for Tender RFT1920-01 for Pre Cyclone Clean up Green Waste and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

#### DETAIL

##### *Request for Tender*

The Town released a Request for Tender (RFT) on 31 July 2019, requesting companies to undertake to remove green waste and dispose to landfill from Port Hedland (including Cooke Point and Pretty Pool); South Hedland (all Cells); Wedgefield; Kingsford Smith Business Park; Red Bank: Bosna Rural Estate; and Turner River Rural Estate.

The service will be following and adhere to the relevant Acts, Regulation, Town of Port Hedland (Town) requirements and Australian Standards. These include, but are not limited to, the Occupational Health and Safety Act and Regulation, Disability Access and Inclusion Plan and Traffic Management.

The RFT was released on Vendorpanel (the Town's e-tendering portal) on 31 July 2019 and was advertised in the West Australian and the North West Telegraph on 31 July 2019 with a closing date of 16 August 2019.

The Town received 10 submissions for RFT 1920-01. The respondents were as follows:

1. AK Evans Earthmoving
2. Autobaler
3. De Grey Civil
4. Goodline
5. Hedland Skip Bins
6. High Country Tree Services
7. IS PS Pellets Pty Ltd
8. MIB Traffic Pty Ltd
9. Spoton Earthmoving and Maintenance
10. TC Drainage

Of the submissions received, four (4 ) were rejected due to non-compliance with the qualitative criteria. The remaining respondents provided compliant tender responses.

*Tender Assessment*

All compliant tender submissions have been evaluated by a panel of three (3) Town employees whose main objectives were:

- a) Make a recommendation to the Council.
- b) Ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule;
- c) Ensure adherence to Local Government policies and legislation; and
- d) Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented.

The compliant submissions were assessed against the qualitative criteria as listed in the below table:

Qualitative Criteria	(%)
Relevant Experience	30%
Capacity to Deliver & Resources	40%
Demonstrated Understanding & Methodology	30%

A summary of the assessment results of each submission received is included in the confidential evaluation report attached.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, because its award will substantially affect public and other stakeholders who reside in Port Hedland in order to minimise the adverse effects of Cyclone. Consultation.

*Internal*

Procurement Plan presented to the Executive Leadership Team on Monday 15 July 2019.

*External Agencies*

Nil

*Community*

The RFT was released to the community via Vendorpanel (the Town's e-tendering portal) on 31 July 2019 and was advertised in the West Australian and the North West Telegraph on 31 July 2019 with a closing date of 16 August 2019.

**LEGISLATION AND POLICY CONSIDERATIONS**

Section 3.57 of the *Local Government Act 1995*, and division 2 of the *Local Government (Functions and General) Regulations 1996* apply in relation to the invitation of tenders.

The evaluation report and corresponding details relating to the respondents offers are deemed confidential pursuant to section 5.23 (c) and (e) of the *Local Government Act 1995*.

The following Town policies were considered in relation to this tender:

- 2/007 'Purchasing'
- 2/016 'Regional Price Preference'

Successful contractors must abide by the Town's Code of Conduct while carrying out work for the Town.

**FINANCIAL AND RESOURCES IMPLICATIONS**

The 2019/20 budget for the project funds will be allocated from Pre Cyclone Clean up Green Waste (GL- 1E10052000).

The contract price is within the budgeted amount.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

The following sections of the Town's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 3.b.2 Emergencies such as cyclones are prepared for, educated about, responded to and recovered from in partnership with key agencies
- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

*Environmental*

The service to provide the community the opportunity to dispose of their green waste at no cost encourages them to clean their backyard or garden reducing amounts of debris prior to cyclone season.

*Economic*

The service will reduce the potential damage to physical properties, utilities and infrastructures. Pre-cyclone green-waste collection will assist in reducing man hours required after cyclonic events

*Social*

The service will greatly assist members of community who are unable to transport green-waste to the Town Landfill in preparation for the pending 2019/20 cyclone season.

*Disability Access and Inclusion Plan*

The following outcomes of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

- Outcome 1 – Services and Events
- Outcome 4 – Quality of Service

**RISK MANAGEMENT CONSIDERATIONS**

There is a financial risk associated with this item because of potential damage to utilities, properties and infrastructure. The risk rating is considered to be medium (6), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3). In order to minimise the risk and bringing it down to low, the appropriate traffic management plan will be implemented and risk will be identified and discussed in daily pre start meeting.

There is a health risk associated with this item because of traffic movement. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2). Information concerning the correct method and requirements for placement of the green-waste on the verges will be provided to residents through a number of avenues to reduce the likelihood of damage. Contractors will need to include the risk in the daily pre-starts and Job Hazard Analysis forms.

**OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

*Option 3 – Do not adopt officer's recommendation*

**CONCLUSION**

Town Officers recommend the awarding of RFT 1920-01 Pre Cyclone Clean up Green Waste to the preferred tenderer indicated in the Tender Evaluation Report. They have met and exceeded all selection criteria requirements and also represent best value for money for the Town of Port Hedland.

**ATTACHMENTS**

1. Evaluation Report for RFT1920-01 Pre Cyclone Clean Up Green Waste - Confidential (under separate cover)

**11.3.2 RESCINDING OF POLICY 9/006 'COMMUNITY FACILITY NAME SIGNS' (FILE NO. 04/03/0001)**

**Author:** Project Officer  
**Authorising Officer:** Acting Director Infrastructure and Town Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

That Council:

1. Rescind policy 9/006 'Community Facility Name Signs' as per attachment 1; and
2. Request the Chief Executive Officer or his authorised officer create an Internal Operating Procedure to address the compliance and operational requirements for Community Facility Name Signs.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider the rescinding of policy 9/006 'Community Facility Name Signs', and consider the creation of an internal operating procedure to address the compliance and operational requirements for this type of signage.

**DETAIL**

The administration is currently undertaking a comprehensive review of Council policies to ensure they are relevant and meet the needs of Council and the community. Over the coming months, Council will be presented with a number of policies that require review based on their level of priority, significance and length of time that has passed since they were last reviewed.

Policy 9/006 'Community Facility Name Signs' was last reviewed in 2004.

The content of policy 9/006 does not meet the current strategic direction of Council, therefore is proposed that it is rescinded to ensure that Council's direction and objectives remain current and fit within the aspirations of the community, as identified in the Strategic Community Plan. The content of this policy is considered more of an operational tool which would be better suited as an internal operational procedure (IOP).

Community facility name signs are defined in the Australian Standards as signs that advise road users and the general community of the direction to facilities, generally of a non-commercial nature, which are likely to be sought by significant numbers of visitors to the district. To ensure that the Town maintains compliance with the Australian Standards, it is proposed that the content of the policy is used to create an IOP to direct and give guidance to the Town's officers in relation to the management of community facility name signs.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, as there is a financial implication effect to this decision.

## CONSULTATION

### *Internal*

Consultation has taken place within internal Business Units that includes Infrastructure and Town Services in respect of reviewing this Community Facility Name Signs Policy.

- Executive Leadership Team
- Acting Manager – Project Design & Delivery
- Project Officer
- Governance Officer

### *External Agencies*

Nil

### *Community*

Nil

## LEGISLATION AND POLICY CONSIDERATIONS

The content of the IOP for community facility name signs will be prepared in accordance with definitions and requirements of the AS1742.5:2017.

Section 2.7 of the *Local Government Act 1995* states (in part) that the role of Council is to determine the local government's policies.

## FINANCIAL AND RESOURCES IMPLICATIONS

There are no identified financial or resource implications associated with the officer's recommendation.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

This policy does not fit into any category of the Town's Strategic Community Plan, which is why it is recommended to be rescinded.

There are also no significant identifiable environmental, social or economic impacts relating to this item.

## RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because it may be perceived that rescinding this policy will create an opportunity for associated compliance risks due to non-conforming signs. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

This risk is considered acceptable, as the IOP that is intended to be created to address the management of community facility name signs will provide the basis for the coordinated control of signage within the Town's boundaries.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Do not adopt officer's recommendation*

## CONCLUSION

It is recommended that Council endorse the rescinding of policy 9/006 'Community Facility Name Signs' as it does not meet the current strategic direction of the community, as identified in the Strategic Community Plan. It is proposed that an internal operating procedure be created to address the operational aspects of the policy and to ensure that compliance is still maintained with regards to community facility name signs.

## ATTACHMENTS

1. Policy 9/006 'Community Facility Name Signs'





## 9/006 Community Facility Name Signs

### Objective

The objective of this policy is to provide guidelines for the provision of Community Facility Name Signs in accordance with AS1742.5, within the district.

The intent of the policy is to:

1. Identify the type of facilities which are permitted to be signposted as defined in AS1742.5.
2. Establish the process by which such signs are approved and provide assistance with the determination of the final location and installation of the sign/s.
3. Define the procedure for the removal of existing signs that do not conform to the policy.

### Content

#### *Facilities Suitable for Signage*

Typical facilities include:

- Town halls, civic centres and municipal offices
- Municipal depots and tips
- Sporting and recreational grounds and facilities
- Hospitals and medical centres
- Post offices
- Tertiary education institutions
- Churches and religious institutions
- Airports
- Veterinary clinics
- Places of short term or visitor accommodation
- Buildings and places of historical interest
- Other non-profit organisations

In all cases, the shortest name by which a facility is commonly known shall be used on the sign.

#### *Shape, Size, Colour*

Community facility name signs shall be rectangular with the long axis horizontal.

The sign shall contain the name of the facility and a chevron pointing horizontally in the direction of the facility. Where a chevron does not adequately indicate the direction, it may be replaced with an arrow.



## Policy

Where the facility name requires only a single line, the minimum depth of the sign shall be 150mm and the letter height shall be at least 100mm. Where two lines are required, the sign should comprise 2 x 150mm depth signs and the letter height at least 80mm.

The sign length shall not be less than 500mm and not greater than 1000mm when mounted on a single pole. Signs greater than 1000mm, but to a maximum of 1200mm, shall be mounted on two poles where permission of such arrangement requires approval from the Manager Engineering Services.

The sign shall have a white legend on a blue background, in accordance with AS1742.5.

### *Location, Mounting*

In accordance with AS1742 and engineering services standard drawings. Where community facility name signs are installed on the same post as a street name sign, the street name sign shall be located above the other sign and there shall be a clearance of at least 150mm between the bottom of the street name sign and the top of any other sign.

The route and number of signs must be approved by engineering services.

### *Cost of Installation*

All costs associated with the manufacture and erection of a community facility name sign are to be borne by the applicant.

These costs include but are not limited to:

- The cost of the sign, including appropriate fittings and fixtures
- The costs of the labour associated with the erection of the sign
- The cost of supplying a replacement sign, including erection costs, in the event that the existing sign becomes damaged, vandalised, stolen, or in council's judgement, has deteriorated to an unacceptable standard.

### *Approval*

Upon receipt of a request in writing for a Community Facility Name Sign, the request will be assessed against the criteria of this policy and actioned accordingly.

Existing signs not conforming to this policy shall be removed from road reserves six (6) months from the date of confirmation. All costs associated with the removal of non-conforming signs shall be borne by the person/s, organisation and/or business unit deemed responsible for the installation.



Policy

Definitions

In accordance with AS1742.5, the purpose of “*Community Facility Name Signs*” is to advise road users of the direction to facilities, generally of a non-commercial nature, which are likely to be sought by significant numbers of visitors to the district.

Relevant legislation	Nil
Delegated authority	-
Business unit	Engineering Services
Directorate	Infrastructure and Town Services

*Governance to complete this section*

Version Control	Version No.	Resolution No.	Adoption date
	V01	-	24 November 2004
Review frequency	-		

**Document Control Statement** – The electronic reference copy of this Policy is maintained by the Governance Team. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://www.porthedland.wa.gov.au/documents/public-documents/policies> to ensure that you have the current version. Alternatively, you may contact the Governance Team.

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**Item 12 Reports of Committees**

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**Item 13 Motions of which Previous Notice has been given**

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**Item 14 New Business of an Urgent Nature (Late items)**

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14.1	JOINT DEVELOPMENT ASSESSMENT PANEL APPLICATION FOR DEVELOPMENT APPROVAL – PORT HEDLAND AIRPORT TERMINAL REDEVELOPMENT (FILE NO. 2019/061)
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14.2	ADOPTION OF REVISED 2019/20 FEES AND CHARGES (FILE NO 12/05/0012)
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**Item 15 Matters for Which Meeting May Be Closed (Confidential Matters)**

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15.1	ENDORSEMENT OF APPOINTMENT OF DIRECTOR REGULATORY SERVICES (FILE NO. 06/03/0018)
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**Item 16 Closure**

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**16.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 23 October 2019 commencing at 5.30pm.

**16.2 Closure**

There being no further business, the Commissioner declared the meeting closed at [enter time](#).