



TOWN OF PORT HEDLAND

ORDINARY COUNCIL MEETING MINUTES

WEDNESDAY 31 AUGUST 2016 AT 5:30PM

**COUNCIL CHAMBERS, MCGREGOR STREET,
PORT HEDLAND**

**“A nationally significant, friendly city that people are proud
to call home”**

*Chris Linnell
Acting Chief Executive Officer*

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Item 1 Opening of Meeting

The Acting Mayor declared the meeting open at 5:31pm.

The Acting Chief Executive Officer introduced Kathryn Crothers, Acting Director Corporate Services, Graham Lantzke, Acting Director Works and Services, and Adam Majid, Acting Director Community and Development Services.

Item 2 Acknowledgement of Traditional Owners

The Acting Mayor respectfully acknowledged the traditional owners, the Kariyarra people whose land we are on today, respectfully acknowledging the contribution of Kariyarra elders past, present and future, in all working together for the betterment for the future City of Port Hedland.

Item 3 Recording of Attendance

3.1 Attendance

Acting Mayor Camilo Blanco
Acting Deputy Mayor Troy Melville (Arrived at 5:32pm)
Councillor Jan Gillingham
Councillor David Hooper
Councillor Louise Newbery
Councillor Richard Whitwell
Councillor Lincoln Tavo

Officers

| | |
|------------------|--|
| Chris Linnell | Acting Chief Executive Officer |
| Kathryn Crothers | Acting Director Corporate Services |
| Adam Majid | Acting Director Community and Development Services |
| Graham Lantzke | Acting Director Works and Services |
| Tammy Wombwell | Minute Taker/Governance Administration Officer |

| | |
|----------|---|
| Public | 4 |
| Officers | 5 |
| Media | 0 |

3.2 Apologies

Nil

3.3 Approved Leave of Absence

Councillor Julie Arif

3.4 Disclosure of Interests

| Name | Item no. | Interest | Nature |
|-----------------------------------|---|-----------|---|
| Acting Deputy Mayor Troy Melville | 12.2.2 Request for Tender – Oval Electronic Scoreboards | Financial | Is an employee of BHP, who are contributing to the funding of the project |

Item 4 Response to Previous Questions

4.1 Response to Questions taken on notice from Public at the Ordinary Council Meeting held on Wednesday 27 July 2016

4.1.2 Mr John Peters

Is the agreement with Macro Realty a Public Document?

In accordance with section 5.95 of the Local Government Act 1995 agreements that the Town of Port Hedland enters into, are not considered public documents.

When was the agreement with Macro Realty signed by the Town of Port Hedland?

The agreement with Macro Realty was signed by the Town of Port Hedland on 2 May 2016.

4.2 Response to Questions taken on notice from Elected Members at the Ordinary Council Meeting held on Wednesday 27 July 2016

4.2.1 Councillor Camilo Blanco

At the last Ordinary Council Meeting, Mr Attwood asked a question about the legal fees for the Port Hedland International Airport lease. The response was that the 2015/16 legal fees were \$122,000. My understanding was that it was close to \$1.2 million. Can I get some clarification?

The Acting Director Corporate Services states as follows:

I can confirm that after receipt of the enquiry and further review of the various airport accounts, including a general ledger (GL) account, number 1012102610, termed 'Airport Governance' that was not interrogated on the false assumption by staff that it related to normal Airport Operations, that the total cost of the transaction, excluding capital upgrades relating to the continued business or future commitments, was \$6,398,061 over the two financial years to 30 June 2016, inclusive of \$1,467,323 of legal costs. The error in reporting legal costs previously was due to legal costs having been expensed to two different GLs.

An updated Schedule is provided below.

| COSTS RELATING TO THE AIRPORT LEASE AND TRANSITION | | | |
|--|------------------|----------------|------------------|
| | TOTAL | 2014/15 | 2015/16 |
| | \$ | \$ | \$ |
| TAG fees | 4,681,016 | 134,980 | 4,546,036 |
| Legal fees | 1,467,323 | 273,542 | 1,193,781 |
| Staff cost | 41,134 | | 41,134 |
| WATC Work group | 37,512 | - | 37,512 |
| Accounting Treatment/ Finance modelling | 35,500 | 12,800 | 22,700 |
| Community Consultation/ Advertising | 30,368 | 19,359 | 11,010 |
| Compliance - Transition related | 35,677 | - | 35,677 |
| Marketing Research/ Advertising material | 23,959 | - | 23,959 |
| Lease Scoping/ Consulting | 13,805 | 13,805 | - |
| Valuation fees | 11,997 | | 11,997 |
| Surveyor cost | 8,890 | | 8,890 |
| Sundry (Audit fees, Apron Inspection, workshops) | 10,879 | 1,436 | 9,443 |
| Total | 6,398,061 | 455,922 | 5,942,139 |

4.2.2 Councillor Jan Gillingham

In regards to the mosaics that were displayed at the entry to the Port Hedland International Airport, as the wall at the entry of the Airport has been rebuilt, will the mosaics be put back?

The Town has received the following response from the Port Hedland International Airport: "Unfortunately the left hand side wall mosaic that said 'Port Hedland' was damaged beyond repair when a truck hit the wall. The remaining mosaic saying 'International Airport' will be removed as new signage has been ordered which will replace the broken and existing sign. If the Town would like the intact mosaic, this can be coordinated through PHIA for removal".

Item 5 Applications for Leave of Absence

CM201617/039 COUNCIL DECISION

MOVED: ACTING DEPUTY MAYOR MELVILLE SECONDED: CR TAVO

That Council approve the following applications for leave of absence:

- **Councillor Gillingham from 5 to 12 September, and 25 September to 10 October 2016**
- **Councillor Hooper from 1 to 12 September 2016**

CARRIED 7/0

Item 6 Attendance by Telephone/Instantaneous Communications

Nil

Item 7 Public Time

Important note:

'This meeting is being recorded on audio tape 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 presiding member 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.'

The Acting Mayor opened Public Question Time at 5:38pm.

7.1 Public Question Time**7.1.1 Mr Nick Kumar**

Has the dredging of the Richardson Street boat ramp been approved in the Budget, and will local equipment be utilised to conduct the dredging?

The Acting Mayor advised that the Town will be releasing a request for tender for the dredging of the boat ramp, and that a response is expected by the end of September.

Has the boat ramp dredging been approved?

The Acting Mayor advised in the affirmative.

Will the Town utilise the local equipment, which is currently being used in the channel?

The Acting Mayor advised that the Town will be reviewing all options.

The Acting Chief Executive Officer advised that the Town is about to proceed with a preferred option, which will require a request for tender. Timeframes for the proposed option is relatively quick, with the hopes of the tender award being presented to Council in the very near future.

Which Council meeting will the tender be awarded at?

The Acting Chief Executive advised the question would be taken on notice.

7.1.2 Mr George Daccache

How much did it cost for the advertising in the Telegraph and other media for the Chief Executive Officer position?

The Acting Director Corporate Services advised that the costs were \$6,500 for advertising, however, if the position is advertised within the Town's weekly scheduled spread, it would be included in the weekly expenditure. Once the advertising has concluded, the total costs will be given to Mr Daccache.

In what area did the former Chief Executive Officer (CEO) fail in the criteria stated in the advertisement for the new CEO?

The Acting Mayor advised that any information regarding the former CEO's departure is confidential and cannot be disclosed.

How much did it cost ratepayers for the dismissal of the former CEO and the departure of Directors and Senior Employees, and was there compensation paid to avoid the former CEO suing the Town?

The Acting Mayor advised that all information regarding the former CEO's departure is confidential and cannot be disclosed.

7.1.3 Mr John Peters

In reference to item 4.2.1 on the Airport lease and transition, what is the breakdown figure for legal fees to the value of \$1.4 million?

The Acting Mayor advised that a further breakdown can be provided to Mr Peters.

When will the information be provided?

The Acting Chief Executive Officer advised that a further breakdown can be provided by the end of the week.

Which legal firm was engaged to undertake the work?

The Acting Chief Executive Officer advised that there were a number of legal firms involved, Freehills and McLeods were among the main firms engaged.

How many hours were charged for their legal work?

The Acting Mayor advised that the hours total would be included in the breakdown that will be provided to Mr Peters.

Were the invoices for the legal work approved by the Law Society?

The Acting Mayor advised that the lawyers that were engaged are West Australian Local Government Association (WALGA) approved, and are put through a rigorous process to be able to be used by local governments. Information can be provided to Mr Peters regarding the compliance of the lawyers used.

In regards to the TAG (The Airport Group) fees of \$4.6 million, did the Town engage or take advice from any of the big four accounting firms? [PwC, Deloitte, EY and KPMG]

The Acting Chief Executive Officer advised that TAG were engaged to project manage the airport lease transition, and those fees were calculated as a success fee on the completion of the lease. The fee was developed and calculated at the beginning of the process. Whether advice was taken from the firms, the question will be taken on notice.

7.1.4 Mr George Daccache

The payout for the former Chief Executive Officer must be in the accounts somewhere. Where can I find them?

The Acting Mayor advised the question would be taken on notice, and advice will be sought as to whether the information can be released.

The Acting Mayor closed Public Question Time at 5.50pm.

The Acting Mayor opened Public Statement Time at 5.50pm.

7.2 Public Statement Time

7.2.1 Mr John Peters

I was very pleased to see the news article in the local paper regarding the reduction in rates for Port Hedland.

The Local Government Act 1995, section 1.3 (2)(c) states "This Act is intended to result in - greater accountability of local governments to their communities", yet the community had elected representatives who misled the hardworking honest citizens into investing their hard earned money into properties.

Today there are 3,000 mortgagee sales and many good citizens going broke or struggling to pay their huge mortgages that they have incurred. People are being declared bankrupt and insolvent left, right and centre. Outsiders have looted this town. Families are torn apart, people are working seven days a week with long hours with no family care. We are in the news for all the wrong reasons.

There are many organisations which are rorting the system in the name of Aboriginal People as well. One CEO of an organisation looks after two or three young Aboriginal boys, and when I visited they had one of the boys, a Team Leader, Office Manager, Manager Operations and the CEO all sitting and having a meal with him, and introducing him to different cultural foods. When I see this going on, I wonder where the Elected Members or the Town of Port Hedland stand. That is why I mentioned the Local Government Act 1995, the Elected Members have greater accountability to their communities. The Town of Port Hedland Council should investigate such blue collar fraud. Council should initiate class action for those who have suffered immensely because of systemic fraud.

The Acting Mayor closed Public Statement Time at 5.53pm.

7.3 Petitions/Deputations/Presentations/Submissions

Nil

Item 8 Questions from Members without Notice

8.1 Councillor Jan Gillingham

In reference to item 4.2.2, regarding the mosaics at the Port Hedland International Airport, can the Town find out what is happening with the entrance of the Airport, and what is happening with the mosaic?

The Acting Chief Executive Officer advised that the Town will investigate further.

In regards to the first rates notices being released, I have been contacted by a Primary School questioning why there is a significant increase from approximately \$400 to just over \$2,000 in the Emergency Services levy. Can the Town please clarify this?

The Acting Chief Executive Officer advised that the matter would be looked into.

When will the Valuer General reassess our land considering the recent decrease in value?

The Acting Mayor advised that his understanding is that it will happen in 2017, and that it will be applied the following year in 2018.

Has watering ceased on the trees along Cooke Point Drive?

Councillor Gillingham advised that she is happy for the question to be taken on notice.

I contacted the former Director Works and Services in regards to the maintenance of the Tamarind Orchid Tree on Acton Street, and have not had a reply. Can I please have an update?

The Acting Chief Executive Officer advised that an update will be provided to Councillor Gillingham.

The Acting Mayor asked that the Acting Chief Executive Officer ensure that the tree is fertilised also.

The Acting Chief Executive Officer advised that he is happy to ensure that it is fertilised. He is also aware that there is a white ant problem with the tree.

8.2 Councillor Louise Newbery

Is the Town going to maintain the former Chief Executive Officers property until it is occupied?

The Acting Mayor advised that he has already requested maintenance be done on the property, and that Town officers are currently actioning it.

The Acting Chief Executive Officer advised that a weekly maintenance schedule has been implemented, and that any maintenance requirements on the structure are undertaken. Currently, there is no structural maintenance required, just the upkeep of the grounds.

8.3 Councillor Richard Whitwell

Where is the cost item of the former Chief Executive Officer's exit displayed in the accounts?

The Acting Mayor advised that the question would be taken on notice.

Can a detailed breakdown of the \$2 million in the budget for the Spoilbank Development be provided?

The Acting Mayor advised that a breakdown of costs will be supplied to Councillor Whitwell.

The Acting Chief Executive Officer advised that the funds are to undertake works towards finalisation of the decision by Cabinet, once the Town has a firm decision, detailed design works can commence. Currently, the funds are an allocation for work to get underway once the project is approved.

Can I have any changes that may have taken place since the economic assessment, of the net present values of the first 10 years of the Spoilbank development?

The Acting Mayor advised the question would be taken on notice.

Can I have an amended net cost to the Town of the Spoilbank as it is in the recent review report?

The Acting Mayor advised the question would be taken on notice.

The Acting Chief Executive Officer asked Councillor Whitwell which report he was referring to.

Councillor Whitwell advised that a copy of the report would be supplied to the Acting Chief Executive Officer after the meeting.

What impact will the double channel being developed by the Pilbara Port Authority (PPA) have on the Spoilbank development, if any?

The Acting Mayor advised that the development is only at concept stage, and the impact would be assessed later in the development.

The Acting Chief Executive Officer asked Councillor Whitwell which double channel he was referring to.

Councillor Whitwell advised that the PPA are planning another channel next to the current channel to overcome issues.

The Acting Chief Executive Officer advised that the key issue for the channel for the Spoilbank development is in zone 3, which is the area from the current tug pen through to the point of the spit, those duplications are happening further out in the lane to allow for pulling over or passing if required. The duplication that is underway by the PPA will have no impact on the requirement for a recreational vessel channel in the proposed Spoilbank development location.

8.4 Councillor Lincoln Tavo

In reference to Councillor Gillingham's earlier question regarding the Valuer General assessment, is the Town able to have a valuation completed for the town this year?

The Acting Mayor advised that the Valuer Generals Office does valuations every three years.

The Acting Chief Executive Officer advised that it is his understanding that a valuation can be requested between the scheduled three year periods, at a cost.

The Acting Mayor advised that it is his understanding that there is a process involved but could not recall the details.

Can the Town investigate what the process and cost is?

The Acting Mayor advised in the affirmative.

Is there any information on the North West Festival tickets, sales and profits?

The Acting Chief Executive Officer advised that the Town is awaiting final figures, and would prefer that the information is provided together in one package.

When will the information be provided?

The Acting Chief Executive Officer advised that the Town has requested the information, and that there is a requirement to report the information back to Council within two months after the event.

Item 9 Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting

The following Elected Members declared that they had given due consideration to all matters contained in the agenda:

- Acting Mayor Camilo Blanco
- Councillor Jan Gillingham
- Councillor David Hooper
- Councillor Louise Newbery
- Councillor Richard Whitwell
- Councillor Lincoln Tavo
- Acting Deputy Mayor Troy Melville, excluding the additional information distributed on 30 August 2016

Item 10 Confirmation of Minutes of Previous Meeting

10.1 Confirmation of Minutes of previous Council Meetings

10.1.1 Confirmation of Minutes of the Ordinary Council Meeting held on Wednesday 27 July 2016

CM201617/040 OFFICER RECOMMENDATION/ COUNCIL DECISION

MOVED: CR GILLINGHAM

SECONDED: CR TAVO

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 27 July 2016 are a true and correct record.

CARRIED 7/0

10.1.2 Confirmation of Minutes of the Special Council Meeting held on Wednesday 10 August 2016

CM201617/041 OFFICER RECOMMENDATION/ COUNCIL DECISION**MOVED: CR TAVO****SECONDED: CR HOOPER**

That Council confirm that the Minutes of the Special Council Meeting held on Wednesday 10 August 2016 are a true and correct record.

CARRIED 7/0

Item 11 Announcements by Presiding Member without Discussion

11.1 Mayoral Activity for the period of July and August 2016

July 2016

Monday, 11th July

- Weekly A/CEO, Deputy Mayor and Mayor Catch Up Meeting
- Monthly Meeting South Hedland Business Association
- Chair Special Council Meeting

Tuesday, 12th July

- Weekly Spirit Radio (1026am) Mayor Chat
- Meeting Re Powered Paragliding (Daniel Lienbenberg)
- Meeting Horizon Power (Noeleen McCann)
- Weekly TOPH & NWT Media Meeting
- Attended Youth Involvement Council (YIC) General Board Meeting
- Welcome Presentation At PHCCI Business After Hours Function Hosted By TOPH

Wednesday, 13th July

- Speech At Hedland Economic & Resources Forum
- Meeting With Hon Minister Bill Marmion & Hon Mark Lewis Re: West End and Dust & Noise Taskforce
- Meeting With Kariyarra Native Title Working Group

Thursday, 14th July

- Meeting With Finbarr (John Bell)
- Meeting With Morag Lowe

Friday, 15th July

- Judge At Pilbara Girl 2016 Pilbara Heat Judging – Karratha

Saturday, 16th July

- Speech At Hedland Women's Refuge Fundraiser – Winter Wonderland Gala Ball

Monday, 18th July

- Weekly A/CEO, Deputy Mayor and Mayor Catch Up Meeting
- Teleconference Spoilbank Marina (Megan Anwyl)
- Interview With The West Newspaper (Re Changed Economic Environment)
- Attended East Pilbara District Health Advisory Council Meeting

Tuesday, 19th July

- Attended Hedland Accommodation Services Breakfast Meeting
- Weekly Spirit Radio (1026am) Mayor Chat
- Weekly TOPH & NWT Media Meeting

Wednesday, 20th July

- Attended Follow Up Discussion South Hedland Lotteries House Re Law & Order Issues
- Attended Hedland Taxi Drivers & WA Police Meeting
- Attended CEO Recruitment Working Group Meeting
- Chair Public Agenda Briefing
- Attended EM & Executive Budget Workshop – Waste

Thursday, 21st July

- Meeting Dr Beth Walker and Professor Fiona McKenzie Re Centre For Regional Development
- Attended Port Hedland 120th Birthday Community Working Group Meeting

Friday, 22nd July

- Attended PHCCI Afternoon Tea Event With Hon Mark McGowan
- Attended EM & Executive Meeting With Hon Mark McGowan
- Attended 2016 Spinifex Spree

Saturday, 23rd July

- Opening Speech At 2016 Spinifex Spree
- Attended & Speech At 2016 Annual Dinner South Hedland Volunteer Fire Brigade

Monday, 25th July

- Weekly A/CEO, Deputy Mayor and Mayor Catch Up Meeting

Tuesday, 26th July

- Weekly Spirit Radio (1026am) Mayor Chat
- Attended Rose Nowers Early Learning Centre Board Meeting

Wednesday, 27th July

- Speech At PHCCI Business Breakfast Series Function
- Attended Meeting WA Police & Community Stakeholders Re 3 Mile Community Port Hedland
- Attended EM & Executive Budget Workshop – Debt
- Chair OCM – July

Thursday, 28th July

- Interview ABC NW Radio (603am) Re NWF & Macro Realty and Resignation
- Attended Hedland Women Of Influence Luncheon Event
- Officiated Australian Citizenship Ceremony

Saturday, 30th July

- Mayor Coffees Session – Port Hedland
- Mayor Coffees Session – South Hedland
- Opening Of NW Judo Championships At Wanangkura Stadium
- Meeting With Hon Colin Holt & WA Police Re Housing Issues South Hedland
- Attended 2016 Port Hedland Turf Club Ball

Sunday, 31st July

- 2016 Port Hedland Turf Club Cup

August 2016

Monday, 1st August

- Meeting With St John Ambulance Re Kingsford Smith Business park Site
- Attended The Western Australia Regional Capitals Alliance (WARCA) Meeting
- Meeting With Pardoo Beef (Bruce Cheung)

Tuesday, 2nd August

- Weekly Spirit Radio (1026am) Mayor Chat
- Attended Tourism WA & WALGA Tourism Strategy Workshop
- Attended Pilbara Regional Council Meeting (PRC)
- Attended WALGA Mayors & Shire Presidents Policy Forum

Wednesday, 3rd August

- Attended WALGA Regional Road Group Chairs Meeting
- Attended WALGA Shadow Government Policy Forum
- Meeting Department Aboriginal Affairs Director General
- Meeting Department Regional Development Director General
- Attended WALGA Honours Recipients Luncheon Event
- Attended WALGA AGM & Convention Opening Welcome

Thursday, 4th August

- Attended Australian Local Government Women's Association (WA) AGM & Breakfast Meeting
- Attended WALGA Convention
- Attended Field Site Visit New Energy Perth Facility (Bayswater)

Friday, 5th August

- Attended WALGA Association Convention Breakfast With Peter Bell
- Attended WALGA Convention
- Attended Port Hedland Netball Association Best & Fairest Vote Count (Patron)

Sunday, 7th August

- Attended EM & Executive Budget Workshop

Tuesday, 9th August

- Weekly Spirit Radio (1026am) Mayor Chat
- Meeting With Hodder Family Re South Hedland Cemetery

Wednesday, 10th August

- Attended Confidential Concept Forum EMs & Executive

- Chair Special Council Meeting
- Attended PHCCI Business After Hours Hosted By PDC

Thursday, 11th August

- Meeting With LandCorp Re Progress Of The Cabinet Submission For The Waterfront & Marina Precinct Project

Friday, 12th August

- Attended Port Hedland Netball Association 2016 Grand Final (Patron)

Monday, 15th August

- Meeting With WA Country Health (Winny Henry)

Tuesday, 16th August

- Weekly Spirit Radio (1026am) Mayor Chat
- Weekly TOPH & NWT Media Meeting
- Attended Youth Involvement Council (YIC) General Board Meeting

Thursday, 18th August

- Attended Port Hedland Liquor Accord Meeting
- Speech & Awards Presentation 2016 Hedland Art Awards

Friday, 19th August

- Opening Speech 2016 North West Festival

Saturday, 20th August

- Attended North West Festival West End Markets

11.2 Acting Mayor Camilo Blanco

The Acting Mayor advised that there would be a number of changes to the format of the Ordinary Council Meetings, to improve the effective conduct of the meeting.

Firstly, the Acknowledgement of Traditional Owners will now be “I acknowledge the traditional custodians, the Kariyarra people. I recognise the contribution of Kariyarra elders, past, present and future, in working together for the future of Port Hedland”.

Also, Councillors will not be asked for points of clarification before each item is to be considered. Item 9 in the agenda asks Councillors whether they have given due consideration to the business paper before the meeting, Councillors raise their hand to indicate that they have considered items, however, when we proceed, questions asked on the item are considerable, which eludes to the fact that due consideration has not been given the items.

Councillors receive an agenda approximately 2 weeks before the meeting, and have ample time to ask the Chief Executive Officer or Directors questions, on any of the items, and should not be leaving it to the Council Meeting. This puts pressure on the administration to answer questions moments before the item is being considered, and they may not have all the information at hand at a moment's notice; this could then delay the decision making of Council.

The Presiding Member is not required to ask Councillors if they have points of clarification, as there is no provision in the Town of Port Hedland Standing Orders Local Law 2014. Councillors are also given the opportunity to ask questions of Officers at the Public Agenda Briefing, which is a week prior to the Council Meeting.

It is Councillors duty to attend Council Meetings having read and understood all items on the Agenda for consideration, if Councillors have any questions on any of these items they should be contacting the Chief Executive Officer or Director prior to the meeting for clarification, or asking their questions at an Agenda Briefing. Also, that all requested information from Councillors, where possible, is provided.

In addition, I have considered how we conduct the Public Agenda Briefings, and I have requested that the Chief Executive Officer bring an item to September's Ordinary Council Meeting to consider cancelling the Public Agenda Briefings, and creating a Confidential Ordinary Council Meeting Briefing. This will allow Councillors the opportunity to ask all of the relevant questions for each item and help stimulate discussion between Town Officers and Councillors. There are rarely any members of the public within the public gallery at these meetings, I think it would be a greater benefit to Councillors to engage with staff on a more formal platform.

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.

Item 12 Reports of Officers

12.1 Corporate Services**12.1.1 Amendment of Policy 1/014 'Execution of Documents and Application of the Common Seal'**

| | |
|-------------------------------------|--|
| File No: | 13/06/0001 |
| Applicant/ Proponent: | N/A |
| Subject Land/ Locality: | N/A |
| Date: | 08/08/2016 |
| Author: | Grace Waugh, Coordinator Governance |
| Authorising Officer: | Dale Stewart, Acting Director Corporate Services |
| Disclosure of Interest from Author: | Nil |
| Authority/Discretion: | <input checked="" type="checkbox"/> Legislative – includes adopting local laws, town planning schemes and policies. Review when Council reviews decision made by Officers. |

Attachments:

1. Amended Policy 1/014 'Execution of Documents and Application of the Common Seal' - Draft
 2. Current Policy 1/014 'Execution of Documents and Application of the Common Seal'
-

CM201617/042 OFFICER RECOMMENDATION/ COUNCIL DECISION**MOVED: CR HOOPER****SECONDED: CR TAVO****That Council adopt the amended Policy 1/014 'Execution of Documents and Application of the Common Seal'.*****CARRIED 7/0***

EXECUTIVE SUMMARY

Policy 1/014 'Execution of Documents and Application of the Common Seal' was adopted by Council at the Ordinary Meeting on 25 July 2015, decision number 201213/038.

Town officers have identified that the policy should be amended to include reference that should the Chief Executive Officer or Acting Chief Executive Officer be unable to sign a document requiring a common seal that a designated senior employee is authorised to sign the document in accordance with section 9.49A(3)(b) of the Local Government Act 1995.

BACKGROUND

It is recommended that the change to policy be adopted to ensure that should the Chief Executive Officer or Acting Chief Executive Officer have a conflict of interest concerning the document that is required to be signed and the common seal affixed a designated senior employee can execute the document.

Further to the above amendment to the policy Town officers are also recommending that only employees who have been appointed as the permanent incumbent to the position of a senior employee be authorised by the Chief Executive Officer to sign documents requiring a common seal.

The policy has been amended under part 5 to reflect that each transaction into the common seal register has an accompanying record number.

CONSULTATION

The Acting Chief Executive Officer, Acting Director Corporate Services and Manager Corporate Information have been consulted with the proposed amendment to the policy.

LEGISLATIVE IMPLICATIONS

Section 9.49A(3)(b) of the Local Government Act 1995 allows for the Chief Executive Officer to authorise a senior employee to sign a document that requires a common seal to be affixed.

POLICY IMPLICATIONS

The proposed amended policy will replace the current Policy 1/014 'Execution of Documents and Application of the Common Seal', and the existing policy will become superseded.

Policy 3/007 'Senior Employees and Appointing Acting Chief Executive Officer' applies as the Town's senior employees have been designated in this policy.

FINANCIAL IMPLICATIONS

There are no financial implications for the implementation of the amended to the policy.

STRATEGIC IMPLICATIONS

Strategy 4.1 of the Town's Strategic Community Plan, Strategic and Best Practice Local Government Administration applies. The core objectives of the proposed Policies are to establish strong governance principles and thereby mitigate risks for the Town of Port Hedland, whether they be financial, reputational or other.

SUSTAINABILITY IMPLICATIONS

Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

Social

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

Risk

| | |
|---|--|
| Risk | That the Acting Chief Executive Officer (and by extension the Town) is unable to duly execute agreements due to a conflict of interest. |
| Risk Likelihood (based on history and with existing controls) | Almost Certain (5) |
| Risk Impact / Consequence | Major (4) |
| Risk Rating (Prior to Treatment or Control) | Extreme (20-25) |
| Principal Risk Theme | Service Interruption - 4 Major - Prolonged interruption of critical core service deliverables – additional resources; performance affected |
| Risk Action Plan (Controls or Treatment proposed) | Accept Officer Recommendation |

Risk Matrix

| Consequence | | Insignificant | Minor | Moderate | Major | Catastrophic |
|----------------|---|---------------|------------|------------|--------------|--------------|
| Likelihood | | 1 | 2 | 3 | 4 | 5 |
| Almost Certain | 5 | Medium (5) | High (10) | High (15) | Extreme (20) | Extreme (25) |
| Likely | 4 | Low (4) | Medium (8) | High (12) | High (16) | Extreme (20) |
| Possible | 3 | Low (3) | Medium (6) | Medium (9) | High (12) | High (15) |
| Unlikely | 2 | Low (2) | Low (4) | Medium (6) | Medium (8) | High (10) |
| Rare | 1 | Low (1) | Low (2) | Low (3) | Low (4) | Medium (5) |

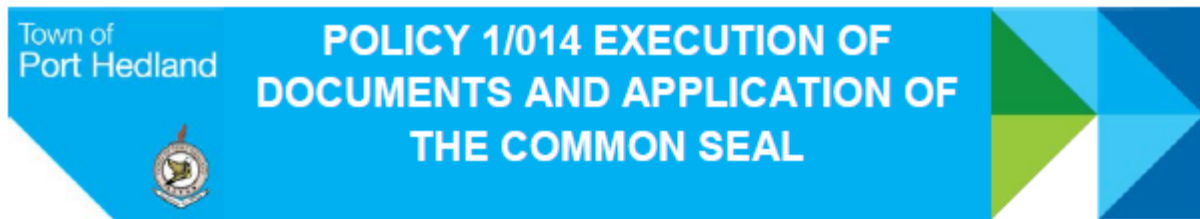
A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 20 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

If the amended policy is not adopted, this item will need to be added to the Town's Risk Register until such time as a solution is ascertained.

CONCLUSION

It is recommended that Council adopt the amendment to the policy to ensure documents within the Town of Port Hedland can be signed in a timely manner.

ATTACHMENT 1 TO ITEM 12.1.1

**1/014 EXECUTION OF DOCUMENTS AND APPLICATION OF THE COMMON SEAL****POLICY OBJECTIVE**

This policy defines the types of documents which require the affixing of the common seal.

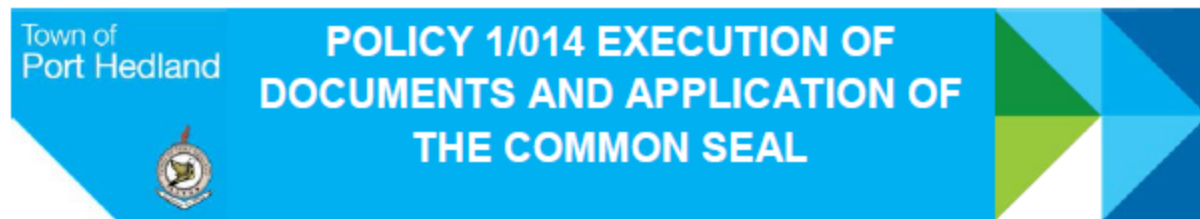
POLICY CONTENT**1. Applicability**

The provisions of this policy apply to the affixing of the common seal to execute leases, contracts, agreements and legal documentation, provided that the document complies with the requirements of the *Local Government Act 1995* and other relevant legislation.

2. Documents Requiring Affixation of the Common Seal

Documents requiring the common seal may include, but shall not be limited to:

- (a) Sale of Town-owned land for which a Council resolution is required expressly stating that the final document be signed and sealed and the transaction finalised;
- (b) Legal Agreements;
- (c) A Town Planning Scheme and any Town Planning Scheme Amendments;
- (d) Documents relating to land matters including lodgement of caveats, memorials, leases, transfers, deeds, licenses, covenants, easements and withdrawal of instruments;
- (e) Local Laws;
- (f) Service Agreements;
- (g) New Funding or Contracts of Agreement between the Town and State or Commonwealth Governments for programs to which the Town has previously adopted, or additions to existing programs, which in the view of the Chief Executive Officer are in accordance with the original intent of the Town-endorsed program; and
- (h) Any other documents stating that the common seal of the Town of Port Hedland is to be affixed.



3. *Authorised Signatures*

The Mayor and Chief Executive Officer are authorised to affix and sign all documents to be executed under the common seal; however, in the absence of the Mayor and/or the Chief Executive Officer, as the case may be, the Deputy Mayor and the Acting Chief Executive Officer are authorised to affix the common seal.

Should the Chief Executive Officer or Acting Chief Executive Officer be unable to sign the documents the Chief Executive Officer or Acting Chief Executive Officer will authorise a designated senior employee, identified in policy 3/007 'Senior Employees and Appointing Chief Executive Officer', to sign the document in accordance with section 9.49A(3)(b) of the Local Government Act 1995. Only designated senior employees that have been appointed as the permanent incumbent to the position of a senior employee are able to be authorised to sign the document.

4. *Witnessing of Signature*

The common seal may only be affixed in the presence of both the Mayor and the Chief Executive Officer (or the Deputy Mayor and/or the Acting Chief Executive Officer or designated senior employee, as the case may be), each of whom is to sign the document to attest that the common seal was so affixed.

5. *Register to be Maintained*

Details of all transactions where the common seal has been affixed shall be recorded in a register, with such register to record each date on which the common seal was affixed to a document, the nature of the said document, and the parties to any agreement to which the common seal was affixed.

The register is to record each transaction with a record-identifying number that may be retrieved in the Town Council's Records Management System ~~and this number is to be recorded against the common seal as it is affixed.~~

Town of
Port Hedland

POLICY 1/014 EXECUTION OF DOCUMENTS AND APPLICATION OF THE COMMON SEAL

6. *Method of Affixing the Common Seal*

Below is an example of how documents should be executed under the common seal:

DATED THIS (DAY) DAY OF (MONTH) (YEAR)

The common seal of the)

Town of Port Hedland)

was hereunto affixed in the)

presence of:)



(Insert Name of Mayor)

(Insert Name of Chief Executive Officer)

DEFINITIONS

Common Seal is a device which creates an impression upon paper or melted wax, used by government agencies, corporations and notaries public to show that the document is validly executed, acknowledged or witnessed.

The Town of Port Hedland uses a plastic sticker, rather than a rubber seal, since this print is easier to microfilm for official recording than is a faint embossed impression.

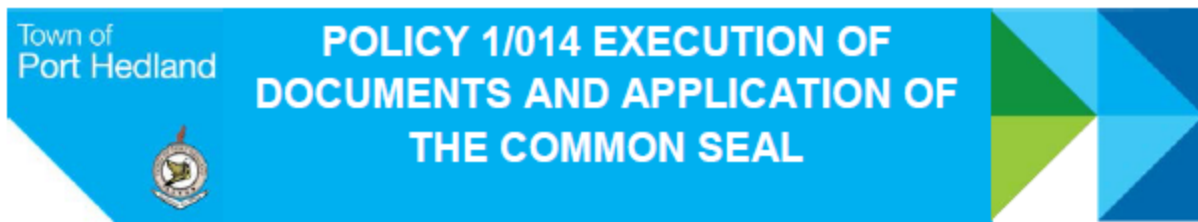
| | |
|---|--|
| Council Adoption Date and Resolution No. | 25 July 2012 / 201213/038 |
| Date of adoption of amendment and Resolution Number Do not delete previous dates | |
| Relevant Legislation | <u>Local Government Act 1995:-</u> s 2.5(2), 5.44, 9.49 and 9.49A |
| Delegated Authority | 3 (Execution of Documents) |

Town of
Port Hedland**POLICY 1/014 EXECUTION OF
DOCUMENTS AND APPLICATION OF
THE COMMON SEAL**

| | |
|------------------|--------------------------------------|
| Directorate | Corporate Services |
| Review Frequency | Annual <u>As required</u> |

DRAFT

ATTACHMENT 2 TO ITEM 12.1.1

**1/014 EXECUTION OF DOCUMENTS AND APPLICATION OF THE COMMON SEAL****POLICY OBJECTIVE**

This policy defines the types of documents which require the affixing of the common seal.

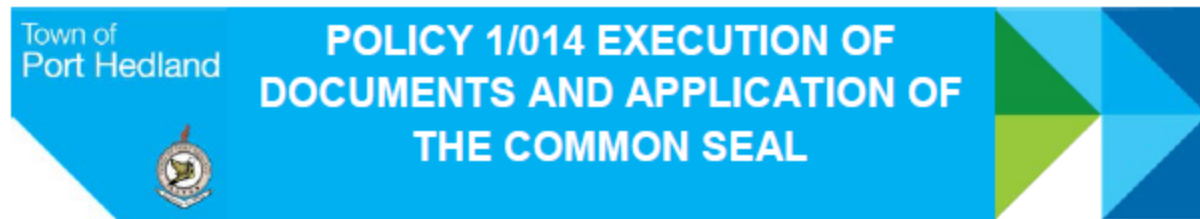
POLICY CONTENT**1. *Applicability***

The provisions of this policy apply to the affixing of the common seal to execute leases, contracts, agreements and legal documentation, provided that the document complies with the requirements of the *Local Government Act 1995* and other relevant legislation.

2. *Documents Requiring Affixation of the Common Seal*

Documents requiring the common seal may include, but shall not be limited to:

- (a) Sale of Town-owned land for which a Council resolution is required expressly stating that the final document be signed and sealed and the transaction finalised;
- (b) Legal Agreements;
- (c) A Town Planning Scheme and any Town Planning Scheme Amendments;
- (d) Documents relating to land matters including lodgement of caveats, memorials, leases, transfers, deeds, licenses, covenants, easements and withdrawal of instruments;
- (e) Local Laws;
- (f) Service Agreements;
- (g) New Funding or Contracts of Agreement between the Town and State or Commonwealth Governments for programs to which the Town has previously adopted, or additions to existing programs, which in the view of the Chief Executive Officer are in accordance with the original intent of the Town-endorsed program; and
- (h) Any other documents stating that the common seal of the Town of Port Hedland is to be affixed.



3. ***Authorised Signatures***

The Mayor and Chief Executive Officer are authorised to affix and sign all documents to be executed under the common seal; however, in the absence of the Mayor and/or the Chief Executive Officer, as the case may be, the Deputy Mayor and the Acting Chief Executive Officer are authorised to affix the common seal.

4. ***Witnessing of Signature***

The common seal may only be affixed in the presence of both the Mayor and the Chief Executive Officer (or the Deputy Mayor and/or the Acting Chief Executive Officer, as the case may be), each of whom is to sign the document to attest that the common seal was so affixed.

5. ***Register to be Maintained***

Details of all transactions where the common seal has been affixed shall be recorded in a register, with such register to record each date on which the common seal was affixed to a document, the nature of the said document, and the parties to any agreement to which the common seal was affixed.

The register is to record each transaction with an identifying number that may be retrieved in Council's Records Management System and this number is to be recorded against the common seal as it is affixed.

6. ***Method of Affixing the Common Seal***

Below is an example of how documents should be executed under the common seal:

DATED THIS (DAY) DAY OF (MONTH) (YEAR)

The common seal of the)

Town of Port Hedland)

was hereunto affixed in the)

presence of:)



Town of
Port Hedland

POLICY 1/014 EXECUTION OF DOCUMENTS AND APPLICATION OF THE COMMON SEAL



(Insert Name of Mayor)

(Insert Name of Chief Executive Officer)

DEFINITIONS

Common Seal is a device which creates an impression upon paper or melted wax, used by government agencies, corporations and notaries public to show that the document is validly executed, acknowledged or witnessed.

The Town of Port Hedland uses a plastic sticker, rather than a rubber seal, since this print is easier to microfilm for official recording than is a faint embossed impression.

| | |
|---|---|
| Council Adoption Date and Resolution No. | 25 July 2012 / 201213/038 |
| Date of adoption of amendment and Resolution Number Do not delete previous dates | |
| Relevant Legislation | <i>Local Government Act 1995:</i> s 2.5(2), 5.44, 9.49 and 9.49A |
| Delegated Authority | 3 (Execution of Documents) |
| Directorate | Corporate Services |
| Review Frequency | Annual |



12.1.2 Statement of Financial Activity for the period ended 31 July 2016

File No: 12/14/0003
Applicant/ Proponent: N/A
Subject Land/ Locality: N/A
Date: 15/08/2016
Author: Kathryn Crothers, Manager Financial Services
Authorising Officer: Dale Stewart, Acting Director Corporate Services
Disclosure of Interest from Author: Nil
Authority/Discretion: ☒ Information Purposes - includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').

Attachments:

1. Statement of Financial Activity for the period ended 31 July 2016 (Under Separate Cover)
2. Waste Management Statement of Financial Activity for the period ended 31 July 2016 (Under Separate Cover)
3. Accounts paid under delegated authority for the month of July 2016 (Under Separate Cover)
4. Credit Card Statements for the month of July 2016 (Under Separate Cover)
5. Account Statements (Under Separate Cover)

CM201617/043 OFFICER RECOMMENDATION/ COUNCIL DECISION**MOVED: CR TAVO****SECONDED: CR WHITWELL**

That with respect to the Statement of Financial Activity for the period ended 31 July 2016, Council:

1. **Receive the Statement of Financial Activity (and supporting information);**
2. **Receive the Waste Management Statement of Financial Activity;**
3. **Note the accounts paid during July 2016 under delegated authority;**
4. **Receive the Credit Card Statements;**
5. **Receive the Bank Account Summary.**

CARRIED 7/0**EXECUTIVE SUMMARY**

This report presents the Statement of Financial Activity for the period ended 31 July 2016. Supplementary information regarding the Town's financial activities is attached to this report.

Budget figures are presented as zero in this report due to the 2016/17 budget not yet being adopted. The net current assets and opening surplus figure presented in this report and attachments are interim only and are subject to change pending end of financial year non-cash (accrual) and other accounting adjustments required as part of finalising the 2015/16 annual financial statements.

The annual financial statements will be audited by the Town's independent auditors RSM Bird Cameron in September and presented to Council upon completion.

BACKGROUND

The attachment details the Town's financial performance for the period ending 31 July 2016. As Council has not yet adopted the 2016/17 Budget, there are no material variances to report. Further, Council is yet to adopt the percentage and value to be used for material variance reporting for 2016/17. This will be included in the 2016/17 Budget adoption.

The interim net current asset position as at 31 July 2016 is \$3.856M. The interim unrestricted cash position as at 31 July 2016 is a \$228,778 deficit. Practically this means that the Town is utilising cash otherwise dedicated to cash backing reserves rather than incurring additional cost of an overdraft facility until rates are received and the net cash inflow increases. These figures are subject to change as part of the finalisation of the 2015/16 financial year and are calculated as follows:

| | 2016/17 Actuals |
|---|-----------------|
| Current Assets: Cash and Investments | \$239,371,462 |
| Restricted Cash – Reserves | (\$239,596,557) |
| Unrestricted Cash Position as at 31 July 2016 | (\$225,095) |

CONSULTATION

Internal consultation with the Manager of Financial Services and the Acting Director of Corporate Services.

LEGISLATIVE IMPLICATIONS

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires the following:

1. The local government to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget for that month in the following detail:
 - annual budget estimates, taking into account any expenditure incurred for an additional purpose; and
 - budget estimates to the end of the month
 - material variances between budget estimates and actual amounts of expenditure
 - the net current asset at the end of the month
2. Each statement of financial activity is to be accompanied by documents containing:
 - an explanation of the composition of the net current assets less committed assets and restricted assets
 - an explanation of each of the material variances and;
 - such other supporting information considered relevant
3. The information in the statement of financial activity may be shown:
 - according to nature and type classification; or
 - by program
 - by business unit

4. A statement of financial activity, and the accompanying documents are to be:
 - presented at an ordinary meeting of the council within 2 months after the end of the month to which it relates; and
 - recorded in the minutes of the meeting at which it is presented
5. Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in the statements of financial activity for reporting material variances

If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, as this Council has, Regulation 13 of the *Local Government (Financial Management) Regulations 1996* requires the Town to prepare a list of accounts paid by the CEO each month showing for each account paid since the last such list was prepared —

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

POLICY IMPLICATIONS

No policy implications

FINANCIAL IMPLICATIONS

A variance analysis cannot be performed in the absence of an adopted budget, therefore an adequate and substantial comparison of actuals vs budget is unachievable.

STRATEGIC IMPLICATIONS

The Town provides monthly Statements of Financial Activity as part of its delivery of high quality corporate governance, accountability and compliance. The Town's goals and actions in this regard are set out in the Leading our Community section of the Strategic Community Plan 2014-2024.

SUSTAINABILITY IMPLICATIONS

Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

Social

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

Risk

The Town of Port Hedland is exposed to a number of financial risks.

Most of these risks exist in respect to recurrent revenue streams which are required to meet current service levels. Any reduction in these revenue streams into the future is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements, unless the Town can replace this revenue or alternatively reduce costs.

| | |
|---|--|
| Risk | Rates Revenue – TWA GRV Valuations/Income The Town has received new valuations for all the GRV Transient Works Accommodation (TWA) properties from Landgate based on the SAT determination on the valuation basis of TWA's. The result is only one TWA valuation has been revised and this will result in approximately \$125,000 reduction in rate revenue in 2016/17, based on the proposed rate in the dollar. The remaining TWA's valuations have not changed, therefore further reductions in GRV TWA rate revenue due to valuation decreases is unlikely. |
| Risk Likelihood (based on history and with existing controls) | Unlikely (3) |
| Risk Impact / Consequence | Moderate (3) |
| Risk Rating (Prior to Treatment or Control) | Medium (5-9) |
| Principal Risk Theme | Financial Impact - 3 Moderate - \$300,001 - \$3M |
| Risk Action Plan (Controls or Treatment proposed) | Accept Risk |

| | |
|---|---|
| Risk | Waste Management Reserve As at 30 June 2016 the budgeted closing balance of the Waste Management Reserve is \$11.956m. Council will need to adopt a strong policy position with regards to the replenishment of the Waste Management Reserve in order to meet future capital costs for the closure and rehabilitation of the current landfill site at the end of its useful life and for the establishment of a new landfill site. |
| Risk Likelihood (based on history and with existing controls) | Unlikely (2) |
| Risk Impact / Consequence | Major (4) |
| Risk Rating (Prior to Treatment or Control) | Medium (5-9) |
| Principal Risk Theme | Financial Impact - 4 Major - \$300,001 - \$3M |
| Risk Action Plan (Controls or Treatment proposed) | Manage by building reserve balance to required level to mitigate financial loss |

| | |
|---|---|
| Risk | Underground Power Debtor |
| | Council has one Debtor who is currently disputing the works on the basis of rateability. The value of this Debtor is over \$271K with accrued interest. |
| Risk Likelihood (based on history and with existing controls) | Possible (3) |
| Risk Impact / Consequence | Moderate (3) |
| Risk Rating (Prior to Treatment or Control) | Medium (5-9) |
| Principal Risk Theme | Financial Impact - 3 Moderate - \$30,001 - \$300,000 |
| Risk Action Plan (Controls or Treatment proposed) | Manage by creating provision for doubtful debt in the case that the amount is unrecoverable |

| | |
|---|---|
| Risk | Unspent Grant Funding |
| | The Town currently has unspent grant funding, including funding from Royalties for Regions and Country Local Government Fund. This funding is associated with capital works programs such as the South Hedland Library Community Centre and Kerbing Construction. If the Town does not expend and acquit the funding in a timely manner the funding bodies may not approve carry-over into future years and the funding could potentially be 'lost'. This could also damage future funding opportunities. |
| Risk Likelihood (based on history and with existing controls) | Possible (3) |
| Risk Impact / Consequence | Moderate (3) |
| Risk Rating (Prior to Treatment or Control) | Medium (5-9) |
| Principal Risk Theme | Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile |
| Risk Action Plan (Controls or Treatment proposed) | Manage by monitoring progress towards project completion |

Risk Matrix

| Consequence Likelihood | | Insignificant | Minor | Moderate | Major | Catastrophic |
|---------------------------|---|---------------|------------|------------|--------------|--------------|
| | | 1 | 2 | 3 | 4 | 5 |
| Almost Certain | 5 | Medium (5) | High (10) | High (15) | Extreme (20) | Extreme (25) |
| Likely | 4 | Low (4) | Medium (8) | High (12) | High (16) | Extreme (20) |
| Possible | 3 | Low (3) | Medium (6) | Medium (9) | High (12) | High (15) |
| Unlikely | 2 | Low (2) | Low (4) | Medium (6) | Medium (8) | High (10) |
| Rare | 1 | Low (1) | Low (2) | Low (3) | Low (4) | Medium (5) |

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment.

A risk matrix has been prepared and a risk rating has been determined for each of these items. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Risk Rating:

The following risks has been reviewed and as a result of the lower risk rating, can now be removed from the risk register:

| Risk | Rating |
|---|--------|
| Rates Revenue - TWA GRV Valuations/Income | 9 |

CONCLUSION

As at 31 July 2016, the net current asset position is \$3.856M (subject to final end of year audit). This has not been compared to a budgeted closing position because the 2016/17 budget has not yet been adopted.

12.2 Community and Development Services

12.2.1 Proposed Road Widening and Dedication of a portion of McLarty Boulevard (formerly Rason Court)

File No: 28/01/0017
Applicant/ Proponent: Town of Port Hedland
Subject Land/ Locality: Part Lot 1600 McLarty Boulevard – Reserve 35607
Date: 09/08/2016
Author: Keryn Dempsey, Development and Lands Officer
Authorising Officer: Adam Majid, Acting Director Community and Development Services
Disclosure of Interest from Author: Nil
Authority/Discretion: ☒ Legislative – includes adopting local laws, town planning schemes and policies. Review when Council reviews decision made by Officers.

Attachments:

1. Aerial of the subject area
2. Survey Plan or proposed road widening
3. Original proposed road change plan as supported at Ordinary Council Meeting 13 April 2011
4. Copies of correspondence from relevant agencies

CM201617/044 OFFICER RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HOOPER

SECONDED: CR TAVO

That with respect to the permanent widening of McLarty Boulevard (formerly Rason Court), Council:

1. **Supports the request from Department of Lands to permanently dedicate the required portion of McLarty Boulevard (formerly Rason Court) as road reserve, as shown on attachment 2;**
2. **Indemnifies the Minister for Lands and Department of Lands against any claims for compensation and costs that may reasonably be incurred by the Minister in considering and granting the request to dedicate the land as road, as pursuant to section 56(4) of the Land Administration Act 1997**

CARRIED 7/0

EXECUTIVE SUMMARY

In April 2011, Council approved a number of Road Closures, Widenings and Dedications within the South Hedland Town Centre in order to facilitate implementation of the South Hedland Town Centre Development Plan (SHTCDP). It has recently been determined that the correct process in relation to the Road Widening of Rason Court (now McLarty Boulevard) was not adhered to, and is required to be rectified.

BACKGROUND

At its Ordinary meeting of 26 March 2008, Council resolved to commence advertising of the South Hedland Town Centre Development Plan (SHTCDP). Extensive public consultation was subsequently undertaken, and the SHTCDP was adopted with amendments.

In 2010, the Town received a request from RPS, Town Planners on behalf of Landcorp to permanently close and widen a number of roads with the South Hedland Town Centre. The alterations were required to facilitate the implementation of the SHTCDP. At its Ordinary meeting of 13 April 2011, Council resolved to support the proposed road changes, as shown on attachment 1, subject to advertisement of the proposed changes accordingly, the proposal was advertised for 35 days during which time and no objections being received. The completed request was forwarded to the Department of Regional Development and Lands (now Department of Lands) on 17 June 2011 for Ministerial Approval and implementation.

On 3 May 2016 the Town received correspondence from the Department of Lands advising that the road widening at Point I of attachment 3 was unable to be completed as the land involved was under Management Order to the Minister for Health, and written consent was required from the Minister as the Management Body. Additionally, the report to Council in 2011 referenced only legislation relating to road closures, and accordingly an additional resolution is required referencing the correct legislation for a road widening.

The physical Road Widening works have already been completed (attachment 2), Council Resolution is required to ensure the relevant Deposited Plan and legal description of the Road Reserve correspond accordingly.

CONSULTATION

The details of the Road Widening were referred to the following agencies for comments. All agencies confirmed they have no objection to the Road Widening.

- Horizon Power
- Optus
- Telstra
- Water Corporation
- Department of Health

In addition, the Road Widening was referred to the Honourable John Day, Minister for Health; Culture and the Arts specifically, as the holder of the Management Order over Lot 1600. Minister Day's office has confirmed they have no objection to the Road Widening.

LEGISLATIVE IMPLICATIONS

Section 56 (Dedication of land as road) of the Lands Administration Act 1997 (LAA) and regulation 8 of the Lands Administration Regulations 1998 (LAR) establish the procedure for the dedication of a road, including road widenings.

Section 56 of the LAA outlines the circumstances and requirements in which a road can be dedicated, whilst Regulation 8 of the LAR provides further guidance in the procedure to be followed.

Delegation 5.1 of the Town of Port Hedland's Delegation Register provides for the Director Community and Development Services to forward a request for dedication to the Department of Lands on behalf of the Town.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As the physical works have already been completed there are no current budgetary implications. Section 56(4) of the LAA notes that the Local Government is required to indemnify the Minister against any claim for compensation, however as the works have been completed this is not anticipated.

STRATEGIC IMPLICATIONS

There are no strategic implications as this is simply administrative changes.

SUSTAINABILITY IMPLICATIONS

Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

Social

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

Risk

| | |
|---|---|
| Risk | Should the road widening not be supported by Council or approved by the Department of Lands, the existing road verge remains outside of the Towns jurisdiction. |
| Risk Likelihood (based on history and with existing controls) | Unlikely (2) |
| Risk Impact / Consequence | Moderate (3) |
| Risk Rating (Prior to Treatment or Control) | Medium (5-9) |
| Principal Risk Theme | Failure to recognise, comply with or properly manage Councils statutory obligations |
| Risk Action Plan (Controls or Treatment proposed) | Accept Officer Recommendation and Accept Risk |

Risk Matrix

| Consequence Likelihood | | Insignificant | Minor | Moderate | Major | Catastrophic |
|---------------------------|---|---------------|------------|------------|--------------|--------------|
| | | 1 | 2 | 3 | 4 | 5 |
| Almost Certain | 5 | Medium (5) | High (10) | High (15) | Extreme (20) | Extreme (25) |
| Likely | 4 | Low (4) | Medium (8) | High (12) | High (16) | Extreme (20) |
| Possible | 3 | Low (3) | Medium (6) | Medium (9) | High (12) | High (15) |
| Unlikely | 2 | Low (2) | Low (4) | Medium (6) | Medium (8) | High (10) |
| Rare | 1 | Low (1) | Low (2) | Low (3) | Low (4) | Medium (5) |

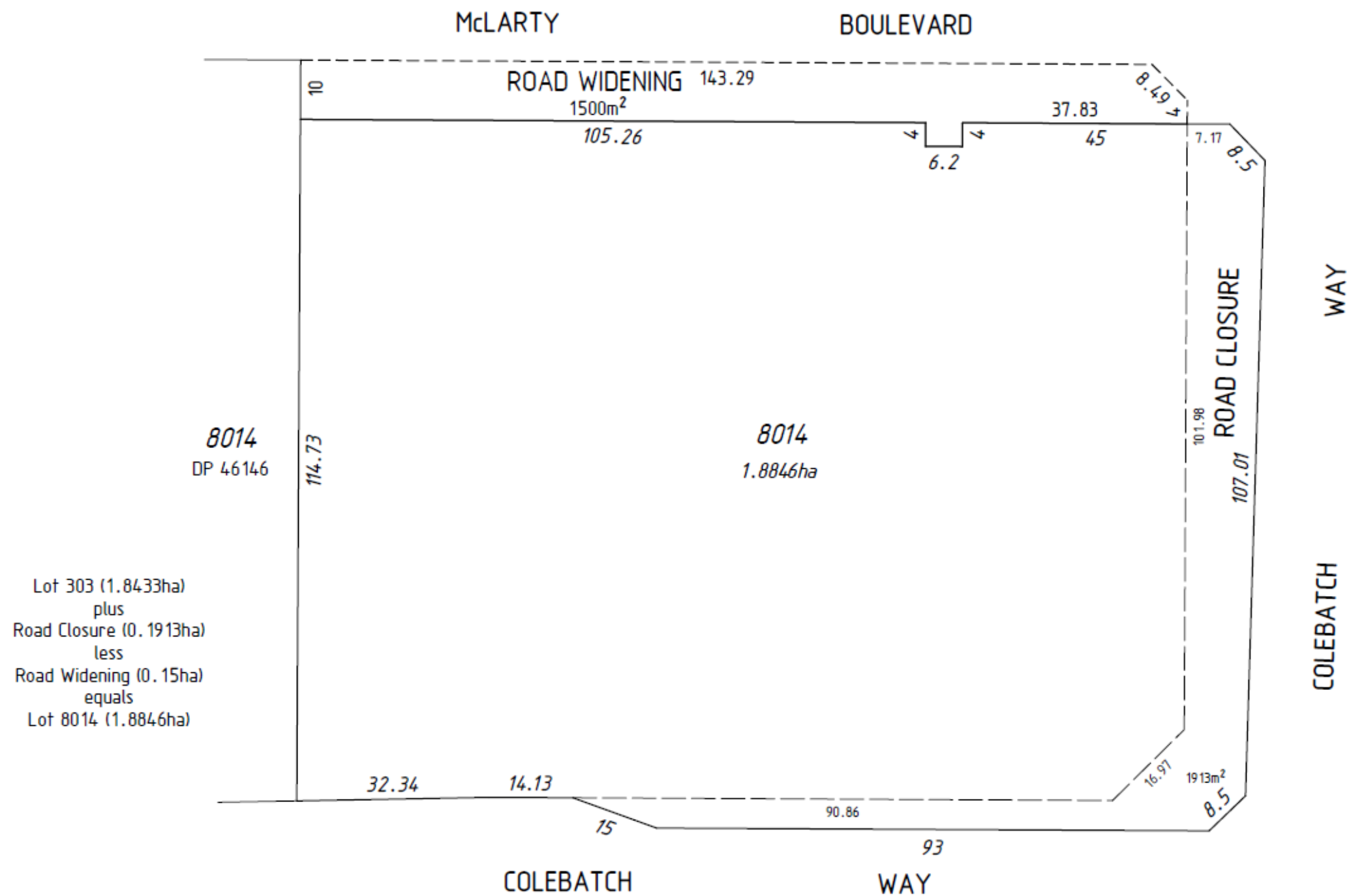
A risk matrix has been prepared and a risk ratings of 6 has been determined for this item. Therefore it is recommended that Council support the officer's recommendation. Should Council choose not to support the officers recommendation, a portion of the road verge will remain as part of Lot 1600 and therefore be outside of the Towns' control.

CONCLUSION

The officer's recommendation is to support the proposed road widening and dedication by concluding the administrative process. As the balance of works relating to the SHTCDP and the physical works on site have been completed.

ATTACHMENT 1 TO ITEM 12.2.1





McMULLEN NOLAN GROUP
Surveying Excellence

P.O. Box 3526 Success, W.A. 6964. E-mail: info@mcmullennolan.com.au
Phone: +61 (0)8 6436 1599, Fax: +61 (0)8 6436 1500
MAPS Ref:- 95168mp-045a.dgn Date:- 11/11/2011

ROAD CLOSURE AND ROAD WIDENING
AFFECTING LOT 303 ON DP 46146
SOUTH HEDLAND



Scale 1 : 1000

| AMENDMENTS TABLE | | | |
|------------------|-----------|---------------|------|
| VERSION | AMENDMENT | AUTHORISED BY | DATE |
| | | | |

LOT 500 (ROAD CLOSURE)
FORMERLY PART WISE TERRACE AND COLEBATCH WAY
ON DP 213761 & DP 213763

INSET SCALE 1:750

INTERESTS AND NOTIFICATIONS

| SUBJECT | PURPOSE | STATUTORY REFERENCE | ORIGIN | LAND BURDENED | BENEFIT TO | COMMENTS |
|---------|---------|---------------------|--------|---------------|------------|----------|
| | | | | | | |

SURVEY CARRIED OUT UNDER REG 26A
SPECIAL SURVEY AREA GUIDELINES
SEE SHEET 2 OF 2 FOR SURVEY INFORMATION

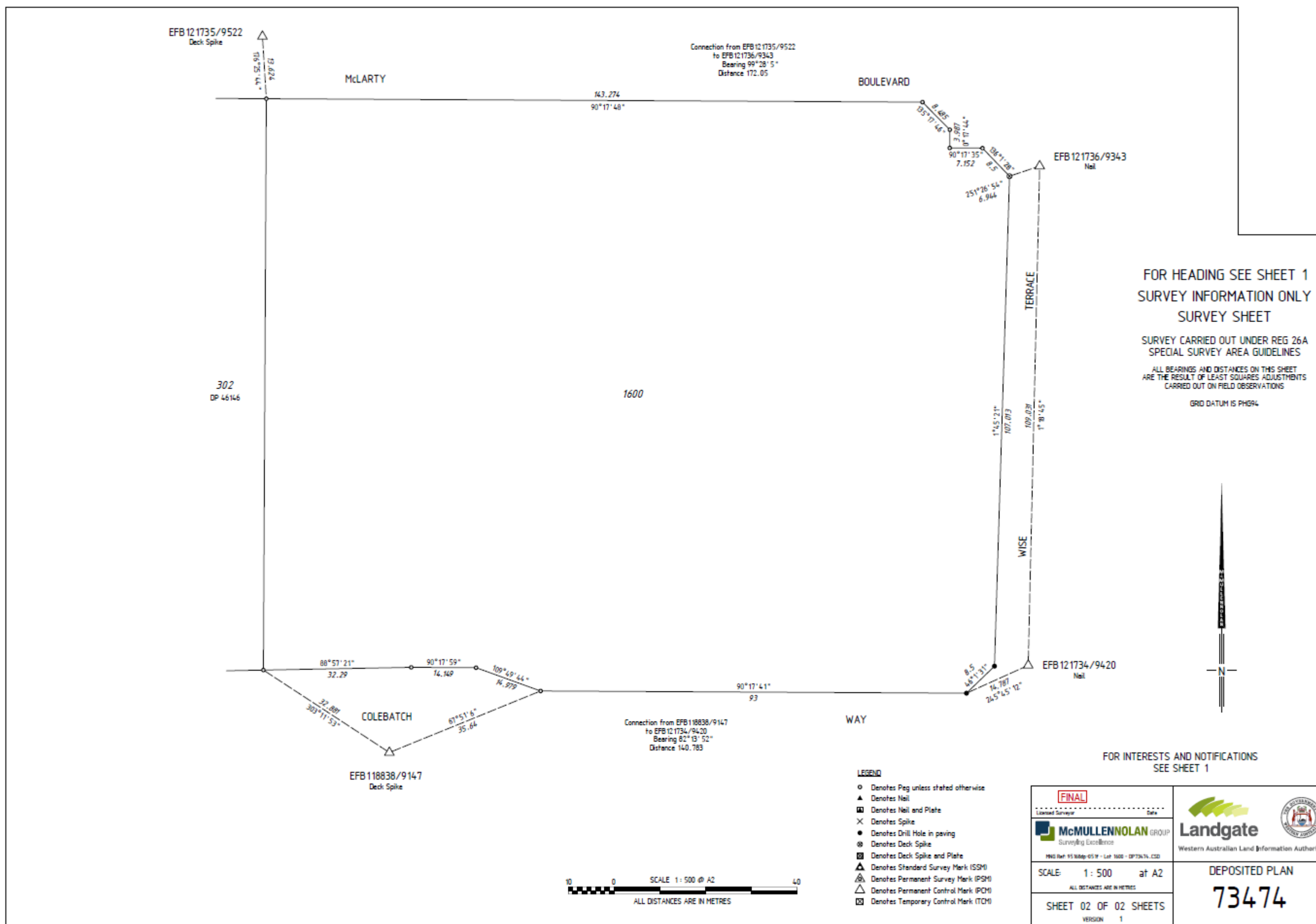
ALL BOUNDARY / CORNER SURVEY MARKS
SHOWN ON THIS SHEET ARE INDICATIVE ONLY.
USE ONLY THE SURVEY SHEET/S WHEN DETERMINING
THE TRUE FINAL POSITION AND TYPE OF ALL SURVEY
MARKS PLACED PERTAINING TO THIS PLAN.

SCALE 1:750 @ A2

ALL DISTANCES ARE IN METRES

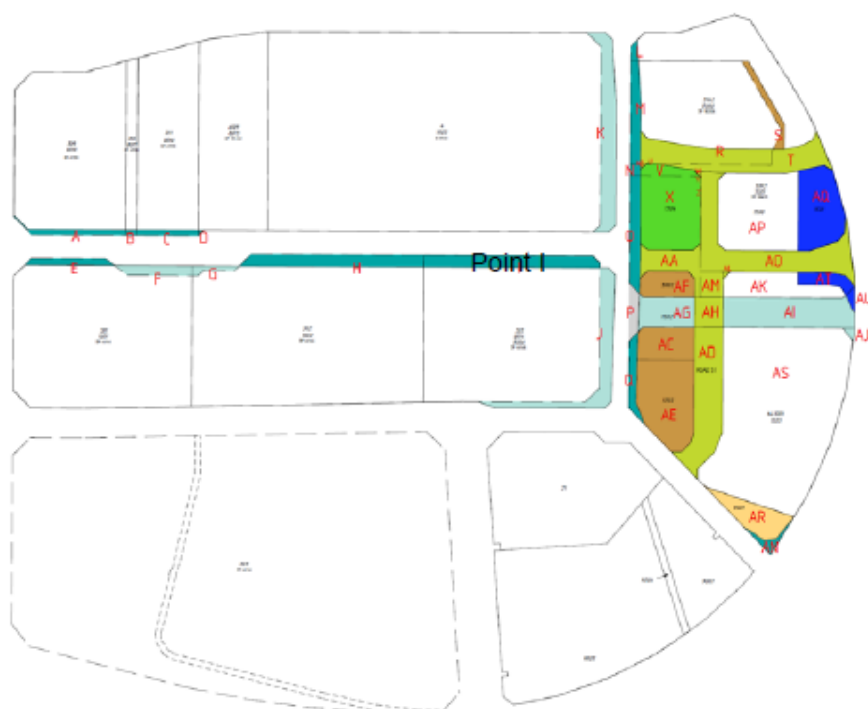
| FORMER TENURE TABLE | | | |
|---------------------|--------------------|-------------------------------|-------------|
| LOT | FORMER TENURE | ON PLAN / DIAGRAM | TITLE |
| 1600 | LOT 303 LOT 500 | DP 46146 THIS PLAN (INSET) | LR 3142/692 |

| | |
|--|--|
| TYPE CROWN | |
| PURPOSE SUBDIVISION | |
| PLAN OF LOT 1600 | |
| DISTRICT FORREST | S.S.A. YES |
| TOWNSITE PORT HEDLAND | FORMER TENURE SEE FORMER TENURE TABLE |
| R.D.L. FILE No. 00427-1985-02 | LOCALITY SOUTH HEDLAND |
| LOCAL AUTHORITY TOWN OF PORT HEDLAND | |
| FIELD BOOK 120968 121266 | ON INDEX SEE SHAPPLAN |
| <p style="text-align: center;">SURVEYOR'S CERTIFICATE - Reg 54</p> <p>I, <u>Mark P. MARIOTT</u>, hereby certify that this plan is accurate and is a correct representation of the (a) "survey, and/or (b) "calculations from measurements, (delete if inapplicable), undertaken for the purposes of this plan and that it complies with the relevant written laws in relation to which it is lodged.</p> <p style="text-align: center;">FINAL</p> <p>Licensed Surveyor _____ Date _____</p> | |
| <p style="text-align: center;">McMULLENOLAN GROUP</p> <p style="text-align: center;">Surveying Excellence</p> <p>PO Box 8526, Success, W.A. 6894 Telephone: (08) 6436 1599 Facsimile: (08) 6436 1599 Email: info@mcullenolan.com.au</p> | |
| <p>SCALE: 1:750 at A2</p> <p>ALL DISTANCES ARE IN METRES</p> | |
| <p>LODGED</p> <p>DATE: _____</p> <p>FILE NO: _____</p> <p>REGISTERED: _____</p> | <p>TYPE OF VALIDATION</p> <p>FILE NO: _____</p> <p>LEGAL COMMENT: _____</p> <p>DATE: _____</p> |
| <p>APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION</p> <p>EXEMPT FROM WAPC APPROVAL</p> <p>Designated under Sec 16 P.P.S. Act 2005</p> | |
| <p>SUBJECT TO</p> <p>IN ORDER FOR DEALINGS</p> | |
| <p>For INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER</p> <p>DATE</p> | |
| <p style="text-align: center;">APPROVED REG26A (4)</p> <p>INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER</p> <p>DATE</p> | |
| <p>Western Australian Land Information Authority</p> | |
| <p>DEPOSITED PLAN</p> <p style="font-size: 2em;">73474</p> <p>SHEET 01 OF 02 SHEETS</p> <p>VERSION 1</p> | |



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13 APRIL 2011

[illegible][illegible]

ATTACHMENT 4 TO ITEM 12.2.1



Minister for Health; Culture & the Arts
Government of Western Australia

Our Ref: 33-34280



Ms Keryn Dempsey
Development and Lands Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Ms Dempsey

Thank you for your e-mails of 20 and 30 June 2016 regarding a response to a request for comment on Management Order – Reserve 35607 – Lot 1600 on Deposited Plan 73474 (Pilbara Public Health) Rason Court, South Hedland.

In relation to the Management Order, there is no objection.

I understand that the Department of Health has also responded on this issue within the due date as originally requested.

Yours sincerely

JOHN DAY
MINISTER FOR HEALTH;
CULTURE AND THE ARTS

20 JUL 2016



Government of Western Australia
Department of Health

Your Ref: 2016/112 / 28/01/0017
Our Ref: F-AA-19904/04 EHB16/1030
Enquiries: Vic Andrich (08) 9388 4978

Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721



Attention: Keryn Dempsey, Development & Lands Officer

Dear Sir

**APPLICATION 2016/112 – PROPOSED ROAD WIDENING OF RASON COURT,
SOUTH HEDLAND**

Thank you for your letter, dated 23 June 2016, requesting comment from the Department of Health (DOH) on the above proposal.

The DOH has no objection to the proposed road widening.

Should you have queries or require further information please contact Vic Andrich on (08) 9388 4978 or vic.andrich@health.wa.gov.au

Yours sincerely

Jim Dodds
DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE

5 June 2016

Environmental Health Directorate
All correspondence PO Box 8172 Perth Business Centre Western Australia 6849
Grace Vaughan House 227 Stubbs Terrace Shenton Park WA 6008
Telephone (08) 9388 4999 Fax (08) 9388 4955
www.health.wa.gov.au
28 684 750 332



Date: **30/06/16**

Telstra Plan Services

Your Ref: 2016/112 /28 01/0017
Our Ref: PF179527-1

Level 18, 275 George Street
Brisbane, QLD 4000

Postal Address:
Locked Bag 3820
Brisbane, QLD 4001

Keryn Dempsey
pa@porthedland.wa.gov.au

Email: F0501488@team.telstra.com

Dear Keryn,

Re: APPLICATION 2016/112 FOR Proposed Road Widening – Rason Court, South Hedland.

Thank you for your communication dated **28/06/16** in respect to the locations specified above.

Telstra's plant records indicate that there are **Telstra assets in the vicinity**. Subject to your compliance with the below conditions, **Telstra have NO OBJECTIONS** to the proposed closure.

We note that our plant records merely indicate the approximate location of the Telstra assets and should not be relied upon as depicting a true and accurate reflection of the exact location of the assets. Accordingly, if you haven't already done so please contact Dial Before You Dig for a detailed site plan and a list of Telstra Accredited Plant Locators (APL) to establish the exact location of Telstra assets (phone 1100 or visit www.1100.com.au). The network located by a Telstra Accredited Plant Locators may ensure the network is located within the proposed closure.

In the event Telstra's assets require relocation, please engage **Telstra's Asset Relocation** team to obtain a quote to relocate the assets from the location in question. The relocation of the assets would be carried out at your cost, however the relocation would ensure that the land/s and its projected use would not be hindered or restricted by easements. The existing network on this road cannot be built over.

Please phone 1800 810 443 (opt 1) or email F1102490@team.telstra.com to arrange for asset relocation at the property.

As these assets comprise an essential component of the Telstra network, we take this opportunity to highlight Telstra's rights and requirements to ensure that they are understood. The following is stated for your information:

- (1) Telstra's existing facilities are grandfathered under the 1997 Telecommunications Act. This enables such facilities to legally occupy land in perpetuity for the duration of that facilities use.
- (2) Part 1 of Schedule 3 of the Telecommunications Act 1997 authorises a carrier to enter land and exercise any of the following powers:
 - inspect the land
 - install a facility
 - maintain a facility

In the case of installation and planned maintenance a notification will be afforded and such work will generally proceed during business hours. However, from time to time, certain activities need to be carried out without delay in order to protect the integrity of the network. Such activities may require vehicular access without notice and at any time of the day or night. 24/7 access for maintenance must be maintained.

(3) If at any time in the future it becomes necessary, in the opinion of the carrier because of a subdivision of any land to remove, or alter the position of a facility, the carrier may enter the land and do anything necessary or desirable for that purpose. The person who proposes to subdivide the land is liable to pay the carrier the reasonable cost of anything reasonably done by the carrier in this regard.

(4) If at any time in the future it becomes necessary, in the opinion of the carrier or the land owner to remove, or alter the position of any Telstra assets, the carrier may enter the land and do anything necessary or desirable for that purpose. If the land owner is contemplating carrier relocation of these assets, then the land owner is liable to pay the carrier the reasonable cost of anything done in this regard.

(5) All individuals have a legal "Duty of Care" that must be observed when working in the vicinity of Telstra's communication plant. It is the constructors/land owner's responsibility to anticipate and request the nominal location of Telstra plant in advance of any construction activities in the vicinity of Telstra's assets. **All enquires for plant locations should be made through Dial Before You Dig's freecall "1100" enquiry number. On receipt of plans, notwithstanding the recorded location of Telstra's plant, the constructor/land owner is responsible for potholing and physical exposure to confirm the actual plant location before site civil work begins.** Telstra reserves all rights to recover compensation for loss or damage caused by interference to its cable network or other property.

Telstra would also appreciate due confirmation when this proposed acquisition proceeds so as to update its **Cadastre** records. Information regarding acquisition of the land would be of benefit to us and should be directed to the following location:

Western Australia

Telstra - Cadastre Updates
PO Box 102
Toormina NSW 2452
Attention: - Ross Robertson
F1103453@team.telstra.com
F1103452@team.telstra.com

Please pass all information contained in this communication to all parties involved in this proposed process. Any difficulties in meeting the above conditions, or questions relating to them, please do not hesitate to contact Telstra Plan Services; email F0501488@team.telstra.com

Yours sincerely,



Lachlan Smith
Telstra Plan Services



June 27, 2016

Your Ref: K Dempsey
2016/112/28/01/0017



Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Sir/Madam

WIDENING OF RASON COURT PORT HEDLAND

In response to your letter dated 23/6/16 we advise that Optus does not have any underground assets in the area of your enquiry.

We recommend that you lodge an online request with Dial Before You Dig using the link provided here <http://www.1100.com.au/default.aspx> to lodge any formal request and for any future queries regarding Optus assets.

Yours faithfully

Ray Azzopardi
Team Leader
Customer Assurance Field Operations WA

optus.com.au

Optus is a registered trademark of Optus Networks Limited.

Optus is a registered trademark of Optus Networks Limited.

Optus is a registered trademark of Optus Networks Limited.

Optus is a registered trademark of Optus Networks Limited.

Keryn Dempsey

From: Records
Sent: Friday, 1 July 2016 10:06 AM
To: Keryn Dempsey
Subject: FW: ICR64462 - 28/01/0017 - ROAD WIDENING RASON COURT/McLARTY BLVD, SOUTH HEDLAND
Attachments: alliaj0_27-06-2016_12-07-35.pdf; RE: ROAD WIDENING - APPLICATION 2016/112 RASON COURT, SOUTH HEDLAND
Follow Up Flag: Follow up
Flag Status: Completed
SynergySoft: ICR64462 - 28/01/0017

Kind regards,

**Adelaide Copland**

Senior Records Officer
PO Box 41 Port Hedland WA 6721
Ph: (08) 9158 9324 Fax: (08) 9158 9399
Email: acopland@porthedland.wa.gov.au
Web: www.porthedland.wa.gov.au

From: Building Services [mailto:Building.Services@watercorporation.com.au]

Sent: Friday, 1 July 2016 10:04 AM

To: Keryn Dempsey <pa@porthedland.wa.gov.au>

Cc: Records <Records@porthedland.wa.gov.au>

Subject: ICR64462 - 28/01/0017 - ROAD WIDENING RASON COURT/McLARTY BLVD, SOUTH HEDLAND

Hi Keryn

Thank you for your email.

The Water Corporation has no objection to the road widening on the above property.

Should you have any queries please don't hesitate to give me a call.

Regards.

Mavis R Biliczka

Building Services Consultant

Asset Planning Group

Water Corporation

T: (08) 9420 3105 | **F:** (08) 9420 2585

629 Newcastle Street, Leederville, WA 6007

PO Box 100, Leederville, WA 6902

www.watercorporation.com.au



6:23pm Acting Deputy Mayor Melville declared a financial interest in item 12.2.2 'Request for Tender (RFT) Oval Electronic Scoreboards', as he is an employee of BHP, who are contributing funds to the project.

6:23pm Acting Deputy Mayor Melville left the room.

12.2.2 Request for Tender (RFT) Oval Electronic Scoreboards

| | |
|-------------------------------------|---|
| File No: | 05/09/0047 |
| Applicant/ Proponent: | N/A |
| Subject Land/ Locality: | Colin Matheson Oval and Kevin Scott Oval |
| Date: | 05/07/2016 |
| Author: | Kellie Williams, Community Infrastructure Planning Officer |
| Authorising Officer: | Adam Majid, Director Community and Development Services |
| Disclosure of Interest from Author: | Nil |
| Authority/Discretion: | <input checked="" type="checkbox"/> Executive – the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing the Chief Executive Officer, setting and amending budgets. |

Attachments:

1. Price Evaluation (Under Confidential Cover)
2. Financial Assessment and Implications (Under Confidential Cover)
3. Relevant examples (Under Confidential Cover)

CM201617/045 OFFICER RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HOOPER

SECONDED: CR WHITWELL

That the Council award the Request for Tender 2016-13 Oval Electronic Scoreboards to Danthonia Designs for the lump sum price of \$230,232.20 (excluding GST) to deliver the scope of works as per the Request for Tender, inclusive of the Tender Response and General Conditions of Contract.

CARRIED BY ABSOLUTE MAJORITY 6/0

6:26pm Acting Deputy Mayor Melville re-entered Chambers and resumed his chair.

The Acting Mayor advised the Acting Deputy Mayor of the Council decision.

EXECUTIVE SUMMARY

The purpose of this report is to summarise the assessment of submissions received for the Request for Tender (RFT) Tender 2016/13 Oval Electronic Scoreboards and to award the contract.

BACKGROUND

At the Ordinary Council Meeting held on 27 July 2016, Elected Members deferred the decision to award Tender 2016-13 to the 31 August 2016 Council Meeting.

To view the full background on the history of this report, please see the minutes of the 27 July 2016 Ordinary Council Meeting.

Elected Members were invited to attend a Concept Forum to further discuss the award of the tender on 11 August 2016.

Additional information requested at the Concept Forum included:

1. Elected Members requested examples of similar electronic scoreboard projects Danthonia Designs had produced. The design provided to the Town by Danthonia Designs is unique to the project tender specification (attachment 3).
This attachment provides examples and information for the following two electronic boards designed and installed by Danthonia Designs:
 - Cumberland Council – NSW
 - Tamworth Equine Centre Digital Billboard - NSW
2. Elected Members sought additional information on possible software upgrades required for the electronic scoreboard operation. As part of the project, software upgrades are included after two years at no additional cost.

It is important to note that software upgrades would only be required for product enhancements or new features, which are not required unless the client requests them separately. It is not anticipated that any upgrade will be required for the electronic scoreboards as the proposed design caters for multiple sport usage.

Request for Tender

Request for Tender 2016/13 Oval Electronic Scoreboards, was uploaded to the Tenderlink portal on Saturday, 23 April 2016 and was made available for a period of two (2) weeks, as per tender minimum requirements. The tender submission closing date was 2.00pm WST, Monday, 9 May 2016.

Tender Assessment

At the conclusion of the tender period for RFT 2016/13 six submissions were received from the following respondents:

| Company name: | Registered Address: |
|--------------------------------------|---|
| AD Engineering International Pty Ltd | 6 Hod Way, Malaga, Perth WA 6090 |
| Barmelco Electrical Pty Ltd | 8/37 Pinnacles Street, Wedgefield, WA 6721 |
| BizMac DeSIGNS | 118 Willsmere Road, Kew, Vic 3101 |
| Danthonia Designs | 4188 Gwydir, Elsmore, NSW 2360 |
| Hender Lee Electrical | Unit 1/32 Bushland Ridge, Bibra Lake, WA 6163 |
| Stech Holdings Pty Ltd | 12 Morduant Circuit, Canning Vale, WA 6155 |

The six submissions were deemed compliant, and assessed against the tender evaluation criteria by the tender evaluation panel.

The following criteria was assessed:

| Evaluation Criteria | Weighting % |
|--|-------------|
| Response to Technical Specification | 40% |
| Price (inclusive of application of Regional Preference Policy) | 30% |
| Relevant Experience | 10% |

| | |
|----------------------------|-----|
| Resources/Key Personnel | 10% |
| Demonstrated Understanding | 10% |

Confidential Attachment 1 shows the price schedules submitted by six tenderers.

The following table provides a summary of the assessment results of submissions received for RFT2016/13:

| Tenderer / Evaluation Criteria | Technical Response (40%) | Price (30%) | Relevant Experience (10%) | Resources/Skills (10%) | Demonstrated Understanding (10%) | Total Score (100%) |
|--------------------------------|--------------------------|-------------|---------------------------|------------------------|----------------------------------|--------------------|
| Danthonia Designs | 30 | 30 | 10 | 8 | 10 | 88 |
| Hender Lee Electrical | 40 | 22 | 10 | 6 | 10 | 88 |
| Barmelco Electrical Pty Ltd | 35 | 20 | 10 | 10 | 10 | 85 |
| AD Engineering | 15 | | | | | |
| BizMac DeSIGNS | 15 | | | | | |
| Stech Holdings Pty Ltd | 0 | | | | | |

Technical Assessment

Danthonia Designs – Aluminium frame which will be non-rusting and has a nonconductive safety rating. Good Occupational Health and Safety design with clear access to control panel. Good brightness of LED lights, an average but satisfactory viewing angle.

HenderLee Electrical – Provided the most preferred technical solution. Product is made in Australia and with three stage cooling, it would cope with the Port Hedland environment well. Good viewing angle.

Barmelco Electrical Pty Ltd – Local supplier who demonstrated a good understanding of the environment with a 56 vent fan system. LED panels would provide excellent brightness and the structure also has good viewing angle.

AD Engineering – Contractor did not have a software solution as part of their proposal. This would have to be developed as part of the project, increasing the risk and potential variations. Not preferred.

BizMac DeSIGNS – Inferior technological solution. Not competitive.

Stech Holdings Pty Ltd – Power requirements of solution did not comply with the provision electrical provision on site. Solution is non-compliant.

Following the technical assessment, AD Engineering, BizMac and Stech were not evaluated further.

Price Assessment

All submissions were assessed after applying the Regional Price Preference (RPP) Policy applicable to construction projects. This provides a price reduction of 5% of the applicable value up to a maximum of \$50,000.00, based on evidence provided in the tender submission. Danthonia Designs provided the best priced solution. The Barmelco and Hender Lee proposed solutions were significantly more expensive than Danthonia Designs and well outside the project budget (refer to Attachment 1).

Following the initial price assessment, further clarification and detail was sought from the three preferred tenderers. All tenderers provided a revised lower costing, and brought the Danthonia budget closest to the budget.

A detailed price evaluation summary is included in the confidential attachment (refer to Attachment 2).

Relevant Experience Assessment

Danthonia Designs, Hender Lee Electrical and Barmelco Electrical Pty Ltd demonstrated equal experience in the field.

Resources Assessment

All companies had adequate resources and skills to fulfil their proposals with Barmelco Electrical Pty Ltd and leading this criteria as they are local.

Demonstrated Understanding Assessment

Danthonia Designs, Hender Lee Electrical and Barmelco Electrical Pty Ltd all demonstrated a good and thorough understanding of the project requirements.

Assessment Conclusion

Whilst Hender Lee Electrical presented the most preferred technical solution, Danthonia Designs and Barmelco Pty Ltd solutions were also satisfactory. Danthonia Designs presented the best overall solution, coming only just outside the project budget.

CONSULTATION

External

- 3E Consulting Engineers Pty Ltd

Internal

- Manager Technology
- Risk Analyst
- Acting Recreation Coordinator

LEGISLATIVE IMPLICATIONS

The *Local Government Act (1995)* section 3.57 and the *Local Government (Functions and General) Regulations 1996* part 4, division 2 provide statutory requirements for the release, assessment and award of tenders.

RFT 2016/13 was conducted in accordance with these regulations, the Towns Procurement Policy 2/007, Tender Policy 2/011 and Regional Price Preference Policy 2/016.

Sections of this report pertaining to price submissions from tenderers have been deemed confidential in accordance with the *Local Government Act (1995)* section 5.23 part 2(e)(iii).

POLICY IMPLICATIONS

The *Regional Price Preference Policy 2/016* applies to all tenders to maximize the use of competitive local business in the procurement of goods and services. The policy aims to support local business and industry to encourage employment of local people, thereby generating economic growth within the Town.

FINANCIAL IMPLICATIONS

Please refer to Confidential Attachment 2 for a full overview of the financial implications and assessment associated with this project.

STRATEGIC IMPLICATIONS

This tender aligns with the Town's 2014-2024 Strategic Community Plan as the electronic scoreboards project seeks to provide and support programs, events, facilities and services that attract and connect people and residents.

Sustainable services and infrastructure Develop and maintain our infrastructure to ensure the long-term sustainability of our built and natural environment

SUSTAINABILITY IMPLICATIONS

Environmental

There are no significant identifiable environmental impacts arising from adoption of the Officers recommendation.

Economic

Components of the project will be carried out by local contractors providing work and economic benefit to the community. Contractors not based within the Town will also provide a positive financial benefit to the community through the purchase of local accommodation and dining.

Social

The Scoreboards installation will benefit all sporting clubs and spectators at the Colin Matheson and Kevin Scott Ovals. The electronic scoring system will improve visibility of sporting's scores as well as the physical management of scoring.

Risk

| | | | |
|---|--|---|--|
| Risk | That the tender is not awarded and the external project funding is withdrawn | That the tender is not awarded and community expectation is not fulfilled | That the existing Colin Matheson Scoreboard is not removed |
| Risk Likelihood (based on history and with existing controls) | Possible (3) | Possible (3) | Possible (3) |
| Risk Impact / Consequence | Moderate (3) | Moderate (3) | Moderate (3) |
| Risk Rating (Prior to Treatment or Control) | Medium (5-9) | Medium (5-9) | Medium (5-9) |
| Principal Risk Theme | Financial Impact - 3 Moderate - \$30,001 - \$300,000 | Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile | Health – 3 Moderate – Medical type injuries or lost time injury < 5 days |
| Risk Action Plan or (Controls Treatment proposed) | Accept Officer Recommendation | Accept Officer Recommendation | Accept Officer Recommendation |

Risk Rating:

With a risk rating of 9 for each risk, the items will be monitored by the administration.

Risk Matrix

| Consequence Likelihood | | Insignificant | Minor | Moderate | Major | Catastrophic |
|---------------------------|---|---------------|------------|------------|--------------|--------------|
| | | 1 | 2 | 3 | 4 | 5 |
| Almost Certain | 5 | Medium (5) | High (10) | High (15) | Extreme (20) | Extreme (25) |
| Likely | 4 | Low (4) | Medium (8) | High (12) | High (16) | Extreme (20) |
| Possible | 3 | Low (3) | Medium (6) | Medium (9) | High (12) | High (15) |
| Unlikely | 2 | Low (2) | Low (4) | Medium (6) | Medium (8) | High (10) |
| Rare | 1 | Low (1) | Low (2) | Low (3) | Low (4) | Medium (5) |

CONCLUSION

This report recommends that Request for Tender (RFT) Tender 2016-13 Oval Electronic Scoreboards is awarded to Danthonia Designs to mitigate the safety risks of the current scoreboard at the Colin Matheson Oval.

Item 13 Reports of Committees

13.1 Audit, Risk and Governance Committee**13.1.1 Proposed Policies – Corporate Credit Card, Fraud and Corruption Prevention and Whistleblower (Public Interest Disclosure)**

| | |
|-------------------------------------|---|
| File No: | 12/01/0001 |
| Applicant/ Proponent: | N/A |
| Subject Land/ Locality: | N/A |
| Date: | 27/07/2016 |
| Author: | Grace Waugh, Coordinator Governance |
| Authorising Officer: | Dale Stewart, Acting Director Corporate Services |
| Disclosure of Interest from Author: | Nil |
| Authority/Discretion: | <input checked="" type="checkbox"/> Legislative – includes adopting local laws, town planning schemes and policies. Review when Council reviews decision made by Officers |

Attachments:

1. Draft Policy 2/020 Corporate Credit Card
2. Draft Policy 1/024 Fraud and Corruption Prevention
3. Draft Policy 1/023 Whistleblower (Public Interest Disclosure)
4. Credit Card Internal Operating Procedure

CM201617/046 AUDIT, RISK AND GOVERNANCE COMMITTEE AND OFFICER RECOMMENDATION/ COUNCIL DECISION**MOVED: CR WHITWELL****SECONDED: CR TAVO****That the Council adopt Policies 2/020 'Corporate Credit Card', 1/024 'Fraud and Corruption Prevention', and 1/023 'Whistleblower (Public Interest Disclosure)'.*****CARRIED 7/0***

EXECUTIVE SUMMARY

At the Audit, Risk and Governance Committee (ARG) meeting held on 9 August 2016, the ARG committee recommended that Council adopt the following proposed policies:

- 2/020 'Corporate Credit Card'
- 1/024 'Fraud and Corruption Prevention'
- 1/023 'Whistleblower (Public Interest Disclosure)'.

The decision number for the recommendation is ARG201617/006.

BACKGROUND

At the ARG Meeting held on 10 May 2016, the ARG Committee considered a notice of motion to receive draft policies for Corporate Credit Card, Fraud and Corruption prevention and Whistleblower. The decision also requested that a workshop on the policies be held with committee members.

Subsequently, a workshop was held on Tuesday 19 July 2016 with members of the ARG Committee to review the draft policies, with a view to be adopted by Council.

After consultation with Committee Members on the draft policies, Officers refined the draft policies to further improve their intent and wording.

A brief summary of the proposed policies and amendments are provided below:

Corporate Credit Card Policy

Corporate Credit Cards deliver significant benefits to the Town of Port Hedland through improved administrative practices and more effective cash management. Efficiency of operational activities is increased by reducing the cost, paperwork and time associated with purchasing goods and services.

The Town has an existing Credit Card Internal Operating Procedure (IOP). The IOP has been converted into a Policy and sets out the guidelines and principles that need to be followed by the Credit Card holders at the Town of Port Hedland.

The objective of this policy is to:

1. Provide a distinct framework to enable the use of Corporate Credit Cards;
2. Provide Corporate Credit Card holders precise and concise guidelines outlining its use; and
3. Minimise or eliminate the risk of fraud and misuse of the Corporate Credit Card.

The policy outlines:

- The use of corporate credit cards;
- Documentary evidence requirements;
- Business purpose justification;
- Approval processes of the expenses;
- Acquittal process of the corporate credit card expenses, including withholding payment or invoicing staff members for expenses private in nature or not properly supported or approved and required timeframes for reimbursements by the card holder.

Following the workshop with Committee Members the following changes have been made to the policy:

- Amendment under 'Guidelines for Credit Card Usage' to state that the card cannot be used for withdrawing cash and to exclude the section about allowing others to use a credit card with the holder's consent
- Amendment under 'Cardholders' to state that a declaration form must be completed when being issued a card or when there are changes to the card conditions or policy
- Addition under 'Managers, Directors and CEO are responsible for' to include that a reconciliation must be completed on at least a monthly basis and signed off by the cardholder's supervisor.

Fraud and Corruption Prevention Policy

A number of local governments in Western Australia have adopted a Fraud and Corruption Prevention Policy. This Policy deals with the definitions of 'misconduct' and 'corruption'.

Whilst crime and misconduct management of public authorities in Western Australia is governed by the *Corruption, Crime and Misconduct Act 2003*, a Policy Statement does provide a high level commitment that the Town of Port Hedland is committed to good governance and ethical behaviour as a key ingredient of responsible, effective and accountable local government.

It should be noted that the draft Policy is a statement document only and does not document internal procedures. The Chief Executive Officer is required by the *Corruption, Crime and Misconduct Act 2003* to notify the Corruption and Crime Commission (CCC) or the Public Sector Commission (PSC) in writing of any matter that they suspect, on reasonable grounds, concerns either serious or minor misconduct. The CCC has published *Guidelines for Notification of Serious Misconduct*.

Following the workshop with Committee Members the following change has been made to the policy:

- Inclusion of the policy applying to Committee Members

Whistleblower (Public Interest Disclosure) Policy

The Shire of Kalamunda developed a Staff and Elected Member Whistleblower Policy (among other Policies) following recommendations resulting from a forensic investigation in 2012. The objective of the Policy was to better enable staff members to anonymously and confidentially report alleged misconduct within the local government.

The draft Policy presented is based on the Shire of Kalamunda document. Similarly to the proposed Fraud and Corruption Prevention Policy, the requirements for reporting unethical or undesirable conduct ("misconduct") is captured in the overarching legislation being the *Public Interest Disclosure Act 2003*.

The draft Policy (and accompanying procedures) affirms the Town of Port Hedland's commitment to the aims and objectives of the *Public Interest Disclosure Act 2003*, the purpose of which is to facilitate the disclosure of information in the public interest, and to provide protection to those who make a disclosure or who are subject of a disclosure.

Following the workshop with Committee Members the following changes have been made to the policy:

- Amendment to the reference to the PID Officer to include reference to the appointment under section 23(1)(a) of the PID Act
- Reference to the Misconduct Report Form (MRF) changed to the PID Lodgement Form (PIDLF)
- Amendment to the wording under 'Accounting and Auditing Matters' to reflect that the ARG Committee will be advised of the outcomes of an investigation
- Deletion of the investigation report being provided to the CEO or ARG Committee under section 'Investigation' as the investigation report is to remain confidential at all times
- Inclusion of protection for the PID Officer under 'Whistleblower Protection'.

At the workshop Committee Members also asked that Community Committee Members be included in the policy. Town officers have investigated the request however in accordance with section 5 of the Public Interest Disclosure Act 2003 any person may make a disclosure of public interest information which is defined under section 3 of the Act as being in relation to a public authority, a public officer or a public sector contractor.

A public officer is further defined under section 3 of the Act as a member, officer or employee of a public authority being the local government. As defined under section 1.4 the Local Government Act 1995 a member is defined as an elector mayor and councillors. Therefore Community Committee Members cannot be covered under this policy.

CONSULTATION

Internal

- Acting Chief Executive Officer
- Acting Director Corporate Services
- Coordinator Governance.

External

- Audit, Risk and Governance Committee Members.

LEGISLATIVE IMPLICATIONS

These policies have been created under the following legislation:

- *Corruption, Crime and Misconduct Act 2003*
- *Public Interest Disclosure Act 2003*
- *Local Government Act 1995 and Regulations 5 & 11 of the Local Government (Financial Management) Regulations 1996*

The relevant sections of each of these Acts are referred to within the proposed policies.

POLICY IMPLICATIONS

Policies are determined by Council and may be amended or waived according to circumstance. This power is conveyed to Council in section 2.7 (2) (b) of the *Local Government Act 1995*.

Council Policies are developed if they will further the achievement of the Town of Port Hedland's strategic goals or contribute to the fulfilment of mandatory obligations. They are defined courses of action that should be followed in particular circumstances and are intended to give guidance to staff. They guide the discretionary part of Council's decision making and form an essential step in the delegation of Council's powers.

FINANCIAL IMPLICATIONS

There is no 2016/17 Budget or Long Term Financial Plan implications for the adoption of these proposed policies.

STRATEGIC IMPLICATIONS

The following section of the Town of Port Hedland Strategic Community Plan applies:

4.1 Strategic and best practice local government administration

- Deliver high quality corporate governance accountability and compliance
- Maintain a strong and sustainable financial position
- Be efficient and effective in use of resources, infrastructure, assets and technology
- Attract, develop and retain an effective workforce to deliver organisational outcomes.

SUSTAINABILITY IMPLICATIONS

Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

Social

The adoption of the Policies will assist ensure that the Public have confidence in the administration and efficacy of the Local Government in managing its affairs in a transparent environment with adequate controls.

Risk

| | | | | | |
|---|---|--|--|--|--|
| Risk | That the policies are not adopted and therefore section 11 of the Local Government (Financial Management) Regulations 1996 could be construed as not having been complied with. | | | | |
| Risk Likelihood (based on history and with existing controls) | Rare (1) | | | | |
| Risk Impact / Consequence | Minor (2) | | | | |
| Risk Rating (Prior to Treatment or Control) | Low (1-4) | | | | |
| Principal Risk Theme | Failure to recognise, comply with or properly manage Councils statutory obligations | | | | |
| Risk Action Plan (Controls or Treatment proposed) | Accept Officer Recommendation | | | | |

Risk Matrix

| Consequence | | Insignificant | Minor | Moderate | Major | Catastrophic |
|----------------|---|---------------|------------|------------|--------------|--------------|
| Likelihood | | 1 | 2 | 3 | 4 | 5 |
| Almost Certain | 5 | Medium (5) | High (10) | High (15) | Extreme (20) | Extreme (25) |
| Likely | 4 | Low (4) | Medium (8) | High (12) | High (16) | Extreme (20) |
| Possible | 3 | Low (3) | Medium (6) | Medium (9) | High (12) | High (15) |
| Unlikely | 2 | Low (2) | Low (4) | Medium (6) | Medium (8) | High (10) |
| Rare | 1 | Low (1) | Low (2) | Low (3) | Low (4) | Medium (5) |

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item.

Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

CONCLUSION

It is recommended that the Council adopt the draft policies.

ATTACHMENT 1 TO ITEM 13.1.1

Town of
Port HedlandPOLICY 2/020 CORPORATE
CREDIT CARD

2/020 COPORATE CREDIT CARD POLICY

Policy Objective

Corporate Credit Cards deliver significant benefits to the Town of Port Hedland through improved administrative practices and more effective cash management. Efficiency of operational activities is increased by reducing the cost, paperwork and time associated with purchasing goods and services.

This policy sets out the guidelines and principles that need to be followed by the Credit Card holders at the Town of Port Hedland. The objective of this policy is to:

1. Provide a distinct framework to enable the use of Corporate Credit Cards;
2. Provide Corporate Credit Card holders precise and concise guidelines outlining its use; and
3. Minimise or eliminate the risk of fraud and misuse of the Corporate Credit Card.

Legislation

The following provisions of the *Local Government Act 1995* (the Act) and associated regulations impact on the use and control of corporate credit cards:

- Section 2.7(2) (a) and (b) of the Act requires the council to oversee the allocation of the local government's finances and resources and to determine the policies of the local government.
- Section 6.5(a) of the Act requires the Chief Executive Officer (CEO) to ensure that proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations.
- *Local Government (Financial Management) Regulation 11(1)(a)* requires local governments to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisations in place for the use of credit cards.

Guidelines for Credit Card Usage

- The card must be used for Council business expenditure only, within the limit assigned for the use of that card and within the approved budget;
- The card must not be used for personal use or personal transaction;
- The card ~~must~~ cannot be used for the withdrawal of cash through any facility, whether it is a Bank, ATM or EFTPOS facility;
- The card must not be used by officers other than the cardholder unless the cardholder has given prior written approval for each and every specific transaction;
- Under no circumstances is the cards pin to be disclosed to another person and no other person other than the cardholder may utilise the card for pay pass or transactions that require use of the pin;
- The card must only be used for fuel purchases in instances where a Fuel Card facility is unavailable;

POLICY 2/020 CORPORATE
CREDIT CARD

- The cardholder must retain all tax invoices and/or receipts and maintain any other records of their transactions to facilitate reconciliation and costing of transactions for that card;
- The cardholder must practice due diligence and strict care to maintain the security of their card, ensuring that it is kept in their possession at all times and not left in any place from which it may be taken;
- The card must be returned to the Manager Financial Services (or his/ her delegate), prior to periods of extended leave (any periods in excess of four weeks). The card must also be returned if the cardholder is reassigned to a new position where the use is not required or where their employment is terminated with the Town of Port Hedland;
- Cards must not be used to purchase travel insurance and cardholders must not obtain personal rewards such as frequent flyer points or Woolworths rewards;
- The card shall not be used for payment of fines, for example a parking fine or a speeding offence which was incurred whilst on Town business;
- No "tips" shall be paid using a Corporate Credit Card; and
- The card shall not be used for purchases on trading websites (for example eBay, Gumtree etc).

Responsibilities**Cardholders**

The individual cardholder is responsible for:

- The safe keeping of the card and the prompt reporting to their respective Manager and the Manager Financial Services (or his/ her delegate), if the card is mislaid or stolen
- Ensuring that the card is only used within approved limits attributed to that particular purchase card and within approved budget
- Returning the card to the Manager Financial Services (or his/ her delegate), during periods of leave (periods in excess of four weeks), upon transfer to a position not requiring a credit card or upon termination of employment with the Town of Port Hedland
- Registering all tax invoices, dockets and other supporting documentation in Synergy under their respective folder and maintain these documents in accordance to the Council procedures
- Completing the Credit Card reconciliation process to facilitate prompt costing and authorisation of credit card transactions with an accurate description of goods and services purchased
- Reporting any disputed transactions to their Manager and the Manager Financial Services (or ~~his/ her delegate~~their authorised officer) to allow for prompt resolution of any errors or misuse; and
- Completion of the "Corporate Credit Card Acknowledgement and Conditions of Use" declaration form at the beginning of every Financial Year on the issuing of the card and/or amendments of conditions or the policy.

Managers, Directors and CEO are responsible for:



POLICY 2/020 CORPORATE CREDIT CARD



- The initial approval of applications for Credit Cards by employees within their area of responsibility;
- Ensuring that each employee is made aware of and understands their individual responsibility associated with holding a Credit Card; ~~and~~
- Ensuring that all issues pertaining to disputed transactions are brought to the attention of the Manager Financial Services (or his/ her delegate); ~~and~~
- Ensuring that on at least a monthly basis a credit card reconciliation statement for each credit card is signed by the cardholder and countersigned by the officer's supervisor which, in the case of the CEO, is the Mayor or Acting Mayor
- Ensuring that on at least a monthly basis a copy of the credit card statement from the issuing bank, with the credit card number blanked out, is presented to Council to accompany the accounts due and paid.-

Finance Department

The Manager Financial Services (or his/ her delegate) is responsible for

- Ensuring that the credit card register with National Australia Bank is maintained and accurate at all times;
- Safe custody of cards surrounded by employees during extended periods of leave; and
- Coordination of annual "Corporate Credit Card Acknowledgement and Conditions of Use" declarations.

Termination of Use

Once it has been established that the cardholder no longer requires a card, relevant steps as listed in the Corporate Credit Card IOP shall be followed. Payroll shall not release any termination payments until appropriate clearances in respect of a cardholder's card have been obtained from the Manager Financial Services (or ~~his/ her~~ their delegate/authorised officer).

Unauthorised Use

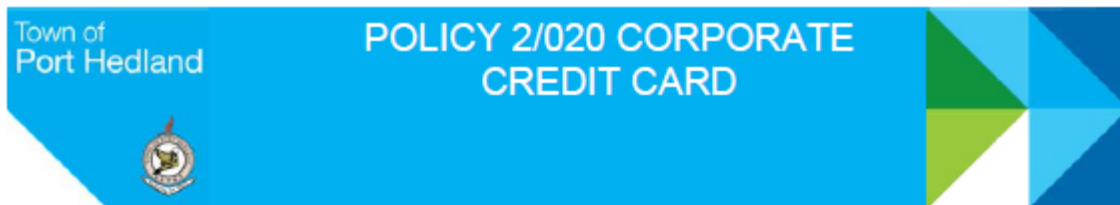
Unauthorised use means any instance of non-compliance with this policy, whether by the cardholder or another person and can involve:

- Unauthorised or inappropriate transactions made on a card; or
- Any other non-compliance with any direction or rules for card use, including use that, from the public perspective, has the potential to cause reputational risk to Council.

Unauthorised use will be subject to disciplinary action including the requirement for reimbursement of the expense by the employee.

Definitions

Council Business Expenditure- bona fide business transactions that are required by a cardholder undertaking normal duties in the course of their employment with the



Town of Port Hedland and would otherwise be undertaken by Purchase Order or petty cash

Corporate Credit Cards- will be a credit card identified by the words "Town of Port Hedland". The card will be personalised and issued to the user to provide a clear audit trail. The name of the card-holder is on the card.

Cardholder- is any officer of the Town of Port Hedland receiving authorisation to have a Corporate Credit Card issued in his or her name

Personal Use/ Personal transaction- any purchase intended for the personal benefit of the cardholder. Purchase of any items not normally provided to a staff member in the course of their employment with the Town of Port Hedland.

| | |
|--|--------------------|
| Council adoption date and resolution no. | |
| Date of adoption of amendment and resolution number do not delete the previous dates | |
| Relevant legislation | |
| Delegated authority | |
| Business unit | Financial Services |
| Directorate | Corporate Services |
| Review frequency | As required |

ATTACHMENT 2 TO ITEM 13.1.1

**1/024 FRAUD AND CORRUPTION PREVENTION****Policy Objective**

The objectives of this Policy are to –

- Articulate that the Town of Port Hedland is intolerant of fraud and corruption;
- Prevent fraud or corruption occurring at the Town of Port Hedland.

Policy Scope

This policy applies to all Employees, Council-Elected Members, Committee Members, Consultants and Contractors' working for the Town of Port Hedland as fraud and corruption control is the responsibility of everyone in or associated with the Town.

Policy Content

1. The Town of Port Hedland is committed to good governance and ethical behaviour as a key ingredient of responsible, effective and accountable Local Government.
2. The Town of Port Hedland recognises that fraud and corruption is illegal and contrary to the Town's organisational values. In view of this, a proactive stance is taken to ensure incidences of fraudulent or corrupt activities or behaviours do not occur.
3. Whilst the Town aims to foster a culture which upholds trust and honesty as part of its core values, it is acknowledged that from time to time, instances of misconduct, corruption, fraud or dishonesty occur throughout the organization. As such, the Town will ensure that the effective prevention of fraud and corruption is an integral part of its operating activities.
4. All employees are accountable for and have a role to play in fraud and corruption prevention and control. The Town encourages employees to disclose actual or suspected fraudulent or corrupt activity, to the Chief Executive Officer (Complaints Officer).
5. If the suspected fraudulent or corrupt activity concerns the Chief Executive Officer, the matter is to be referred to a secondary Complaints Officer (a designated senior employee appointed as a Complaints Officer by Council), the Mayor, or the Corruption and Crime Commission.
6. When identified, any suspected fraudulent or corrupt activity will be promptly investigated, and where appropriate, legal remedies available under the law will be pursued. All alleged incidences will be thoroughly investigated. Wherever possible, the Town will protect the anonymity of those responsible for reporting the activity. The matter will also be reported to the Corruption and Crime Commission.



7. The Town will ensure that systems and procedures are in place to prevent, detect, report and investigate incidents of fraudulent or corrupt behaviour or activities and will ensure that employees are made aware of their responsibilities in respect to the prevention, detection, reporting and investigation of fraudulent or corrupt behaviour.
8. The success of this policy will be determined by the employees and Council Members (where appropriate) at the Town of Port Hedland being aware of their responsibilities in relation to:
 - a. fraud and corruption prevention and control;
 - b. the identification of treatment and recording of fraud or corruption risks;
 - c. fraud or corruption auditing and detection processes;
 - d. reporting;
 - e. responsibilities; and
 - f. obligations and investigation procedures.

Definitions

For the purpose of this policy:

"Misconduct" shall have the same meaning as prescribed by the *Corruption and Crime Act 2003*.

"Corruption" is defined as:

"An act done with an intent to give or receive some advantage or benefit inconsistent with official duty and the rights of others. It includes bribery."

Australian Standard 8001–2003 defines fraud as:

'dishonest activity causing actual or potential financial loss to any persons or entity including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or for improper use of information or position.'

| | |
|---|-------------------------------|
| Council adoption date and resolution no. | |
| Date of adoption of amendment and resolution number do not delete the previous dates | |
| Relevant legislation | Corruption and Crime Act 2003 |
| Delegated authority | Nil |

Town of
Port Hedland



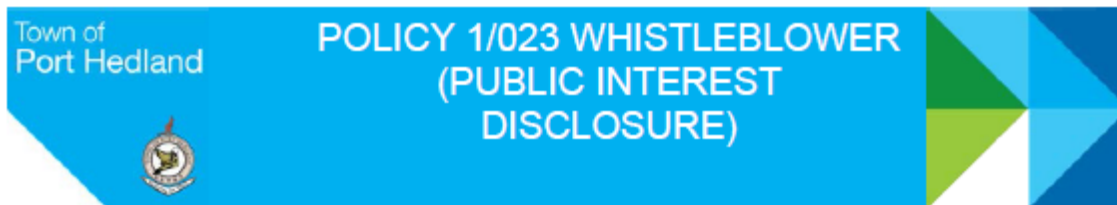
POLICY 1/024 FRAUD AND CORRUPTION PREVENTION



| | |
|------------------|---------------|
| Business unit | Office of CEO |
| Directorate | Office of CEO |
| Review frequency | Biennial |

DRAFT

ATTACHMENT 3 TO ITEM 13.1.1

**1/023 WHISTLEBLOWER (PUBLIC INTEREST DISCLOSURE)****Policy Objectives**

To encourage employees, elected members, contractors and consultants to report unlawful unethical, or undesirable conduct ("Misconduct") that they genuinely believe has been committed by a person or persons in breach of the Town of Port Hedland's Code of Conduct, policies or the law.

To demonstrate the Town's commitment to a fair workplace and outline the process for managing matters of Misconduct.

To protect individuals who in good faith report conduct which they reasonably believe to be Misconduct, on a confidential basis, without fear of reprisal, dismissal or discriminatory treatment.

To assist in ensuring that matters of Misconduct and / or unethical behaviour are identified and dealt with appropriately.

To state the Town of Port Hedland's commitment to the aims and objectives of the *Public Interest Disclosure Act 2003*, the purpose of which is to facilitate the disclosure of information in the public interest, and to provide protection to those who make a disclosure or who are the subject of a disclosure.

Policy Content

The Town of Port Hedland ("the Town") is committed to the aims and objectives of the *Public Interest Disclosure Act 2003*. It recognises the value and importance of employees and others to enhance administrative and management practices, and strongly supports disclosures being made as to alleged Misconduct.

The Town will not tolerate Misconduct and has developed its Whistleblower Policy and Whistleblower Procedures to assist elected members, employees, contractors, consultants and members of the public to raise concerns through a constructive and safe process.

The Town will achieve this through the creation of an open working environment in which elected members, employees (whether they are full-time, part-time or casual), contractors and consultants, as well as members of the public, are able to raise concerns regarding actual or suspected Misconduct.

The Town recognises that any genuine commitment to detecting and preventing Misconduct must include a mechanism whereby employees and others can report their concerns freely and without fear of reprisal or intimidation. The Whistleblower Policy and Procedure ("the Policy") provides such a mechanism, and encourages the reporting of such conduct.



POLICY 1/023 WHISTLEBLOWER (PUBLIC INTEREST DISCLOSURE)



The Town will endeavour to provide protection to "Whistleblowers" from any detrimental action in reprisal for the making of a public interest disclosure.

The Town's Code of Conduct ("the Code") requires elected members and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As elected members and employees and representatives of the Town, everyone has a responsibility to practice honesty and integrity in fulfilling their responsibilities and to comply with all applicable laws and regulations.

All information, documents, records and reports relating to the investigation of reported Misconduct will be confidentially stored and retained in an appropriate and secure manner, in accordance with the *Public Disclosure Act 2003*.

Purpose

To encourage employees, elected members, contractors and consultants to report unlawful unethical, or undesirable conduct ("Misconduct") that they genuinely believe has been committed by a person or persons in breach of the Town of Port Hedland's Code of Conduct, policies or the law.

To demonstrate the Town's commitment to a fair workplace and outline the process for managing matters of Misconduct.

To protect individuals who in good faith report conduct which they reasonably believe to be Misconduct, on a confidential basis, without fear of reprisal, dismissal or discriminatory treatment.

To assist in ensuring that matters of Misconduct and / or unethical behaviour are identified and dealt with appropriately.

To state the Town of Port Hedland's commitment to the aims and objectives of the *Public Interest Disclosure Act 2003*, the purpose of which is to facilitate the disclosure of information in the public interest, and to provide protection to those who make a disclosure or who are the subject of a disclosure.

Definitions

For the purposes of this Procedure, the definitions listed below apply.

| Term | Definition |
|---------------|--|
| Investigation | A search of evidence connecting or tending to connect a person (either a natural person or a body corporate) with conduct that infringes the criminal law or the policies and standards set by the Town. |



POLICY 1/023 WHISTLEBLOWER (PUBLIC INTEREST DISCLOSURE)



| | |
|--|--|
| Misconduct | <p>A breach of the Town of Port Hedland's Code of Conduct, policies or the law. Matters which should be reported under this Policy, whether actual or suspected may include:</p> <ul style="list-style-type: none"> • Dishonest, fraudulent, corrupt or unlawful conduct or practices. • Misleading or deceptive conduct, including conduct or representations which amount to improper or misleading accounting or financial reporting practices. • Conduct or any proposed conduct, bid, proposal, offer, contract, product or other aspect of the Town's business that breaches the provisions of the Trades Practices Act 1974, all associated legislation in all States and Territories in Australia. • Coercion, harassment or discrimination by, or affecting, any member of the Town or its affiliates. • A breach of Town policies or Code of Conduct. • Conduct within the Town's control which is a significant danger to the environment. • Conduct endangering the health and safety of any person or persons which has been reported to management but not acted upon. • Any action taken against, or harm suffered by a person as a result of making a report under this Policy. • Any other conduct or act which may cause loss to the Town or which may otherwise be detrimental to its interests. |
| Public Interest Disclosure Officer ("PID Officer") | <p>A designated representative tasked with the responsibility of:</p> <ul style="list-style-type: none"> • Protecting and safeguarding the interests of Whistleblowers within the meaning of this Policy. • Conducting preliminary investigations into reports received from a whistle blower. <p>The PID Officer is to investigate the substance of the complaint to determine whether there is evidence in support of the matters raised or, alternatively, to refute the report made. The PID Officer will have access to independent financial, legal and operational advisers as required.</p> <p>The PID Officer is the specified position appointed under section 23(1)(a) of the Act, currently the Coordinator Governance.</p> |



POLICY 1/023 WHISTLEBLOWER (PUBLIC INTEREST DISCLOSURE)



| | |
|---------------|--|
| Whistleblower | Any person who, whether anonymously or not, makes, attempts to make or wishes to make a report in connection with Misconduct and where the Whistleblower wishes to avail themselves of protection against reprisal for having made the report. |
|---------------|--|

Detail

Reporting Responsibility

It is the responsibility of all elected members and employees to comply with the Code and to report violations or suspected violations in accordance with the Whistleblower Policy.

Reporting Misconduct

If a person becomes aware of an issue or behaviour believed to constitute a breach of the Town's Code of Conduct, policies or the law, then the following reporting mechanisms are available.

Internal Reports

Whistleblowers may wish to discuss the matter informally with their direct manager or the Manager People and Culture first, to determine whether an incident of Misconduct has occurred. This is an opportune time to clarify the incident, ask questions and become familiar with the process. At all times, discussions will remain confidential.

Where this is not appropriate, or where the Whistleblower does not feel comfortable in doing so, or where the Whistleblower has previously done so and believes no action has been taken, the Whistleblower may contact the Town's PID Officer directly to discuss the incident or complete a [PID Lodgment Misconduct Report Form](#) ("PIDLMRF") and submit it to the PID Officer.

There are procedures in place for disclosures made under the protection of the PID Act – the PID Officer must determine whether the report is being made under that Act, and if so, ensure that the disclosure is treating appropriately and according to those procedures.

Refer to Attachment 1 for a sample [PIDLMRF](#).

External Reports

It is the Town's aim to ensure that employees, elected members, contractors and consultants do not feel the need to discuss Town related concerns outside of the Town. However, nothing in this Policy should be interpreted as restricting an employee, elected member, contractor or consultant from raising issues or providing information



POLICY 1/023 WHISTLEBLOWER (PUBLIC INTEREST DISCLOSURE)



to an external party, in accordance with any relevant law, regulation or prudential standard.

Therefore, a Whistleblower may report Misconduct (anonymously if preferred) to an external independent Whistleblower service. Depending on the type of Misconduct, this could include the Corruption and Crime Commission, Ombudsman, the Police or the Auditor General.

It may also be appropriate to report irregularities relating to accounting matters to the Town's [External](#) Auditor.

Members of the public who wish to make a disclosure of public information, as defined in the Public Interest Disclosure (PID) Act, are to contact the PID Officer directly.

All reports under this Policy are treated very seriously and will be investigated appropriately.

Misconduct Involving the PID Officer

If the issue of Misconduct involves the actions of the PID Officer, then the reporting of such matters should be directly to the Chief Executive Officer.

Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

If the report is made under the PID Act, the confidentiality requirements in relation to information which might identify or tend to identify a discloser or a person in respect of whom a public interest disclosure has been made must be complied with at all times. The disclosure of this identifying information, except in accordance with the PID Act, is an offence.

Handling of Reported Violations

The Town's PID Officer is responsible for investigating and resolving (where possible) all reported complaints and allegations concerning [alleged](#) violations of the Code, as well as disclosures made under the PID Act.

The Town's PID Officer has responsibility for protecting and safeguarding the interests of whistleblowers within the meaning of this Policy. The PID Officer will have access to independent financial, legal and operational advisers as required.

The PID Officer is the [specified position appointed under section 23\(1\)\(a\) of the Act, currently being the](#) Coordinator Governance.



POLICY 1/023 WHISTLEBLOWER (PUBLIC INTEREST DISCLOSURE)



The PID Officer has direct access to the Audit, Risk and Governance Committee and is required to report to the Committee at least annually or more often if the PID Officer deems if necessary on compliance activity related to this Policy.

The PID Officer will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

Accounting and Auditing Matters

~~The Audit, Risk and Governance Committee shall address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing. The PID Officer shall immediately notify the Audit, Risk and Governance Committee of any such complaint outcomes related to corporate accounting practices, internal controls and auditing~~ (within the constraints of any legislated confidentiality requirements) and work with the Committee until the matter is resolved.

Investigation

All reports of Misconduct will be treated seriously and be the subject of a thorough investigation with the objective of locating evidence that either substantiates or refutes the claims / allegations made by the Whistleblower. Investigations are to be undertaken by the PID Officer. The PID Officer will cause an investigation to be carried out, this may require referring the matter to another person or agency.

Following a report of Misconduct, either internally or externally, the following procedure is to be followed:

- The completed PIDLMRF is to be forwarded to the PID Officer.
- The PID Officer is to review the report and determine the appropriate manner of investigation, and then inform the Whistleblower of how the investigation will proceed.
- The PID Officer is to determine what resources are needed and secure access to those resources, including where necessary the assistance of other employees or external professional help (including lawyers, accountants, forensic analysts or operational experts).
- The PID Officer plans and conducts the investigation.
- The PID Officer is to consider process / control improvements (risk assessments, audits, etc).
- The PID Officer prepares an Investigation Report and forwards the Investigation Report to the Chief Executive Officer or Audit & Risk Committee.
- The PID Officer advises and debriefs the Whistleblower.

Reporting of Investigation Findings Outcomes



POLICY 1/023 WHISTLEBLOWER (PUBLIC INTEREST DISCLOSURE)



At the end of the investigation, the PID Officer will report ~~their findings~~the outcomes and improvement opportunities to the Audit, Risk and Governance Committee who will, in conjunction with the Chief Executive Officer, determine the appropriate response. This report must take into account the confidentiality requirements of the PID Act.

The Chief Executive Officer ~~This response will include~~ addressing any unacceptable conduct and ~~taking~~ remedial action required to prevent any future occurrences of the same Misconduct. In the event of the Chief Executive Officer being the subject of an investigation or allegation, the Committee is to request that Council seek independent advice on possible corrective or remedial actions.

Where issues of discipline arise the response will be in line with the Town's Disciplinary Procedure. Where allegations of unacceptable conduct made against another person cannot be substantiated, that person will be advised accordingly and will be entitled to continue in their role as if the allegations had not been made.

Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation of the Code must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the Code. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offence and in some cases may result in termination of employment.

Where a disclosure is made under the PID Act, the discloser is only protected if they believe on reasonable grounds that the information to be disclosed is or may be true. They will commit an offence, and lose the protection of the Act, if they know the information to be false or misleading in a material particular or are reckless about whether the information is false or misleading in a material particular.

False Misconduct Reports

Where it is established by the PID Officer that the Whistleblower is not acting in good faith, or has made a false report of Misconduct (including where the allegation has been made maliciously, vexatiously or without any basis), then he or she will be subjected to disciplinary proceedings, including the possibility of summary dismissal.

Whilst not intending to discourage Whistleblowers from reporting matters of genuine concern, Whistleblowers must ensure as far as possible, that reports are factually accurate, complete, from firsthand knowledge, presented in an unbiased fashion (and any possible perception of bias of the Whistleblower is disclosed), and without material omission.

Where the report has been made under the PID Act, the provisions in that Act relating to making false or misleading disclosures apply.

Whistleblower Anonymity



POLICY 1/023 WHISTLEBLOWER (PUBLIC INTEREST DISCLOSURE)



~~If requested,~~ The identity of the Whistleblower will be kept strictly confidential unless:

- The person making the report consents to the disclosure.
- The disclosure is required by law.
- The disclosure is necessary to prevent or lessen a serious threat to a person's health or safety.
- It is necessary to protect or enforce The Town's legal rights or interests.
- It is necessary to defend any claims.

Whistleblower Protection

A Whistleblower who reports matters in good faith, and provided he or she has not been involved in the Misconduct reported, will not be penalised or personally disadvantaged because they have reported a matter. The Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the organisation prior to seeking resolution outside the Organisation.

The Town will not tolerate any instances of legitimate Whistleblowers being:

- Dismissed.
- Demoted.
- Subjected to any form of harassment and persecution.
- Discriminated against.

A Whistleblower who believes he or she, or his or her family, has been the victim of any of the above by reason of their status as a Whistleblower, should immediately report the matter to the PID Officer. Where an incident of this nature occurs, the Town's Code of Conduct will apply, as well as the provisions of the PID Act.

Any employee, elected member, contractor or consultant who is found to have dismissed, demoted, harassed, or discriminated against a Whistleblower by reason of their status as a Whistleblower, may be subjected to disciplinary measures.

A Whistleblower who has been involved in the reported Misconduct may be provided with immunity or due consideration from Town initiated disciplinary proceedings by agreement, however, the Town has no power to provide immunity from criminal prosecution.

Where victimisation or reprisals are reported, a record of the report and the action taken must be placed on the file relating to the public interest disclosure. Steps taken to prevent acts of victimisation or reprisal should be recorded in a manner that they will be accessible for reference, should legal action be taken against the Town.

The Town will ensure that the same protection offered to the Whistleblower is offered to the PID Officer.



POLICY 1/023 WHISTLEBLOWER (PUBLIC INTEREST DISCLOSURE)



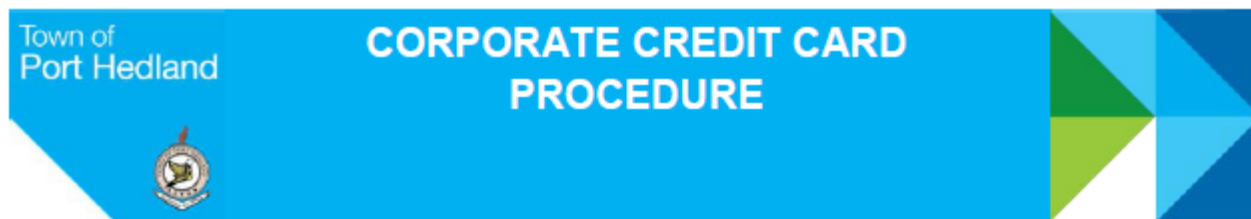
Feedback and Communication with the Whistleblower

Where possible, and assuming the identity of the Whistleblower is known, the Whistleblower will be kept informed of the outcome of the investigation of his or her report, subject to privacy and confidentiality considerations.

All Whistleblowers must maintain confidentiality of all such reports, and not disclose details to any person.

| | |
|--|--|
| Council adoption date and resolution no. | |
| Date of adoption of amendment and resolution number do not delete the previous dates | |
| Relevant legislation | <p>This policy has been drafted to comply with:</p> <ul style="list-style-type: none"> • Town of Port Hedland PID Fact Sheet • AS 8004–2003 (Whistleblower Protection Programs for Entities) • AS 8001–2008 (Fraud and Corruption Control) • Public Interest Disclosure Act 2003 • Corruption and Crime Commission Act 2003 • Public Sector Commission Website |
| Delegated authority | Nil |
| Business unit | Corporate Information |
| Directorate | Corporate Services |
| Review frequency | The Whistleblower Policy and Procedures will be reviewed periodically by the Audit, Risk and Governance Committee. A report will be made to the Council on the outcome of each review and all recommended changes to the Policy. |

ATTACHMENT 4 TO ITEM 13.1.1



| | |
|---------------|---------------------|
| Directorate | CORPORATE SERVICES |
| Status | Final – Version 1.0 |
| Business Unit | Finance |

1.0 OBJECTIVE

This procedure aims to create a sound framework for the use of Corporate Purchase Cards that provides clear expectations for and responsibilities of cards users, ensures protection of Town funds, and creates a purchasing mechanism that reduces costs associated with the administration of Town purchasing activities.

2.0 RELATED POLICIES & TERMS & CONDITIONS

- This document should be read in conjunction with the Town's Corporate Credit Card Policy 1/024, in the event of inconsistency between this procedure and the policy, the policy prevails.
- Procurement Policy
- NAB'S Commercial Card Facility Product Disclosure Statement

3.0 ELIGIBILITY

The provision of a Corporate Purchase Card is a facility offered by the Town to Officers occupying certain positions. All requests for Corporate Purchase Cards must be approved by the CEO. In the case of the CEO, Council should approve the application.

Cards are for the use of designated officers only and must not be used by any other employee.

If you are not a cardholder and require the use of a Corporate Purchase Card for purchasing purposes, please contact the relevant Executive Assistant or Administration Officer in your directorate. You will be required to fill out a Credit Card Request form, which provides details of the purchase and the relevant General Ledger code.

4.0 CIRCUMSTANCES IN WHICH CARDS MAY OR MAY NOT BE USED

Corporate Purchase Cards must only be used for the payment of goods and services associated with the Town's business. Activities that would not qualify for the use of a Corporate Purchase Card include the following:



CORPORATE CREDIT CARD PROCEDURE

- Any use that is of a personal or private nature;
- Cash Advances; and

Payment of fines, for example a parking fine or a speeding offence which was incurred whilst on Town business. Where inappropriate expenditure occurs, the value of the expenditure shall be recovered from the card holder. Should there be an accidental transgression, the Manager of Financial Services is to be notified and the Council reimbursed immediately.

5.0 PROMOTIONS AND INCENTIVES

Card holders must not obtain personal rewards such as frequent flyer points or Woolworths rewards when using their Corporate Purchase Card.

6.0 FORMAL ACKNOWLEDGEMENT OF PROCEDURE CONDITIONS

Town Officers issued with Corporate Purchase Cards are in a position of trust with regard to the use of public funds. Improper use of that trust may render the cardholder liable to disciplinary action, legal action or criminal prosecution. All corporate card holders are to acknowledge receipt of the Corporate Purchase Card and instructions for use. The acknowledgement will include a signed agreement to abide by all Town of Port Hedland and card supplier guidelines and conditions of use (attachment A).

All Corporate Purchase Cards on issue will be recorded on the register of credit cards.

7.0 CARD HOLDER RESPONSIBILITIES

Card holders are required to abide by the Town's internal procedures and NAB's terms and conditions as follows:

- The Corporate Purchase Card must be signed with the card holder's usual signature immediately upon receipt;
- Card holders are to ensure that proposed transactions will not cause the credit limit to be exceeded;
- Card holders **must not** transfer ownership of card for other employee's use (i.e. making offsite purchases) other than the transaction(s) pre-approved via the "Request to Use Credit Card" form;
- Card holder under no circumstances **must not** disclose their PIN number;
- A compliant Tax Invoice must be obtained for all purchases;
- Should a card holder fail to obtain a Tax Invoice they must make all reasonable attempts to obtain a copy. If they cannot obtain a copy, the cardholder will be required to complete a



CORPORATE CREDIT CARD PROCEDURE

Corporate Card Transaction Declaration detailing the nature of the expense and that it is business related, as show in Attachment B;

- Tax invoices must clearly indicate a complete account number string and an appropriate description of the purchase;
- All coded Tax Invoices (with the credit card docket attached) are to be retained by the card holder;
- Card statements will be forwarded via Finance to the card holders for review and approval by their direct manager and director;
- Monthly statements are to be reviewed and finalised within 7 days of the end of credit card cycle. As part of the acquittal process, the card holder is to certify that all charges shown are correct and were incurred for official purposes. **Repeat failure to acquit monthly statements in a timely manner may result in the Corporate Purchase Card being cancelled;** and
- Finance shall maintain a Register of Corporate Purchase Card Holders, detailing card holder name, card number, credit limit and expiry date for all cards. The Register shall be kept up to date and reflect any changes notified to the corporate card supplier.

Where card holders fail to fulfil the above requirements, the CEO may cancel the card and revoke purchasing delegations.

8.0 ANNUAL REVIEW OF CORPORATE CARD FACILITY

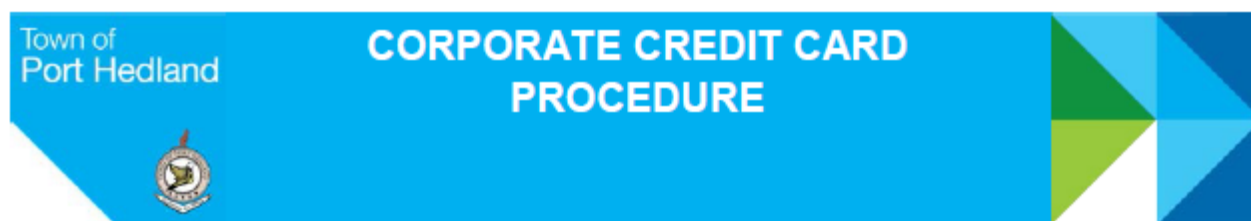
The Manager of Financial Services is to prepare a written report on an annual basis to the CEO that includes details of:

- Expenditure for the year to date in summary form;
- Any matters indicating the efficiency and effectiveness of the Corporate Purchase Card;
- Action taken in response to issues raised in the report; and
- The results of action taken in response to issues raised in previous reports.

9.0 PROCEDURE FOR LOST, STOLEN OR DAMAGED CARDS

Card holders are personally responsible and accountable for the safe custody of the issued card. Card holders must:

- Keep the Corporate Purchase Card on their person at all times. This will ensure the card is secure at all times to safeguard against theft or loss;
- Report the loss or theft of a card to the supplying bank immediately in accordance with the bank's terms and conditions, and notify the Manager of Financial Services;
- Not disclose or carry with the card any PIN that has been issued with the card;



- Report damaged cards to the Manager of Financial Services for replacement.

10.0 PROCEDURES FOR CESSATION OF EMPLOYMENT

Upon cessation of employment with the Town, the card holder must ensure that:

- All outstanding transactions are cleared and properly accounted for;
- The card is returned to Finance for cancellation and destruction; and
- Written acknowledgment of the return of the card is obtained from Finance.

| | |
|------------------|--|
| Directorate | <i>Corporate Services</i> |
| Review Frequency | <i>Two yearly. Next due - July 2018.</i> |

Document Control Statement

The electronic reference copy of these procedures is maintained by the Finance department. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://intranet.toph.local/Pages/default.aspx> to ensure that you have the current version. Alternatively, you may contact the Finance Department on 371.

**ATTACHMENT A****Corporate Purchase Card Acknowledgment and Conditions of Use**

To Director of Corporate Services

I.....acknowledge receipt of a Town of Port Hedland
Corporate Purchase Card and acknowledge that I:

1. Am aware of my responsibilities and duties as a Corporate Purchase Card holder;
2. Will only use the Corporate Purchase Card according to the Town's Credit Card IOP and NAB's Credit Card Facility Terms & Conditions.
3. Am aware that transactions made with the card are subject to authorisation and audit procedures;
4. Will reimburse the Town of Port Hedland for the cost of purchases that are deemed not for the use of the Town, or Town related business;
5. Will keep the card safe from unauthorised use at all times;
6. Will return the card to the Manager of Financial Services:
 - a. On request of the CEO;
 - b. Prior to my assuming duties in another position within the Town of Port Hedland; or
 - c. On termination of employment with the Town;
 - d. Within a reasonable timeframe once it has been deemed by the CEO that I no longer require a Corporate Purchase Card.
7. Will advise the Manager of Financial Services and National Australia Bank customer service department immediately if the Corporate Purchase Card has been lost, mislaid, stolen or misused.
8. Am aware that when no documentation is available to support a particular transaction, I will provide a declaration detailing the nature of the expense and that it is business related.
9. Will not use the Corporate Purchase Card for any personal or private use; and
10. Will not use the Corporate Purchase Card to obtain cash.

Town of
Port Hedland



CORPORATE CREDIT CARD PROCEDURE

Corporate Card holder's Signature.....

Date.....

Authorising Signature.....

Date.....

Town of
Port Hedland

CORPORATE CREDIT CARD PROCEDURE

ATTACHMENT B

Corporate Purchase Card Declaration – No Tax Invoice – Sample

| Purchase Date | Name of Supplier | Description of Purchase | Price (excl. GST) | GST | Total (incl. GST) | Reason for Transaction | Reason for No Supporting Documentation |
|---------------|------------------|--------------------------|-------------------|---------|-------------------|---|--|
| 21/03/2014 | Woolworths | Lunch for staff training | \$200.00 | \$20.00 | \$220.00 | Whole day training – lunch to be provided | Receipt misplaced in transit |
| | | | | | | | |

Credit Card Number:

Cardholder Name:

Cardholder Signature: Date:

Finance Authorisation: Date:

(a copy of this form can be downloaded from the Corporate Services page on the Intranet for use on those occasions where no tax invoice could be obtained)

Item 14 Motions of Which Previous Notice Has Been Given

Nil

Item 15 New Business of an Urgent Nature

Nil

Item 16 Matters for Which Meeting May Be Closed (Confidential Matters)

CM201617/047 COUNCIL DECISION**MOVED: CR GILLINGHAM****SECONDED: CR TAVO**

That Council close the meeting to members of the public as prescribed in section 5.23(2) of the Local Government Act 1995, to enable Council to consider the following items:

16.1 Proposed Land Transaction for Lot 413 Kingsford Smith Business Park; and

16.2 Review Audit – Revised Scope.

CARRIED 7/0

6:28pm The Acting Mayor advised that the meeting is now closed to members of the public.

16.1 Proposed Land Transaction for Lot 413 Kingsford Smith Business Park

OFFICER RECOMMENDATION

That with respect to the Proposed Land Transaction for Lot 413 Kingsford Smith Business Park, Council:

1. Note that St John Ambulance Western Australia Ltd will undertake remediation works and fill works on the site to enable development of the site.
2. Clarify its December 2015 decision (201516/122) to include the below additional information regarding remediation and fill works for the site:
 - a) Require St John Ambulance Western Australia Ltd pay the Town of Port Hedland \$250,000 (GST inclusive) minus the cost of fill remediation works, from the proceeds of the sale of 12 Hedditch Street, South Hedland;
 - b) Note that St John Ambulance Western Australia Ltd will project manage and ultimately be responsible for the proposed remediation works to be included in their overall project budget;

- c) Require St John Ambulance Western Australia Ltd to provide the Town of Port Hedland copies of all paid invoices related to the works with such documentation to be used by the Acting Chief Executive Officer to determine the final payment figure;
 - d) Cap the final payment reduction at \$100,000 (GST inclusive);
 - e) Require the payment to be received before 31 December 2017.
3. Request the Acting Chief Executive Officer or their authorised officer to update the Transfer of Land contract to reflect the additional conditions noted above.
4. Request the Acting Chief Executive Officer or their authorised officer, as the current owner of Lot 413, to provide St John Ambulance Western Australia Ltd with a letter of authority (subject to funding confirmation being received prior) to:
- a) enable St John Ambulance Western Australia Ltd to apply for all necessary planning and building approvals;
 - b) allow St John Ambulance Western Australia Ltd to commence construction (including the earth works/ fill) of the new facility on receipt of a building permit with the understanding that the excision, sub division and subsequent amalgamation are progressing concurrently.

CM201617/048 AMENDED RECOMMENDATION/ COUNCIL DECISION**MOVED: CR MELVILLE****SECONDED: CR TAVO**

That with respect to the Proposed Land Transaction for Lot 413 Kingsford Smith Business Park, Council:

1. **Note that St John Ambulance Western Australia Ltd will undertake remediation works and fill works on the site to enable development of the site.**
2. **Clarify its December 2015 decision (201516/122) to include the below additional information regarding remediation and fill works for the site:**
 - a) **Require St John Ambulance Western Australia Ltd pay the Town of Port Hedland \$250,000 (GST inclusive) minus the cost of fill remediation works, from the proceeds of the sale of 12 Hedditch Street, South Hedland;**
 - b) **Note that St John Ambulance Western Australia Ltd will project manage and ultimately be responsible for the proposed remediation works to be included in their overall project budget;**
 - c) **Require St John Ambulance Western Australia Ltd to provide the Town of Port Hedland copies of all paid invoices related to the works with such documentation to be used by the Acting Chief Executive Officer to determine the final payment figure;**
 - d) **Cap the final payment reduction at \$100,000 (GST inclusive);**
 - e) **Require the payment to be received before 31 December 2017.**
 - f) **That the funds received from the transaction of the Hedditch Street site be allocated to the strategic reserve.**
3. **Request the Acting Chief Executive Officer or their authorised officer to update the Transfer of Land contract to reflect the additional conditions noted above.**
4. **Request the Acting Chief Executive Officer or their authorised officer, as the current owner of Lot 413, to provide St John Ambulance Western Australia Ltd**

with a letter of authority (subject to funding confirmation being received prior) to:

- a) enable St John Ambulance Western Australia Ltd to apply for all necessary planning and building approvals;
- b) allow St John Ambulance Western Australia Ltd to commence construction (including the earth works/ fill) of the new facility on receipt of a building permit with the understanding that the excision, sub division and subsequent amalgamation are progressing concurrently.

CARRIED 7/0

16.2 Review Audit – Revised Scope

CM201617/049 OFFICER RECOMMENDATION 1/ COUNCIL DECISION

MOVED: CR GILLINGHAM

SECONDED: CR TAVO

That with respect to Council's request for a forensic audit requested, Council revoke point 5 of decision 201516/301 of item 14.1 'Appointment of Acting Chief Executive Officer' and recorded on page 13 of those Minutes that states:

5. *Request the Acting Chief Executive Officer to seek quotes for an independent forensic auditor to review and be presented to Council for a decision:*
 - a) *the recent organisational structure;*
 - b) *Town of Port Hedland finances, starting with the Port Hedland International Airport lease (lease funds not coinciding with the council decision)*
 - c) *Elected Member and staff travel (associated benefits and review of suitability and appropriateness of travel for Town of Port Hedland)*
 - d) *investigate all procurement processes and expenditure, starting with but not limited to the Port Hedland International Airport and the compliance with the Local Government Act 1995 and Financial Regulations and report findings to the Audit, Risk and Governance Committee for review*

CARRIED BY ABSOLUTE MAJORITY 7/0

OFFICER RECOMMENDATION 2

That with respect to the proposed review audit, Council:

1. Request the Acting Chief Executive Officer or his authorised officer to issue a Request for Quote for the below scope of works for a review to be conducted by a suitably qualified auditor into the following issues:
 - a) Process and procedures in relation to the appointment of the Executive Officer in 2015;
 - b) Process and procedures in relation to the redundancy payments and redeployment of staff for the period December 2013 through to 31 August 2016;
 - c) The Port Hedland International Airport long-term lease and the reason for the difference in:

- i) reports presented to Council and utilised as part of the decision making process;
 - ii) the signed agreement;
 - iii) funding received in relation to the lease and related authorisations.
 - d) Procurement events over \$100,000 (ex GST) initiated between 1 January and 31 August 2016 including compliance with processes, procedures and legislative requirements.
2. Request the Acting Chief Executive Officer or his authorised officer to report back to Council on the proposed approach and quotes for authorisation prior to the review being undertaken.
3. Request the Acting Chief Executive Officer or his authorised officer to provide a report to Council on staff and elected member travel from 1 July 2014 to 31 August 2016, including travel undertaken, purpose and cost.
4. Request the Acting Chief Executive Officer or his authorised officer to provide a report to Council on the transaction with MACRO Realty Developments for the sponsorship of the 2016 North West Festival.

CM201617/050 AMENDED OFFICER RECOMMENDATION 2/ COUNCIL DECISION**MOVED: CR TAVO****SECONDED: CR GILLINGHAM****That with respect to the proposed review audit, Council:**

1. Request the Acting Chief Executive Officer or his authorised officer to issue a Request for Quote for the below scope of works for a review to be conducted by a suitably qualified auditor into the following issues:
- a) Process and procedures in relation to the appointment of the Executive Officer in 2015;
 - b) Process and procedures in relation to the redundancy payments and redeployment of staff for the period December 2013 through to 31 August 2016;
 - c) The Port Hedland International Airport long-term lease and the reason for the difference in:
 - i) reports presented to Council and utilised as part of the decision making process;
 - ii) the signed agreement;
 - iii) funding received in relation to the lease and related authorisations.
 - d) Procurement events initiated between 1 January and 31 August 2016 including compliance with processes, procedures and legislative requirements. Procurement events is defined as:
 - Procurement over \$100,000 (ex GST);
 - Contract scopes;
 - Engagement of Contractors to fill Town of Port Hedland positions;
 - All Airport Capital Works procurement over \$100,000 (ex GST);
 - Airport procurement over \$100,000 (ex GST) and that has been identified in previous external audits; and
 - Does not include the engagement of Town of Port Hedland employees.

2. Request the Acting Chief Executive Officer or his authorised officer to report back to Council on the proposed approach and quotes for authorisation prior to the review being undertaken.
3. Request the Acting Chief Executive Officer or his authorised officer to provide a report to Council on staff and elected member travel from 1 July 2014 to 31 August 2016, including travel undertaken, purpose and cost.
4. Request the Acting Chief Executive Officer or his authorised officer to provide a report to Council on the transaction with MACRO Realty Developments for the sponsorship of the 2016 North West Festival.

CARRIED 5/2

For: Acting Mayor Blanco, Acting Deputy Mayor Melville, Cr Gillingham, Cr Newbery, Cr Tavo

Against: Cr Hooper, Cr Whitwell

CM201617/051 COUNCIL DECISION

MOVED: CR MELVILLE

SECONDED: CR TAVO

That Council open the meeting to members of the public as prescribed in section 5.23(2) of the Local Government Act 1995.

CARRIED 7/0

7:00pm The Acting Mayor advised the meeting is now open to members of the public.

Item 17 Closure

17.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 28 September 2016, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 21 September 2016, commencing at 5:30pm.

17.2 Closure

There being no further business, the Acting Mayor declared the meeting closed at 7.01pm.