



TOWN OF PORT HEDLAND

ORDINARY COUNCIL MEETING MINUTES

WEDNESDAY 25 MAY 2016 AT 5:30PM

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

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

*M.J. (Mal) Osborne
Chief Executive Officer*

ITEM 1	OPENING OF MEETING.....	6
ITEM 2	ACKNOWLEDGEMENT OF TRADITIONAL OWNERS.....	6
ITEM 3	RECORDING OF ATTENDANCE	6
3.1	Attendance	6
3.2	Apologies.....	6
3.3	Approved Leave of Absence	6
3.4	Declarations of Interest	6
ITEM 4	RESPONSE TO PREVIOUS QUESTIONS	8
4.1	Questions from Public at Ordinary Council Meeting held on Wednesday 27 April 2016	8
4.1.1	Mr Stan Martin as Vice President of the Port Hedland Ratepayers Association	8
4.2	Questions from Elected Members at Ordinary Council Meeting held on Wednesday 27 April 2016.....	8
ITEM 5	PUBLIC TIME	9
5.1	Public Question Time.....	9
5.1.1	Mrs Mary Attwood.....	9
5.1.2	Mr Ron Attwood.....	9
5.1.3	Ms Patricia Mason	10
5.2	Public Statement Time.....	10
5.2.1	Ms Nicola White.....	10
5.2.2	Ms Gloria Jacob.....	11
5.2.3	Mrs Mary Attwood.....	11
5.2.4	Ms Patricia Mason	11
ITEM 6	QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	12
6.1	Councillor Blanco	12
6.2	Councillor Gillingham	13
ITEM 7	DECLARATIONS OF ALL MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER BEFORE THE MEETING	13
ITEM 8	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	14
8.1	Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 27 April 2016	14
ITEM 9	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	14
9.1	Mayor Howlett.....	14
ITEM 10	REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION	14
10.1	Councillor Blanco	14
10.2	Councillor Gillingham.....	14

10.2	Councillor Hooper.....	15
10.3	Councillor Arif.....	15
10.4	Councillor Whitwell	15
ITEM 11	PETITIONS/ DEPUTATIONS/ PRESENTATIONS/ SUBMISSIONS	15
11.1	Clean Beaches Awards	15
11.2	Tidy Towns.....	15
ITEM 12	REPORTS OF OFFICERS	17
12.1	Community and Development Services.....	17
12.1.1	Town of Port Hedland Reconciliation Action Plan 2016 – 2019.....	17
12.1.2	Port Hedland Air Quality Health Risk Assessment for Particulate Matter.....	31
12.1.3	Spoilbank Marina Waterfront Development – Update.....	39
12.2	Works and Services	47
12.2.1	Request for Tender 2016/02 Forrest Circle Public Open Space Landscape Construction	47
12.3	Corporate Services.....	53
12.3.1	Amend Policy 1/015 ‘Audio Recording of Council and Committee Meetings’ .	53
12.3.2	Accounts Receivable – Proposed Write-Offs.....	58
12.3.3	Intent to Make Town of Port Hedland Animals, Environment and Nuisances Local Law 2016.....	62
12.3.4	Salaries and Allowances Tribunal Determination and Elected Members Fees, Allowance and Reimbursements for 2016/17	91
12.3.5	Annual Review of the Town of Port Hedland Delegation Register	106
12.3.6	Review of Policy 1/017 ‘Order of Business for Council and Committee Meetings’	114
12.3.7	Appointment of Pilbara Regional Council Delegates	128
12.4	Office of the CEO	138
12.4.1	Request for Support for Bunara Maya Hostel Petition	138
12.4.2	2016 WA Local Government Convention and Trade Exhibition and Appointment of Delegates for the Australian Local Government Association (WA) AGM	142
12.4.3	Proposed Policies 2/007 ‘Purchasing’, 2/016 ‘Regional Price Preference’, 2/011 ‘Tender Evaluation’	166
12.4.4	Chief Executive Officer – 2016 Performance Review	194
12.4.5	Short-Term Investment of the Airport Lease Funds.....	206
ITEM 13	LATE ITEMS AS PERMITTED BY PRESIDING MEMBER/ COUNCIL.....	218
13.1	Statement of Financial Activity for the period ended 30 April 2016	218
ITEM 14	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	230
ITEM 15	REPORTS OF COMMITTEES	230

15.1	Audit, Risk and Governance Committee Minutes – 12 April 2016.....	230
ITEM 16	CONFIDENTIAL ITEMS.....	230
ITEM 17	APPLICATIONS FOR LEAVE OF ABSENCE	230
ITEM 18	ATTENDANCE BY TELEPHONE/ INSTANTANEOUS COMMUNICATIONS.	230
ITEM 19	CLOSURE.....	230
19.1	Date of Next Meeting.....	230
19.2	Closure.....	231

ITEM 1 OPENING OF MEETING

The Mayor declared the meeting open at 5:35pm.

ITEM 2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor acknowledged the traditional owners, the Kariyarra people.

ITEM 3 RECORDING OF ATTENDANCE**3.1 Attendance**

Mayor Kelly Howlett
 Councillor Camilo Blanco
 Councillor Jan Gillingham
 Councillor David Hooper
 Councillor Julie Arif
 Councillor Troy Melville
 Councillor Louise Newbery
 Councillor Richard Whitwell
 Councillor Lincoln Tavo

Officers

Mal Osborne	Chief Executive Officer
Chris Linnell	Director Community and Development Services
Brendan Smith	Director Works and Services
Dale Stewart	Acting Director Corporate Services
Peter Kocian	Executive Officer
Grace Waugh	Coordinator Governance
Tammy Wombwell	Minute Taker/ Acting Corporate Information Officer

Public	9
Media	2
ToPH Officers	9

3.2 Apologies

Nil

3.3 Approved Leave of Absence

Nil

3.4 Declarations of Interest

Name	Item no.	Interest	Nature
Mayor Kelly Howlett	12.3.4 "S.A.T Determination and EM Fees, Allowance and Reimbursements 2016/17"	Financial	Is an Elected Member. Policy discusses gratuity gifts to Elected Members

Mayor Kelly Howlett	12.3.3 "Intent to make ToPH Animals, Environment and Nuisances Local Law 2016"	Impartiality	Mayor owns chickens
Councillor Blanco	12.3.4 "S.A.T Determination and EM Fees, Allowance and Reimbursements 2016/17"	Financial	Is an Elected Member. Policy discusses gratuity gifts to Elected Members
Councillor Gillingham	12.3.4 "S.A.T Determination and EM Fees, Allowance and Reimbursements 2016/17"	Financial	Is an Elected Member. Policy discusses gratuity gifts to Elected Members
Councillor Gillingham	12.3.3 "Intent to make ToPH Animals, Environment and Nuisances Local Law 2016"	Impartiality	Elected Member owns chickens
Councillor Hooper	12.3.4 "S.A.T Determination and EM Fees, Allowance and Reimbursements 2016/17"	Financial	Is an Elected Member. Policy discusses gratuity gifts to Elected Members
Councillor Arif	12.3.4 "S.A.T Determination and EM Fees, Allowance and Reimbursements 2016/17"	Financial	Is an Elected Member. Policy discusses gratuity gifts to Elected Members
Councillor Melville	12.3.4 "S.A.T Determination and EM Fees, Allowance and Reimbursements 2016/17"	Financial	Is an Elected Member. Policy discusses gratuity gifts to Elected Members
Councillor Newbery	12.3.4 "S.A.T Determination and EM Fees, Allowance and Reimbursements 2016/17"	Financial	Is an Elected Member. Policy discusses gratuity gifts to Elected Members
Councillor Whitwell	12.3.4 "S.A.T Determination and EM Fees, Allowance and Reimbursements 2016/17"	Financial	Is an Elected Member. Policy discusses gratuity gifts to Elected Members
Councillor Tavo	12.3.4 "S.A.T Determination and EM Fees, Allowance and Reimbursements 2016/17"	Financial	Is an Elected Member. Policy discusses gratuity gifts to Elected Members

Chief Executive Officer	12.4.4 "Chief Executive Officer 2016 Performance Review"	Financial	Item directly relates to employment
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ITEM 4 RESPONSE TO PREVIOUS QUESTIONS

4.1 Questions from Public at Ordinary Council Meeting held on Wednesday 27 April 2016

4.1.1 Mr Stan Martin as Vice President of the Port Hedland Ratepayers Association

What is the individual capacity of each of these camps [within the town]?

Chief Executive Officer advises the capacity of these camps are listed in the below table:

Name of TWA	Capacity
Poondano Village	155 Single Person Quarters
Pardoo Camp	Approved to 120, but only capacity built for 75
Turner River Quarry Camp	48 residents + support staff
Mooka	623 rooms
Wodgina	604 person camp
Pippingarra Quarry Camp	23 rooms
Camp Qube	100 sole occupancy rooms
Turner Village (Indee Station)	Closed
Redmont Camp 195	264 person camp
Mount Dove Camp	Approved to 133, but only capacity built for 101
Gateway Village	1234 rooms
Club Hamilton	900 rooms
Mia Mia	255 rooms
Port Haven	1202 rooms
Beachfront	Closed

4.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 27 April 2016

Nil.

ITEM 5 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 Mayor opened Public Question Time at 5:41pm

5.1 Public Question Time**5.1.1 Mrs Mary Attwood**

Is the position of Aboriginal Liaison Officer within the Town of Port Hedland occupied?

The Chief Executive Officer advised the position is currently vacant.

Who was involved in the development and co-ordination of the Reconciliation Action Plan?

The Mayor advised that the development was primarily run through the Town of Port Hedland Aboriginal Advisory Forum Group and also traditional owners and elders in the town. Mayor advised that there were visits from Reconciliation Australia, which were open to the public and the Reconciliation Action Plan was also put out for public consultation. Mayor also advised that the Town's Community Development team was involved in the creation of the plan.

5.1.2 Mr Ron Attwood

When will the third quarter budget review be made available to the Council and ratepayers for discussion and review?

The Chief Executive Officer advised that the Town has determined that the monthly financial statements will incorporate the key changes in the last quarter. There will be no formal third quarter budget review presented at this time of the year, given that the Town is focusing on the development of the 2016/17 budget. Staff will be closely monitoring budget performance to ensure that the end of the year budget position can be accurately forecast.

Now that the Airport lease is completed, can the community be provided with a breakdown of all the costs incurred in this transaction and the net amount paid to the Town of Port Hedland?

The Chief Executive Officer advised that the net amount for the lease payment is provided in the Town's monthly financial statements item, to the value of approximately \$162 million, minus costs. There were costs incurred outside of the transaction amount, including legal costs which were budgeted for in the 2014/15 and 2015/16 budgets. Chief Executive Officer advised that the question would be taken on notice regarding the other costs associated with the transaction.

When will community consultation take place regarding the investment policy for the funds received from the lease of the Airport?

The Chief Executive Officer advised the Town is still in discussion with Elected Members, and hopes the framework will be finalised by the end of the calendar year, which will mean there will be community consultation over the next six to seven months.

5.1.3 Ms Patricia Mason

In regards to the Roy Hill Cultural Centre proposed on the Spoilbank, what clan groups are the traditional owners from that were consulted by Roy Hill on the project?

The Mayor advised that it is her understanding that Roy Hill have a State Agreement with parties as part of their Mine, Railway and Port facility, and that it is those traditional owners that have been engaging with Roy Hill as part of that agreement. Mayor advised that she was not certain of the names of the groups and advised Ms Mason to contact Roy Hill.

In regards to item 12.1.2 'Port Hedland Air Quality Health Risk Assessment for Particulate Matter', why is this dust suppression proposal only being actioned now?

The Mayor advised that further studies have taken place since the initial findings in 2008. It is important that the Town responds to the State Government Report. Mayor also advised the Report is available on the Department of Health website.

The Mayor closed Public Question Time at 5:48pm

The Mayor opened Public Statement Time at 5:49pm

5.2 Public Statement Time

5.2.1 Ms Nicola White

I am requesting that Council support agenda item 12.4.1 'Request for Support for Bunara Maya Hostel Petition'. In the recommendation of this item, it is requesting that the petition be available at libraries and the Civic Centre.

In four weeks' time, nine adults and five children will be sent to another hostel where the rent is \$300 higher per fortnight. It will be extremely hard for them and they are very distressed.

Bloodwood Tree have worked hard over the last six months to get funding to help the hostel, and believe the Town needs to be more active. We have received letters of support from the Town, but want to know if there is anything else the Town can do to support ongoing funding, to lobby the government to do anything they can to actively support Bloodwood Tree and the hostel.

5.2.2 Ms Gloria Jacob

I am speaking in support of item 12.4.1 'Request for Support for Bunara Maya Hostel Petition'. I would like to challenge Elected Members to take it a step further than what the recommendation suggests. I think we have to all acknowledge that homelessness and anything regarding an inequality of people in our community, is the whole communities responsibility. As the Town is the steward of the community, I feel the Town needs to do something more than just a letter of support. I am challenging Elected Members and the Town to look outside the square to see what can be done with regards to the closure. I challenge the Town to not only offer letters of support, but instigate discussion on what we as a community can do to assist, whether it is by talking to the Department of Housing or various State or Federal Government members.

5.2.3 Mrs Mary Attwood

I object to the Reconciliation Action Plan being considered in item 12.1.1 'Town of Port Hedland Reconciliation Action Plan 2016 – 2019', on the basis that there has been a lack of process and consultation. It has been written for an academic to read. This plan should be able to be read by anyone in the community. I also object to identifying Diana Robinson as a traditional owner of Port Hedland. This is Kariyarra Country and the decision about Diana being a traditional owner is still to be determined in the Federal Court. There are a lot of other Aboriginal people living in this town who must also be included in the consideration when formulating the document.

I also disagree with the Reconciliation Action Plan priorities. There are huge problems in the town with homelessness, and it will continue to happen, until land is allocated, and housing is built to service the homeless. Despite all the money coming in to the Town, the needs of these people are not being met. An Aboriginal Liaison Officer employed from Queensland will not achieve anything because he does not understand the local people and relationships.

I also disagree with the lack of priorities for social development, including housing. Until the homeless get into housing, how can they work or go to training?

I recommend that the plan be deferred until the Town puts the plan out for review and receives proper consultation with the local community.

5.2.4 Ms Patricia Mason

I would like to make a statement in regards to the Roy Hill cultural centre, aboriginal people were not consulted or made a part of negotiations with Roy Hill. Further consultation needs to be undertaken with the majority of the population of Port Hedland.

Why is the Town spending so much time and money trying to rectify the issue with dust suppression in the West End? The dust is coming straight from Finucane Island over the town. We still get the dust 13km away in South Hedland. I recommend that we move on from the West End, and look at getting the mining companies to set policies in place to control the dust for the whole of the town.

The Mayor closed Public Statement Time at 6.08pm

ITEM 6 QUESTIONS FROM MEMBERS WITHOUT NOTICE

6.1 Councillor Blanco

At the last Ordinary Council Meeting we discussed the dredging of the boat ramp on Richardson Street. Can clarification be provided on who is responsible for this?

The Chief Executive Officer advised that at the last meeting it was his understanding that the Pilbara Ports Authority had been undertaking the maintenance dredging. Chief Executive Officer advised that he has subsequently been advised that the Town of Port Hedland did on at least one occasion in 2013, engage a company to dredge the facility, and that the Town is now seeking quotes for maintenance dredging of that area.

Is it the Town's responsibility to maintain Richardson Street boat ramp?

The Chief Executive Officer advised that there is a lease over the Richardson Street boat ramp which includes the channel from the boat ramp into the main shipping channel. The lease from the Pilbara Ports Authority includes the maintenance responsibility being the Town's.

There were questions from Zac Slater on behalf of the Volunteer Marine Rescue, in which he could not access the water at low tide. Since it is the Town's responsibility, when will the maintenance dredging of the channel take place?

The Chief Executive Officer advised that quotes are currently being obtained. There is not a timeframe currently available. The question will be taken on notice, and a briefing note will be provided to Elected Members.

At the last Ordinary Council Meeting the Macro Realty \$250,000 contribution for the North West Festival was discussed. Is there a guarantee that the Town will receive these funds?

The Chief Executive Officer advised that the Town has a signed contract with Macro Realty in regards to sponsorship of the North West Festival for \$250,000. The contract specifies that Macro Realty must make a payment of 50% (\$125,000) of their sponsorship by 27 May 2016. Currently the funds have not been received. The Town has been in touch with Macro Realty today advised that those funds will be paid. The second transaction for the remaining balance is due for payment 30 days before the event, which is a standard process that the Town uses for most of its event sponsors.

There was a Media Release by the Town regarding parking restrictions on Anderson and Wedge Streets. Can the one hour parking restrictions in the West End be removed?

The Chief Executive Officer advised that the parking restrictions are covered under the Town of Port Hedland Local Law and by way of a Council decision. The purpose of sending out a media release is to alert the public that rangers are taking action on certain topics and advised that he was not aware of the circumstances that instigated the release. Chief Executive Officer advised that if Council would like to review the Local Law, it is at the prerogative of the Council to do so.

In regards to the item at the last Council meeting on the Lease for the rodeo and equestrian centre, my understanding is that the lease with Frank Edwards is not legal as the Town of Port Hedland does not have approval under section 18 of the Land Administration Act. Can I get some clarification?

The Chief Executive Officer advised that the question will be taken on notice.

6.2 Councillor Gillingham

Regarding the median strips with plants in both Port and South Hedland, is there funding put aside for maintaining these? And what procedures are in place for maintaining the area?

The Chief Executive Officer advised that the Town has maintenance budgets for verges, and that there is an item tonight which involves the extension of landscaping from Forrest Circle through to Hamilton Road in the South Hedland CBD.

In relation to the article in the North West Telegraph today regarding the Department of Housing's plan to sell or demolish 31 of its properties. There are a lot of people in need of accommodation in town. When did the Department of Housing last address the Council regarding what is happening with housing?

The Mayor advised that there has been presentations given by the Department of Housing at Concept Forums previously, but agrees that it is time that the Town ask the Department of Housing to present to Council.

ITEM 7 DECLARATIONS OF ALL MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER BEFORE THE MEETING

Mayor Howlett	Councillor Blanco
Councillor Gillingham	Councillor Hooper
Councillor Arif	Councillor Melville
Councillor Newbery	Councillor Whitwell
Councillor Tavo	

Councillor Blanco advised that he had not read the amendments.

ITEM 8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**8.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 27 April 2016****201516/231 RECOMMENDATION/ COUNCIL DECISION****MOVED: CR HOOPER****SECONDED: CR ARIF**

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

CARRIED 8/1

For	Against
Mayor Howlett Councillor Gillingham Councillor Hooper Councillor Arif Councillor Melville Councillor Newbery Councillor Whitwell Councillor Tavo	Councillor Blanco

ITEM 9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**9.1 Mayor Howlett**

The Mayor thanked Deputy Mayor Blanco for asserting his role as Deputy Mayor and handling all the appointments and commitments whilst she was on leave. The Mayor also thanked the Councillors for their help whilst she was away. The Mayor congratulated the RSL for their ANZAC Day service, and thanked the Town of Port Hedland for the Welcome to Hedland night and the Mother's Day Classic. The Mayor also congratulated the Youth Involvement Council Mingle Mob, for being awarded a state award for their Mingle Mob programme from the Department of Local Government and Communities.

ITEM 10 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION**10.1 Councillor Blanco**

Councillor Blanco advised that he had been very busy in his role as Deputy Mayor over the past month.

10.2 Councillor Gillingham

Councillor Gillingham attended the opening of the Mother's Day Classic, and congratulated the Town officers involved for a great morning. Councillor Gillingham also attended the North West Festival line-up, and looks forward to the event.

Councillor Gillingham attended the Welcome to Hedland Night, and found the event very well organised. Councillor Gillingham also welcomed the visit from the Vietnamese Consulate.

10.2 Councillor Hooper

Councillor Hooper attended the Welcome to Hedland Night and concurred that it was a good night. Councillor Hooper also attended the North West Festival line-up. Councillor Hooper attended the South Hedland Library, where he read stories to children as part of National Simultaneous Storytime, and had a lot of fun.

10.3 Councillor Arif

Councillor Arif attended a pop up exhibition with HARTZ and found the event very worthwhile. Councillor Arif also attended a Business After Hours event with the Chamber of Commerce, and had a great evening. Councillor Arif attended a site visit to the Cooke Point Caravan Park, and found the visit very informative. Councillor Arif also attended the Roy Hill Community Foundation launch, and thought it was a great initiative. Councillor Arif also attended the Welcome to Hedland Night and thought it was a great occasion. Councillor Arif attended the Chamber of Commerce Breakfast, with presentations from FMG and Roy Hill. Councillor Arif also read stories for young children at the South Hedland Library as part of National Simultaneous Storytime, and loved it.

10.4 Councillor Whitwell

Councillor Whitwell attended the Welcome to Hedland night, and found the event very interesting. Councillor Whitwell also attended the Cooke Point Caravan Park site visit, and found it very important to understand where the boundaries of the Town and the Caravan Park were.

ITEM 11 PETITIONS/ DEPUTATIONS/ PRESENTATIONS/ SUBMISSIONS

11.1 Clean Beaches Awards

- 2016 Certificate of Appreciation – Cemetery Beach
- 2016 Certificate of Appreciation – Pretty Pool Beach
- 2016 State Finalist – Cemetery Beach
- 2016 State Finalist – Pretty Pool Beach

11.2 Tidy Towns

- 2016 Certificate of Appreciation – Port and South Hedland
- 2016 State Finalist – Tidy Towns State Title - Port and South Hedland
- 2016 State Finalist – Litter Prevention and Waste Management – Port and South Hedland
- 2016 State Finalist – Environmental Sustainability – Port and South Hedland
- 2016 State Finalist – Heritage and Culture – Port and South Hedland
- 2016 State Finalist – Young Legends – Port and South Hedland

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 Community and Development Services****12.1.1 Town of Port Hedland Reconciliation Action Plan 2016 – 2019**

Author: Mark Davis, Coordinator Community and Youth Development
Authorising Officer: Chris Linnell, Director Community & Development Services
File No. 04/01/0003

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/232 RECOMMENDATION/COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR HOOPER

That, with respect to the Town of Port Hedland Reconciliation Action Plan 2016 – 2019, Council:

- 1. Note the inclusive process and consultation undertaken to develop the Reconciliation Action Plan.**
- 2. Note endorsement provided by Reconciliation Australia.**
- 3. Adopt the Town of Port Hedland Reconciliation Action Plan 2016 - 2019.**

CARRIED 9/0

EXECUTIVE SUMMARY

The Town of Port Hedland Reconciliation Action Plan (RAP) 2016 – 2019 will shape a way forward for the Town to strengthen its acknowledgment and engagement of the Aboriginal and Torres Strait Islander community.

The Town has developed an 'Innovate' RAP, defined by Reconciliation Australia as:

"An Innovate RAP is for organisations that have developed relationships with their Aboriginal and Torres Strait Islander stakeholders and are ready to develop or implement programs for cultural learning, Aboriginal and Torres Strait Islander employment and supplier diversity.

An Innovate RAP will give your organisation the freedom to develop and test new and innovative approaches, and embed the RAP in your organisation."

The Town's RAP is an internal organisational document, rather than a community wide approach. Targets and actions articulate how the Town will achieve outcomes within set timeframes and responsibilities.

This item details the process taken to develop the plan, notes endorsement from Reconciliation Australia and seeks Council endorsement of the final document.

DETAILED REPORT

Background

Reconciliation is about building better relationships between the wider Australian community and Aboriginal and Torres Strait Islander peoples for the benefit of all Australians.

Reconciliation Action Plans (RAPs) outline practical actions the organisation will take to build strong relationships and enhanced respect between Aboriginal and Torres Strait Islander peoples and other Australians.

RAPs also set out an organisation's aspirational plans to drive greater equality by pursuing sustainable opportunities.

To date, more than 650 organisations from the public and private sector have endorsed Reconciliation Action Plans. The plans are administered by Reconciliation Australia –an independent, national not-for-profit organisation.

Key Themes

With the advice of Reconciliation Australia, the Town has developed what is classed as an 'Innovate' RAP.

This approach is reflected in the following key themes of the Town's RAP:

1. Awareness and Engagement
2. Employment Support and Opportunities
3. Economic Development and Opportunities

These key themes were developed as a result of internal workshops, advice from Reconciliation Australia and consultation with key stakeholders.

Consultation

The RAP has been developed in collaboration with key stakeholders including community; organisations and agencies; Council; and Reconciliation Australia. The Town acknowledges the openness, honesty and goodwill shown throughout this process; and hopes to continue building mutually beneficial partnerships into the implementation phase.

Specific consultation was conducted with:

External

- Reconciliation Australia

- Targeted key stakeholder consultation - Wangka Maya, Bloodwood Tree, IBN
- Diana Robinson-Brown Kariyarra Traditional Owner
- Aboriginal and Torres Strait Islander Consultation Forum presentation and opportunity for participant feedback
- Invitation for Community Comment (10 – 31 July 2015)

Internal

- Workshop for Senior Staff within the Town (Facilitated by Reconciliation Australia)
- Workshop for Town Managers and Executive Leadership Team
- Elected Members Workshop and Briefings (2 in total)

Community consultation affirmed the three key themes of the Town's plan, and no significant changes were made as a result of calls for community comment during July 2015.

Approval Process

Reconciliation Australia has provided endorsement for the Town's Reconciliation Action Plan 2016 – 2019. This correspondence is provided as an attachment.

Should Council endorse the plan, the final version will be submitted to Reconciliation Australia to be recorded and uploaded to its website.

FINANCIAL AND RISK IMPLICATIONS

The majority of actions will have no financial impact in the first instance as they are investigative or developmental items.

Costings for Welcome to Country at events will be required to be included in individual event budgeting as has been done previously. The quarterly Aboriginal Consultation Forum is currently budgeted for in GL 813272 (Reconciliation Action Plan), and is proposed to be funded from this account for the next financial year.

Any further actions requiring expenditure in out years (e.g. traineeships) will be fully costed by responsible managers and presented for approval as part of future budget deliberations in subsequent financial years. The RAP does not commit the Town to a specific amount of expenditure on such items.

STATUTORY AND POLICY IMPLICATIONS

The Town of Port Hedland Corporate Business Plan 2014 – 2018 articulates the development and implementation of a Reconciliation Action Plan under section 1.2.

Reconciliation Australia will require annual reporting and evidence to be provided by the Town.

ATTACHMENTS

1. Town of Port Hedland Reconciliation Action Plan 2016 – 2019 (as amended)
2. Reconciliation Australia Email - Endorsement of Town of Port Hedland Innovate RAP

30 March 2016

TOWN OF PORT HEDLAND
**INNOVATE
RECONCILIATION
ACTION PLAN**



www.porthedland.wa.gov.au



Chief Executive Officer's Message

The Town of Port Hedland is committed to reconciliation with its Aboriginal and Torres Strait Islander community. Reconciliation provides a vital way forward for building a harmonious and unified community.

As such, the Town is pleased to present our inaugural Reconciliation Action Plan (RAP). The document will shape a way forward for the Town to strengthen acknowledgment and engagement of the Aboriginal and Torres Strait Islander community.



The key focus is to raise awareness within the Town as an organisation – hence building foundations to pursue employment, business development and other opportunities in a sustainable manner. Proposed targets and actions articulate how we will achieve our vision within set time frames and responsibilities.

Mal Osborne
Chief Executive Officer

Our Vision for Reconciliation

The Town of Port Hedland is committed to reconciliation, and building better relationships between the wider community and Aboriginal and Torres Strait Islander peoples for the benefit of current and future generations. The Town of Port Hedland vision for reconciliation is to be a town that will share the responsibilities for inspiring meaningful and sustainable ways of working through inclusion, leadership, innovation and culturally significant ideals unique to the region. To maximise this opportunity the Town of Port Hedland's RAP will provide the pathway to build strong relationships with the Aboriginal and Torres Strait Islander community including our Elders, community and the Kariyarra and Ngarla Traditional Custodian.

The Town will build a deeper understanding and protect local Aboriginal and Torres Strait Islander histories, culture and stories by sharing dialogue and establishing meaningful partnerships to ensure that business is conducted with respect, acknowledgement and awareness of cultural differences.

Achieving this vision will be supported by the Town's organisational values of:

- Quality - We strive for excellence and take pride in everything we do. We challenge our thinking and look beyond the obvious.
- Unity - We work as one team and actively share our ideas and information across the organisation.
- Integrity - We are honest and ethical in everything we do, fostering transparency and promoting public trust and continued confidence.

The Town of Port Hedland

The Town of Port Hedland is a dynamic local government in Western Australia's North West and is located approximately 1,800km north of Perth. The Town is home to 18,000 people from diverse cultural backgrounds and covers 11,844 square kilometres of the Pilbara region.

The Town's boundaries fall within Kariyarra and Ngarla country consisting of 31 Aboriginal languages. Historical events, government policies and greater opportunities have provided a wide influx into the region from many cultures including Aboriginal and Torres Islanders peoples.

The Town of Port Hedland employs a team of over 200 personnel from diverse multi-cultural backgrounds. Current statistics for Aboriginal and Torres Strait Islander people representation within the organisation are approximately 11. However, it should be noted that some employees choose not to identify their cultural backgrounds. The Town is structured to optimise our workforce resources to meet our goals and objectives. The Town delivers services through three directorates, and the Office of the Chief Executive. Each directorate is made up of business units responsible for delivering services in line with our Strategic Community Plan and the Local Government Act 1995.

Our RAP

The development of our first RAP marks a commitment to reconciliation by the Town of Port Hedland. It is with the development of this RAP we endeavour to build strong relationships through respectful engagement and understanding between the Town of Port Hedland and the Aboriginal and Torres Strait Islander community. The Town's RAP has been developed in collaboration with key stakeholders including community; organisations and agencies; Town; and Reconciliation Australia.

The Town acknowledges the openness, honesty and goodwill shown throughout this process; and hopes to continue building mutually beneficial partnerships through the final stages of plan development and into the implementation phase. The Town of Port Hedland identifies that positive change will set our path to becoming a vibrant and attractive regional city. Central to our ideals is the vital importance of protecting the culture and inclusion of Aboriginal and Torres Strait Islander peoples. Our commitment to the RAP development, implementation and recording will be "All Our Business."

The Town's RAP is a continuum of previous dialogues and motions between the council, the Kariyarra people and the whole of community. Our RAP sets a pathway to apply a partnered approach for; land management, equity access to culturally appropriate services and also a space to implement and achieve innovative and sustainable targets.

Our RAP will be championed internally through the Executives and managed by respective Business Unit Managers.

The RAP Working Group (RWG) will include party representatives from the Town of Port Hedland Executive, Kariyarra and Ngarla, Torres Strait Islander and community leaders.

Our partnerships will continue to include a broad range of cultures and services who share a common interest of supporting and providing in the true spirit of reconciliation. It is within these diverse groups that progress, preservation and maximising inclusive participations will truly be achieved.



Relationships:

Through shared and meaningful dialogue with the Town of Port Hedland and Aboriginal and Torres Strait Islander peoples, greater understandings and new learnings will inspire the foundations to embrace stronger relationships for reconciliation.

Action	Responsibility	Timeline	Target
1.1 Establish a RAP working group comprising of Aboriginal and Torres Strait Islander Peoples and other Australians to actively monitor RAP development monthly, including implementation of actions, tracking progress and reporting.	Manager Community Development	September 2016 – March, June, September, December annually	1.1:1 All Town departments to provide quarterly progress reports to the RAP Working Group (RWG).
	Manager Community Development to lead with all manager support	September 2016 – March, June, September, December annually	1.1:2 RWG will monitor quarterly progress reports from all town departments and make adjustments applicable to the ideals of reconciliation.
1.2 Identify our external relationships with Aboriginal and Torres Strait Islander stakeholders, businesses, Elders, and Traditional Custodians).	Manager Community Development	July 2016 - August 2016	1.2:1 Create a database capturing key Aboriginal and Torres Strait Islander stakeholders and place on the Town's intranet portal. Monitor the database on monthly basis and update as required.
1.3 Celebrate National Reconciliation Week by providing opportunities for Aboriginal and Torres Strait Islander employees and other employees to build relationships.	Manager Community Development	May 2017 to June 2017 June annually	1.3:1 Hold at least one internal event at the Town of Port Hedland head office, Depot, Libraries and JD Hardie Youth Zone to include staff, community and key stakeholders during National Reconciliation Week.
	Manager Community Development leads with Manager Corporate Information support	May annually	1.3:2 Explore opportunities for inclusive community event within the town during National Reconciliation Week.
	Manager Corporate Information	May to June annually	1.3:3 Register our NRW event on Reconciliation Australia's NRW website www.reconciliation.org.au/nrw/
1.4 Maintain an ongoing communication dialogue with key stakeholders to continue strengthening our relationships with Aboriginal and Torres Strait Islander communities.	Manager Community Development	February, May, July, October annually	1.4:1 Continue the Aboriginal and Torres Strait Islander Consultation Forum on a quarterly basis.
	Manager Community Development / Manager Corporate Information	August 2016 complete December 2016	1.4:2 Include communications guidelines in an organisational cultural awareness guidelines and toolkit: <ul style="list-style-type: none"> • Ensure information advertised by the council is accessible to the Aboriginal and Torres Strait Islander community e.g., social media, online networks, community gatherings and council meetings. • Actively engage by participating in local events on an annual basis such as, Sorry Day, NAIDOC, Harmony and Closing the Gap Day.
1.5 Raise internal awareness of our RAP to ensure there is shared responsibility and understanding of our RAP commitment and how each area can contribute.	Manager Corporate Information	June 2016	1.5:1 Place a copy of the Reconciliation Action Plan on the Town's website and intranet portal.
	Manager People and Culture	July 2016 – September 2016	1.5:2 Include a summary of the Reconciliation Action Plan in the employment, introduction and induction package for new staff members and contractors.
	Manager Community Development leads with Corporate Information support	June 2016. March annually	1.5:3 RAP updates are included in all staff meetings as required.



Respect:

Respect is the cornerstone for establishing partnerships and creating shared opportunities. Central to the Town of Port Hedland business is providing meaningful support and services that is inclusive and encourages participation.

Action	Responsibility	Timeline	Target
2.1 Understandings of Welcome to Country and Acknowledgement to Country protocols and ceremonies to ensure there is shared meaning behind ceremonies.	Manager Corporate Information leads with Manager Community Development support	July 2016 complete September 2016	2.1:1 Develop a protocol document and information for Welcome and Acknowledgement to Country. Establish internet and intranet portals.
	Manager Corporate Information leads with Manager Community Development support	July 2016 complete September 2016	2.1:2 Acknowledgement of Country will be performed appropriately at Town key events, forums and meetings. Identify at least one significant event for which a Welcome to Country from a Traditional Custodian will be included.
2.2 Engage all employees in cultural learning to increase understanding and appreciation of different cultural backgrounds in order to lay the foundation for other RAP actions to be achieved.	Manager People and Culture	July 2017 complete September 2017	2.2:1 Conduct an annual Cultural Awareness Training program, including: <ul style="list-style-type: none"> Targeted cultural development training that explores the hidden histories, impacts and intergenerational traumas. Inclusion of information on local language groups, Traditional Custodians and outlying settlements.
	Manager Community Development	September 2016 complete January 2017	2.2:2 Develop Cultural Awareness Guidelines and Toolkit for Town Officers. Place on Intranet.
2.3 Celebrate NAIDOC Week and provide opportunities for Aboriginal and Torres Strait Islander employees to engage with their culture and community through NAIDOC events and culturally significant events.	Manager Community Development leads with Manager Corporate Information and Manager People and Culture support	July 2016. July annually	2.3:1 Support, promote and engage in local significant events, community festivals; <ul style="list-style-type: none"> Review HR policies and procedures to ensure there are no barriers to Aboriginal and Torres Strait Islander staff participating in NAIDOC. Provide opportunities to participate in culturally significant events.
2.4 Work with our local Aboriginal and Torres Strait Islander community to share and acknowledge local dreaming stories, art, culture and history within the Town and its facilities.	Manager Corporate Information	June 2016 complete September 2016	2.4:1 Work with Aboriginal community to display Welcome/Acknowledgements to Country at Town boundary entrances and facilities.
	Manager Corporate Information leads with Manager Community Development support	June 2016 complete June 2017	2.4:2 Update website to include a section on local Aboriginal and Torres Strait Islander Heritage, dreaming and stories significant to the region.
	Manager Community Development	August 2016 complete August 2017	2.4:3 Identify and acknowledge significant heritage site in consultations with community leaders, including liaison as to how leaders would like the sites protected/assist with the development of signage and protocols as required.
2.5 Create a visibly inclusive space in Town facilities.	Manager Corporate Information	July 2016	2.5:1 Fly Aboriginal and Torres Strait Islander flags at the Civic Centre and South Hedland Town Centre.
	Manager Infrastructure Development	June 2016 complete June 2018	2.5:2 Investigate naming of new facilities, parks or other Town assets in consultation with community stakeholders to reflect local Aboriginal and Torres Strait Islander language and heritage.
	Manager Corporate Information	June 2017 complete June 2018	2.5:3 Develop a collection of local Aboriginal and Torres Strait Islander artworks for rotating display at Town facilities.
	Manager Corporate Information	June 2016 complete June 2017	2.5:4 Investigate opportunities to incorporate local Aboriginal and Torres Strait Islander artwork in Town branding and communication mediums including website, key documents, marketing materials, signage.



Opportunities:

Maximising the pathways to self-determination for Aboriginal and Strait Islander peoples, the Town of Port Hedland will share and embrace sustainable opportunities for new ways of working in an inclusive environment.

Action	Responsibility	Timeline	Target
3.1 Investigate opportunities within the Town to increase Aboriginal and Torres Strait Islander employment opportunities.	Manager People and Culture	June 2016 complete September 2016	3.1:1 Investigate the implementation of traineeships, apprenticeships and other pathways to employment with the Town. Include development of partnerships with key service providers and organisations.
	Manager People and Culture	June 2016 complete September 2018	3.1:2 Development an Aboriginal and Torres Strait Islander Employment Strategy, including key elements on: <ul style="list-style-type: none"> • Focus on traineeships, apprenticeships and other pathways to employment. • Best practice examples of employment. • Addressing barriers to employment. • Review of policies and procedures. • Identification and promotion of awards to recognise employee excellence. Engage with existing Aboriginal and Torres Strait Islander staff to consult on employment strategies, including professional development. Advertise all vacancies in Indigenous media.
3.2 Investigate opportunities to increase supplier diversity within the Town.	Manager Finance	June 2016 complete September 2016	3.2:1 Review procurement policy barriers; and explore opportunities to advocate and advance local business. <ul style="list-style-type: none"> • Investigate becoming a member of Supply Nation. • Educate staff about using Aboriginal and Torres Strait Islander businesses. • Develop at least one commercial relationship with an Aboriginal and Torres Strait Islander business.
	Manager Finance	September 2016 complete December 2016	3.2:2 Investigate the development of a local business database.
	Manager Infrastructure Development with Manager Works and Services support	July 2016 ongoing thereafter	3.2:3 Support businesses through tender and criteria processes to include a percentage of Aboriginal and Torres Strait Islander business for large projects within the Town.
3.3 Scope opportunities to empower our Aboriginal and Torres Strait Islander community members to be leaders and advocates for the Town.	Directors to Manage	August 2016 complete December 2016	3.3:1 Establish a dialogue between senior town and community leaders to enable mentoring and professional development opportunities.
	Manager Corporate Information	August 2017 ongoing thereafter	3.3:2 Ensure the local government election process is accessible and inclusive for all community members.
3.4 Investigate future opportunities for inclusion in future RAP plans.	Manager Planning	August 2017 complete June 2019	3.4:1 Investigate the development of an Indigenous Land Use Agreement within the Town of Port Hedland.

Reporting and Tracking:

Sequenced monitoring and reporting by the Town of Port Hedland and the RAP Working Group will ensure quality, transparency and accountability for good government procedures that will remain at the forefront of our journey to reconciliation.

Action	Responsibility	Timeline	Target
4.1 Provide transparent and consistent progress reporting to Town	Manager Corporate Information	September, December 2016 and March, June, September, December annually thereafter	4.1:1 Provide report for Executives (Quarterly and Annually).
	Manager Corporate Information	October 2016. October annually	4.1:2 Complete and submit the RAP Impact Measurement Questionnaire to Reconciliation Australia.
	Manager Corporate Information	Minimum of quarterly per annum	4.1:3 Promote highlights and best practice examples of reconciliation to internal and external stakeholders.
	Manager Corporate Information	November 2016 completion December 2016. December annually	4.1:4 Report achievements, challenges and learnings to Reconciliation Australia for inclusion in the Annual Impact Measurement Report.
	Manager Corporate Information	November 2016 completion December 2016. November annually	4.1:5 Include RAP highlights in the Town's Annual Report and send to Reconciliation Australia to be uploaded onto their website.

Further queries or information:

Copies of this plan can be found on the Town's website: www.porthedland.wa.gov.au; or requested in person at the Civic Centre or South Hedland Library. Further enquiries or requests for information are also welcome.

Phone: (08) 9158 9600
 Written: Town of Port Hedland
 PO Box 41
 Port Hedland, WA 6721
 Email: council@porthedland.wa.gov.au

ATTACHMENT 2 TO ITEM 12.1.1

[REDACTED]

From: Tamika Townsend [REDACTED]
Sent: Wednesday, 18 November 2015 12:42 PM
To: Mark Davis
Subject: Endorsement of Town of Port Hedland Innovate RAP
Attachments: RA_Comms_Manual_Jun2013_RAPS.PDF; Reporting Data Guide final.pdf; icon_Relationships.jpg; icon_Respect.jpg; icon_Opportunities.jpg; RA_RAP_innovate_HR.JPG; #2DESIGN DRAFT ToPH@27-10-15 (RA approved).docx

Importance: High

Dear Mark,

Congratulations to Town of Port Hedland on an exceptional plan which we are pleased to endorse as a Innovate RAP. Please refer to the attached official RAP logo and icons for inclusion on the front page of your RAP. It is important that you read through Reconciliation Australia's Communications Manual, which is attached as this document provides detailed information about the use of the RAP logo. When you have inserted the logo, please return this to me for uploading onto the Reconciliation Australia website.

If your organisation is considering incorporating the use of artwork and or imagery into the RAP and this has been created by an Aboriginal and or Torres Strait Islander artist, it is important that the artist and their story is acknowledged. Please ensure that the approval process of communication, consultation and consent for the use of all artwork and or imagery is agreed upon by both parties.

Going forward, your first report will be due in 12 months with the minimum requirement being the completion of the online RAP Impact Measurement Questionnaire. Please see attached reporting guidelines that will assist you to gather the required data for this questionnaire throughout the next year. As a member organisation of the RAP program, reporting ensures your contribution to a community of practice whose collective quantitative impact towards reconciliation is being measured in our annual RAP Impact Measurement Report. The Report enables our community of practice to learn collaboratively in relation to what works in reconciliation and improving opportunities for Aboriginal and Torres Strait Islander peoples.

We look forward to the significant contribution Town of Port Hedland will make to reconciliation during the implementation and reporting phases of your RAP.

Please let us know if there is any additional support or advice you require.

Warm regards,

Tamika

Tamika Townsend
RAP Program Officer-WA
Reconciliation Australia
Tel: [REDACTED] Fx: +61 2 6273 9201 Web: www.reconciliation.org.au
Facebook: [facebook.com/ReconciliationAus](https://www.facebook.com/ReconciliationAus) Twitter: twitter.com/RecAustralia



Reconciliation Australia acknowledges the Traditional Owners of country throughout Australia and recognises their continuing connection to land, waters and community. We pay our respect to them and their cultures; and to elders both past and present.

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12.1.2 Port Hedland Air Quality Health Risk Assessment for Particulate Matter

Author: Michael Cuvalo, Manager Environmental Health, and Adam Majid, Manager Development Services

Authorising Officer: Chris Linnell, Director Community Development

File No. 01/04/0006

DISCLOSURE OF INTEREST BY OFFICER

Nil

MOTION

MOVED: CR BLANCO

That with respect to the Port Hedland Air Quality Health Risk Assessment for Particulate Matter, Council:

1. Receive the Port Hedland Air Quality Health Risk Assessment for Particulate Matter report released by the Department of Health on 26 February 2016.
2. Request the Chief Executive Officer, or his representative, invite the Department of Health and key agencies to undertake community engagement forums in Port Hedland in respect to the Health Risk Assessment.
3. Request the Minister for Environment reduce industry generated noise and dust by implementing further regulations to alleviate the health risk identified in the assessment.
4. Recommend that all dust monitoring be undertaken by the Department of Health and request that real-time monitoring at the same number of monitoring stations is continued.
5. Request representation of a 'resident' of the West End to be on the Dust Task Force Committee.
6. Recognises that through the development of Spoilbank elevated dust recordings will reduce significantly as identified on page 31 of the Health Risk Assessment being "possible to meet the interim guidelines at 'Kingsmill Street' if dust from the Spoilbank is managed".
7. Request the Chief Executive Officer, or his representative, consult with the Australian Building Codes Board on implementing a building design which manages and regulates air quality within buildings.

8. Request that the Dust Task Force, industry and state government implement a scheme that will retro-fit all buildings, residential housing, with appropriate filtration devices that reduces exposure from industry borne dust created within the Pilbara Ports Operations and affecting the 'West End Residents' and provide a means for ongoing maintenance of these upgrades.
9. Request that the Chief Executive Officer, or his representative, lobby the State Government for a review on all Environment licence conditions of all port users within Hedland, inclusive of:
 - a) Users operating conditions to ensure airborne dust levels remain under World Health Organisation standards; and
 - b) Port users being required to implement best practice dust management standards.
10. Request the early release of funds from the State Government to develop the Spoilbank in order to reduce the dust issues identified in the report associated with the area and request funding from the Pilbara Ports Authority for dust mitigation of the Spoilbank, due to the PPA creating the 'Spoilbank'.
11. Request the Chief Executive Officer, or his representative, investigate all options on greening land under the care and control of the Town of Port Hedland and provide for consideration in the 2016/17 Budget.
12. Request the Chief Executive Officer, or his representative, investigate the inclusion of a provision in the Town Planning Scheme review, local law or Council policy to provide mitigation measures that identify, manage and reduce dust produced by public and private 'vacant' land owners in the West End including the Spoilbank.

MOTION LAPSED FOR WANT OF A SECONDER

201516/233 RECOMMENDATION/COUNCIL DECISION

MOVED: CR HOOPER

SECONDED: CR WHITWELL

That, with respect to the Health Risk Assessment, Council:

1. **Receive the Port Hedland Air Quality Health Risk Assessment for Particulate Matter report released by the Department of Health on 26 February 2016.**
2. **Request the Chief Executive Officer or his delegate to:**
 - a) **Encourage the Department of Health to undertake ongoing comprehensive air quality monitoring and assessment of the Port Hedland West End,**
 - b) **Invite the Department of Health and key agencies to undertake community engagement forums in Port Hedland in respect to the Health Risk Assessment,**

- c) Continue to apply comprehensive dust management conditions for all West End Residential zone developments as prescribed through LPS Amendment 22,
 - d) Request an increase in the frequency of Department of Environment and Regulation inspections on all activities within Port Hedland licensed under the Western Australian Environmental Protection Act 1986.
3. Request the Chief Executive Officer prepare a list of initiatives for Port Hedland that address the key concerns emanating from the Health Risk Assessment including, but not limited to:
- a) Dust suppression opportunities for unsealed roads with a focus on the Spoilbank roads and the Port Hedland Yacht Club carpark,
 - b) Collaborating with the Pilbara Port Authority, Port users, industry and key stakeholders to investigate and implement green belts of vegetation to reduce dust.

CARRIED 9/0

EXECUTIVE SUMMARY

The Department of Health released the Port Hedland Air Quality Health Risk Assessment for Particulate Matter report in February 2016 after a number of years of deliberations.

It is noted that Port Hedland is a naturally dusty environment with high levels of background dust coming from significant weather events, fires and natural sources and the town has obviously been through a period of immense growth and development which has seen construction projects contributed to increased dust levels.

Officer's review of the report indicates that, due to limitations in data surrounding the origins of Contaminants of Concern (COC's), further comprehensive air quality monitoring and assessment is required. This additional data would be crucial to allow for effective controls to be established and enforced.

Pending the completion of further air quality monitoring, the Town of Port Hedland can best demonstrate its commitment to improving air quality by undertaking initiatives to reduce dust generated from Town controlled sites and coordinating with enforcement agencies to ensure that best practice dust management techniques are employed across both current activities and new developments.

As part of Council's consideration of the Spoilbank Waterfront Development Project in May 2015 (decision 201415/241), Council endorsed the investigation of a suitable Town Planning instrument to be applied across the West End to restrict future densification of residential development.

It is noted that any response should be a combined suite of mitigation opportunities between the State Government, Industry, Community and Local Government.

This item provides an overview of the Port Hedland Air Quality Health Risk Assessment for Particulate Matter report and provides an update on key areas.

DETAILED REPORT

A human health risk assessment (HRA) was completed on Port Hedland to review current state of air quality and the potential for impact on the health of the population. The study reviewed data collected between 2012 and 2014 from multiple sources throughout the community with the intent of assessing air pollution and what risk that posed to residents.

The HRA focused on analysing air quality levels for the following Contaminants of Concern (CoC's):

- Particulate Matter: PM₁₀ and PM_{2.5}
- Chromium: Chromium III and VI
- Copper
- Manganese
- Iron oxide
- Silica
- Asbestos

After detailed analysis of the air sampling records it was found that the only CoC's that exceeded air quality standards were PM₁₀ and PM_{2.5}. These exceedances were generated from the Richardson Street monitoring station and the Taplin Street Monitoring station. This information supports the summation that the risk of being adversely affected by PM levels increases as the proximity to the Port increases. Unfortunately the data set does not provide for comprehensive point of origin information for the CoC's, only stating that the PM₁₀ had a higher concentration of iron-oxide and manganese. Due to the lack of specificity within the data, targeting of individual businesses or locations for increased dust management regulation is not possible and only general controls within the Port Hedland area can be achieved.

Further Air Quality Assessment:

To facilitate a more comprehensive understanding of the current state of air quality in Port Hedland and to enable a better understanding of the sources generating CoC's it is essential that further air quality assessment be undertaken. This assessment would need to expand the manner for data collection to incorporate point source monitoring from multiple locations throughout the West End. Results from this would produce clearer findings indicating actual points for origin enabling targeted regulatory controls to be applied. To that end, it is recommended that the Town formally request the Department of Health to undertake further air quality assessments within the Port Hedland West End.

Public Consultation:

Due to the level of uncertainty within the HRA, and the public interest that has been generated since the release of the document, it is essential that a clear message on the findings of the report be delivered to the community. This message needs to be delivered by experts in the field of air quality to ensure that the concerns of the public can be addressed appropriately and in a timely manner.

To facilitate an open and clear relay of the HRA findings to the community it is recommended that the Town invite the Department of Health and key agencies to host a community information session in Port Hedland. It is anticipated that June 2016 will be appropriate timing for the information session.

Land Use Planning:

The HRA notes that the risk of being affected by airborne PM₁₀ increases the closer that one is to the port i.e. west of Kingsmill Street. It also notes that the majority of the population does in fact live in areas furthest from the actual port and that in these areas, there is the potential to meet the interim allowable guideline through the better management of the Spoilbank and unsealed roads thereon.

This information would therefore suggest that the development of the Spoilbank would be a positive contributor to reducing the impacts and risk of dust within the Kingsmill to Taplin Street area therefore supporting the continuation of population growth within this area.

This is supported by the already existing precautionary approach implemented by the Town in 2012 with the introduction of development controls for the West End as part of Scheme Amendment 22. These controls included:

- Filtration of incoming air;
- Orientation of buildings and location of windows;
- Use of protective screening and porticos on building openings and entrances;
- Maximum internal floor area of dwellings being 110m²;
- No more than 2 bedrooms or rooms being capable of being used as bedrooms.

To further reinforce Amendment 22, the Town is in the process of preparing a draft Local Planning Policy to support the above controls. The policy is being funded by the State through the Department of Planning and proposes the following:

- Clarification of the objectives of Amendment 22;
- Design guidelines to ensure dust ingress to residential developments is reduced;
- Clarification on the risks associated from potential dust impacts by confirming the young, aged and those with pre-existing conditions should be cautious in their choices etc.

Based on the above, the Town is being proactive and pragmatic in its approach given that the HRA is still at a level of inconclusiveness where it states that further air quality modelling is required to ascertain further understanding of the level and type of dust being experienced within all testing locations.

It is still unclear whether or not the State through Health, Planning and associated departments have a preconceived plan to implement or whether they will seek to engage properly with the Town to consider an approach. In any event, the HRA is showing a bias to curtailing growth as opposed to being precautionary and pragmatic.

The HRA suggests that some industry operations potentially cannot reduce dust emissions due to the location of such and the seasonal environmental patterns experienced in the West End. The suggestion of a commercial type buffer could potentially reduce this impact as suggested, however; it would ultimately sterilise that land caught up within such a buffer including historical elements of Port Hedland.

From a town planning perspective, the HRA still does not provide a clear conclusive approach as to what the best practice methods are in moving forward to address the concerns raised. It instead however would pose that population growth be curtailed in the “west end” so that exposure is therefore reduced. This essentially means that industry would not be burdened in having to improve their operations which may well be out of date due to age of infrastructure and the like. Based on the information provided in the HRA, this would be an extreme approach given that there is still a significant amount of research to be undertaken.

The recommendations of the HRA support the above notion of inconclusiveness and as already indicated, the Town is working towards town planning controls to further emphasise the need for good built design in new developments to reduce any potential impacts. In moving forward, and with the development of the Spoilbank progressing in terms of feasibility and design planning, it is suggested that the “West End” boundary be reduced from Taplin Street back to Kingsmill Street due to the mitigation and potential removal of dust sources. This would appear to be a pragmatic approach generally supported by the current content of the HRA. The remainder of the West End would still be subject to the required further research and implementation of existing controls for mitigation.

Environmental Control:

Due to the lack of a comprehensive data set clearly indicating the point of origin for CoC's the Town can best take action to improve air quality and support the land use planning control mechanisms through undertaking environmental control initiatives. These initiatives can take a range of forms but should incorporate the actions detailed below.

Increased Regulation on Environmental Protection Act licenced activities

As part of the licencing process for activities seeking approval under the Environmental Protection Act 1986 a detailed assessment of potential emissions needs to be undertaken and effective controls need to be established to ensure compliance with emission standards. To ensure that activities are adhering to the approved emission management plans regular industry regulation is required by the licencing authority.

With the intent of ensuring licenced operations are maintained at a compliant standard it is recommended that the Town formally request the Department of Environment and Regulation to increase regulatory scrutiny of activities licenced under the Environmental Protection Act 1986 located within the Port Hedland West End area.

Greening/Revegetation and Unsealed Road Stabilization Initiatives

To assist with a reduction in ambient dust levels within the West End it is recommended that the Town support the investigation into dust mitigation initiatives on both the Spoilbank unsealed road and areas of Port Hedland where the clearing of vegetation has occurred. A detailed assessment would first need to be completed to assess the viable options for controlling dust but may include the use of polymer bonding agents to partially solidify the road surface, undertaking a revegetation program on the verges of the Spoilbank access road, promoting greening activities on private property to encourage owners/developers to revegetate cleared lots and further increasing the revegetation works completed by the Town, in conjunction with Greening Australia, on the coastal dune system.

FINANCIAL AND RISK IMPLICATIONS

Financial implications for the Town will primarily involve the cost undertaking a detailed assessment of viable dust mitigation initiatives available to the Town of Port Hedland. Consultant costs for this work will need to be identified through a Request for Quote process.

As stated earlier in the report further consideration of the current state of air quality in Port Hedland is required to enable a better understanding of the sources generating CoC's, it is essential that further air quality assessment be undertaken. This continuation of the study will allow the Town to undertake a Risk Assessment with more comprehensive data, and from that, mitigation opportunities.

STATUTORY AND POLICY IMPLICATIONS

Section 2.1 'A thriving, resilient and diverse economy' of the Strategic Community Plan 2014 – 2024 applies as the Marina will facilitate town growth. Section 4.2 'Engage our community and stakeholders' applies in the way of providing a means of engagement with key stakeholders and community members about the project.

ATTACHMENTS

1. Port Hedland Air Quality Health Risk Assessment for Particulate Matter report available at the following link:
<http://ww2.health.wa.gov.au/Reports-and-publications/Port-Hedland-Health-Risk-Assessment>

10 May 2016

12.1.3 Spoilbank Marina Waterfront Development – Update

Author: Brie Holland, Economic Development and Strategic Officer
Authorising Officer: Chris Linnell, Community and Development Services Director
File No. 18/19/0001

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/234 RECOMMENDATION/COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR HOOPER

That with regard to the Spoilbank Marina Waterfront Development update, Council:

- 1. Note the work to-date on the Landside Study Reports (Stage 1);**
- 2. Note the Port Hedland Marina Precinct Project Risk Report;**
- 3. Note the update on the planning work in relation to residential zoning (specifically covering the West End and the Spoilbank); and**
- 4. Note the current communications with the community and stakeholders.**

CARRIED 9/0

EXECUTIVE SUMMARY

The Spoilbank is viewed as one of the most paramount assets of Port Hedland and is proudly stamped as the location for the Marina Waterfront Development. The window of opportunity to develop this unique section of Port Hedland's coastline is seen as one that is not opened indefinitely. The Town of Port Hedland is committed to delivering a Marina which is sustainable: with a keen focus towards risk management and financial responsibility which are essential elements to deliver a successful development.

This report summarises the work to date on three feasibility reports for the landside development, key outcomes of the risk workshop as well as highlighting the intent of the Town to appoint a project advocate dedicated to advocating the development of the Spoilbank, ensuring the development negotiations stay on track, in the fastest time possible. The report will also present an update on the new Local Planning Scheme proposed to ensure the prohibition of residential development on the Spoilbank and further residential densification in West End.

DETAILED REPORT

At its 13 May 2015 Special Council Meeting (SCM) Council endorsed the following (part) resolution (decision 201415/241): -

2. *Endorses the Marina Waterfront Development (Stage 1) containing, but not limited to the following key components:*
 - a. *Marina development with a maximum of 100 boat pens together with 4 boat launching ramps in Stage 1*
 - b. *There being no residential development in the Marina Waterfront Development (Stage 1)*
 - c. *A lagoon style swimming facility*
 - d. *A community events space*
 - e. *Commercial/retail space*
 - f. *Continued public access to the balance of the Spoilbank*
 - g. *A suitable site being identified for an Eco-tourism/caravan park development*

Landside Study Reports: update

In late December 2015 and January 2016 the Town formally requested three separate request for quotes (RFQ) to conduct feasibility studies for the developments of a Caravan Park, Lagoon Pool and a Cultural / Community Arts Centre on the Spoilbank. In basic terms the Town requested three separate reports analysing the viability of each proposal taking into account the factors of need and demand, construction costs and estimated operating costs.

The previously mentioned drafted reports, once finalised will be included in a section of the final business case which will be submitted to the State Government by LandCorp (the LandCorp Cabinet Business Case Submission) for consideration in August 2016.

This report summaries the work to date received from the consultants.

1. Caravan Park

The Town appointed RFF Australia (RFF) following a 'Request for Quote' process. RFF delivered the best value for money regarding price, experience, methodology and the ability to deliver the project within the required timeframe.

The three key deliverables of RFF are as follows:-

- Phase one: Demand/ Needs Assessment
 - Forward tourism accommodation supply (caravan and camping) based on industry modelling, project definition in terms of accommodation types and size of park
- Phase two: Financial Modelling
 - Refined site parameters, including high level concept layout, project cost estimates and servicing requirements, cash flow, feasibility, operational and recommended management models
- Phase three: Economic Modelling
 - Identify the project's overall economic benefit to the region

RFF have presented the following drafted three options (subject to further economic impact analysis) regarding the development of a Caravan Park (or the like) at the Spoilbank:

Scenario 1: Caravan Park A

- Major assumption: The financial analysis assumes that the developer, owner and operator of the caravan park are the same entity
- 4 months to construct, 2020 year of operation
- A 'traditional' style caravan park that provides largely powered sites (with individual water sources) with a concrete pad in a general park setting that provides BBQs, shade areas, modern abolition blocks and a generally pleasant environment. It should be noted that this development would not constitute a 'resort park', which would generally include a swimming pool, playground and considerably more family orientated infrastructure
- Suggestion to build park in three stages; total outputs include 166 standard sites, 30 large sites, 14 eco-safari tents, 3 abolition blocks, 24 BBQ areas
- Capital expenditure (estimate): \$15.2m
- Internal rate of return (estimate): 10 year, -11.9%
- Internal rate of return (estimate): 20 year, -2%

Scenario 2: Caravan Park B

- Major assumption: The financial analysis assumes that the developer, owner and operator of the caravan park are the same entity
- 4 months to construct, 2020 year of operation
- A caravan park that predominantly provides unpowered sites (with no individual water source) with access to clean and modern camp facilities such as toilets, showers and camp kitchens.
- Suggestion to build park in three stages; total outputs include 166 standard sites, 38 large sites, 11 eco-safari tents, 3 abolition blocks, 0 BBQ areas
- Capital expenditure (estimate): \$13.5m
- Internal rate of return (estimate): 10 year, -26.8%
- Internal rate of return (estimate): 20 year, -5.1%

Alternative scenario: Caravan Park C

- Negotiate the closure of an existing Caravan Park and offer exclusive development rights on the Spoilbank
- This option would assist in shifting supply to a higher amenity location and provide baseline certainty of demand, thereby encouraging or securing private investment
- The Town of Port Hedland would investment in the 'in ground' infrastructure in the new park and lease it to a private sector proponent, who would be responsible for all 'above ground' investment
- Under this scenario, capital expenditure is greatly reduced, demand for the product increases (and there is immediate market share and an established occupancy) as well as significantly reduced risk
- Under these parameters, the internal rate of return becomes attractive as it increases to an estimated +13.1%

2. Lagoon Pool

The Town appointed Geoff Ninnies Fong and Partners Pty Ltd (GNFP) following the internal assessment of RFQ's received and resolved that the organisation delivered the best value for money regarding price, experience, methodology and the ability to deliver the project within the required timeframe.

The six key deliverables of GNFP are as follows:-

- Revision of other successful coastal swimming lagoon developments around Northern Australia; Wave Lagoon (Darwin, NT), South Bank (Brisbane QLD), The Strand (Townsville, QLD) and The Esplanade (Cairns, QLD)
- Recommend preferred swimming infrastructure model(s) / style(s).
- Management requirements in line with the Department of Health Guidelines
- Water treatment requirements
- Estimated costs including;
 - Capital project costs
 - Annual operating expenditure
 - Annual depreciation
 - Pilbara cost factor
- Land parcel size requirements

To date, it is estimated that two hectares of land be set aside for the lagoon, with the lagoon itself to be 4,000m² in size. The costs (1.2 'Pilbara' multiplying factor included) of construction is estimated to be \$21.5m with an annual operating deficit of \$1.26m, not including depreciation.

The report is being reviewed internally to ensure that the final size of the pool is scalable to effectively service community needs including; local day to day use, large scale community events and peak loads in the tourist season; as well as the potential of cost savings if the proposed caravan park (final design yet to be concluded) can share in the facilities proposed to be built around the lagoon, that is; locations of BBQ and shower/ toilet facilities could be located in adjoining public open space and shared (which can be approved under the regulations).

3. Cultural Community and Arts Centre

The Town appointed RFF Australia (RFF) following a 'Request for Quote' process. RFF delivered the best value for money regarding price, experience, methodology and the ability to deliver the project within the required timeframe.

Uses within the facility could include but not limited to:- regional convention facility, visual arts studio (space for artists in residence), performing arts rehearsal and support spaces (storage areas for props and resources), a display space, stage performance space-recording studio, other civic areas, commercial space for food and beverage opportunities, office accommodation and potentially the relocation of the Visitors Centre.

The four key deliverables of RFF are as follows:-

- Phase one: Defining needs for Cultural and Community Facilities
 - Budget review, current facilities audit, benchmarking and stakeholder engagement
- Phase two: Consideration of Options
 - Matrix assessment
- Phase three: Preliminary Operating Models and Cash flow
 - Assessment of the operating income, operating costs and cash flow modelling for all of the Town's civic assets

- Phase four: Final Needs Assessment and Project Feasibility Report
 - Self-explanatory

To note, the project has the potential to attract funding as part of native title agreement with a major resource company, as well the State of Western Australia.

This major company has highlighted its support for the Spoilbank Marina Precinct as a preferred location for its commitment to Traditional Owners. It has also suggested that this facility has the potential to be a multi-use facility that could support a number of different users / activities from the community. A value add to this project is the potential for fiber optic line to be installed up to the site by this company at no cost, this provides significant long term benefits for fast and reliable connectivity for the precincts landside opportunities.

Risk Workshop Reports

Council endorsed at its 13 May 2015 SCM the following (part) resolution (decision 201415/241): -

5. *Notes that further reports on a risk assessment (including shipping channel) and economic analysis of the Spoilbank Marina Waterfront Development (Stage 1) will be presented to Council for consideration at a later date as part of the Business Case.*

This has been addressed in two separate areas:

1. A report by Marico Marine on the “Risk Assessment of Recreational Craft and Large Vessel Interaction” (November 2015); and
2. The Town held a risk workshop facilitated by LGIS Risk Management on Friday 22 April 2016; with the aim to identify, confirm and analyse risk associated with Spoilbank Marina Waterfront Development (attachment one).

The “Risk Assessment of Recreational Craft and Large Vessel Interaction” report continues to be the basis of discussions that are held between LandCorp, Pilbara Ports Authority, Department of Transport and the Town of Port Hedland.

The LGIS Port Hedland Marina Precinct Project Risk Workshop Report outlines risks across the areas of stakeholder management, demand usage and financial assumptions as outlined in the confidential attachment. The Town is committed to working through these risks to ensure a sustainable development.

Town Planning update

As part of Council’s consideration on the Spoilbank Waterfront Development Project in May 2015, Council endorsed the investigation of a suitable Town Planning instrument to be applied across the West End to restrict future densification of residential development.

In support of the May OCM resolution the Town is working on a Draft Local Planning Policy for the West End to support a precautionary and pragmatic approach. This work will assist in bridging the gap between current views on the West End, the Heath Risk Assessment findings and the preparation of the new Local Planning Scheme. The Town is also working closely with agencies such as Department of Health, Department of Planning and Department of State Development on what instruments are being considered by the State Government for the West End.

Business Plan

A 'Request for Quote' has been prepared for the review and update of the Port Hedland Marina Precinct Business Plan (June 2014). Key elements to be incorporated into this review include:

- the studies highlighted in this report
- Channel Risk Assessment Report
- Economic Analysis Report
- Removal of residential from Stage 1 of the project.
- Landcorp's Business Case.

Communications update

Council endorsed at its 13 May 2015 SCM the following (part) resolution (decision 201415/241): -

7. *Continues to engage and inform the community and stakeholders on the Marina Waterfront Development Plan*

Community and stakeholder communications have occurred to encourage and activate discussions and feedback regarding the proposed Spoilbank Marina waterfront development.

This includes media statements, Mayor opinion pieces in the local newspaper, website information and presentations at forums hosted by community groups.

In May 2016 the Town commenced a telephone community survey to understand community understanding and sentiment towards the waterfront development. The survey is also available online (<http://yoursay.porthedland.wa.gov.au>). At the time of writing this report the survey had been undertaken by 85 people.

A targeted boating use survey was also undertaken to understand the demand to lease a boat pen. The survey was undertaken at the Finucane Island and Richardson Street boat ramps on the weekends of 7/8 May and 14/15 May, and at the yacht club. At the time of writing this report the survey had been undertaken by 68 people.

Both surveys were promoted via social media, in the Town's weekly press advertisement Hedland Highlights and via post cards at the Town's facilities and key shops and restaurants.

An information campaign will commence in June to provide detailed update on the project and ensure strong advocacy for the waterfront development.

Consultation

The Town has been hosting the Marina Waterfront working group with key representatives from industry and community groups. The group has met two times during 2016 and received updates on the business case, community surveys and the current status of the Marina project.

A range of internal business units are involved in the marina project and were consulted for the preparation of this agenda item, including:

- Executive Group
- Development Services
- Community Services
- Corporate Information
- Financial Services
- Recreation and Facilities
- Economic Development and Strategic Planning

A number of organisations are involved in the project including;

- LandCorp
- LGIS Risk Management
- RFF Australia
- Geoff Ninnes Fong and Partners Pty Ltd
- Research Solutions
- John Le Cras and Associates

FINANCIAL AND RISK IMPLICATIONS

The Spoilbank Reserve has a current balance of \$38.99M as at 30 April 2016.

The cost (including GST) of the feasibility studies are as follows; the Caravan Park \$65.3k, the Cultural and Community Centre \$44.1k and the Lagoon \$46.2k. Quotations are being obtained for the Project Advocate and costs will be allocated against the Marina Development.

Risk Implications

As highlighted in the Risk Report (Attachment 1) a further strategic response the Town should consider is the alignment with a well experienced project advocate to sit alongside LandCorp to ensure the proposed development is in the best position to be delivered successfully. The Town understands that the project champion has an equal influence on the project as the project manager and all parties will have a clear understanding of their roles. The timeframe for this engagement, including be not limited to costs and key performance indicators is yet to be defined by the Town.

STATUTORY AND POLICY IMPLICATIONS

This proposed project directly aligns with the Town's *Strategic Community Plan 2014-2024*, specifically sections: -

- 2.1 A thriving, resilient and diverse economy: the marina will directly aid in facilitating town growth

- 2.2 A Nationally significant gateway city and destination: increased tourism opportunities
- 4.2 Engage our community and stakeholders applies in the way of providing a means of engagement with key stakeholders and community members about the project

The project also aligns with Town's *Corporate Business Plan 2014-2018* 2.2.2 Develop our tourism industry and position Port Hedland as a unique destination.

ATTACHMENTS

1. Port Hedland Marina Precinct Project Risk Workshop Report, dated 27 April 2016 (Confidential – Under Separate Cover)

12 May 2016

12.2 Works and Services**12.2.1 Request for Tender 2016/02 Forrest Circle Public Open Space Landscape Construction**

Author: Naomi Phillips, Project Officer

Authorising Officer: Brendan Smith, Director Works & Services

File No. 28/16/0028

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/235 RECOMMENDATION/COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR HOOPER

That, with respect to the Forrest Circle Public Open Space, Council award Request for Tender 2016/02 Forrest Circle Public Open Space Landscape Construction to Yurra Pty Ltd for the lump sum price of \$1,095,527.81 (ex GST) to deliver the scope of works as per the Request for Tender, inclusive of the Tender Response and General Conditions of Contract.

CARRIED 9/0

EXECUTIVE SUMMARY

The purpose of this report is to summarise the assessment of submissions received for the Request for Tender (RFT) 2016/02 Forrest Circle Public Open Space Landscape Construction and to award the contract.

DETAILED REPORT

The vision for the South Hedland Town Centre (SHTC) evolved through the processes of preparing the Port Hedland Land Use Master Plan and the subsequent SHTC Development Plan, prepared by LandCorp and RPS.

Through a series of public consultation workshops, the following objectives were established for redevelopment of the Town Centre to support the vision of a dynamic, accessible, inclusive urban place that is the heart of the South Hedland community and an exciting destination for visitors.

- To improve the image of South Hedland as an attractive and convenient place to live.
- To create a vibrant urban centre, unlike any other place in Port Hedland, which establishes a unique identity for the South Hedland community.
- To encourage pedestrian and bicycle access to and around the Town Centre.
- To learn from the Aboriginal people of South Hedland and celebrate the Indigenous heritage of the region.
- To demonstrate effective ways to design with the climate and to promote awareness and appreciation of the Pilbara environment.

- To establish a strong sense of security in the Town Centre and to ensure the comfort of all residents and visitors, including children, the disabled and the elderly.

The SHTC development plan has been managed by LandCorp and has been in implementation since 2010. The landscaping for the Town Centre has been delivered in a staged process to complement the delivery of the program schedule. The Town accepted management of the construction of the Stage 2A landscape scope, accepting a cash in lieu contribution of \$1.2M to complete the works to meet the public open space requirements for the SHTC development plan.

Request for Tender

RFT 2016-02 Forrest Circle Public Open Space Landscaping-Stage 2A (Stage 2A) was uploaded to the Tenderlink portal on 16 April 2016 and was made available for a period of two (2) weeks as per tender minimum requirements.

The scope for the tender was developed by UDLA environmental consultants who were the designers of the original LandCorp project works. In preparing the scope of works, UDLA also provided a cost estimate for the scope of works to inform the assessment process.

32 companies across several states downloaded the RFT 2016-02. Six (6) of which were locally based.

Two (2) companies attended the mandatory tender briefing and site inspection.

The tender submission period was closed at 2.30pm WST, 5 May 2016.

Tender Assessment

At the conclusion of the tender period for RFT 2016-02 Stage 2A two (2) compliant submissions were received from the following respondents:

Company name:	Registered Address:
Yurra	12 Carlindie Way, Wedgefield WA 6722
Frogmat Environmental (Australasia) Pty Ltd	PO Box 3695 Cockburn WA 6173

The two (2) submissions were deemed compliant and assessed against the tender assessment criteria of: price (inclusive of application of Regional Preference Policy), relevant experience, resources/skills and demonstrated understanding, by the tender assessment panel.

Criteria	Weighting
Price (inclusive of application of Regional Preference Policy)	30%
Relevant Experience	30%
Resources	25%
Demonstrated Understanding	15%

Confidential attachment 2 shows the price schedules submitted by the two (2) tenderers.

The following table provides a summary of the assessment results of submissions received for RFT2016-02

Tenderer / Assessment Criteria	Price (30%)	Relevant Experience (30%)	Resources/Skills (25%)	Demonstrated Understanding (15%)	Total Score (100%)
Tenderer 1	30	18	21	13	84
Tenderer 2	23	12	9	6	50

Price Assessment

The Regional Price Preference (RPP) was not applied as the assessment of the prices was able to be assessed sufficiently without applying the RPP due to Tenderer 1 been the only tenderer able to respond to the RPP in addition to providing the lower price.

Detailed price evaluation information is included in the confidential price schedule (under separate cover)

Relevant Experience Assessment

Tenderer 1 provided details of their extensive experience and references detailing past performance in delivering similar landscaping projects. Tenderer 1 has a good understanding of the issues and challenges for delivering projects in the Pilbara region. They have provided strategies to mitigate these challenges and issues. Tenderer 2 were able to demonstrate landscaping experience, however they have minimal experience in the Pilbara.

Resources Assessment

Tenderer 1 have provided a detailed list of personnel whom will be key in the delivery and management of this project. All the personnel are locally based in the Pilbara and have experience in previous Pilbara projects. Tenderer 1 have sufficient plant and equipment required for the delivery of the project and have provided the details of the sub-contractors and suppliers that they propose to utilise, all of which are all locally based. Additionally 43% of their 35 strong workforce are Indigenous.

Tenderer 2 provided a basic methodology statement, however only provided basic details about the key personnel and subcontractors to be utilised for the project.

Demonstrated Understanding Assessment

Tenderer 1 have provided a detailed project schedule and timeline including critical milestone dates. Having completed a number of projects in the Pilbara, they have identified the importance of community inclusion and have a proven track record of delivering such events with notable success. Tenderer 2 provided a very basic schedule and processes required to deliver the project.

Assessment Conclusion

The evaluation panel have all agreed that Tenderer 1 have provided the superior proposal and have demonstrated their understanding of the scope and project requirements.

Tenderer 1 have indicated a three (3) month delivery schedule from award of contract date to practical completion. Should Council resolve to proceed with the award of tender, and subject to completion of relevant contract documentation it is anticipated that the works would be completed by 7 September 2016.

CONSULTATION

The tender assessment panel contained representatives from the Community Development, Works and Services and Procurement team to ensure a robust and thorough process and consideration of all aspects of the submissions, including:

- Project Officer
- Manager Community Development
- Coordinator Parks and Reserves
- Coordinator Technical Services
- Risk Analyst

FINANCIAL AND RISK IMPLICATIONS

The 2015/16 budget for this project is \$1,216,260 and is contained within GL1110410. The contract price is within this budgeted amount.

The financial implications of this item are detailed in confidential attachment 1.

Risk Implications

Previous works in the SHTC have experienced a high level of damage due to vandalism. In recent landscaping works, this risk has been significantly reduced due to the implementation of a community involvement strategy.

Specifically, the Youth Involvement Council were engaged by LandCorp to facilitate youth participation in the project to promote a sense of ownership for the works.

STATUTORY AND POLICY 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 2016-02 was conducted in accordance with these regulations, the Town's 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).

As part of the Strategic Community Plan 2014-2024 section 3.3 states the need for a *Safe, attractive and accessible environment* one of the success indicators is noted as an *Increase in amenity of CBD and residential areas*.

ATTACHMENTS

1. Financial implications (Confidential – Under Separate Cover)
2. Price submission schedules (Confidential – Under Separate Cover)
3. Site Plan of project area
4. Scope of works – UDLA (Under Separate Cover)

9 May 2016

ATTACHMENT 3 TO ITEM 12.2.1



12.3 Corporate Services**12.3.1 Amend Policy 1/015 'Audio Recording of Council and Committee Meetings'**

Author: Grace Waugh, Coordinator Governance

Authorising Officer: Dale Stewart, Acting Director Corporate Services

File No. 13/06/0004

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/236 RECOMMENDATION/COUNCIL DECISION

MOVED: CR HOOPER

SECONDED: CR ARIF

That, with respect to the amendment of policy 1/015 'Audio Recording of Council and Committee Meetings', Council adopt amended policy 1/015 'Audio Recording of Council and Committee Meetings' as per attachment 1.

CARRIED 9/0

EXECUTIVE SUMMARY

Council is being requested to adopt amended policy 1/015 'Audio Recording of Council and Committee Meetings'.

The Presiding Member of the Audit, Risk and Governance Committee raised a notice of motion considered at the meeting on Tuesday 10 May 2016 to have the policy reviewed and amended in line with the Standing Orders Local Law 2014.

DETAILED REPORT

Policy 1/015 'Audio Recordings of Council and Committee Meetings' was adopted at the 25 November 2012 Ordinary Council Meeting.

The Standing Orders Local Law at the time referred to section 20.3 which related to audio recordings of meetings. Since the policy was originally adopted the Standing Orders Local Law was reviewed and a new local law was adopted. The Standing Orders Local Law 2016 reflected the audio recording section under 6.16 however this wasn't updated in the Council policy.

The Standing Orders Local Law 2016 also includes a section under 6.17 that relates to mobile telephones not being switched on or used during Council or Committee Meetings which has also been included in the updated policy (attached 1).

Consultation

- Executive Leadership Team

FINANCIAL AND RISK IMPLICATIONS

There are no financial implications in the Council adopting this policy. The risk associated with this policy is if it isn't adopted the policy will be inconsistent with the Standing Orders Local Law however the local law will still prevail.

STATUTORY AND POLICY IMPLICATIONS

Sections 6.16 and 6.17(4) of the Town of Port Hedland Standing Orders Local Law 2016 applies to this policy as these are the relevant sections of the local law that discuss using visual and vocal devices to record meetings and having mobile telephones switched off and not used during meetings.

There are no provisions within the Local Government Act 1995 or associated Regulations in relation to recording Council or Committee Meetings.

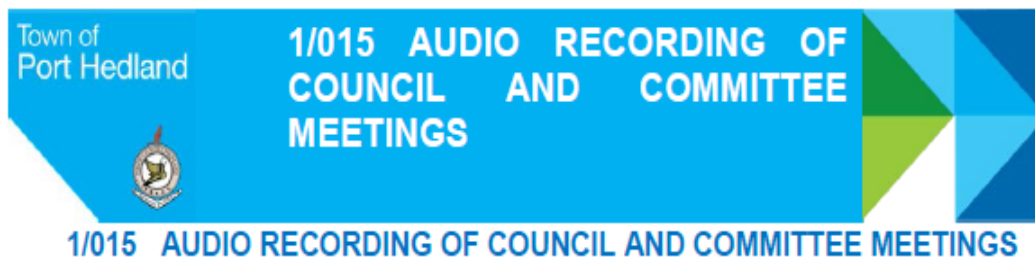
Section 4.1 'Strategic and best practice local government administration' of the 2014-2024 Strategic Community Plan relates to this report as recording Council and Committee meetings assists with minute taking and also provides another record of the meeting.

ATTACHMENTS

1. Amended policy 1/015 'Audio Recording of Council and Committee Meetings'

6 May 2016

ATTACHMENT 1 TO ITEM 12.3.1

**Policy Objective**

The objective of this policy is to set out how audio recordings of Council and Committee meetings are created, stored, used, accessed and disposed of in accordance with legislative and policy requirements.

Policy Content*1. Purpose of Audio Recordings of Meetings*

Audio recordings of Council and Committees meetings will be made for the purpose of:

- assisting in the preparation of minutes
- ensuring decisions are accurately recorded
- verifying the accuracy of minutes prior to their confirmation.

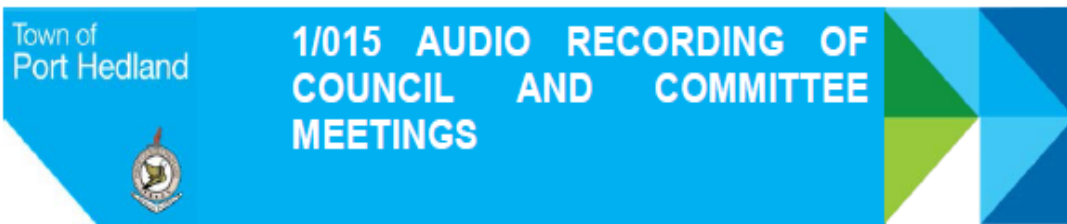
2. Public Notification of Recording of Meetings

Advice will be provided to the members of the public attending meetings that an audio recording of the meeting will be made and that their voice and details may be released to a third party other than people in the room. The wording of the advice will be as follows:

'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 ~~also~~ reminded that in accordance with Section ~~20.36.16~~ of the Town of Port Hedland Local Law on Standing Orders nobody shall use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the chairperson to do so. Members of the public are also reminded that in accordance with section 6.17(4) of the Town of Port Hedland Local Law on Standing Orders mobile telephones must be switched off and not used during the meeting.

The advice will be displayed in the following manner:

- On the notice of agenda for meetings of Council, Electors and Committees
- On notices at the entry to the Council Chambers or place where meetings are held
- On paperwork associated with Public Question and Public Statement Time



- On the Town of Port Hedland website
- Verbally by the Chairperson at the commencement of the ordinary, special and committee meeting of Council and Annual General Meeting of Electors

3. *Storage of Recordings and requests for recordings*

Audio recordings of the entire meeting will be stored in accordance with State Records Act 2000 and General Disposal Authority (GDA) 2010.

Any request for audio recordings of Council or Committee meetings made available to members of the Council, or the public will be maintained in Council's records.

4. *Access to Recordings*

Council Members may obtain a copy of the recorded proceedings of the business of the Council or Committee Meeting, upon request to the Chief Executive Officer, free of charge.

Members of the public may access an audio recording of the Council or Committee Meeting that reflects the written record of the business of the meeting. This will exclude recording of discussion of items that are considered behind closed doors. Audio copies of Council and Committee Meetings available to the public will be provided on the Town's website together with the written record of that meeting, free of charge. This will be within 10 working days of the relevant Council or Committee meeting.

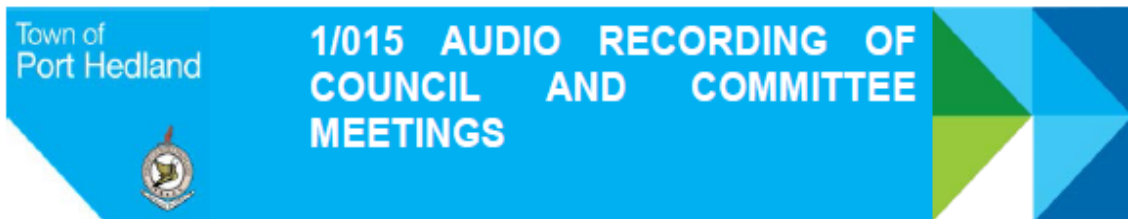
Costs of providing CD audio recordings of Council and Committee Meetings available to the public will be advertised in the Town's Schedule of Fees and Charges each year.

Definitions

Audio Recording

Means any recording made by any electronic device capable of recording sound. This includes but is not limited to recordings made by video camera, cassette recorder, or DAT recorder, and stored on compact disc (CD), Digital Audio Tape (DAT), or in any other format (such as WAV, MP3, etc).

This policy does not impinge on any person's access to public records under the Freedom of information Act.



Council Adoption Date and Resolution No.	OCM 28 November 2012 201213/189
Date of adoption of amendment and Resolution Number <i>Do not delete previous dates</i>	
Relevant Legislation	State Records Act 2000 General Disposal Authority (GDA) 2010 Local Government Act 1995 ToPH Local Law on Standing Orders
Delegated Authority	N/A
Business Unit	Corporate Information
Directorate	Corporate Services
Review Frequency	Annual

12.3.2 Accounts Receivable – Proposed Write-Offs

Author: Kathryn Crothers, Manager Financial Services

Authorising Officer: Dale Stewart, Acting Director Corporate Services

File No: 12/15/0001

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/237 RECOMMENDATION/COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR HOOPER

That, with respect to the Accounts Receivable Proposed Write Offs, Council approves the write off of debts totalling \$34,547.98 as per the presented Schedule of Sundry Debtors provided under confidential cover, to be transacted before the 30 June 2016.

CARRIED 9/0

Debtor Name	Invoice Amount	Total
Cazzolli Contracting Pty	\$8,614.05	
Cazzolli Contracting Pty	\$2,627.65	
Cazzolli Contracting Pty	\$361.60	
Cazzolli Contracting Pty	\$1,512.50	
Cazzolli Contracting Pty	\$44.10	
Cazzolli Contracting Pty	\$23.75	
Cazzolli Contracting Pty	\$39.60	
Cazzolli Contracting Pty	\$1,483.80	
Cazzolli Contracting Pty	\$3,115.75	
Cazzolli Contracting Pty	\$68.25	
Cazzolli Contracting Pty	\$2,522.05	
Cazzolli Contracting Pty	\$1,907.55	
Cazzolli Contracting Pty	\$208.80	
Cazzolli Contracting Pty	\$77.85	
Cazzolli Contracting Pty	\$500.55	
Cazzolli Contracting Pty	\$109.35	
Cazzolli Contracting Pty	\$115.20	\$23,332.40
Concrete Logistics Pty Ltd	\$4,857.60	
Concrete Logistics Pty Ltd	\$148.80	\$5,006.40
Longfield Services Pty Ltd	\$795.53	
Longfield Services Pty Ltd	\$1,519.65	
Longfield Services Pty Ltd	\$3,894.00	\$6,209.18
Total		\$34,547.98

EXECUTIVE SUMMARY

Despite prolonged recovery action by the Town's Debt Management Officers and the Town's Debt Collecting Agents, enclosed debtor accounts for several tipping fees debtors remain unrecoverable. A Schedule of Sundry Debtors has been prepared and it is recommended that Council approve the write off of monies pursuant to section 6.12 (1) (c) of the *Local Government Act 1995*.

Provision has been made in the Provision for Doubtful Debts to allow for the write offs of these accounts and hence no impact to the Council's surplus/deficit position.

Details of the subject debts have been investigated by both Town Debt Management Officers and Debt Collection Agency. All debt collection efforts have now been exhausted and debts are deemed to be irrecoverable.

DETAILED REPORT

The current systems and processes used for the raising and recovery of sundry debts is significantly improved compared to past years. This is now evident in the significantly low amounts of outstanding sundry debts, notwithstanding two large debtors explained in more detail below.

Furthermore, Council has adopted a Debt Management Policy (Policy 2/005) which outlines the procedure for the recovery of outstanding debts owed to the Town of Port Hedland. The following collection procedures are summarised:

Stage 1

Outstanding debts over 30 days will have their statements marked with a reminder that the account is now overdue and stop credit will be enforced if the debt remains unpaid after 42 days from date of invoice. Accounts Receivable shall make contact with the Debtor.

Stage 2

Outstanding debts over 60 days will have their statements marked with a Final Notice stamp advising payment is required within 7 days or legal action will commence. Accounts Receivable shall make contact with the Debtor.

Stage 3

7 days after Stage 2 if payment has not been received or a payment arrangement entered into, a standard letter, allowing a further 10 days to settle the account or make alternative arrangements.

Stage 4

The Director Corporate Services and Manager Financial Services are authorised to commence legal action to collect debts outstanding over 90 days from date of invoice.

This may include, but is not limited to the following:

Letter of Demand

General Procedure Claim

Seizure and Sale of Goods

Exemptions to the aforementioned Debt Collection Process are as follows:

- 1) Rebates or recoups from tiers of Government and funding bodies
- 2) Grants and subsidies
- 3) Donations

The Town may elect to utilise the services of a Debt Collection Agency, duly licensed under the Debt Collectors Licensing Act 1964.

Details of the subject debts have been investigated by both the Town's Debt Management Officers and Debt Collection Agency. All debt collection efforts have now been exhausted and debts are deemed to be irrecoverable. The debts relate to transactions at the landfill from 2012 to May 2014.

Officer comments have been included in the Schedule of Sundry Debtors indicating the status of the accounts.

The Schedule of Sundry Debtors is provided under confidential cover as the Officer Comment discloses information about the business and financial affairs of persons (section 5.23 (2) (e) of the *Local Government Act 1995*). Subject to Council resolution, the Schedule of Sundry Debtors written off will be published in the Council Minutes indicating the debtor name and amount written off.

FINANCIAL AND RISK IMPLICATIONS

The amount outstanding of \$34,547.98 has been provided for in the Provision for Doubtful Debts. Writing off of the debt will impact Council's Balance Sheet, with a decrease in the value of Council's current Accounts Receivable as well as a reduction in the Provision for Doubtful Debts.

The Provision for Doubtful Debts balance brought forward from 1 July 2015 was \$232,542.46 and made provision for these proposed write-offs, as well as provision for a number of other small debtors including one large debtor (a community contribution commitment) totally \$150,000 from 2012. Staff are hopeful however of this debt being recovered, together with another large debt of \$206,376.95 (again from 2012 and having accumulated interest of \$65,866.59) relating to the provision of underground power.

Both of these items are proposed to be discussed with elected members at a Workshop in coming weeks (as to strategy) and the outcomes of that workshop and any subsequent Council or officer deliberations should not affect the consideration of this item at this point in time.

Notwithstanding the advice of officers that they remain hopeful of recovery of one or both of these two larger debts, possibly without the interest component on one of them, a prudential and conservative approach has been taken and at the time of writing of this report, the Provision for Doubtful Debts Account has been increased to \$504,786.00, to account for the second large debtor. This Account is regularly monitored with a view to adjustments that may be required closer to year end, as the movement of the provision account do have an effect on the end of year forecast surplus / deficit position.

STATUTORY AND POLICY IMPLICATIONS

Section 6.12 (1) (c) of the *Local Government Act 1995* provides Council with the power to write off any amount of money which is owed to the local government.

Strategic and best practice local government administration is a key theme in the Strategic Community Plan 2014 – 2024.

The attachment is confidential in accordance with section 5.23 (2) (e) (iii) of the Local Government Act 1995 as the attachment contains the financial affairs of a person.

Policy 2/005 Debt Management Policy is relevant to this item.

ATTACHMENTS

1. Schedule of Debtor Accounts Recommended for Write-Off (Confidential - Under Separate Cover)

9 May 2016

7:10pm Mayor Howlett declared an impartiality in item '12.3.3 Intent to Make Town of Port Hedland Animals, Environment and Nuisances Local Law 2016' as she owns chickens.

Mayor Howlett did not leave the room.

7:10pm Councillor Gillingham declared an impartiality in item '12.3.3 Intent to Make Town of Port Hedland Animals, Environment and Nuisances Local Law 2016' as she owns chickens.

Councillor Gillingham did not leave the room.

12.3.3 Intent to Make Town of Port Hedland Animals, Environment and Nuisances Local Law 2016

Author: Grace Waugh, Governance Coordinator, and Michael Cuvalo, Acting Manager Environmental Health

Authorising Officer: Brendan Smith, Director Works and Services

File No. 19/01/0008

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/238 RECOMMENDATION/COUNCIL DECISION

MOVED: CR HOOPER

SECONDED: CR ARIF

That, with respect to the proposed Town of Port Hedland Animals, Environment and Nuisances Local Law 2016, Council:

- 1. Note outcomes from community consultation undertaken in April 2016;**
- 2. Adopt the proposed local law for advertising purposes;**
- 3. Pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice that it intends to make the local law, as per Attachment 1;**
 - a. The purpose of which is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the district; and**
 - b. The effect being to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment, or create a nuisance, must comply.**
- 4. Submit a copy of the proposed local law to the Minister for Local Government and Communities, and the Minister for Health, for comment.**

CARRIED BY ABSOLUTE MAJORITY VOTE 9/0

EXECUTIVE SUMMARY

Local governments create local laws to provide regulation, control and management within the Town of Port Hedland district.

At its February 2016 Ordinary Council Meeting, Council considered the proposed Town of Port Hedland Animals, Environment and Nuisances Local Law 2016 (decision 201516/172). It resolved to defer its consideration to allow for public consultation to occur.

Community consultation occurred in April and a number of amendments to the local law were proposed by community members. The revised proposed local law is presented for Council consideration and adoption for advertising purposes.

DETAILED REPORT

Officers have reviewed the Town of Port Hedland's local laws and identified that a new health local law would better serve Council. It was also identified it would be more effective to separate the Animals and Nuisances components from the Health related matters for two reasons:

1. Assist community members more easily locate provisions relating to the keeping of animals; and
2. To assist officers administer the provisions of the local law.

At its February 2016 Ordinary Council Meeting, Council considered the proposed Town of Port Hedland Animals, Environment and Nuisances Local Law 2016 (decision 201516/172). It resolved to defer its consideration to allow for public consultation to occur.

Community consultation occurred in April and a number of amendments to the local law were proposed by community members – as detailed in the consultation section of this report.

The revised proposed Town of Port Hedland Animals, Environment and Nuisance Local Law 2016 is set out in the attachment to this report.

It contains all relevant and updated provisions relating to animals that would have been previously contained in a Health local law, but also addresses a number of matters relating to the environment and nuisances.

The following table provides a summary of the differences between the previous Health Local Law 1999 provisions and the proposed new Animals, Environment and Nuisances Local Law.

CLAUSE	PROPOSED ANIMALS, ENVIRONMENT AND NUISANCES LOCAL LAW	CHANGES FROM PREVIOUS HEALTH LOCAL LAW
Part 1	Part 1 deals with the introductory matters of the local law, including its application, commencement and definitions.	Only definitions applying to animals, environment and nuisances have been included in the proposed local law.

CLAUSE	PROPOSED ANIMALS, ENVIRONMENT AND NUISANCES LOCAL LAW	CHANGES FROM PREVIOUS HEALTH LOCAL LAW
2.2 - Cleanliness	This clause deals with an owner or occupier of a premises that keeps a dog, cat or other animal must keep the premises free of excrement, filth, food waste and other matter.	Same wording was contained in clause 5.2.2 of Health Local Laws 1999, published on 22 March 2000.
2.3 – Animal enclosures	This clause deals with the requirements for enclosures and structures including drainage, paving, and grade. The clause now allows an EHO to give direction, rather than requiring the Council to give the direction to an owner or occupier.	Similar wording was contained in clause 5.2.3 of the Health Local Laws 1999.
2.4 - Cats	This clause deals with how many cats may be kept on a premises, how an exemption may be applied for if a person wishes to keep more than 3 cats.	Sub-clauses (1) to (4) and (6) contain similar wording as clause 5.2.4 of the previous Health Local Laws 1999. Clauses (5) and (7) have changed considerably in light of the <i>Cat Act 2011</i> and <i>Cat Regulations 2012</i> requirements. The Cat Act requires a person to be registered as an approved cat breeder with the local government before they can breed cats. Sections 36 and 37 specify certain conditions that must be met for a person to be approved as a cat breeder.
2.5 – Keeping of poultry and pigeons in a residential zone	This clause states that no poultry or pigeons may be kept on a premises in a residential zone, unless local government approval is obtained. A maximum of 10 poultry and 12 pigeons may be kept, unless the person is an affiliated person and then 50 pigeons may be kept.	Clause 5.4.2 of previous health local law stated that a maximum of 10 poultry and/or pigeons can be kept on a premises within a townsite on any lot of land, unless approval is obtained from Council.
2.6 – Application for approval	This clause specifies how an application to keep poultry or pigeons is to be made. Application is only required when a person requests to keep more than 10 poultry or more than 12 pigeons.	Previous health local laws did not have a requirement for an application for approval to keep poultry or pigeons; it was an automatic right under clause 5.4.2
2.7 – Conditions for keeping poultry	This clause specifies the conditions for keeping poultry and the setback distances required from residential buildings, public streets, public buildings and commercial food premises; the requirement for structures and the continual confinement of poultry in them.	Clause 5.4.3 of the previous health local laws contained similar wording.

CLAUSE	PROPOSED ANIMALS, ENVIRONMENT AND NUISANCES LOCAL LAW	CHANGES FROM PREVIOUS HEALTH LOCAL LAW
2.8 – Roosters, geese, turkeys and peafowl	This clause specifies that these animals can only be kept on rural and rural residential zoned land, and only with prior written permission of the local government.	Clause 5.4.4 of the previous health local laws contained similar wording.
2.9 – Conditions for keeping pigeons	This clause specifies the conditions for keeping of pigeons and the requirement for lofts, structures or enclosures.	Clause 5.4.5 of the previous health local laws contained similar wording.
2.10 – Termination of approval to keep poultry or pigeons	This clause provides the power for Council to cancel its approval to keep poultry or pigeons, if an owner or occupier breaches a condition of approval, breaches clauses 2.7 or 2.9 of the local law, or fails to comply with a written notice.	The previously health local laws did not address this matter. The council could only give notice of a non-conforming structure.
2.11 – Restrictions on pigeon nesting and perching	This clause gives the Council power to order an owner or occupier to take adequate steps to prevent pigeons from nesting or perching, where they have a habit of doing so on a premises.	Clause 5.4.7 of the previous health local laws contained similar wording.
2.12 – Conditions of keeping aviary birds	This clause specifies the conditions for keeping aviary birds in cages or an aviary.	Clause 5.2.2 of the previous health local laws contained similar wording.
2.13 – Nuisance caused by birds	This clause requires an owner or occupier of land to ensure any bird does not create a nuisance, or emit unreasonable noise.	Clause 5.2.2(d) of the previous health local laws contained similar wording.
2.14 – Approval required to keep bees	This clause prevents a person from keeping bees on land within a townsite. It also requires a person to obtain approval to keep bees on land outside a townsite.	Clause 6.7.2(1) of the previous health local laws contained similar wording.
2.15 - Nuisance	This clause requires a person to ensure bee's being kept do not create a nuisance.	Clause 6.7.2(2) of the previous health local laws contained similar wording.
2.16 – Notice to remove bees	This clause gives Council power to issue written notice to an owner or occupier where they are in contravention of the <i>Beekeepers Act 1963</i> or a provision of the local law.	The previous health local laws did not have a clause that addressed this matter.
2.17 – Keeping of farm animals	This clause requires an owner or occupier of land to obtain a licence prior to keeping any farm animal, unless it is in a rural zone or it is on land approved by the local government for the stabling of horses.	Clause 5.3.2(1) of the previous health local laws contained similar wording.

CLAUSE	PROPOSED ANIMALS, ENVIRONMENT AND NUISANCES LOCAL LAW	CHANGES FROM PREVIOUS HEALTH LOCAL LAW
2.18 – Application for a licence to keep farm animals	This clause specifies the requirements for an application for a licence to keep farm animals, including property plans and plans for the management of flies, disease and odours.	The previous health local laws did not have a clause that addressed the licensing requirements. Clause 5.3.4 of the previous health local laws contained similar wording in relation to the management of manure, flies and disease.
2.19 – Determination of application	This clause specifies the approval or refusal requirements of a local government; the conditions that apply to a licence issued, and the validity date of the licence issued.	The previous health local laws did not have a clause that addressed the licensing requirements.
2.20 – Conditions of approval to keep farm animals	This clause specifies the grounds a licence can only be issued on.	The previous health local laws did not have a clause that addressed the licensing requirements.
2.21 – Variation or cancellation of licence	This clause specifies the grounds on which a licence may be varied or cancelled.	The previous health local laws did not have a clause that addressed the licensing requirements.
2.22 – Conditions for keeping farm animals	This clause specifies the conditions that must be complied with when keeping a farm animal.	Clauses 5.3.2(2), 5.3.3 and 5.3.4 of the previous health local laws contained similar wording.
2.23 – Keeping a miniature horse	This clause specifies the conditions that must be complied with when keeping a miniature horse.	The previous health local laws did not have a clause that addressed the keeping of a miniature horse.
2.24 – Keeping a miniature pig	This clause specifies the conditions that must be complied with when keeping a miniature pig, including its mandatory registration with the local government.	The previous health local laws did not have a clause that addressed the keeping of a miniature pig. The piggeries provisions in clauses 5.6.1 to 5.6.4 of the previous health local law are different in nature to this matter.
2.25 – Requirements for farm animal shelters	This clause deals with the setback distances and structure requirements of any stable or enclosure, including drainage requirements.	Clause 5.3.3 of the previous health local laws contained similar wording.
2.26 – Livestock not to stray	This clause requires the owner or a person in charge of livestock to not permit that livestock to stray or be at large on a street, public place.	The previous health local laws did not have a clause that addressed this matter.
2.27 – Impounding of livestock	This clause gives an authorised person the power to impound livestock straying.	The previous health local laws did not have a clause that addressed this matter.

CLAUSE	PROPOSED ANIMALS, ENVIRONMENT AND NUISANCES LOCAL LAW	CHANGES FROM PREVIOUS HEALTH LOCAL LAW
		The provisions under the <i>Local Government (Miscellaneous Provisions) Act 1960</i> would generally be used to address these types of matters.
2.28 – Property to be fenced	This clause specifies the requirements an owner or occupier must comply with if they are keeping livestock on their property.	The previous health local laws did not have a clause that addressed this matter. The provisions under the <i>Local Government (Miscellaneous Provisions) Act 1960</i> would generally be used to address these types of matters.
Part 3	Part 3 is new and deals with the requirement for the owner/occupier to- (1) have refuse receptacles on a building or development site; (2) control refuse on a building or development site; (3) obtain approval to store materials on another property (other than the building/development site), including a road reserve; (4) take measures to control dust and liquid waste on the building or development site; (5) prepare a dust management plan where sand or dust is likely to be released; (6) not burn vegetation or other material cleared from a building or development site; (7) remove any refuse or disused material that is likely to give a lot an untidy appearance and does not conform with the general appearance of other land in that particular part of a district; (8) remove any unsightly overgrowth of vegetation that give a lot an untidy appearance and does not conform with the general appearance of other land in that particular part of a district; (9) store a limited number of vehicles on any lot; not store any vehicle or vessel in a state of disrepair for longer than 1 month; and not dismantle a vehicle or vessel unless	The previous health local laws did not have clauses to address any of these matters, as they are matters generally addressed under the provisions of section 3.25 and Schedule 3.1. A local law to govern these matters is considered appropriate, as it will allow officers to use the infringement notices under the local law to regulate matters, rather than having to prosecute an offender in a local court under the provisions of the Act.

CLAUSE	PROPOSED ANIMALS, ENVIRONMENT AND NUISANCES LOCAL LAW	CHANGES FROM PREVIOUS HEALTH LOCAL LAW
	<p>done inside a building or within an enclosed fence that is 1.8 metres in height and will screen the vehicle or vessel;</p> <p>(10) remove every door, lid and lock from a disused refrigerator, ice box, truck or chest, and to remove refrigerants;</p> <p>(11) remove a hazardous tree upon notice from the local government</p>	
Part 4	<p>Part 4 is new and deals with matters relating to nuisances and dangerous things, such as-</p> <p>(1) the use of exterior flood lights;</p> <p>(2) Emission or reflection of light;</p> <p>(3) The issue of a notice for an owner or occupier to prevent emission or reflection of light;</p> <p>(4) Burning rubbish, refuse or other materials;</p> <p>(5) the escape of smoke, fumes, odours and other emissions;</p> <p>(6) Livestock vehicles and maximum period of parking in a townsite;</p> <p>(7) No truck noise from residential land between 10:30pm and 6:30am;</p> <p>(8) Disposal of swimming pool backwash</p> <p>(9) Containment of stormwater within lot;</p> <p>(10) Unless authorised, a person shall not provide or conduct any amusement on land so as to create a nuisance to an owner or occupier of land in the district;</p> <p>(11) Authorised person can abate nuisance;</p> <p>(12) Regulation of placement of an advertisement, bill posting or junk mail;</p>	<p>The previous health local laws did not have clauses to address the majority of these matters, other than-</p> <p>(a) Burning of rubbish or refuse (clause 4.2.8);</p> <p>(b) Escape of smoke, fumes (clause 5.1.3); and</p> <p>(c) Swimming pool backwash (clause 4.1.2 and 4.1.3).</p>
Part 5	<p>Part 5 is new and deals with a person's right to lodge an objection or review that involves a decision to grant, amend, vary, renew or cancel a</p>	<p>This is a requirement under all new local laws where provisions are made under the <i>Local Government Act 1995</i> and are subject to Division</p>

CLAUSE	PROPOSED ANIMALS, ENVIRONMENT AND NUISANCES LOCAL LAW	CHANGES FROM PREVIOUS HEALTH LOCAL LAW
	licence, approval or authorisation under the local law.	1 of Part 9 of the Act, and <i>Functions and General Regulation 33</i> .
Part 6	Part 6 is new and deals with enforcement of the local law, notice requirements and what constitutes an offence and the applicable penalty.	Previous Health Local Law penalties were \$100 for first offence, \$200 for second offence and thirds and subsequent offences \$500. The minimum offence under the proposed new local law is \$100 (unspecified offence), with the maximum being \$500.

In making a new local law, the Town must comply with the provisions of section 3.12 of the Act.

The Local Government (Functions and General) Regulations (Regulation 3) state that for the purpose of Section 3.12(2) of the Act, the person presiding at a Council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

The purpose and effect of the *Town of Port Hedland Animals, Environment and Nuisances Local Law 2016* is –

Purpose – To provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the District.

Effect - To establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment, or create nuisance, must comply.

Consultation

Following Council's request for public consultation, a community conversation forum was held in April. The forum was promoted through newspaper advertisements, media releases and social media posts.

Seven members of the public attended the forum. A number of amendments to the local law were proposed by community members, as detailed in attachment 5. Officers engaged with the Department of Health and its local laws consultant as to the validity of these amendments. Commentary and proposed clause is included in the table. Community forum attendees have been provided feedback on these amendments.

The proposed local law was drafted in consultation with the Environmental Health team and a local laws consultant.

As required by section 3.12 the Local Government Act 1995, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed local law, with submissions being open for a period of not less than 6 weeks (42 days). The advertisement will be placed once Council has resolved its intent to make the local law, including being placed on local notice boards.

In addition, copies of the proposed Local Law, (gazettal copy), must be sent to the relevant Minister(s) for comment. In this case the relevant Ministers are the Minister for Health and the Minister for Local Government and Communities.

FINANCIAL AND RISK IMPLICATIONS

Statewide advertising of the proposed local law is required, which currently costs approximately \$600. These costs are included in the current budget.

STATUTORY AND POLICY IMPLICATIONS

Section 3.12 of the Local Government Act 1995 outlines the procedure for making local laws.

Section 6.4.1 'Strategic' under Local Leadership of the Strategic Community Plan applies as it outlines that governance processes, such as local laws, are to align with leading practice and are up to date with legislative requirements.

ATTACHMENTS

1. Gazette ready copy of the final version of the Town of Port Hedland Animals, Environment and Nuisances Local Law 2016 (Under Separate Cover)
2. 1999 Local Law on Cat Control
3. 1998 Local Law on Dogs
4. 1999 Health Local Law (Under Separate Cover)
5. Community Comments and Responses

8 February 2016

ATTACHMENT 2 TO ITEM 12.3.3

LOCAL GOVERNMENT ACT 1995

TOWN OF PORT HEDLAND

LOCAL LAW—CAT CONTROL

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it the Council of the abovementioned Local Government hereby records having resolved on the 28th April 1999 to adopt the following Local Law.

Citation

1. This Local Law may be cited as the Town of Port Hedland Local Law Cat Control.

Objects

2. The object of this Local Law is—
 - (a) To encourage responsible cat ownership.
 - (b) To reduce public and environmental nuisance caused by cats.
 - (c) To promote the effective management of cats.

Interpretation

3. In this Local Law—
 - (a) “Act” means the Local Government Act 1995.
 - (b) “Authorised Person” means a person authorised by the Council to administer the provisions of this local law.
 - (c) “Council” means the Council of the Town of Port Hedland.
 - (d) “District” means the Local Government district of the Town of Port Hedland.
 - (e) “Identified Cat” means a cat identified in the manner of having a collar around its neck and the collar, or a tag securely attached to the collar, is marked with the current address or telephone number of the owner or other person entitled to possession of the cat.
 - (f) “Premises” shall, for the purpose of determining who is the occupier, be taken to refer to any land or building, or part of any land or building, that is intended to be occupied as a separate residence from any adjacent tenement.
 - (g) “Unidentified Cat” means a cat that is not identified in the manner as defined in sub-clause (e).

Cats Not To Be A Nuisance

4. No person shall keep or allow to remain on any Premises of which he or she is the owner or occupier, any cat or cats so as to be a nuisance to another person or injurious to the health of another person by reason of—

- (a) the number of cats.
- (b) the noise or odour generated by the presence of the cat or cats.

- (c) the aggressive nature of the cat or cats.
- (d) the wandering of the cat or cats.

Limit of Cat Numbers

5.

- (a) Subject to sub-clause (b) the limit on the number of cats kept on any premises shall be three.
- (b) No person shall keep any cat on the premises where the number of cats being kept upon the premises exceeds the limit without the permission of the Council.

Identified Cats

6. No person shall without permission of the Council keep a cat over the age of three months on any premises unless the cat is an identified cat.

Authorised Persons:

7.

- (a) The Council may appoint suitable persons to be Authorised Persons for the purpose of administering this Local Law.
- (b) An Authorised Person may exercise powers conferred by this Local Law as an Authorised Person within the district.

Penalties

8.

- (a) A person who contravenes or fails to comply with any provision of this Local Law is, upon conviction, liable to a penalty of \$200 for each offence.

Modified Penalties

9.

- (a) The offences described in the table set out in the First Schedule to this Local Law are prescribed pursuant to Section 3.10 and 9.17 of the Act as an offence to which a modified penalty applies and the amount appearing in that table directly opposite an offence is the prescribed modified penalty payable in respect of that offence if dealt with pursuant to this sub-clause.
- (b) Where an authorised person has reason to believe that a person has committed an offence of the kind described in the First Schedule a notice may be served on that person in the form contained in the Second Schedule (in this clause referred to as "an Infringement Notice") informing the person that if the person does not wish to have a complaint of the alleged offence heard and determined by a Court the person may pay to Council, within the time therein specified, the amount prescribed as the modified penalty.
- (c) An Infringement Notice may be served on an alleged offender personally or by posting it to that person's address as ascertained from that person at the time of or immediately following the occurrence giving rise to the allegation of the offence.

- (d) Where a person who received an Infringement Notice fails to pay the prescribed penalty within the time specified in the Notice, or within any further time as in any particular case is allowed by the Council, the person is deemed to have declined to have the allegation dealt with by way of a modified penalty.
- (e) An alleged offender on whom an Infringement Notice has been served may, within the time specified in the Notice or further time as in any particular case allowed by the Council, send or deliver to the Council the amount of the prescribed penalty, with or without a reply as to the circumstances giving rise to the allegation, and the Council may thereupon—
- (i) appropriate that amount in satisfaction of the penalty and issue an acknowledgment:
 - Or
 - (ii) withdraw the Infringement Notice and refund the amount to be so paid.
- (f) An Infringement Notice may, whether or not the prescribed penalty has been paid, be withdrawn by the Council by sending of a Notice in the form contained in the Third Schedule to the alleged offender at the address specified in the Notice or to the person's last known place of residence or business and in that event any amount received by way of modified penalty shall be refunded and any acknowledgment of the receipt of that amount shall for the purpose of any proceedings in respect of the alleged offence be deemed not to have been issued.
- (g) Where a person does not contest an allegation that the person committed an offence of the kind to which this clause applies, the production of an acknowledgment from the Council that the modified penalty has been paid to the Council is a defence to a charge of the offence in respect of which the modified penalty was paid.

First Schedule
Town of Port Hedland
LOCAL LAW—CAT CONTROL

Item	Clause	Nature of Offence	Modified Penalty
1	4	Keeping a cat so to be a nuisance or injurious to health	\$50
2	5(b)	Keeping more than the approved limit on the number of cats	\$50
3	6	Keeping an unidentified car over the age of three months	\$50

Second Schedule
Town of Port Hedland
LOCAL LAW—CAT CONTROL
INFRINGEMENT NOTICE

No.

Date

To

It is alleged that at on the

Day of 19..... you committed an offence that
you

.....

.....

.....

(Authorised Person)

You may dispose of this matter—

- (a) By payment of a penalty of \$..... within twenty-eight days of this
Notice to the Council at McGregor Street, Port Hedland; or
- (b) By having it dealt with by a Court.

If this modified penalty is not paid within the time specified, Court proceedings may be taken
against you.

Third Schedule
Town of Port Hedland
LOCAL LAW—CAT CONTROL
WITHDRAWAL OF INFRINGEMENT NOTICE

No.

Date

To

Infringement Notice No. dated/...../..... for

.....

.....

Penalty \$..... is hereby withdrawn.

No further action will be taken/It is proposed to institute Court proceedings for the alleged offence.

.....

(Authorised Person)

ATTACHMENT 3 TO ITEM 12.3.3**DOG ACT 1976**

Town of Port Hedland

TOWN OF PORT HEDLAND LOCAL LAW (DOGS)

In pursuance of the powers conferred upon it by the above mentioned Act, and of all other powers enabling it, the Town of Port Hedland hereby records having resolved on 27 May 1998 to make the following local law:

PART 1—PRELIMINARY**1.0 Repeal**

The local law of the Town of Port Hedland relating to dogs published in the Government Gazette on the 14th October 1983 and all subsequent amendments are hereby repealed.

2.0 Citation

This local law may be cited as the "Town of Port Hedland Local Law (Dogs)".

3.0 Interpretation

In this local law, unless the context otherwise requires—

"Act" means the Dog Act 1976, as amended.

"Authorised person" means a person who is authorised under Section 29 of the Act.

"Chief Executive Officer" means the person for the time being employed as the Chief Executive Officer of the Council. Such person shall subject to Council resolution exercise general supervision and control over all matters pertaining to this local law and the direction of such person shall in all cases and for all purposes be presumed to be and to have been the directions of the Council.

"district" means the district of the Town of Port Hedland.

"fence" where used in this local law shall include walls and screen walls.

"public building" has the meaning given to it in Section 173 of the Health Act 1911.

"public place" includes a street, way and place which the public are allowed to use whether the street, way or place is or is not on private property.

"Regulation" means the Dog Regulations, 1976, as amended.

"street" includes highway, road, lanethoroughfare, carriageway or similar place, or part thereof which is within the district, which the public are allowed to use and includes every part of the highway, lane, thoroughfare, or similar place and other things including the street verge, footpath, bridges and culverts appurtenant to it.

- 3.1 Words and expressions used in this local law have the same meanings respectively given to them in and for the purpose of the Act unless the context otherwise requires or unless it is so otherwise provided herein.

PART II—IMPOUNDING OF DOGS**4.0**

- 4.1 Council may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provisions of the Act or this local law as it deems necessary.
- 4.2 Charges in relation to the seizure and maintenance of a dog in accordance with Section 29(4) of the Act, and fees payable in relation to a dog having been destroyed at the request of its owner are as specified by Council from time to time.
- 4.3 The pound or pounds maintained by Council for the detention of dogs seized shall be attended by an authorised person at such times and on such days as determined from time to time by the Chief Executive Officer.
- 4.4 A person liable for the control of a dog, as defined in Section 3(1) of the Act, is not excused from liability under the provisions of the Act, Regulations or this Local law by virtue of the payment of fees or charges prescribed therein for the seizure, care, detention or destruction of a dog.
- 4.5 A dog seized by an officer authorised by the Council may be placed in a pound.
- 4.6 Where a dog has been seized or placed in a pound the keeper of the pound or other officer authorised by the Council shall, in accordance with Section 29(8)(a) of the Act, if the dog is wearing a registration tag, or the owner or person in charge of the dog is known, notify such person that the dog has been impounded in accordance with the requirements of the Act.
- 4.7 If the owner or person apparently acting on behalf of the owner of the dog seized or impounded shall claim such dog then, subject to clause 4.8 upon payment of the fees specified by Council from time to time, the dog shall be released to such person.
- 4.8 Any person applying for the release of a dog seized or impounded shall prove to the satisfaction of an authorised person the ownership of the dog and his/her authority to take delivery of it. An authorised person may accept such proof as considered satisfactory and no person shall have any right of action against the authorised officer or Council in respect of delivery of a dog in good faith.

PART III—DOG EXERCISE AREAS

- 5.0 The lands specified in the First Schedule to this local law are designated as dog exercise areas for the purpose of the Act. The exercising of dogs in dog exercise areas are subject to the provisions of the Act.

PART IV—PROHIBITED PLACES

6.0

- 6.1 A person liable for the control of a dog, as defined in Section 3(1) of the Act, shall prevent that dog from entering or being in any of the following places, unless that person is blind or partially blind and is accompanied by a bona fide guide dog or is a guide dog trainer.
 - 6.1.1 A public building.
 - 6.1.2 A shopping Centre.
 - 6.1.3 A shopping mall.
 - 6.1.4 A shop or other public business premises, not being where dogs are sold or treated for illness or injury.

6.1.5 A house of worship.

6.2 The land specified in the Fifth Schedule to this local law is designated as areas pursuant to Section 51(b) of the Act where dogs are prohibited absolutely. The prohibition of dogs in these areas shall be subject to the provisions of the Act.

PART V—KEEPING OF DOGS

7.0 Application for Kennel Establishment Licence

7.1 An application for a licence to keep an approved kennel establishment shall be in the form prescribed by Council from time to time and shall be accompanied by—

7.1.1 a plan showing the details and specifications of all kennel and yards appurtenant thereto and showing the distances from the kennels to the boundaries of the land the subject of the application and all buildings on the land;

7.1.2 such other information as the Council in any case requires.

7.2 A person seeking the issue of a license to keep an approved kennel establishment shall—

7.2.1 give notice of the proposed use of the land in writing to the owners and occupiers of all adjoining land and premises

7.2.2 advertise the intention to do so in a newspaper having circulation in the area at least 14 days before application is made to Council

7.3 The letter of notification and advertisement required in clause 7.2 shall specify that any submissions regarding the application for establishment of kennels on the property being the subject of such letter or advertisement are to be lodged with the Chief Executive Officer within 14 days.

7.4 Council may not approve or register a kennel until it has considered any objection raised to the establishment, operation and maintenance of the kennel upon the premises.

7.5 A license to keep an approved kennel establishment shall be in a form as prescribed by Council from time to time.

7.6 The fees payable for the issue of a licence to keep an approved kennel establishment and for the renewal of such a licence are as specified by Council from time to time.

7.7 A licence to keep an approved kennel establishment shall remain valid for a period of twelve (12) months from the date of issue thereof.

7.8 A person seeking the renewal of a license to keep an approved kennel establishment shall make written application to the Council.

7.9 Council shall not permit the establishment or maintenance of a kennel in any area if in the opinion of the Council such kennel would adversely affect the environment, be a nuisance to other residents, or be detrimental or prejudicial in any way.

8.0 Construction of Kennels

- 8.1 The occupier of premises licensed as an approved kennel establishment shall ensure that the dogs in the establishment are kept in kennels and yards appropriate to the breed or kind in question and in accordance with the following requirements—
- 8.1.1 each kennel shall have a yard appurtenant thereto which is capable of retaining the dog within its confines;
 - 8.1.2 each kennel and each yard every part thereof shall be at a distance of not less than 10 metres from the boundary of any street and the land the subject of the licence and 10 metre from any other boundary;
 - 8.1.3 each kennel and each yard and every part thereof shall be at a distance of not less than 20 metres from any dwelling, church, school room, hall, factory, dairy or any premises wherein food is manufactured, prepared, packed or stored for human consumption;
 - 8.1.4 the walls of each kennel shall be of concrete, brick, steel or timber framing sheathed with fibre cement sheeting galvanized iron (or other approved material) internally and externally;
 - 8.1.5 the roof of each kennel shall be constructed of impervious material;
 - 8.1.6 the lowest internal height of the kennel shall be at least two metres from the floor with an average inbuilt height of not less than 2100 mm;
 - 8.1.7 all painted external surfaces of the kennel shall be kept in good condition and well painted;
 - 8.1.8 all gates shall be provided and fitted with proper catches or other means of securing or fastening such gate;
 - 8.1.9 each yard for a kennel shall be securely fenced with a fence not less than two metres in height constructed of material approved by the Council;
 - 8.1.10 the upper surface of a kennel floor shall be at least 100mm above the finished surface of the surrounding ground and shall be constructed of granolithic cement finished to a surface having a fall of not less than 1 in 100 to a drain which shall be properly laid, ventilated and trapped in accordance with the Council's requirements;
 - 8.1.11 all floor washing's shall pass through the drain and shall be disposed of in accordance with the requirements of the Health Act 1911;
 - 8.1.12 the floor area of each kennel shall be an area of not less than 2.5 square metres for every dog kept therein over the age of three months;
 - 8.1.13 the yard of any kennel or group of kennels shall not be less than twice the area of the kennel or group of kennels;
 - 8.1.14 all kennels and yards and all feeding and drinking vessels shall be maintained in a clean, disinfected and sanitary condition and shall be cleansed and disinfected when so ordered by an authorised person or Environmental Health Officer;

- 8.1.15 every approved kennel established shall be provided with reticulated water in the form of a supported stand pipe and hose for the hosing down of kennels and yards.

9.0 Duties of the License Holder

9.1 The holder of a license to keep an approved kennel established shall—

- 9.1.1 maintain the established in a clean, sanitary and tidy condition;
- 9.1.2 dispose of all refuse, faeces and food waste daily in a manner approved by the Environmental Health Officer;
- 9.1.3 take all practical measures for the destruction of fleas, flies and other vermin;

PART VI—GENERAL

10.0 Fouling of Streets and Public Places and Reserves

- 10.1 A person liable for the control of a dog who permits that dog to excrete on any street or other public place or public reserve or on any other land within the district without the consent of the occupier commits an offence unless the excreta is removed forthwith and disposed of either on private land with the consent of the occupier or in such other manner as the Council approves.

11.0 Fencing Requirements

11.1 The owner or occupier of premises within the district on which a dog is kept shall—

- 11.1.1 ensure that the means exist on the premises for effectively confining the dog within the premises; and
- 11.1.2 cause the portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog to that portion in accordance with the provisions of this local law.
- 11.2 Every part of a fence used to confine a dog shall be of a type, height and construction which, having regard to the breed, age, size and physical condition of the dog, shall be capable of preventing the dog, at all times from passing over, under or through it.
- 11.3 Where a gate forms part of fence, the gate shall be kept closed at all times except when the dog is not kept on the premises; and be fitted with an effective self-closing mechanism; an effective self-latching mechanism attached to the inside of the gate; and a mechanism which enables the gate to be locked.

12.0 Maximum Number of Dogs

- 12.1 the owner or occupier of premises situated within the district shall not, unless the premises have been granted exemption pursuant to Section 26(3) of the Act or are licensed as an approved kennel established under Section 27 of the Act, keep or permit to be kept on those premises more than two dogs over the age of three months excepting that the young of those dogs up to the age of three months of age may also be kept.

Clause
amended
GG
26/02/1999
PP. 623.

13.0 Penalties

- 13.1 A person who contravenes or fails to comply with any provision of this local law is, upon conviction, liable to a penalty not exceeding \$2000 for each offence

14.0 Modified Penalties

- 14.1 The Council may describe offences as specified in the Second Schedule of the Town of Port Hedland Local Law pursuant to Section 45A of the Act as offences in relation to which a modified penalty applies and prescribe the amount of each modified penalty payable in respect of each offence is dealt with pursuant to this clause.
- 14.2 Where an authorised person has reason to believe that a person has committed an offence of the kind described by Council pursuant to Clause 14.1 a notice may be served on that person in the form prescribed by Council from time to time (in this clause referred to as an Infringement Notice) informing the person that if the person does not wish to have a complaint of the alleged offence heard and determined by a Court the person may pay to Council, within the time therein specified, the amount prescribed as the modified penalty.
- 14.3 An Infringement Notice may be served on an alleged offender personally or by posting it to that person's address as ascertained from that person at the time of or immediately following the occurrence giving rise to the allegation of the offence or as recorded by Council pursuant to the Act.
- 14.4 Where a person who received an Infringement Notice fails to pay the prescribed penalty within the time specified in the Notice, or within any further time as in any particular case as allowed by the Council, the person is deemed to have declined to have the allegation dealt with by way of a modified penalty.
- 14.5 An alleged offender on whom an Infringement Notice has been served may, within the time specified in the notice or within any further time as in any particular case as allowed by the Council, send or deliver to the Council the amount of the prescribed penalty, with or without a reply as to the circumstances giving rise to the allegation, and the Council may thereupon—
- 14.5.1 appropriate that amount in satisfaction of the penalty and issue an acknowledgment; or
 - 14.5.2 withdraw the Infringement Notice and refund the amount so paid.
- 14.6 An infringement Notice may, whether or not the prescribed penalty has been paid, be withdrawn by the sending as appropriate notice to the alleged offender at the address specified in the notice or to the person's last known place of residence or business and in that event any amount received by way of modified penalty shall be refunded and any acknowledgement of the receipt of that amount shall be for the purpose of any proceedings in respect of the alleged offence be deemed not to have issued.
- 14.7 Where a person does not contest an allegation that the person committed an offence of the kind to which this clause applies, the production of an acknowledgment from the Council that the modified penalty has been paid to the Council is a defence to a charge of the offence in respect of which the modified penalty was paid

FIRST SCHEDULE
TOWN OF PORT HEDLAND
DOG EXERCISE AREAS

The reservations described below are designated as Dog Exercise Areas for the purpose of Clause 5.0 of this Local Law:

Port Reserve 8214—Hedland Dog Club

Port Hedland Foreshore—Reserve 30768

(NOTE: Excluding any area within the abovementioned reserves which is defined as a building and further so as not to interfere with any activity or function being conducted with the approval of Council within the reserve).

SECOND SCHEDULE
TOWN OF PORT HEDLAND
MODIFIED PENALTIES

Item	Section	Nature of Offence	Penalty
1.	6.	Failure to prevent a dog entering or being on a defined premises or area	\$100
2.	9(1.1)	Failure to maintain a kennel establishment in a clean, sanitary and tidy condition	\$50
3.	9(1.2)	Failing to dispose of all refuse, faeces and food waste from a kennel establishment daily in approved manner	\$50
4.	9(1.3)	Failing to take all practical measures for the destruction of fleas, flies and other vermin	\$50
5.	10.	Failure to remove dog excreta	\$50
6.	11.	Premises not capable of effectively confining a dog	\$100

THIRD SCHEDULE
TOWN OF PORT HEDLAND
APPLICATION FOR LICENCE OR RENEWAL OF LICENCE TO KEEP AN APPROVED
KENNEL ESTABLISHMENT

PURSUANT to the Dog Act 1976 and the Town of Port Hedland Local Laws relating to Dogs

 I/We

(Full name)

of

hereby apply for a licence/ the renewal of a licence (strike out which is not applicable) to keep an approved kennel establishment at lot

Street Locality

Owner: (name and address)

Occupier: (name and address)

purpose for which kennel is to be used:

Number of Dogs to be kept:

Breed of Dogs:

Attached hereto:

- (i) Two (2) copies of a plan showing the details and specifications of all kennels and yards appurtenant thereto and showing the distances from the said kennels and yards to the boundaries of the land the subject of the application and all buildings on the said land;
- (ii) Evidence that notice of the proposed use of the land has been given in writing to the owners and occupiers of all adjoining land and premises;
- (iii) the fee of \$

I hereby declare that all the above details are correct to the best of my knowledge and that I have no objection to an authorised person inspecting the premises at reasonable time to ensure compliance with Council's Local Laws.

DATED THIS day of 19

SIGNATURE OF APPLICANT.....

NOTE: Items (i) and (ii) may be struck out if the application is for the renewal of a licence and if no change has been made since the previous application.

FOURTH SCHEDULE
TOWN OF PORT HEDLAND

LICENCE TO KEEP AN APPROVED KENNEL ESTABLISHMENT

Dog kennels situated on the premises at

.....

are hereby registered with the Town of Port Hedland.

Name of Occupier.....

Number of Dogs Breed of Dogs

.....

A licence is hereby granted for the abovementioned occupier to operate a kennel establishment at the said premises for the stated breed and number of dogs.

The licence shall, unless previously revoked, remain valid for a period of 12 months from the date of issue hereof. Application for renewal must be made to the Council during the month prior to the expire date.

DATED THIS:.....day of19.....

SIGNED.....

(Authorised Officer)

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ATTACHMENT 5 TO ITEM 12.3.3

Community Comments	Local Law Consultant Comments	Department of Health Comments	ToPH Officer Comments
<p>Section 2.3 'Animal Enclosures'</p> <ul style="list-style-type: none"> How does EHO has capacity to ask tenant to pave structure Pave should be removed from section 2.3 or state if required – at the discretion of EHO and will liaise with each person about what is the right option Include "or acceptable solution that will effectively draining the area" or "where practicable" 	<p>The Environmental Health Officer (EHO) has the authority to instruct an owner/occupier by virtue of the power provided under the local law. Previously the term 'Council' was used, where the EHO would make a recommendation on the directions to be given to an owner/occupier. However, the ability to use delegated authority provides the EHO with the authority to undertake those actions on behalf of the local government. Note, this clause reads that an owner/occupier only needs to pave or grade the floor <u>when</u> directed by the EHO. The EHO would have to have reasonable Health grounds to direct any works to be undertaken, including paving, grading and draining a structure or enclosure. This clause is <u>standard</u> in all health and/or animal local laws.</p> <p>Trying to change this to an 'acceptable solution that will effectively drain the area, or where practicable', reduces the authority of the EHO to enforce appropriate health measures. The Town's EHO is the Authority on health standards and health related matters, and there should be no negotiation in relation to the keeping of specific standards when they have the ability to adversely impact on public health. It is the consultant's opinion is that if Council try to change this clause, it may encounter issues from the Department of Health.</p>	<p>If a tenant wants to keep animals it is up to them to sort out the paving with the owner, not the EHO. If the owner doesn't want paving, then no animals are to be kept there, if it is a situation that requires paving.</p> <p>The local law is not requiring everything to be paved. Subclause (1) is the prime operation. Subclause (2) is activated only if the requirements of (1) are not being met.</p>	<p>The Environmental Health Department is concerned that any amendment to this clause would see a degradation of EHO powers to direct works.</p> <p>As stated in the Dept of Health comments – the direction to pave is secondary and only enacted if the area cannot be made to comply by other means.</p>
<p>Section 2.5 'Keeping of poultry and pigeons in a residential zone'</p> <ul style="list-style-type: none"> Can number of chickens be based on lot size rather than standard number 6 not enough - revert to 10 poultry Part of application process 	<p>The consultant sees no problems changing the number of poultry to 10. This number does vary from local government to local government.</p>	No comment	No objection to amendments
<p>Section 2.6 'Application for approval to keep poultry and pigeons in a residential zone'</p> <ul style="list-style-type: none"> Change language to 'notify' Town rather than apply and take on more of education process, rather than regulatory/approval 	<p>The consultant is unsure why the Town would only want an owner/occupier to 'notify' the local government that they are keeping poultry and/or pigeons in a residential zone. The Town's existing Health local laws, under clause 5.4.2, requires an owner/occupier to apply to Council for approval to keep more than 10 poultry/pigeons on land within a town site. A small change can be made to Clause 2.5 in the proposed Animals local law so that a person can to keep up to 6 (can change to 10) before being required to submit an application. Other than permitting the keeping of up to 10 before required to submit an application, why would you reduce this requirement?</p>	No comment	Support the amendment to require approval for the keeping of chickens in exceedance of approved numbers
<p>Section 2.7 'Conditions for keeping poultry'</p> <ul style="list-style-type: none"> Have no set back Dept of Health recommend 9-12m set back Change to 9m 	<p>The Town's existing Health local laws, in clause 5.4.3, require 15m setbacks in all cases for poultry. However, in recent Health and Animals local laws a number of local governments have reduced this setback to 9m, and others to 12m. This is really a Council preference, as long as it does not fall below the Department of Health recommended minimum of 9m.</p>	No comment	Support the reduction of setbacks to 9m

<p>Section 2.23 'Keeping a miniature horse'</p> <ul style="list-style-type: none"> Distance of 9m too far <i>Amend to be "or as approved"</i> 	<p>The Town's existing Health local law in clause 5.3.2(2)(b) stipulates that an animal (including horse) cannot approach within 30 metres of a dwelling within a town site. The proposed local law reduces this to 9m. The consultants understanding is this is in the context of where the animal is being kept, not when it is being lead/ridden; meaning that the animal must be contained within a fenced area that is at least 9m from a dwelling.</p>	<p>The EDPH has never approved a reduction from 9 metres to 0.</p>	<p>There is obviously a clear reason to keep livestock/farm animals' etc. setback from a home (vermin, waste etc.). Removing this setback could prove a risk to human health.</p>
<p>Section 2.25 'Requirements for farm animal shelters'</p> <ul style="list-style-type: none"> <i>Delete 300mm of limestone</i> <i>Reduce footings to 150-200mm (if don't check footings and rust away, potential cyclone risk)</i> Discussion on design of stable and fitting earthmoving machinery 	<p>The consultant's understanding is that the crushed material assists with drainage. The consultant believes that the footings requirement of 450mm was due to being in a cyclone prone area. The design of the stables to cater for small earthmoving machinery is to facilitate the efficient cleaning of the stables.</p>	<p>The proponent can have a concrete floor instead of sand, if they do not want to put in the limestone layer. They could use a deep litter system on top of the concrete if desired. I support your proposal regarding the footings</p>	<p>I see the requirement for limestone as a control measure for reducing the impacts of concentrated urine on both soil and ground water quality. Due to the Town having a fairly elevated water table I feel this could become an issue. With respect to the footings point, we intend to get around this by stating that the footings for any stable must comply with BCA requirements.</p>
<p>Section 3.6 'Burning of cleared vegetation prohibited'</p> <ul style="list-style-type: none"> Can burning used for clearing? Permit can be granted under Bush Fire Act 	<p>Perhaps this can be redrafted to ensure there is no conflict with other written laws, to read as follows:</p> <p><i>Subject to any other written law, an owner or occupier of any building or development site shall ensure that no vegetation or other material cleared from the site is burnt on the site.</i></p>	<p>No comment</p>	<p>Support the Local Law Consultant comments</p>
<p>Section 3.10 'Disposing of disused refrigerators or similar containers'</p> <ul style="list-style-type: none"> Having to take fridge doors off – safety issue 	<p>This requirement was introduced many years ago when a number of refrigerators had locking door handles. Some children were playing in an old fridge, the door closed on them whilst they were inside and they could not force the door open. Modern day fridges do not have door locking mechanisms, but they can still be very heavy, so it has been left in the requirement for doors to be removed.</p>	<p>No comment</p>	<p>There is case history that has resulted in this requirement. Environmental Health support the clause ensuring that refrigerator doors are removed.</p>

7:13pm Mayor Howlett declared a financial interest in item '12.3.4 Salaries and Allowances Tribunal Determination and Elected Members Fees, Allowance and Reimbursements for 2016/17' as she is an Elected Member, and the item discusses gratuity gifts.

Mayor Howlett did not leave the room.

7:14pm Councillor Blanco declared a financial interest in item '12.3.4 Salaries and Allowances Tribunal Determination and Elected Members Fees, Allowance and Reimbursements for 2016/17' as he is an Elected Member, and the item discusses gratuity gifts.

Councillor Blanco did not leave the room.

7:14pm Councillor Gillingham declared a financial interest in item '12.3.4 Salaries and Allowances Tribunal Determination and Elected Members Fees, Allowance and Reimbursements for 2016/17' as she is an Elected Member, and the item discusses gratuity gifts.

Councillor Gillingham did not leave the room.

7:15pm Councillor Hooper declared a financial interest in item '12.3.4 Salaries and Allowances Tribunal Determination and Elected Members Fees, Allowance and Reimbursements for 2016/17' as he is an Elected Member, and the item discusses gratuity gifts.

Councillor Hooper did not leave the room.

7:15pm Councillor Arif declared a financial interest in item '12.3.4 Salaries and Allowances Tribunal Determination and Elected Members Fees, Allowance and Reimbursements for 2016/17' as she is an Elected Member, and the item discusses gratuity gifts.

Councillor Arif did not leave the room.

7:15pm Councillor Melville declared a financial interest in item '12.3.4 Salaries and Allowances Tribunal Determination and Elected Members Fees, Allowance and Reimbursements for 2016/17' as he is an Elected Member, and the item discusses gratuity gifts.

Councillor Melville did not leave the room.

7:15pm Councillor Newbery declared a financial interest in item '12.3.4 Salaries and Allowances Tribunal Determination and Elected Members Fees, Allowance and Reimbursements for 2016/17' as she is an Elected Member, and the item discusses gratuity gifts.

Councillor Newbery did not leave the room.

7:15pm Councillor Whitwell declared a financial interest in item '12.3.4 Salaries and Allowances Tribunal Determination and Elected Members Fees, Allowance and Reimbursements for 2016/17' as he is an Elected Member, and the item discusses gratuity gifts.

Councillor Whitwell did not leave the room.

7:16pm Councillor Tavo declared a financial interest in item '12.3.4 Salaries and Allowances Tribunal Determination and Elected Members Fees, Allowance and Reimbursements for 2016/17' as he is an Elected Member, and the item discusses gratuity gifts.

Councillor Tavo did not leave the room.

The Chief Executive Officer read out the following letter from the Department of Local Government and Communities.



Government of **Western Australia**
Department of **Local Government and Communities**

Our Ref: 20160079; PH1-7#05; E1622596

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

Email: ceo@porthedland.wa.gov.au

Dear Mr Osborne

I refer to your correspondence dated 20 May 2016 and advise that, in accordance with authority delegated by the Minister for Local Government, the Executive Director Sector Regulation and Support has approved the Town of Port Hedland's application under section 5.69(3)(a) of the *Local Government Act 1995* (the Act).

This approval allows all nine (9) disclosing members; councillor's Kelly Howlett, Camilo Blanco, Jan Gillingham, David Hooper, Julie Arif, Troy Melville, Louise Newbery, Richard Whitwell and Lincoln Tavo to fully participate in the discussion and decision making relating to the below-mentioned item at the Town's Ordinary Council Meeting of 25 May 2016;

"12.3.4 Salaries and Allowances Tribunal Determination and Elected Members Fees, Allowance and Reimbursements for 2016/17"

Subject to the following conditions:

1. The approval is only valid for the abovementioned item, when it is considered at the Town's Ordinary Council Meeting of 25 May 2016;
2. The abovementioned councillor's must declare the nature and extent of their interest in the item, at the meeting when the matter is considered, together with the approval provided;
3. You, as the CEO, are to provide a copy of the Department's letter of approval to the abovementioned councillor's;
4. You, as the CEO, are to ensure that the declaration, including the approval given and any conditions imposed are recorded in the minutes of the abovementioned meeting, when the item is considered;
5. You, as the CEO, are to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and

Gordon Stephenson House
140 William Street Perth WA 6000
GPO Box R1250 Perth WA 6844

Tel: (08) 6551 8700 Fax: (08) 6552 1555 Freecall: 1800 620 511 (Country only)
Email: info@dlgc.wa.gov.au Website: www.dlgc.wa.gov.au

6. The approval granted is based solely on the interest disclosed by the councillor's, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

Should you require further information in relation to this matter, please contact Mr Ron Murphy, Manager Sector Governance on 6552 1669 or via email to ron.murphy@dlgc.wa.gov.au.

Yours sincerely



Jenni Law
DIRECTOR, LOCAL GOVERNMENT REGULATION AND SUPPORT

24 May 2016

12.3.4 Salaries and Allowances Tribunal Determination and Elected Members Fees, Allowance and Reimbursements for 2016/17

Author: Grace Waugh, Coordinator Governance
Authorising Officer: Dale Stewart, Acting Director Corporate Services
File No. 13/01/0009

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/239 COUNCIL DECISION

MOVED: CR HOOPER

SECONDED: CR BLANCO

That Council suspend sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 in accordance with section 18.2 'Suspension of Standing Orders' to discuss item '12.3.4 Salaries and Allowances Tribunal Determination and Elected Members Fees, Allowance and Reimbursements for 2016/17'.

CARRIED BY ABSOLUTE MAJORITY VOTE 9/0

7:25pm Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law are suspended.

201516/240 COUNCIL DECISION

MOVED: CR WHITWELL

SECONDED: CR HOOPER

That Council resume sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014.

CARRIED 9/0

7:27pm Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law are resumed.

201516/241 RECOMMENDATION/COUNCIL DECISION

MOVED: CR GILLINGHAM

SECONDED: CR HOOPER

That, with respect to policy 4/008 'Elected Member Entitlements' and the 2016/17 Elected Member fees and allowances, Council:

- 1. Adopt the following percentages in respect to fees and allowances for 2016/17:**
 - Mayor Allowance: 98.5% (\$87,550) of yearly maximum SAT determination**
 - Deputy Mayor Allowance: 25% of Mayoral allowance**
 - Councillors' Annual Attendance Fee: 98.5% (\$30,900) of yearly maximum SAT determination**
 - Mayor Annual Attendance Fee: 98.5% (\$46,350) of yearly maximum SAT determination**
 - ICT Allowance: 100% of yearly maximum SAT determination**
- 2. Amend policy 4/008 'Elected Member Entitlements' as per attachment 2 and incorporating Part 1 above.**

CARRIED BY ABSOLUTE MAJORITY VOTE 9/0

EXECUTIVE SUMMARY

Council is requested to consider setting a fixed percentage for its fees and allowances. This percentage will be calculated based on the annual Salaries and Allowances Tribunal (SAT) determinations which will be included as a line item each year as part of the Council's budget adoption.

DETAILED REPORT

At the 25 March 2015 Ordinary Meeting Council (decision 201415/206) the Elected Member fees and allowances for 2015/16 were set at 100% of the maximum of the SAT determination for the mayoral allowance, deputy mayor allowance, elected member annual attendance fee, mayoral attendance fee and ICT allowance.

It is proposed that Council reconsider the percentage which will be used to calculate yearly Elected Members' fees and allowances based on the 12 April 2016 SAT determination under the Salaries and Allowances Act 1975. This percentage will be included as part of policy 4/008 'Elected Member Entitlements'.

Provided that the amount allocated for Mayor and Councillor fees and allowances is in accordance with the bands set for each item by the SAT, it is at Council's discretion to decide what amount or percentage to grant to all members. The Town of Port Hedland remains in band 1 as set by SAT.

Annual attendance fees and allowances

Each council member is entitled to be paid meeting attendance fees. The fee for attending a meeting is not a salary but a recognition of the amount of time and effort members must put into preparing for Council and committee meetings.

In addition the Mayor is entitled to an annual allowance. Councils also have the discretion to provide an annual allowance for the Deputy Mayor of a certain percentage of the annual allowance to which the Mayor is entitled.

Attachment 3 sets out the fees and allowances based on alternative percentages of the maximum amount set by SAT. It should be noted that the Deputy Mayoral allowance is not a percentage of the SAT maximum amount. It is a percentage of the 16/17 Mayor Allowance. The SAT does not set a maximum amount for the Deputy Mayor Allowance, but rather sets a standard 25% of the Mayor Allowance.

Elected members are presented with a range of options for their annual allowance and it is at Council's discretion to determine the annual allowances. Should no decision be made by Council the current policy will remain at 100% of the maximum of the SAT determination.

With regard to travel and childcare, these items will continue to be reimbursed as per legislation, as reflected in policy 4/008 Elected Member Entitlements.

Further, to improve the clarity and alleviate confusion, it is proposed to amend section 3.4 of policy 4/008 (refer attached) that deals with expenditure relating to immediate family, partners and spouses accompanying elected members on Town of Port Hedland business.

Changes to the Policy 4/008 'Elected Member Entitlements'

Section	Main Changes
2.1 'Childcare'	Reference to the Public Service Award 1992 has been removed as the reimbursement cost is outlined in the SAT determination.
2.2 'Travel'	Reference to the Public Service Award 1992 has been changed to the Local Government Officers' (Western Australia) Interim Award 2011 as that is the reference included in the SAT determination.
3.4 'Rewards Program'	This is a new section that outlines that Elected Members should not use their personal rewards programs for any travel or accommodation booked and paid for by the Town of Port Hedland as this would result in a personal gain for the Elected Member.

Sections 3.2 'Bookings' and 3.3 'Bookings changes and cancellations' outlines the process for the booking of Elected Member travel. If Elected Members need to make a change or cancellation to any booking due to personal reasons it is the responsibility of the Elected Member to make the changes and bear the costs. If there is a change or cancellation to a booking due to Town of Port Hedland operations then the responsible Town officer will make the necessary changes and the Town will bear the cost.

It should be noted that the stipulations in relation to reimbursements, travel, accommodation and rewards programs also apply to Town officers and are incorporated in the relevant Town procedures.

Consultation

A presentation was made to Elected Members at the Confidential Concept Forum held on Wednesday 30 March 2016 to outline the SAT determination process and potential percentages for elected member allowances. A range of percentage options have been presented as part of this agenda item as per the discussion held with elected members in March.

FINANCIAL AND RISK IMPLICATIONS

Determining a percentage for all Elected Members fees and allowances will assist the Town in setting its 2016/17 Annual Budget. Attachment 3 details the impact that the various percentages will have on the Town's operating Budget.

Should Elected Members choose to receive the minimum SAT determination it will be a savings of \$147,310 compared to the 2015/16 Budget. If 80% of the maximum SAT determination is chosen an \$82,057 saving would be made compared to the current 2015/16 Budget. Choosing 90% of the maximum SAT determination would result in a \$38,003 saving compared to the current 2015/16 Budget. Should Elected Members choose to receive 100% of the maximum SAT determination the Budget would need to increase by \$6,050 compared to the current 2015/16 Budget.

STATUTORY AND POLICY IMPLICATIONS

The WA Salaries and Allowances Act 1975 outlines the process and the guidelines for how SAT determines Elected Member fees and allowances.

Elected Members fees and allowances are outlined under sections 5.98, 5.98A and 5.99A(b) of the Local Government Act 1995. Sections 30, 31(1)(b), 32 of the Local Government (Administration) Regulations 1996 provides the details as to what Elected Members fees and allowances are available.

Policy 4/008 'Elected Members Entitlements' was created to formalise what Elected Members are entitled to. Town officers are recommending that the policy be amended to reflect the new fees set by Council. It should be noted however that as the existing (and proposed amended) Policy includes the discretionary element of a nominal farewell gift to elected members, that this necessitates a suggested financial interest disclosure by each elected members which, without the Minister for Local Governments exemption, pursuant to Section 5.69 of the Local Government Act 1995 would result in a predicted lack of a quorum to deal with the matter.

Accordingly the CEO has initiated a request for an exemption, which is hoped to be received prior to the Council Meeting, to enable discussion by elected members.

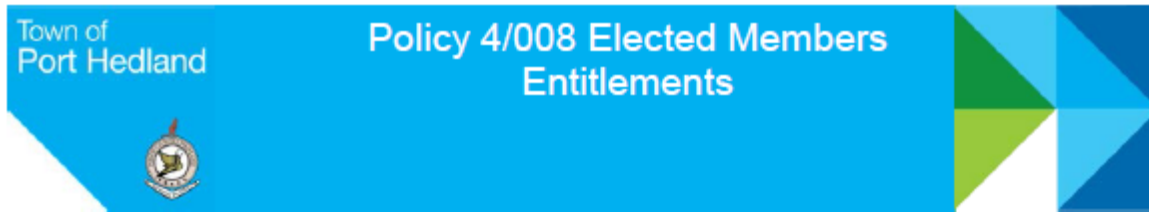
Section 4.2 'Engage our community and stakeholders' of the Strategic Community Plan 2014 – 2024 applies as ensuring Elected Members have appropriate fees and allowances ensures transparent and accountable civic leadership.

ATTACHMENTS

1. Determination of the Salaries and Allowances Tribunal for Local Government CEOs and Elected Members 12 April 2016 (Under Separate Cover)
2. Amended policy 4/008 'Elected Member Entitlements' (as amended)
3. Elected Member Fee breakdown

05 May 2016

ATTACHMENT 2 TO ITEM 12.3.4

**4/008 ELECTED MEMBERS ENTITLEMENTS****Policy Objective**

Elected Members are required to perform a number of functions to fulfil their civic duties. This policy sets out the level of fees, allowances and reimbursements available to Elected Members to ensure they are able to effectively carry out these functions and ensure that they are not financially disadvantaged when performing their duties.

Policy Content**1. FEES AND ALLOWANCES**

In the absence of Council determining the fees and allowances each year the below percentages will prevail.

1.1 Annual Meeting Attendance Fees

The Annual Meeting Attendance Fee is ~~400~~__% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.

1.2 Mayoral Allowance

The Mayoral Allowance is ~~400~~__% of the yearly maximum SAT determination.

1.3 Deputy Mayoral Allowance

The Deputy Mayoral Allowance is 25% of the Mayoral Allowance as determined under point 1.2.

1.4 Information and Communication Technology (ICT)

The ICT Allowance is ~~400~~__% of the yearly maximum SAT determination.

The ICT Allowance is for costs relating to telephone and facsimile usage and other expenses that relate to information and communications technology i.e. telephone/fax call charges, consumables and internet service provider fees (must be of sufficient capability to download Town documents).





Elected Members are encouraged to utilise this allowance for the purchase of mobile device as Members will be supplied with electronic copies of meeting papers and will be requested to bring their device to meetings.

1.5 Conditions Relating to Payment of Fees and Allowances

All Allowances and Fees shall be paid automatically unless an Elected Member has advised the Chief Executive Officer in writing that he/she does not want to claim any or part of those.

The taxation liability arising from these payments is the individual responsibility of each Elected Member.

All the above fees and allowances are to be paid monthly in arrears, in the third week of each month.

1.6 Acting Role

If the Deputy Mayor has taken leave of absence for a period in excess of one month and another Elected Member is acting in that capacity then that Elected Member shall be entitled to the higher pro rata annual meeting fee and allowance.

2. REIMBURSEMENTS

2.1 Childcare

Elected Members are entitled to be reimbursed for childcare costs incurred because of a Member's attendance at a Council or Committee meeting as per section 31 of the LG Administration Regulations 1996 within the parameters stipulated by the SAT ~~and the Public Service Award 1992.~~

In accordance with section 32(1)(c) of the LG Administration Regulations 1996 Elected Members may be reimbursed for the following informal meetings:

- Weekly Elected Members and CEO catch ups
- ~~Weekly Confidential e~~Concept ~~f~~Forums
- ~~Monthly Public a~~Agenda ~~b~~Briefings
- Community conversations
- Training and Conferences

2.2 Travel





Elected Members are entitled to be reimbursed for travel costs incurred whilst using their own private vehicle to attend a Council or Committee meeting within the Town of Port Hedland district as per section 31 of the LG Administration Regulations 1996 within the parameters stipulated by the SAT and ~~the section 30.6 of the Public Service Award 1992~~ Local Government Officers' (Western Australia) Interim Award 2011. The reimbursement for the fuel being on a cents per kilometre basis.

Where Elected Members are representing the Town of Port Hedland Council at meetings outside the Town's district they are required to utilise a Town's vehicle and its fuel card where available. Where a Town of Port Hedland vehicle is not available and the Elected Member has to utilise his/her personal vehicle, he/she will be entitled to be reimbursed on a cents per km basis in accordance with the Public Service Award 1992. Where a Town of Port Hedland vehicle is available and he/she chooses to use their own vehicle, then costs will be reimbursed on actual fuel costs supported by appropriate tax invoices.

2.3 Claims Procedure and Time Limit

Elected Members electing to receive reimbursement of expenses in accordance with the provisions of this policy must submit their receipts and other supporting documents verifying the amount incurred and the period being claimed for prior to any reimbursement being made.

Claims for reimbursement must be submitted no later than 30 days after the end of the month in which the expenses were incurred.

Under no circumstances is any reimbursement to be made in connection with costs incurred for re-election to office.

3. TRAINING, CONFERENCES and EVENTS

3.1 Attendance

Council makes an annual allocation in the Town's budget to provide the opportunity for ~~Councillors~~ Elected Members to participate in appropriate training, conferences and events. Elected Members are permitted to attend these in accordance with this policy up to an amount not exceeding the annual budget allocation per Elected Member without further approval from Council.

The following training/conferences are identified as examples relevant to Elected Members' role and responsibilities:





- a) WALGA or Australian Institute of Management (AIMWA) or Australian Institute of Company Directors
- b) WALGA's Annual Local Government Week Conference and associated courses
- c) Pilbara Kimberley Joint Forum
- d) Team building exercises
- e) Any training session, conference or event considered by the Chief Executive Officer and the Mayor to be directly relevant to the performance for the Town of its functions including leadership, planning, financial management, corporate governance and social infrastructure.

Upon commencement of office an Elected Member will be provided with the opportunity to attend WALGA introductory training sessions. This will also be offered to all other Elected Members as refresher training should the training be held in Port Hedland.

During the caretaker period training and conferences will not be booked for those Elected Members seeking re-election.

Members are to submit a report to the ~~Council~~ Chief Executive Officer covering key messages on the benefits of their training/conference/event the month after it has taken place to be included in the information bulletin and published on the Town of Port Hedland website.

3.2 Bookings

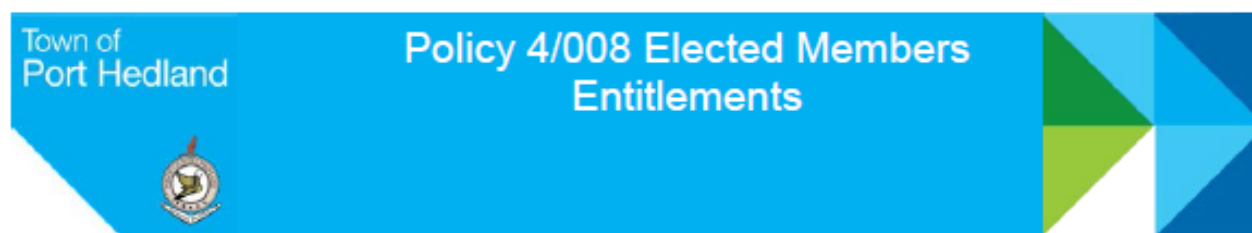
All bookings associated with Elected Members' travel will be arranged by a Town's officer nominated by the Chief Executive Officer and will include:

- Registration fees;
- Travel to and from conference, study, seminars, conventions, etc;
- Accommodation;
- Meals and incidentals where required;

The Town will endeavour to seek any discount possible to minimise the cost to the ~~Council~~ Town, whilst ensuring that an appropriate standard is obtained. All travel will be booked at economy rates, and any upgrade will be made at the Member's expense.

All travel while away from Port Hedland will be by taxi, through the use of cab charges provided prior to departure from Port Hedland.





Accommodation is to be arranged at an appropriate standard in reasonable proximity to where the majority of the purpose for the visit is to occur (i.e. hotel where conference is being presented). Should an Elected Member choose not to stay at the relevant hotel, a daily allowance of \$100 will be paid in lieu of accommodation. ~~in accordance with Public Service Award 1992.~~

In the eventuality that meals are not provided at the accommodation, training session or conference, Elected Members will be given an allowance as prescribed from time to time ~~by~~ in the Australian Taxation Office in Taxation Determination as amended from time to time ~~Public Service Award 1992.~~

3.3 Bookings changes and cancellations

Any amendments or cancellations to bookings resulting from a change in Elected Members' personal circumstances should be undertaken by Elected Members at their own cost. Elected Members should inform the CEO prior to the changes taking place. Any other change or cancellation resulting from the Town's operations will be communicated to Elected Members, undertaken by relevant Town officers and paid for by the Town.

3.4 Rewards Program

Elected Members must not benefit from corporate bookings for travel undertaken in their role as Elected Member that is paid for by the Town of Port Hedland. This includes frequent flyer programs and accommodation loyalty schemes. In accordance with the Local Government (Rules of Conduct) Regulations 2007 and the Corruption, Crime and Misconduct Act 2003 Elected Members must not have any personal gain from acting in their role as a representative of the Town of Port Hedland.

3.45 Partners accompanying Elected Members on civic duties

The Town will pay for reasonable expenses for an immediate family member, partner or spouse of an Elected Member when they accompany an Elected Member on Town of Port Hedland business as approved in advance by the CEO. Immediate family members, partners and spouses may accompany Elected Members at other times at their own expense.

4. ITEMS TO BE PROVIDED TO ELECTED MEMBERS

4.1 Corporate Items





4.1 Corporate Items

In order to assist Elected Members in the performance of their duties they will be provided with the following items:

- Business cards
- Name badge
- Corporate wear (Elected Members have the option to receive \$700 worth of corporate wear upon commencement of their office to be purchased through the Town's endorsed catalogue and to be worn when undertaking Council business)
- Professional Membership fees up to \$500 per annum at the discretion of the CEO and Mayor
- Reasonable secretarial-administrative support to include diary management and photocopies to the satisfaction of the Chief Executive Officer which does not extend to:
 - Supply of stationary (excluding the office of the Mayor with the approval of the Chief Executive Officer)
 - Mail outs
 - Photocopying
 - Secretarial duties (letter drafting, meeting organisation on behalf of an Elected Member, phone calls)
 - Directing Town employees
 - Assistance for Elected Members personal commitments eg, serving on external committees or community groups not representing the Town of Port Hedland Council
- Civic Centre building access card

4.3 Recognition of Elected Members

Retiring Elected Members are recognised at the last Ordinary Council meeting before the election or at an official function recognising past Elected Members. Retiring Elected Members are presented with:

- A name plaque
- A certificate of service
- A gift up to the value of \$100 per year of service with a maximum value of \$10500 subject to the minimum length of service being one full four year term of office.

4.4 Office of the Mayor





The Town is to provide to the Mayor, at the Town's cost, the following within the Town's Civic Centre:

- the use of a suitable office;
- access to administrative support with the required allocation to be negotiated with the Chief Executive Officer notwithstanding the points under section 4.1-

5. DISPUTE RESOLUTION

Any disputes in regard to this policy will be referred to the Chief Executive Officer in the first instance. In the event that the Elected Member and the Chief Executive Officer cannot reach an agreement, the matter will be reported to the Council for a decision.

Definitions

Allowance – as defined in the Local Government Act 1995

Reimbursement - as defined in the Local Government Act 1995

Committee Meeting – as defined under section 5.98A(7) of the Local Government Act 1995

Council Adoption Date and Resolution No.	OCM 25 June 2014 201314/360
Date of adoption of amendment and Resolution Number Do not delete previous dates	OCM 25 March 2015 201415/206
Relevant Legislation	Local Government Act 1995 Local Government (Administration) Regulations 1996 Salaries and Allowances Act 1975 Public Service Award 1992
Delegated Authority	N/A
Business Unit	Corporate Information
Directorate	Corporate Services
Review Frequency	Annual



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ATTACHMENT 3 TO ITEM 12.3.4

EM Fee/Allowance	# of EMs	15/16			16/17												
		15/16 Adopted Amount per EM	15/16 Total Amount	% of 15/16 SAT	16/17 SAT Min	SAT Min Total Cost	Variance to 15/16 Budget	16/17 SAT Max	80% of SAT Max per EM	80% of SAT Max Total Amount	Variance to 15/16 Budget	90% of SAT Max per EM	90% of SAT Max Total Amount	Variance to 15/16 Budget	100% of SAT Max per EM	100% of SAT Max Total Amount	Variance to 15/16 Budget
Mayor Allowance	1	\$87,550	\$87,550	100%	\$50,750	\$50,750	-\$38,800	\$88,864	\$71,091	\$71,091	-\$18,459	\$79,978	\$79,978	-\$7,572	\$88,864	\$88,864	\$1,314
Deputy Mayoral Allowance	1	\$21,888	\$21,888	100%	25% of Mayor Allowance	\$12,688	-\$9,200	25% of Mayor Allowance	\$17,773	\$17,773	-\$4,115	\$19,994	\$19,994	-\$1,893	\$22,216	\$22,216	\$329
Mayor Annual Attendance Fee	1	\$48,350	\$48,350	100%	\$24,360	\$24,360	-\$21,990	\$47,046	\$37,637	\$37,637	-\$8,713	\$42,341	\$42,341	-\$4,009	\$47,046	\$47,046	\$696
Councillor Annual Attendance Fee	8	\$30,900	\$247,200	100%	\$24,360	\$194,880	-\$52,320	\$31,364	\$25,091	\$200,730	-\$46,470	\$28,228	\$225,821	-\$21,379	\$31,364	\$250,912	\$3,712
ICT Allowance	9	\$3,500	\$31,500	100%	\$500	\$4,500	-\$27,000	\$3,500	\$2,800	\$25,200	-\$6,300	\$3,150	\$28,350	-\$3,150	\$3,500	\$31,500	\$0
Total			\$434,488			\$287,178	-\$147,310			\$352,430	-\$82,057		\$396,484	-\$38,003		\$440,538	\$6,051

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12.3.5 Annual Review of the Town of Port Hedland Delegation Register

Author: Grace Waugh, Coordinator Governance
Authorising Officer: Dale Stewart, Acting Director Corporate Services
File No. 13/02/0001

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/242 RECOMMENDATION/COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR MELVILLE

That, with respect to the Delegation Register, Council adopt the reviewed register as per attachment 2.

CARRIED BY ABSOLUTE MAJORITY VOTE 9/0

EXECUTIVE SUMMARY

The Council is required to review its delegations to the Chief Executive Officer and Town officers each financial year. Town officers have reviewed the Delegation Register and have made minor amendments. Council is requested to adopt the reviewed Delegation Register.

DETAILED REPORT

The Delegation Register was last reviewed at the Ordinary Council Meeting on Wednesday 24 June 2015 and is therefore required to review the current delegations prior to 30 June 2016.

For ease of reference the Delegation Register lists delegations under the Local Government Act 1995 and also other legislation that the Town's various business units are required to abide by.

Communication with internal and external stakeholders have highlighted a number of changes to delegated powers.

The Town officers consulted as part of this process were:

- Executive Leadership Team
- All Managers
- Coordinator Finance
- Department of Local Government and Communities
- Western Australian Local Government Association

The changes suggested by Managers and Directors were presented to Elected Members at the Confidential Concept Forum on Wednesday 4 May 2016. All recommended changes to delegations are contained in Attachment 1 in track changes. Attachment 2 is the reviewed final Delegation Register that Council is being recommended to adopt.

The reasons for the changes are summarised below:

Local Government Act 1995

A number of delegations under the Local Government Act 1995 are proposed to be amended, deleted and new delegations created because they have been identified as an administrative matter that is not subject of a formal delegation and can simply be resolved via the concept of acting through, as part of a policy or an internal operating procedure.

Amendments

- 1.4 'Write off Debtors (Rates and Others) Up To \$200.00' – this has been amended to per invoice rather than account to assist with internal processing
- 1.8 'Expression of Interests (EOI) and Tenders – the amount the CEO can accept tenders for has been reduced from \$450,000 to \$150,000
- 1.10 'Disposal of Property' – this has only been rearranged. The function being delegated remains the same. The amounts have been increased to reflect the changes to the tender threshold within the Local Government (Functions and General) Regulations 1996
- 1.16 'Appointment of Authorised Persons' – amended to include delegation 1.19 'Powers of Entry'. Reference to a certificate needing to be issued has been removed as this is stated in the Act and is a double up
- 1.17 'Issue Licence to obstruct a public thoroughfare, make and excavation on or adjoining a public thoroughfare, construct a thing on, over or under a public thoroughfare' – amended to include reference as to where the fee is referenced in the Local Government (Uniform Local Provisions) Regulations 1996

Deletions

- 1.3 'Authorisation of Expenditure' – removed as per advice from DLGC and WALGA (attachments 3 and 4) as this is a function of the CEO not a function that Council can delegate
- 1.14 'Licences, Signs and Hoardings' – removed as the local law on signs, hoardings and bill postings has been repealed and replaced by a local planning policy
- 1.19 'Powers of Entry' – removed as it has been included in delegation 1.16 'Appointment of Authorised Persons'

New Delegations

- 1.20 'Acting Chief Executive Officer' – this has been included in conjunction with policy 3/007 'Senior Employees and Appointing Acting Chief Executive Officer'

Tenders

The reduction in the tender acceptance delegation will result in tenders above \$150,000 being presented to Council for acceptance. The reduction to the CEO delegation will impact the time it takes to accept tenders as the process will have to incorporate an additional three weeks to ensure the item is included in the Council Meeting agenda. It can take months to develop a scope of works for a tender depending on the size and type of the project due to safety requirements, risk implications, procurement requirements and the complexity of the project. Once the scope is determined the tender must then be advertised for a minimum of two weeks however is occasionally longer depending on the size of the project. Submissions are then generally assessed within a two week period. Therefore the time from when the Town advertises a tender to when a tender is accepted by Council will be a minimum of seven weeks excluding the development of the scope of works. During previous Delegation Register reviews it has been recommended that Council increase the CEO's delegation for tender acceptance to ensure a more timely procurement process. It is Council's discretion as to the amount the CEO's tender acceptance is set at.

Bush Fires Act 1954

This delegation has been changed to provide the Chief Executive Officer the power to perform functions under the Act including to appoint Bush Fire Control Officers.

Liquor Control Act 1988

This is a new delegation which provides the Chief Executive Officer the power to determine applications under sections 39 and 40 of the Act.

Other Acts

The delegations included in the register under the following Acts have been amended to reflect updated position titles and correct levels of delegations which is why some positions have been deleted.

- Building Act 2011
- Land Administration Act 1997
- Food Act 2008
- Health Act 1911
- Emergency Management Act 2005
- Control of Vehicles (Off Road Areas) Act 1978

FINANCIAL AND RISK IMPLICATIONS

Should the delegation register not be adopted the risk to the Town of Port Hedland is that there would be non-compliance with section 5.18 of the Local Government Act 1995.

There is no direct financial impact with adopting the reviewed Delegation Register as there are no associated costs.

STATUTORY AND POLICY IMPLICATIONS

The yearly review of the Town's delegation register ensures that the Town is compliant with section 5.18 of the Local Government Act 1995.

This exercise is an opportunity for officers to review delegations that impact on their business units and to ensure that the best levels of authority are in place for the smooth running of all Town's operations. The delegation register review assists in the delivery of efficient corporate governance and ensures that the organisation is compliant and accountable.

Section 4.1 'Strategic and best practice local government administration' of the Strategic Community Plan 2014 – 2024 applies as updating the policy manual assists with delivering high quality corporate governance accountability and compliance.

ATTACHMENTS

1. Reviewed Delegation Register with track changes (Under Separate Cover – as amended)
2. Final Delegation Register (Under Separate Cover – as amended)
3. Advice from Department of Local Government and Communities
4. Advice from West Australian Local Government Association

6 May 2016

ATTACHMENT 3 TO ITEM 12.3.5

From: [REDACTED]
Sent: Tuesday, 5 April 2016 11:37 AM
To: Grace Waugh
Cc: [REDACTED]
Subject: RE: Town of Port Hedland yearly delegation register review

Hello Grace,

It is the Department's view that the delegation below (delegation 1.3) may be removed or deleted from the Town's Delegations Register.

The reference to section 6.10(d) of the LG Act is not considered entirely relevant as it only refers to the making of or provision of regulations to deal with the management of and authorisation of payments and is not considered a power or duty to be exercised by the local government, moreover it is a provision to allow for the making of a regulation for that purpose. Also, regulation 5(1)(e) only provides that the CEO is to establish efficient systems and procedures to allow for certain things to be done such as for the proper authorisation for the incurring of liabilities and the making of payments.

The provisions that are considered relevant in this instance are Financial Management Regulations 11(1) & (2) as follows:

A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —

(a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or

methods by which goods, services, money or other benefits may be obtained; and

(b) petty cash systems.

(2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.

If you refer to the Department's Guideline No.17 "Delegations" page 23 you will note that Regulation 11(1) & 11(2) are suitable for acting through arrangements. An acting through arrangement is not considered a delegation and therefore is not required to be recorded in the Delegations Register.

Regards

Stuart Fraser

Principal Advisory Officer

Local Government Regulation and Support

Department of Local Government and Communities

Tel: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

Web: www.dlhc.wa.gov.au

From: Grace Waugh [<mailto:governance@porthedland.wa.gov.au>]

Sent: Tuesday, 5 April 2016 10:07 AM

To: Colin Gray

Subject: Town of Port Hedland yearly delegation register review

Hi Colin,

I've sent this email through to Troy Hancock however have received an out of office. Are you able to help with the below query?

The Town is currently undertaking the yearly review of its delegation register and is seeking your advice on the deletion of the current Authorisation of Expenditure delegation 1.3 in the Delegation Register, quoted below:

LEGISLATIVE POWER

Local Government Act 1995 Section 6.10(d)

DELEGATE

Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority under section 6.10 (d) of the Local Government Act 1995 and Local Government (Financial Management) Regulation 5(1) (e) to authorise expenditure for the supply of goods or services where expenditure has been approved in the annual budget in accordance with Council Procurement Policy 2/007 or otherwise approved in accordance with Section 6.8 of the LG Act 1995.

It has come to the Town's attention that this might not be considered as a formal delegation from Council to the CEO, and a subdelegation from the CEO to officers under a specific section of the LG Act 1995, but rather an internal authorisation from the CEO to staff only, as part of the CEO's functions.

I have noticed that there are some LGs that don't have an authorisation of expenditure delegation and only have a payments from the municipal and trust fund delegation however there are some LGs that have a specific purchase order delegation from Council to the CEO and then subdelegation from CEO to officers.

If you could provide some advice on the above it would be appreciated.

Thanks



Grace Waugh

Governance Officer, Corporate Information

PO Box 41 Port Hedland WA 6721

Ph: (08) 9158 9357 Fax: (08) 9158 9399

Email: governance@porthedland.wa.gov.au

Website: www.porthedland.wa.gov.au

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ATTACHMENT 4 TO ITEM 12.3.5

From: James McGovern
Sent: Tuesday, 5 April 2016 11:38 AM
To: Grace Waugh
Subject: RE: Town of Port Hedland yearly delegation register review

Hi Grace,

Thanks for the enquiry. In response:

- A delegation cannot relate to Section 6.10 of the LG Act, as this section solely provides the power to prescribe regulations;
- Regulation 5 of the FM Regulations describes the duties of the CEO in relation to establishing systems and procedures, so any delegation should not reference these existing powers;
- It is normal practice for Councils to delegate responsibility to the CEO to incur liabilities and make payments from the municipal fund, where funds are available in the annual budget, and in accordance with the Town's established procedures (i.e. Regulation 5(e) – for example, under the Town's Purchasing Policy);
- Councils also normally establish a separate delegation authorising the CEO to accept tenders for the provision of goods and services under Section 3.58 of the LG Act and Regulation 18 of the Functions and General Regulations, and set an associated threshold value for this purpose (i.e. tenders up to \$150,000)

I hope this information is helpful.

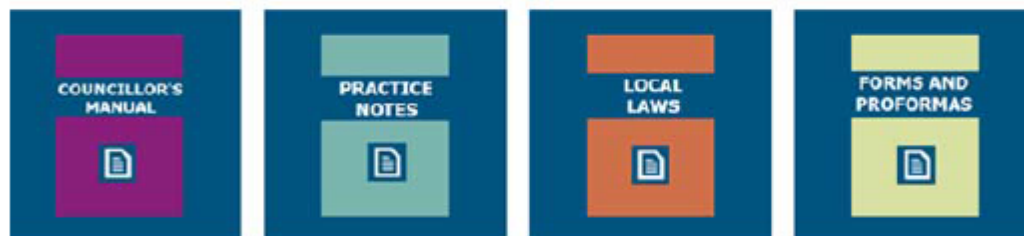
Kind regards,

James

James McGovern | Manager Governance | WALGA

(p) | (mob) | (f) | (e)

WALGA's Complete Guide to the Local Government Act and Local Laws – subscribe [here](#).



www.walga.asn.au

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From: Grace Waugh [mailto:governance@porthedland.wa.gov.au]
Sent: Tuesday, 5 April 2016 9:59 AM
To: James McGovern

Cc: Josephine Bianchi
Subject: Town of Port Hedland yearly delegation register review

Hi James,

The Town is currently undertaking the yearly review of its delegation register and is seeking your advice on the deletion of the current Authorisation of Expenditure delegation 1.3 in the Delegation Register, quoted below:

LEGISLATIVE POWER Local Government Act 1995 Section 6.10(d)
DELEGATE Chief Executive Officer
FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority under section 6.10 (d) of the Local Government Act 1995 and Local Government (Financial Management) Regulation 5(1) (e) to authorise expenditure for the supply of goods or services where expenditure has been approved in the annual budget in accordance with Council Procurement Policy 2/007 or otherwise approved in accordance with Section 6.8 of the LG Act 1995.

It has come to the Town's attention that this might not be considered as a formal delegation from Council to the CEO, and a subdelegation from the CEO to officers under a specific section of the LG Act 1995, but rather an internal authorisation from the CEO to staff only, as part of the CEO's functions.

I have noticed that there are some LGs that don't have an authorisation of expenditure delegation and only have a payments from the municipal and trust fund delegation however there are some LGs that have a specific purchase order delegation from Council to the CEO and then subdelegation from CEO to officers.

If you could provide some advice on the above it would be appreciated.

Thanks



Grace Waugh
Governance Officer, Corporate Information
PO Box 41 Port Hedland WA 6721
Ph: (08) 9158 9357 Fax: (08) 9158 9399
Email: governance@porthedland.wa.gov.au
Website: www.porthedland.wa.gov.au

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12.3.6 Review of Policy 1/017 'Order of Business for Council and Committee Meetings'

Author: Grace Waugh, Coordinator Governance

Authorising Officer: Dale Stewart, Acting Director Corporate Services

File No. 04/03/0001

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/243 COUNCIL DECISION

MOVED: CR GILLINGHAM

SECONDED: CR HOOPER

That Council suspend sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 in accordance with section 18.2 'Suspension of Standing Orders' to discuss item '12.3.6 Review of Policy 1/017 'Order of Business for Council and Committee Meetings'.

CARRIED BY ABSOLUTE MAJORITY VOTE 9/0

7:37pm Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law are suspended.

7:37pm Councillor Arif left the room.

7:39pm Councillor Arif re-entered the room and resumed her chair.

201516/244 COUNCIL DECISION

MOVED: CR MELVILLE

SECONDED: CR HOOPER

That Council resume sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014.

CARRIED 9/0

7:44pm Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law are resumed.

RECOMMENDATION/MOTION

MOVED: CR HOOPER

SECONDED: CR ARIF

That, with respect to policy 1/017 'Order of Business for Council and Committee Meetings', Council adopt the changes as listed in Attachment 2 of this report.

201516/245 AMENDMENT/COUNCIL DECISION**MOVED: CR BLANCO****SECONDED: CR MELVILLE**

That Council amend the motion to include ‘as amended with the inclusion of item 8 ‘Questions from Members without Notice’.

CARRIED 6/3

For	Against
Councillor Blanco Councillor Gillingham Councillor Melville Councillor Newbery Councillor Whitwell Councillor Tavo	Mayor Howlett Councillor Hooper Councillor Arif

201516/246 AMENDED MOTION/COUNCIL DECISION**MOVED: CR HOOPER****SECONDED: CR ARIF**

That, with respect to policy 1/017 ‘Order of Business for Council and Committee Meetings’, Council adopt the changes as listed in Attachment 2 of this report as amended with the inclusion of item 8 ‘Questions from Members without Notice’.

***THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION
WHICH WAS PUT AND CARRIED 9/0***

EXECUTIVE SUMMARY

Council is requested to consider reviewing its Policy 1/017 ‘Order of Business for Council and Committee Meetings’. The policy sets out the order in which business is to be considered and provides information on the matters to be determined at the meeting.

DETAILED REPORT

Clause 5.2 (1) of the Town’s Local Law on Standing Orders stipulates that ‘the order of business of an ordinary meeting of the council or a committee shall be determined by the Council from time to time’. This was achieved by the implementation of Policy 1/017 adopted by the Council at its Ordinary meeting of 26 November 2014.

The policy sets out the order in which business is to be considered and provides information on the matters to be determined at the meeting.

This policy is now represented for Council’s consideration with a number of proposed changes which should streamline each Council and Committee meeting, and ensures that the priority remains with making decisions on recommendations made in Officers’ reports and Committee meeting minutes.

Below is a table highlighting the current order of business and the suggested changes:

Item Description	Proposed Change
Item 1 - Opening of the Meeting	Item 1 Opening of the Meeting
Item 2 - Acknowledgment of Traditional Owners	Item 2 Acknowledgment of Traditional Owners
Item 3 - Recording of Attendance	Item 3 Recording of Attendance
Item 4 - Response to Previous Questions	Item 3.1 Attendance Item 3.2 Apologies Item 3.3 Approved Leave of Absence Item 3.4 Disclosure of Interests
Item 5.1 - Public Question Time Item 5.2 - Public Statement Time	Item 4 Response to Previous Questions
Item 6 - Questions from Members without Notice	Item 5 Applications for Leave of Absence
Item 7 - Declarations of all Members to have Given Due Consideration to all Matters Contained in the Business Paper before the Meeting	Item 6 Attendance by Telephone/Instantaneous Communications
Item 8 - Confirmation of Minutes of Previous Meeting	Item 7 Public Time
Item 9 - Announcements by Presiding Member without Discussion	Item 7.1 Public Question Time Item 7.2 Public Statement Time Item 7.3 Petitions/ Deputations/ Presentations/ Submissions
Item 10 - Reports by Elected Members without Discussions	Item 8 Declarations of all Members to have Given Due Consideration to all matters Contained in the Business Paper before the Meeting
Item 11- Petitions/Deputations/Presentations/Submissions	Item 9 Confirmation of Minutes of Previous Meeting
Item 12 - Reports of Officers	Item 10 Announcements by Presiding Member without Discussion
Item 13- Late Items as Permitted by the Presiding Member/Council	Item 11 Reports of Officers
Item 14 - Motions of Which Previous Notice has been given	Item 12 Reports of Committees
Item 15 - Reports of Committees	Item 13 Motions of Which Previous Notice has been given
Item 16 - Confidential Items	Item 14 New business of an urgent nature
Item 17 - Applications for Leave of Absence	Item 15 Matters for which Meeting may be Closed
Item 18- Attendance by Telephone/Instantaneous Communications	Item 16 Closure
Item 19.1 Date of Next Meeting	Item 16.1 Date of Next Meeting Item 16.2 Closure
Item 19.2 Closure	

The reasons for the changes are supported by the Department of Local Government and Communities who gave initial advice to the Town following their visit in late 2015 to undertake the Better Practice Review program, which included attendance at the November Council meeting. The DLGC further supported this initial advice in writing in February 2016 (attachment 3) and as part of their site visit and attendance at the Council Meeting in April 2016.

The main changes and associated reasoning are listed as follows:

Item 3 – Recording of Attendance

It is recommended that disclosure of interest be included under this section so that all Elected Members and Town officers are required to declare any interests they have in any items prior to members of the public being able to ask questions or make statements on any items. This process would be more transparent to the community.

Item 6 – Questions from members without notice

It is recommended that this item be deleted. Elected Members currently have the opportunity to ask the Town's administration questions at any time throughout the month and also at Public Agenda Briefings. By removing this item the Council will be able to attend to the business of the meeting in a more timely manner, which will also give members of the public the opportunity to stay for the entire length of the meeting and experience the decision making process of the Council first hand. The DLGC further supported the removal of questions from members without notice at the April 2016 Ordinary Council Meeting where feedback was provided as it took 1.5hrs before Council reached the decision making matters contained within the agenda.

Item 10 - Reports by Elected Members without Discussions

This item is also proposed to be deleted to ensure the Council is able to attend to the business of the meeting in a more timely and efficient manner. It is considered that the deletion of this item will ensure that unnecessary long meetings and increased Council focus on decision making.

Item 11 – Petitions/Deputations/Presentations/Submissions

It is recommended that this item is included as part of Item 5 which deals with Public Question Time and Public Statement Time, so that all items in which the Public can participate are dealt with at the same time.

Item 13- Late Items as Permitted by the Presiding Member/Council

It is proposed to rename this item to 'New Business of an Urgent Nature' to reflect clause 5.5 of the Town's Local Law on Standing Orders which stipulates that "In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding member that is carried by the meeting, be raised without notice and decided by the meeting".

Item 15 Reports of Committees

It is recommended that this item should follow Item 12 'Reports of Officers' as both deal with matters requiring Council decisions, as per the DLGC's suggestion.

Items 13 'Late Items as Permitted by the Presiding Member/Council' and Item 14 'Motions of Which Previous Notice has been given'

It is recommended that these items should change priority in the order of business as the DLGC has stated that previous notice of motions should have priority over late items.

Item 16 - Confidential Items

It is recommended to rename this item to 'Matters for which meeting may be closed' as per section 6.15(1)(a) of the Town's Local Law on Standing Orders.

Items 17 Applications for Leave of Absence and 18 Attendance by Telephone/Instantaneous Communications

It is recommended that these items should be included straight after Item 4 'Response to Previous Questions' , as per the DLGC's suggestion, which states that it is possible to grant leave of absence or approve attendance by telephone at the start of a meeting for the balance of that meeting.

The Western Australian Local Government Association (WALGA) booklet on Meeting and Procedures and Debating (extract under attachment 4) which Elected Members recently attended has also been made reference to whilst writing this item.

WALGA's suggested order is as follows:

1. Official opening
2. Public question time
3. Apologies and leave of absence
4. Petitions
5. Confirmation of minutes
6. Announcements by the person presiding without discussion
7. Matters for which the meeting may be closed
8. Reports
9. Motions of which previous notice has been given
10. Questions by members of which due notice has been given
11. Urgent business approved by the person presiding or by decision
12. Matters behind closed doors
13. Closure

WALGA's order of business is very succinct, so the Town recommends to expand upon it to ensure that public participation is maximized, and that Public Statement Time and Deputations, Presentations and Submission from the Public continue to be included.

As the DLGC noted that questions from members seemed to be an unnecessary provision not provided by the majority of local governments, research was also undertaken in this area. The Town checked the order of business for the following local governments and found that they did not have items related to questions from members without notice.

- City of Karratha
- Shire of Broome
- City of Melville
- City of Perth
- City of Stirling

Some of these local governments did have items which provided for questions from members for which previous notice has been given, similarly to WALGA, however, given the Town also runs Public Agenda Briefings, it is considered that these forums represent an appropriate avenue for elected members' questions without notice to be raised.

Consultation

Internal

- Executive Leadership Team
- Governance team

External

- DLGC representatives
- WALGA training handbook
- City of Karratha agendas on website
- Shire of Broome agendas on website
- City of Melville agendas on website
- City of Perth agendas on website
- City of Stirling agendas on website
- DLGC - A Guide to the Preparation of Agendas and Minutes for Local Governments in WA published in 2000
- DLGC – A Guide to Meetings – published 2013

FINANCIAL AND RISK IMPLICATIONS

There are no financial implications associated with the adoption of this revised policy.

In terms of risk, should the Council not adopt the proposed changes to this policy, it is considered that Council and Committee meetings will not be run in accordance to best practice. The purpose of Council and Committee meetings are for decision to be made on reports presented by officers. Extremely lengthy meetings that are not primarily focused on the items included in the agendas might impact on the quality of Council and Committee members' decision making.

STATUTORY AND POLICY IMPLICATIONS

Section 4.1 'Strategic and best practice local government administration' of the Strategic Community Plan 2014 – 2024 applies as updating this policy will assist with delivering high quality corporate governance accountability and compliance.

Clause 5.2 (1) of the Town's Local Law on Standing Orders stipulates that 'the order of business of an ordinary meeting of the council or a committee shall be determined by the Council from time to time'.

Policy 1/017 'Order of Business for Council and Committee Meetings' was adopted by the Council at its Ordinary meeting of 26 November 2014.

ATTACHMENTS

1. Current Policy 1/017 order of Business for Council and Committee Meetings
2. Proposed Policy 1/017 order of Business for Council and Committee Meetings (as amended)
3. DLGC advice
4. Extract from WALGA's meeting procedures and debating booklet

5 April 2016

ATTACHMENT 1 TO ITEM 12.3.6

**1/017 ORDER OF BUSINESS FOR COUNCIL AND COMMITTEE MEETINGS****Policy Objective**

The Town of Port Hedland Standing Orders Local Law 2014 allows for the order of business of all Council and Committee meetings to be determined by Council from time to time. The order of business outlines how the agenda for the meeting will be structured and in what order all meeting will be run.

All Council and Committee meetings shall follow the same order of business.

Policy Content

The order of business at all Council and Committee meetings of the Town of Port Hedland shall be as follows and may be altered by a Council or Committee decision.

- Item 1 Opening of the Meeting
- Item 2 Acknowledgment of Traditional Owners
- Item 3 Recording of Attendance
- Item 4 Response to Previous Questions
- Item 5 Public Time
 - Item 5.1 Public Question Time
 - Item 5.2 Public Statement Time
- Item 6 Questions from Members without Notice
- Item 7 Declarations of all Members to have Given Due Consideration to all Matters Contained in the Business Paper before the Meeting
- Item 8 Confirmation of Minutes of Previous Meeting
- Item 9 Announcements by Presiding Member without Discussion
- Item 10 Reports by Elected Members without Discussions
- Item 11 Petitions/Deputations/Presentations/Submissions
- Item 12 Reports of Officers
- Item 13 Late Items as Permitted by the Presiding Member/Council
- Item 14 Motions of Which Previous Notice has been given
- Item 15 Reports of Committees
- Item 16 Confidential Items
- Item 17 Applications for Leave of Absence
- Item 18 Attendance by Telephone/Instantaneous Communications
- Item 19 Closure
 - Item 19.1 Date of Next Meeting
 - Item 19.2 Closure

Definitions

Council meeting means an Ordinary or Special meeting of the Town of Port Hedland Council.





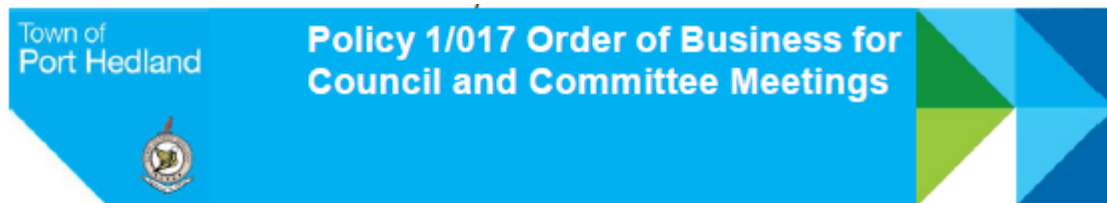
Presiding Member means the Mayor of the Town of Port Hedland.

Teleconference means a suitable place and meeting must be specified. A suitable place is defined as a townsite or other residential area within the State of Western Australia only. Approval to attend via teleconference cannot be granted for more than half of the meetings in a financial year.

Council adoption date and resolution no.	26 November 2014 OCM 201415/116
Date of adoption of amendment and resolution number do not delete the previous dates	
Relevant legislation	Local Government Act 1995 Local Government (Administration) Regulations 1996 ToPH Standing Orders Local Law 2014
Delegated authority	N/A
Business unit	Governance
Directorate	Corporate Services
Review frequency	As required



ATTACHMENT 2 TO ITEM 12.3.6

**1/017 ORDER OF BUSINESS FOR COUNCIL AND COMMITTEE MEETINGS****Policy Objective**

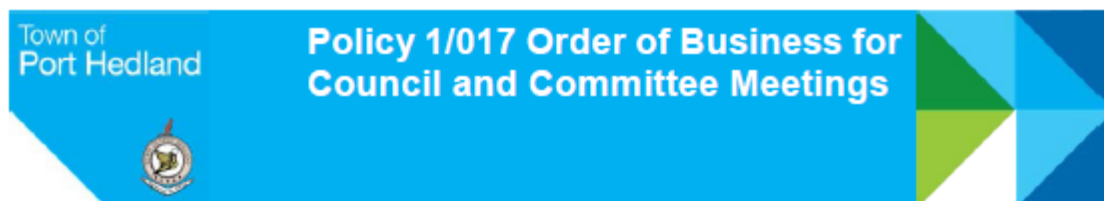
The Town of Port Hedland Standing Orders Local Law 2014 clause 5.2 allows for the order of business of all Council and Committee meetings to be determined by Council from time to time. The order of business outlines how the agenda for the meeting will be structured and in what order all meeting will be run.

All Council and Committee meetings shall follow the same order of business.

Policy Content

The order of business at all Council and Committee meetings of the Town of Port Hedland shall be as follows and may be altered by a Council decision.

- Item 1 Opening of the Meeting
- Item 2 Acknowledgment of Traditional Owners
- Item 3 Recording of Attendance
 - Item 3.1 Attendance
 - Item 3.2 Apologies
 - Item 3.3 Approved Leave of Absence
 - Item 3.4 Disclosure of Interests
- Item 4 Response to Previous Questions
- Item 5 Applications for Leave of Absence
- Item 6 Attendance by Telephone/Instantaneous Communications
- Item 7 Public Time
 - Item 7.1 Public Question Time
 - Item 7.2 Public Statement Time
 - Item 7.3 Petitions/Deputations/Presentations/Submissions
- Item 8 Declarations of all Members to have Given Due Consideration to all matters Contained in the Business Paper before the Meeting
- Item 9 Confirmation of Minutes of Previous Meeting
- Item 10 Announcements by Presiding Member without Discussion
- Item 11 Reports of Officers
- Item 12 Reports of Committees
- Item 13 Motions of Which Previous Notice has been given
- Item 14 New business of an urgent nature
- Item 15 Matters for which Meeting may be Closed (Confidential Matters)
- Item 16 Closure
 - Item 16.1 Date of Next Meeting



Item 16.2 Closure

Definitions

Council meeting means an Ordinary or Special meeting of the Town of Port Hedland Council.

Presiding Member means the Mayor of the Town of Port Hedland.

Teleconference means a suitable place and meeting must be specified. A suitable place is defined as a townsite or other residential area within the State of Western Australia only. Approval to attend via teleconference cannot be granted for more than half of the meetings in a financial year.

Council adoption date and resolution no.	26 November 2014 OCM 201415/116
Date of adoption of amendment and resolution number do not delete the previous dates	
Relevant legislation	Local Government Act 1995 Local Government (Administration) Regulations 1996 ToPH Standing Orders Local Law 2014
Delegated authority	N/A
Business unit	Governance
Directorate	Corporate Services
Review frequency	As required

ATTACHMENT 3 TO ITEM 12.3.6

Hi Jo,

Comments on the proposed Order of Business:

- Item 6 – questions from members seems to be an unnecessary provision (not provided by the majority of local governments) given that your councillors have a separate briefing session provided for the purpose of clarifying or providing extra information related to matters on the meeting agenda. Other general questions could be asked by other methods during the month, not saved up to be asked at the Council meeting.
- Item 11 – this would be better included at the same time as Item 5 to be more efficient and save time.
- Item 15 should follow Item 12 as both deal with matters requiring Council decisions.
- Items 13 and 14 should swap – previous notice motions should have priority over late items.
- Items 17 and 18 should be straight after Item 4, as it is possible to grant leave of absence at the start of the meeting for the balance of that meeting, which can be important is a councillor is in danger of disqualification for missing 3 meetings without leave of absence. Similarly, Item 18 should be earlier as it is possible to approve attendance by telephone etc. for the balance of the current meeting.

The priority for Council meetings is to make decisions on recommendations made in Officers' reports and Committee meeting minutes.

Your Council meetings are typically going for many more hours than most Councils your size, which can be an indication that elected members are getting involved in operational matters or including / discussing matters that are either unnecessary, or could be provided or asked in a different way.

Unnecessarily long meetings are inefficient and put an extra burden on both elected members and staff who have to attend.

Regards, Andrew

Andrew Borrett
Team Leader Better Practice Review
Local Government Regulation and Support
Department of Local Government and Communities
Tel: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]
Web: www.dlgc.wa.gov.au

From: Josephine Bianchi [<mailto:govc@porthedland.wa.gov.au>]
Sent: Tuesday, 9 February 2016 11:49 AM
To: Andrew Borrett [REDACTED]
Subject: ToPH Order of Business Policy

Hi Andrew,

I hope this email finds you well!

We are considering the review our current policy (attached) on the order of business for our Council and Committee meetings, and were wondering whether you could give us any feedback/suggestions.

Many thanks,
Jo



Josephine Bianchi

Governance Coordinator, Corporate Information


PO Box 41 Port Hedland WA 6721

Ph: (08) 9158 9317 Fax: (08) 9158 9399

Email: govc@porthedland.wa.gov.au

Website: www.porthedland.wa.gov.au

ATTACHMENT 4 TO ITEM 12.3.6

 WALGA	Course Notes
	Course: Meeting Procedures and Debating Unit: LGAGENE304A – Conduct effective council meetings

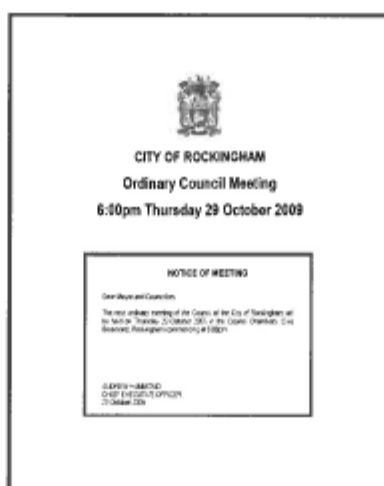
ORDER OF BUSINESS

Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows –

- a) Official opening
- b) Public question time
- c) Apologies and leave of absence
- d) Petitions
- e) Confirmation of minutes
- f) Announcements by the person presiding without discussion
- g) Matters for which the meeting may be closed
- h) REPORTS ***
 - i) Motions of which previous notice has been given
 - j) Questions by members of which due notice has been given
 - k) Urgent business approved by the person presiding or by decision
 - l) Matters behind closed doors
- m) Closure

* The Agenda will contain comprehensive officer reports. These reports represent the performance of the legal obligations of the CEO to provide advice and information to the Council to enable it to make informed decisions.

Elected Members receive numerous reports on a wide range of Local Government related topics. Typically these concern town planning, engineering services, financial reports and major projects that the Local Government is involved with.



12.3.7 Appointment of Pilbara Regional Council Delegates

Author: Grace Waugh, Coordinator Governance

Authorising Officer: Dale Stewart, Acting Director Corporate Services

File No. 13/01/0009

DISCLOSURE OF INTEREST BY OFFICER

Nil

RECOMMENDATION

That with respect to Pilbara Regional Council delegates, Council:

1. Note that the Pilbara Regional Council have declined attendance at Council meetings via instantaneous communications (telephone); and
2. Reaffirm the appointment of the Mayor and the Deputy Mayor to represent Council; and
3. Appoint Councillor David Hooper as first proxy and Councillor Julie Arif as second proxy voting delegates able to represent one or the other of the appointed delegates.

201516/247 AMENDED RECOMMENDATION/COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR HOOPER

That with respect to Pilbara Regional Council delegates, Council:

1. **Note that the Pilbara Regional Council have declined attendance at Council meetings via instantaneous communications (telephone); and**
2. **Reaffirm the appointment of the Mayor and the Deputy Mayor to represent Council; and**
3. **Appoint the following Councillors as proxy voting delegates able to represent one or the other of the appointed delegates in the following order:**
 - **Councillor Hooper**
 - **Councillor Arif**
 - **Councillor Gillingham**
 - **Councillor Melville**
 - **Councillor Newbery**
 - **Councillor Tavo**

CARRIED 9/0

EXECUTIVE SUMMARY

Policy 4/007 'Elected Member Representation – Pilbara Regional Council, Regional Roads Group and Local Emergency Committee' nominates the Mayor and Deputy Mayor to be the Town of Port Hedland Council representatives on these groups.

Council are asked to confirm the voting delegates and appoint proxies noting that appointed delegates are required to travel and attend all Pilbara Regional Council meetings in person pursuant to the agreed expectations of the Pilbara Regional Council (PRC).

DETAILED REPORT

The Pilbara Regional Council currently consists of the Mayor and Deputy Mayor as delegates, with Councillor Julie Arif as their proxy. To date the Deputy Mayor has been unable to attend two of the Council meetings due to his present inability to be away from Port Hedland for the times and on the days required.

The Deputy Mayor has requested to attend Pilbara Regional Council (PRC) meetings via teleconference, however at the last PRC meeting on 18 March 2016, it was determined by Pilbara Regional Council resolution FY16-075 that members could not attend the meeting by means of instantaneous communication.

Two Town of Port Hedland Council voting delegates are required for all PRC Meetings as scheduled. Given the decision by PRC to not allow instantaneous communication, the voting delegates are required to travel and attend the meetings in person.

The next Council Meeting is scheduled to take place on Thursday 16 June 2016 at 10.30am in Newman.

Council is requested to confirm the voting delegates as identified in the policy. However, should the Mayor or Deputy Mayor not wish to travel to attend the PRC meetings, then Council is asked to consider appointing another Councillor/s as one of the voting delegates.

FINANCIAL AND RISK IMPLICATIONS

The travel and accommodation costs are incorporated in the 2015/16 and 2016/17 Budget and are met by the individual Council (not the PRC).

STATUTORY AND POLICY IMPLICATIONS

The PRC Constitution, section 6.1, states that each Ordinary Member of the association is required to be represented by two delegates at any Annual General Meeting or Special General Meeting.

Policy 4/008 'Elected Member Entitlements' outlines what travel and accommodation expenses Elected Members are entitled to.

The Town of Port Hedland representation on the Pilbara Regional Council, forms part of the SCP (Strategic Community Plan) 2014 – 2024 in the following areas:

Section 4.1 'Strategic and best practice local government administration' of the SCP applies as Elected Members will be engaging with other Local Governments around key issues that affect the day to day administration of Council business and ensuring the Town of Port Hedland are in line with other Councils in governance.

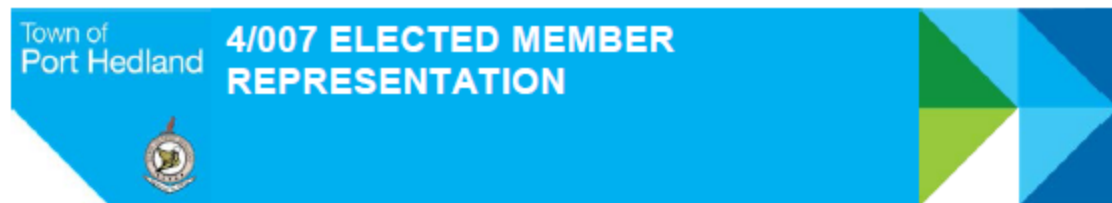
Section 4.2 'Engage our community and stakeholders' of the SCP applies as Elected Members will be liaising with other local government Elected Members, employees and key stakeholders.

ATTACHMENTS

1. Policy 4/007 'Elected Member Representation – Pilbara Regional Council, Regional Roads Group and Local Emergency Committee'
2. Extract of the Pilbara Regional Council Minutes from 18 March 2016

25 May 2016

ATTACHMENT 1 TO ITEM 12.3.7

**4/007 ELECTED MEMBER REPRESENTATION-PILBARA REGIONAL COUNCIL, REGIONAL ROADS GROUP AND LOCAL EMERGENCY MANAGEMENT COMMITTEE****Policy Objective**

This policy determines that the Mayor and Deputy Mayor will be the Town of Port Hedland Elected Member representation on the Pilbara Regional Council (PRC), Regional Roads Group (RRG) and Local Emergency Management Committee (LEMC).

Policy Content*Pilbara Regional Council*

The Pilbara Regional Council (PRC) was established through an Establishment Agreement, in accordance with Section 3.61 of the Local Government Act 1995, in 2000, to represent the local governments of the Pilbara at a strategic regional level.

The PRC Establishment Agreement, whilst determining the appointment and number of members allocated to the Town of Port Hedland as a participant in the PRC, and the tenure of members, the method of nomination of individual membership is not prescribed.

Given the strategic aspirations of the PRC, this policy designates the Mayor and the Deputy Mayor of the Town of Port Hedland Council, for their respective tenures, as the Town of Port Hedland representatives on the PRC.

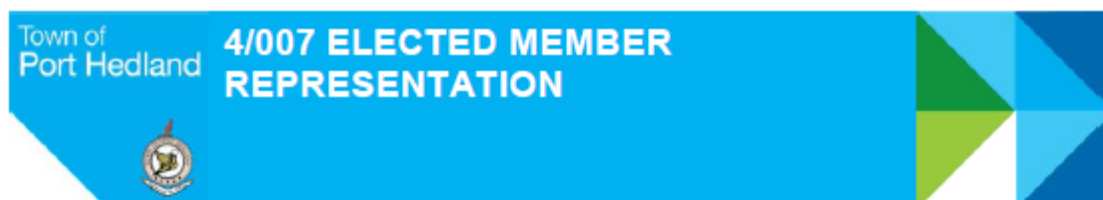
Mayor: tenure on the PRC to coincide with the election of the office of Mayor at the respective local government election.

Deputy Mayor: tenure on the PRC to coincide with election of the office of Deputy Mayor following every ordinary local government election

Deputy Elected Member: the nomination and election of the Town of Port Hedland deputy elected member on the PRC to support Mayor and Deputy Mayor will be considered at a Council Meeting as soon as practicable following every ordinary local government election

Regional Roads Group

The Regional Road Group in the Pilbara is established under the State Road Funds to Local Government Agreement which is overseen by a State Advisory Committee (SAC). The RRG comprises of elected member representatives from each Local Government within the Pilbara and makes recommendations to the State Road Funds to Local Government Advisory Committee in relation to the Annual Local Government Roads Program for its region and any other relevant strategic issues.



Given the strategic and financial responsibilities of the RRG and its historical alignment with PRC meetings in Perth, this policy designates the Mayor and the Deputy Mayor of the Town of Port Hedland Council, for their respective tenures, as the Town of Port Hedland representatives on the RRG.

Mayor: tenure on the RRG to coincide with the election of the office of Mayor at the respective local government election.

Deputy Mayor: tenure on the RRG to coincide with election of the office of Deputy Mayor following every ordinary local government election.

Local Emergency Management Committee (LEMC)

The Local Emergency Management Committee is established under the Emergency Management Act 2005 to ensure communication flows and information is shared between member agencies and stakeholders involved in managing emergencies within the Town. Town of Port Hedland Local Emergency Arrangements designate the Mayor as the chair of the LEMC.

This policy designates, in accordance with the Town of Port Hedland Local Emergency Arrangements, the Mayor as the Chair of the LEMC and the Deputy Mayor as deputy Chair of the LEMAC for their respective tenures on Council.

Mayor: tenure as Chair of the LEMC to coincide with the election of the office of Mayor at the respective local government election.

Deputy Mayor: tenure as Deputy Chair of the LEMC to coincide with election of the office of Deputy Mayor following every ordinary local government election.

Definitions

Nil

Relevant Legislation	LG Act, PRC Establishment Agreement, State Road Funds to Local Government Agreement, Emergency Management Act 2005, Town of Port Hedland Local Emergency Arrangements
Delegated Authority	Nil
Council Approval Date and Resolution No.	TBA
Last Date of Review	4 November 2013
Review Frequency	Bi- annually
Responsible Officer/Directorate	Organisational Development

ATTACHMENT 2 TO ITEM 12.3.7

ORDINARY COUNCIL MEETING MINUTES

18/03/2016

19. ATTENDANCE AT MEETINGS BY MEANS OF INSTANTANEOUS COMMUNICATION

Responsible Officer: Mr Tony Friday, Chief Executive Officer
Action Officer: Mr Alexis Guillot, Deputy CEO
Officer Disclosure of Interest: Nil

Purpose:

For Council to consider allowing attendance at meetings by means of instantaneous communication.

Background:

The Pilbara Regional Council does not have an on-going approved arrangement to hold Council meetings by telephone, video conference or other electronic means.

The Local Government (Administration) Regulations make provision for the holding of meetings using electronic means. Those provision allow councils in regional areas to give approval to a person to participate in a meeting by simultaneous audio contact, such as a telephone, if the person is in a suitable place.

Comments/Discussions:

It is important to note that:

- The regulation defines "suitable place" as a place approved by council by absolute majority, located in a townsite or other residential area 150km or further from the place at which the meeting is to be held, measured along the shortest road route ordinarily used for travelling.
- The "suitable place" must be clearly and specifically identified as such in the noticed convening the meeting, the agenda and the minutes.
- The regulation has been worded to only allow up to half (50%) of the meetings each financial year to be held by this method.
- A person is no longer taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.

Other important governance considerations are summarised below.

Council protocol

The Council decision on this proposal should be mindful of the restriction of no more than 50% of meetings being held with attendance at a suitable approved place, and the overall benefit of decision-making from the Council meetings being attended in person by all participating.

Audio contact

The official meeting venue and the suitable approved place must both be equipped with the means to ensure suitable and reliable instantaneous audio contact with each person present at all locations.

This requirement is essential to allow every person present to participate in the meeting by listening to the person speaking and to be able to verbally respond or to speak when eligible. In particular, this requires each elected member and officer to have the capability of hearing and speaking with all persons present at both locations. Members of the public will need to be able to hear all speakers and have the facility available to speak when permitted, such as for public question time. This may require the person(s) to move to a suitable speaker position.

Control

A Council meeting is a statutory legal process at which important decisions are made on behalf of the local government or individuals in the community and these decisions can have major legal implications arising from them.

The integrity of the decision-making process must be ensured and maintained during the full course of the meeting and this will require careful attention to the management of the meeting, particularly at the remote approved suitable place.

Therefore, it will be necessary for a designated responsible officer to be present at the suitable places to manage, control and verify compliance with normal meeting processes and that this protocol is observed.

Responsible Officer

It is suggested that there is a need for a nominated responsible officer to be present at each meeting venue to manage the process at their particular location and to act as the eyes and ears for the other meeting.

This will require the responsible officer to publicly announce each specific event during the meeting in a manner that informs the attendees at the other meeting and the official minute taker. It will also require the presiding person to acknowledge and allow the responsible person to make discrete announcements during the course of the meeting where appropriate.

Information

It will be necessary that any information that will be considered by the Council is made available to both locations at the same time.

Confidential Business

The issue of confidential business should not be affected by holding a meeting at a suitable place as it generally involves the meeting being closed to the public with officers remaining. The responsible officers would need to inform the participants at the other location that the public had departed from the meeting and for the official record.

Voting

The decision-making process depends upon the democratic vote of each elected member in attendance at the meeting. The number of valid votes becomes crucial for the various motions being passed or lost, and issues such as the number of votes for and against a proposition for simple majority's and absolute majority's becomes critical for the outcome of each decision.

Under this proposal, it will not be possible for the Presiding Person to personally see and count the votes of Councillors voting at a suitable place location that is using solely audio communication.

The Act and regulation is based upon the principle of elected members being in instantaneous communication at all times during the meeting. The voting process provides an opportunity to periodically check and record for accountability purposes that at the various times of each decision which members were present, and also in instantaneous communication at the time of the vote.

To achieve that level of accountability it is suggested that each vote taken at a suitable place must be announced and recorded by each individual member in attendance at the meeting at the time the vote is taken. This can be achieved by the Presiding Person requesting each member at the meeting (in a defined order such as clockwise from the chair) to verbally declare their vote by calling out "For" or "Against" as the case may be, followed by the Presiding Person requesting each member present at the suitable location to verbally declare their vote.

A further check could be made by the responsible officer's tallying the vote at each venue and verbally confirming the outcome with the Presiding Person who should then declare the result. The procedure above achieves two key accountability requirements:

- It records the actual individual vote outcome.
- It records and reaffirms that each member was in instantaneous audio communication at the time the vote was taken.

Summary

A proposed Council procedure that encapsulates all of the governance requirements is proposed below and forms part of the consideration under this proposal:

1. Prior to the meeting being opened, the two responsible officers are to cause a physical check of the communication link between the two locations and internally at each place to be conducted. This may include a physical roll call of each participant.
2. The two responsible officers are to inform the Presiding Person that the meeting link and each place is properly established for the purpose of conducting the meeting and complying with regulation 14A (1) (a).
3. The Presiding Person is to open the meeting and to state for the minute record that a suitable place was approved by the Council and that the audio link complies.
4. The Presiding Person is to proceed with the preliminaries of the meeting including facilitating the recording of the attendance details at each location.
5. Public question time needs to allow for questions from each place with the official meeting place first, followed by the suitable place. The member of the public may need to move to an appropriate point to allow access to audio voice transmission.
6. The Presiding Person to conduct the meeting as normal and in accordance with Standing Orders but this will require additional and specific audio comment to manage the speakers at each location and to ensure that each person is provided adequate opportunity to speak and be identified before speaking.
7. The Presiding Person will need to ensure that the vote for each decision is clearly announced verbally by each member present at the meeting and at the suitable place.

8. The responsible officers will be required to remain alert and to prompt the Presiding Person or to announce for the official record the identity of an unidentified speaker or other happening such as a person leaving the meeting or new information.
9. At the resumption of the meeting after any break in proceedings it will be necessary to again check and record for the minutes that the audio facility is in place and working, and that all persons previously present are again present.
10. At the conclusion of the meeting the Presiding Person to reaffirm that the audio link was in place and then officially close the meeting.

Policy Implications:

Nil. No impact on the draft Standing Orders.

Consultation:

PRC Council endorsement must be obtained before proceeding.

Legislative Implications:

Section 5.25(ba) of the Local Government Act 1995 allows a regulation for the holding of council or committee meetings by telephone, video conference or other electronic means.

Local Government (Administration) Regulations 2005 r.14A is relevant to this proposal. Regulation 14A provides that:

(1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —

(a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and

(b) the person is in a suitable place; and

(c) the council has approved of the arrangement.*

(2) A council cannot give approval under subregulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person who was not physically present was taken to be present in accordance with this regulation.

(3) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.

(4) In this regulation —

suitable place means a place that the council has approved as a suitable place for the purpose of this regulation and that is located —*

(a) in a townsite or other residential area; and

(b) 150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;

"townsite" has the same meaning given to that term in the Land Administration Act 1997 section 3(1).

** Absolute majority required.*

Financial Implications:

All activities would form part of the endorsed PRC budget.

Strategic Implications:

This item is relevant to the PRC's approved Strategic Community Plan and Corporate Business Plan. In particular the Operational Plan provided for this activity:

Key Focus Area: *Efficiency and Effectiveness*

Strategic Outcome: *We promote good governance and meet all compliance requirements.*

Strategy: *We will continually review internal systems and processes to improve operational efficiency and effectiveness.*

Risk Management considerations:

The decision to approve a suitable place imposes an obligation on the Council to ensure that the meeting is carried out in accordance with all the statutory and best practice requirements for the conduct and recording of meetings. Whilst the residual risk rating is considered to be low, the main impact of this will be capacity related; this is discussed in the "Impact on capacity" section of this agenda item.

The Council decision on this proposal should be mindful of the overall benefit of decision-making from the Council meetings being attended in person by all participating. The residual risk rating is considered low, however, would need to be reviewed regularly in order to ensure the integrity and governance of the process.

Impact on capacity:

The conduct of a meeting involving a suitable place imposes greater procedural requirements and record keeping than normal to ensure that the integrity of the decision-making process is accountable. For example, there is a need to inform all present at both locations and record:

- The names and status of each person present at the commencement of the meeting and for each location.
- A confirmation that the suitable place has been approved by the Council.
- Both venues are suitably equipped for the meeting.
- A system checks to verify audio capability for all present.
- The time any person departs or returns to the meeting.
- Details of a person leaving and returning to the meeting following a disclosure of a financial interest.

Although some of these and other matters are normally required to be recorded, the key issue to be addressed appropriately is that the people at each separate location need to be aware and informed of events at the other location.

For example, a Councillor may depart the actual meeting for a five-minute period and this is normally visually recognised by the others present and also recorded in the minutes by the minute taker who physically observes the member departing and returning, however a person departing the suitable place will not be obvious to the minute taker or the others attending the normal meeting place.

Relevant precedents:

Council approved an ad-hoc arrangement for the purpose of its Special OCM held on the 30/11/2015.

Options:

- Option 1: That Council resolve to endorse the proposal, and suggested procedure; with the following location(s) defined as suitable place(s) and responsible officer(s) for each location:
 _____, with the responsible officer nominated as: _____;
 _____, with the responsible officer nominated as: _____;
 _____, with the responsible officer nominated as: _____;
 _____, with the responsible officer nominated as: _____.
- Option 2: That Council resolve to not support attendance at meetings by means of instantaneous communication.
- Option 3: Any other option that Council deems appropriate.

Conclusion:

Nil.

Resolution:

That Council by absolute majority selects Option _____ as their preferred option.

- Option 2: That Council resolve to don't support attendance at meetings by means of instantaneous communication.

Voting Requirement: Absolute majority

Council Resolution FY16-075:

That Council by absolute majority select Option 2 as their preferred option, and do not support attendance at meetings by means of instantaneous communication.

Moved: Cr Grace

Seconded: Cr Lally

Result: 7/0

12.4 Office of the CEO**12.4.1 Request for Support for Bunara Maya Hostel Petition**

Author: Jess Dodd, Executive Assistant, Chief Executive Officer

Authorising Officer: Mal Osborne, Chief Executive Officer

File No. 06/03/0013

DISCLOSURE OF INTEREST BY OFFICER

Nil

RECOMMENDATION

That, with respect to the request from the Bloodwood Tree Association, Council:

1. Support the initiative and request the Chief Executive Officer to provide a letter of support to the Bloodwood Tree Association;
2. Make the Petition available at the Town of Port Hedland's Civic Centre and Libraries;
3. Promote the initiative through the local media.

201516/248 COUNCIL DECISION

MOVED: MAYOR HOWLETT

SECONDED: CR HOOPER

That, with respect to the request from the Bloodwood Tree Association, Council:

- 1. Support the initiative and request the Chief Executive Officer to provide a letter of support to the Bloodwood Tree Association;**
- 2. Make the Petition available at the Town of Port Hedland's Civic Centre and Libraries;**
- 3. Promote the initiative through the local media;**
- 4. Request the Chief Executive Officer urgently convene a meeting with the Pilbara Regional Manager for Department of Housing in order to facilitate the securing of accommodation and/or accommodation support for the current tenants of Bunara Maya Hostel who will be left homeless after 15th July 2016;**
- 5. Request the Chief Executive Officer to write to the Minister for Housing seeking an urgent update on efforts to tackle the transient Aboriginal accommodation shortage in South Hedland, specifically highlighting a desire to know the results of the review of the Kalgoorlie-Boulder managed campground and Derby hostel facilities.**

CARRIED 9/0

EXECUTIVE SUMMARY

The Bunara Maya Hostel is managed by the Bloodwood Tree Association and offers a bed and meal to the homeless, as well as ongoing social services support. Bloodwood Tree Association are coordinating a petition seeking State Government support for its operational costs.

This item seeks Council's support for the petition including making it available at Town of Port Hedland facilities and providing a letter of support from the Chief Executive Officer.

DETAILED REPORT

The Bunara Maya Hostel has serviced the community of the Town of Port Hedland for nearly forty years. The hostel offers a bed and meal to the homeless, as well as ongoing support for personal, family and medical issues including mental health, drug and alcohol, family violence, housing and unemployment services.

Bloodwood Tree Association has managed the hostel throughout its 40-year tenure providing help to the homeless and those in need.

As per the attached correspondence from Bloodwood Tree Association, the Australian Government (through Aboriginal Hostels Limited) withdrew ongoing funding in 2014 citing that homelessness is a State Government responsibility.

The petition requests that the State Government underwrite the operational costs for the 20-bed Bunara Maya Hostel in South Hedland on an annual and ongoing basis. It also requests that the Legislative Council undertake an inquiry into the need for ongoing funding for the Bunara Maya Hostel.

It should be noted that the Town of Port Hedland has continued to lobby the State Government regarding the need for additional hostel and short stay accommodation. If the Bunara Maya Hostel was to cease operations it would be expected that significant social challenges would arise.

Council's support is requested for the petition to make it available at Town of Port Hedland facilities, promote the petition through various communication channels and provide a letter of support to Bloodwood Tree Association from the Chief Executive Officer.

Consultation

Bloodwood Tree Association has been consulted on the petition.

FINANCIAL AND RISK IMPLICATIONS

There are no financial implications upon the Council other than administrative support in making the Petition available and locally promoting the Petition through social media and its website.

There appear to be no risks for the Council other than reputational. Were the Council not to be seen as supporting the Petition, the Council could be seen as not in keeping with broad community attitudes on the subject.

That aside, for the low administrative investment in supporting the principle, in the opinion of the author, slight damage to the Council's reputation could occur, if it is not signed or supported.

STATUTORY AND POLICY IMPLICATIONS

There are no relevant statutory matters relating to being asked to support or sign the Petition as it is not a formal petition to the Town of Port Hedland.

This campaign is in line with the 2014-2024 Strategic Community Plan as follows:

- 1.1 A unified community across our townships
- 1.2 A vibrant community rich in diverse cultures

There are no relevant policy implications relating to the request.

ATTACHMENTS

- 1. Petition from Bloodwood Tree Association

9 May 2016

ATTACHMENT 1 TO ITEM 12.4.1

I, Kylee Hodder – CEO Bloodwood Tree of 19 Hamilton Road, South Hedland, in the State of Western Australia, am the promoter of this petition which contains signatures.

PETITION – KEEP BUNARA MAYA HOSTEL OPEN FOR THE COMMUNITY

To the President and Members of the Legislative Council of the Parliament of Western Australia in
Parliament assembled.

We, the undersigned residents of Western Australia request that the State Government underwrite the operational costs for the 20-bed Bunara Maya Hostel in South Hedland on an annual and ongoing basis.

The Bunara Maya Hostel has serviced the community of the Town of Port Hedland for nearly forty years, offering a bed and meal to the Homeless, as well as ongoing support for personal, family and medical issues including mental health, drug and alcohol, family violence, housing and unemployment services.

Bloodwood Tree Association has managed the hostel throughout its 40-year tenure and has always helped the homeless and those desperately in need, offering a place to stay and a rest from the streets at night. The Australian Government, through Aboriginal Hostels Limited, withdrew ongoing funding in 2014, citing that homelessness is basically a State responsibility.

Your petitioners therefore respectfully request the Legislative Council to undertake an enquiry into the need for ongoing funding for the Bunara Maya hostel which assists with the community in providing a valuable service to the homeless in Port Hedland that would otherwise not be helped.

And your petitioners as in duty bound, will ever pray,

[illegible]

Please return this Petition to Kylee Hodder – CEO Bloodwood Tree of 19 Hamilton Road, South Hedland, 6722.
This petition must not be altered and only original signatures are permitted. Faxed copies of signatures cannot be accepted.

12.4.2 2016 WA Local Government Convention and Trade Exhibition and Appointment of Delegates for the Australian Local Government Association (WA) AGM

Author: Jess Dodd, Executive Assistant, Chief Executive Officer
Authorising Officer: Mal Osborne, Chief Executive Officer
File No. 13/01/0009

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/249 RECOMMENDATION/COUNCIL DECISION

MOVED: CR HOOPER

SECONDED: CR ARIF

That, with respect to the WA Local Government Convention and Trade Exhibition and appointment of Delegates for the Australian Local Government Association (WA) AGM, Council:

- 1. Appoint the Mayor and Deputy Mayor to represent Council as voting delegates at the Western Australian Local Government Association's Annual General Meeting, to be held on Wednesday 3 August 2016 at 1:30pm;**
- 2. Appoint Councillor Arif and Councillor Hooper as proxy voting delegates for the Western Australian Local Government Association's Annual General Meeting, to be held on Wednesday 3 August 2016 at 1:30pm; and**
- 3. Note that the following Elected Members will be attending the 2016 Western Australian Local Government Convention and Trade Exhibition:**
 - Mayor Howlett**
 - Councillor Blanco**
 - Councillor Gillingham**
 - Councillor Hooper**
 - Councillor Arif**
 - Councillor Newbery**
 - Councillor Whitwell**
 - Councillor Tavo**

CARRIED 9/0

EXECUTIVE SUMMARY

Two voting delegates are required for the 2016 Annual General Meeting (AGM) for the Western Australian Local Government Association (WALGA) being held on Wednesday 3 August 2016 at 1:30pm. The AGM will take place during the Western Australian Local Government Convention and Trade Exhibition which is being held from Wednesday 3 August 2015 to Friday 5 August 2016.

Elected Members are asked to confirm their attendance at the 2016 Western Australian Local Government Convention & Trade Exhibition.

DETAILED REPORT

The WA Local Government Convention and Trade Exhibition is held annually in Perth with the WALGA AGM taking place on the first day being Wednesday 3 August 2016. The theme for the 2016 WA Local Government Convention and Trade Exhibition is 'Local Impact'. The formal presentations, seminars and workshops will be based around this theme and aims to inspire new ways of thinking, innovative ways of working and to assist the Local Government Sector in shaping its own future.

Member Councils are entitled to be represented at the WALGA AGM with two voting delegates, pursuant to the WALGA Constitution. Only registered delegates or proxy registered delegates can exercise voting entitlements on behalf of Member Councils. Voting delegates may be Elected Members or serving officers.

Council is required to appoint two Elected Members as the Town of Port Hedland voting delegates to attend the AGM; Town officers are recommending that the Town of Port Hedland voting delegates be the Mayor and Deputy Mayor.

WALGA also offers the opportunity for Elected Members to attend professional development from Monday 1 August through to Tuesday 9 August 2016.

FINANCIAL AND RISK IMPLICATIONS

The travel, accommodation and conference costs will be incorporated in the 2015/16 and 2016/17 Budget. The registration cost per person to attend the 3 day convention is \$1,708, this includes:

Full Delegate Registration	\$1,475
ALGWA Breakfast (Thursday)	\$55
Convention Breakfast (Friday)	\$88
Full Delegate Gala Dinner	\$90
Total	\$1,708

Flights and accommodation for the 3 days per person would be approximately \$1,400. The total cost per person to attend the convention (including registration, travel and accommodation costs) is approximately \$2,800. Elected Members will receive a meal allowance and be provided with cab charge vouchers for transportation purposes in accordance with policy 4/008 'Elected Member Entitlements'.

Should Elected Members attend any of the training sessions, the Town will look at scheduling other meetings with relevant stakeholders and/or appropriate site visits between the WALGA conference and the training to ensure effective use of Elected Members' time.

The cost per person for an additional night's accommodation and training registration would on average be approximately \$834.50 depending on the training selected as well as the date. Therefore the total cost per Elected Member inclusive of additional training could be approximately \$3,700.

Should Elected Members not attend any of the training sessions, travel and accommodation will be arranged in accordance with the convention dates only.

STATUTORY AND POLICY IMPLICATIONS

The Western Australian Local Government Association Constitution, section 24, states that each Ordinary Member of the association is entitled to be represented by two delegates at any Annual General Meeting or Special General Meeting.

Policy 4/008 'Elected Member Entitlements' outlines what travel and accommodation expenses Elected Members are entitled to.

The event outline features a number of speakers that directly falls in line with the Strategic Community Plan 2014 – 2024 in the following areas:

Section 4.0 'Leading our community' applies as Elected Members will be hearing first hand from Sir Robin Wales , Mayor, London Borough of Newham, on how he has led community engagement and development of one of the most underprivileged London boroughs and has been recognised with a knighthood for his services to Local Government.

Section 4.1 'Strategic and best practice local government administration' applies as Elected Members will be gaining skills and knowledge to maintain a strong and sustainable financial position and to be efficient and effective in use of resources, infrastructure, assets and technology. Commentator Gene Tuney from Adept Economics will address the trends, indicators, shifts and cycles of the economic environment in order that Councils can better understand what the implications are for Local Government as the economy ebbs and flows.

Section 4.2 'Engage our community and stakeholders' applies as Elected Members will be gaining knowledge and skills to lead a community-oriented organization that delivers responsive and helpful services to our customers. This segment of the speaker schedule is represented by Tanya Dupagne who was named on the Power 30 Under 30 list for Australasia by the Apex Society in America for worldwide contribution to community service.

Elected Members will also be liaising with other local government Elected Members, employees and key stakeholders.

ATTACHMENTS

1. WALGA Voting Delegate Information 2016 Annual General Meeting
2. 2016 WALGA Convention Registration Brochure
3. 2016 WALGA Related Speaker Profiles
4. 2016 WALGA Professional Development Opportunities

25 May 2016

ATTACHMENT 1 TO ITEM 12.4.2

EMAIL BACK

Voting Delegate Information 2016 Annual General Meeting



TO: Chief Executive Officer

Registered:

All Member Councils are entitled to be represented by two (2) voting delegates at the Annual General Meeting of the WA Local Government Association to be held on 3 August 2016 at the Perth Convention Centre.

Please complete and return this form to the Association by 4 July 2016 to register the attendance and voting entitlements of your Council's delegates to the Annual General Meeting.

In the event that a Voting Delegate is unable to attend, provision is made for proxy delegates to be registered.

Only registered delegates or proxy registered delegates will be permitted to exercise voting entitlements on behalf of Member Councils. Delegates may be Elected Members or serving officers.

Please Note: All Voting Delegates, whether registered for the Convention or not, will need to present at the WALGA Delegate Service Desk prior to the AGM to collect their electronic voting device (keypad) for voting and identification tag to gain entry into the Annual General Meeting.

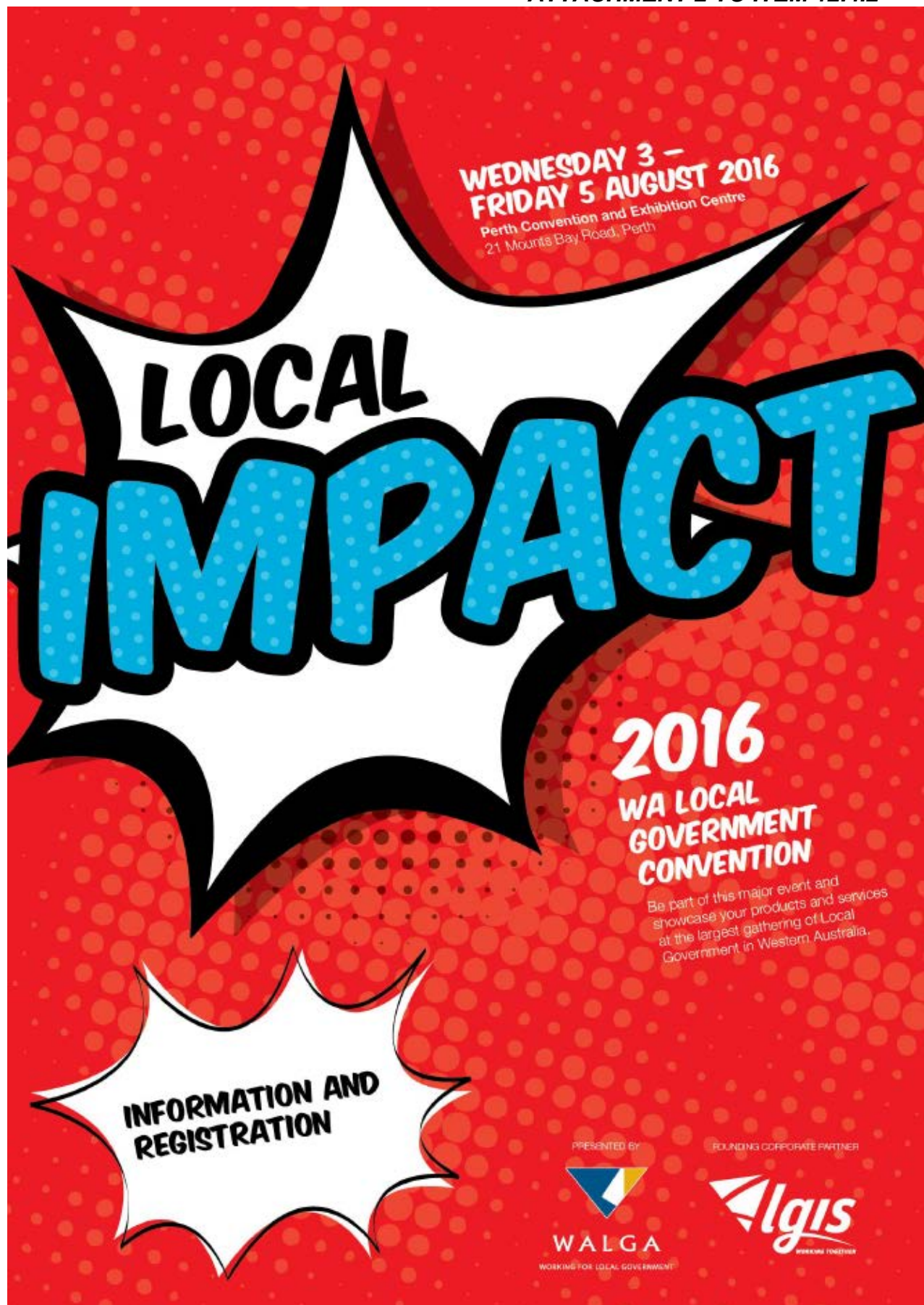
VOTING DELEGATES	PROXY Voting Delegates (2)
Name of Voting Delegates (2):	Name of Proxy Voting Delegates (2):
For (Local Government Name): Shire/Town/City of Signature Chief Executive Officer _____ (An electronic signature is <u>required</u> if submitting via email) <div style="text-align: right;">Date _____</div>	

ON COMPLETION PLEASE EMAIL TO: fkcohen@walga.asn.au

Fiona Cohen, Executive Officer Governance

www.walga.asn.au

ATTACHMENT 2 TO ITEM 12.4.2



The poster features a vibrant red background with a white polka-dot pattern. A large, stylized white starburst shape is the central focus, containing the text 'LOCAL IMPACT' in bold, blue, block letters with a black outline. The word 'LOCAL' is smaller and positioned above 'IMPACT'. In the top right corner, a white speech bubble contains the event dates and location. In the bottom left, another white speech bubble contains information about registration. The bottom right corner features the event title '2016 WA LOCAL GOVERNMENT CONVENTION' and a descriptive paragraph. At the very bottom, logos for the presenting organization (WALGA) and the founding corporate partner (lgis) are displayed.

**WEDNESDAY 3 –
FRIDAY 5 AUGUST 2016**
Perth Convention and Exhibition Centre
21 Mounts Bay Road, Perth

**LOCAL
IMPACT**

**2016
WA LOCAL
GOVERNMENT
CONVENTION**

Be part of this major event and
showcase your products and services
at the largest gathering of Local
Government in Western Australia.

**INFORMATION AND
REGISTRATION**

PRESENTED BY
WALGA
WORKING FOR LOCAL GOVERNMENT

FOUNDING CORPORATE PARTNER
lgis
WORKING TOGETHER




EVENT PARTNERS



FOUNDING CORPORATE PARTNER

LGIS is a membership organisation owned and controlled by Western Australian Local Governments who have a shared vision and alignment of outlook, interest and loyalty. Local Governments benefit from this strength and commitment by working together to finance and manage their risk through an industry based self-insurance Scheme.

The Scheme incorporates protection for property, civil liability exposures, volunteer fire fighters and workers compensation and is a superior alternative to what is made available by the traditional insurance market.

Fundamental to the success of the self-insurance approach is each Local Government's ability to manage its exposure to risk. LGIS offers a broad range of complimentary risk management services including: health and wellbeing programs, human resource risk services, professional and emergency risk management as well as injury management.

LGIS is focused on ensuring the long term protection of WA Local Government.



PRINCIPAL SPONSOR

Civic Legal are once again pleased to be a principal sponsor of the Convention. We are proud to maintain our tradition of delivering services steeped in a culture of approachability, responsiveness and supportiveness. We acknowledge the vibrancy of the sector, which continues to see Civic Legal increase its following amongst an ever-increasing number of Local Governments. Civic Legal extends best wishes to all participants for an enriching and educational experience at this year's Convention.

SUPPORTING SPONSORS



Government of **Western Australia**

Department of **Local Government and Communities**




CONVENTION SUPPORTERS



CITY OF PERTH

INFORMATION & REGISTRATION




AN INVITATION

It is my great pleasure to invite you to attend the 2016 WA Local Government Convention and Trade Exhibition at the Perth Convention and Exhibition Centre. Conference sessions are scheduled across two days – Thursday, 4 and Friday, 5 August – with the Annual General Meeting and Opening Welcome Reception on Wednesday, 3 August.

Themed Local Impact, the Conference aims to explore the ways in which individual contributions can markedly influence communities, with their effect moving beyond just the activity taken. We have a varied line-up of presenters and are excited to have as our keynote speaker, Sir Robin Wales, Mayor, London Borough of Newham, who has led community engagement and development of one of the most underprivileged London boroughs and has been recognised with a knighthood for his services to Local Government.

Also joining us is Lieutenant-General David Morrison AO, retired senior officer of the Australian Army who shot to fame when a video of him ordering Army troops to accept women as equals or "get out" went viral.

Joining us from our home State is Tanya Dupagne, who was named on the Power 30 Under 30 list for Australasia by the Apex Society in America for worldwide contribution to community service. Also from the West is our Convention Breakfast speaker, Peter Bell, former captain of the Fremantle Dockers.

Respected commentator and journalist, Liam Bartlett will facilitate a Q & A session on emergency management with a panel of industry experts.

The youngest and second female expedition leader to Davis Station, Rachael Robertson, will share how she led and inspired her team of 18 in a year-long expedition to Antarctica.

Commentator Gene Tunny from Adept Economics will walk us through the trends, indicators, shifts and cycles of the economic environment so that we can better understand what the implications are for Local Governments as the economy ebbs and flows.

To close our Conference, we are honoured to present Michael Crossland, an extraordinary young man who has defied the odds of a life-threatening cancer to build a life of exceptional achievements including; Australian of the Year finalist, National Ambassador for numerous charities and international hall of fame inductee.

The Trade Exhibition is once again a major feature of the annual gathering, with a wide range of organisations continuing their support of Local Government through considerable investment in displays and participation in the pavilions. In turn, I encourage delegates to take full advantage of this dedicated time to meet and discuss sector specific products and services with their representatives.

Partners are also catered for and can choose from a special activities program created for their enjoyment. Everyone is encouraged to network with friends and colleagues at the Convention Opening Welcome Reception on Wednesday, the Sundowner on Thursday, Mayors and Presidents' Government House Reception on Thursday and finally the Convention Gala Dinner held on Friday evening.

On behalf of the Association I would like to express appreciation for the valuable support provided by the Convention Founding Partner LGIS and Principal Sponsor Civic Legal. I also wish to thank our Supporting Sponsors, Department of Local Government and Communities, Synergy and RAC as well as the City of Perth for their continuing support for the popular Banners in the Terrace competition.

I look forward to seeing you in August.

Lynne Craigie

Cr Lynne Craigie
President

2016 WA LOCAL GOVERNMENT CONVENTION





ABOUT THE EVENT

WHO SHOULD ATTEND?

The Convention and Trade Exhibition is presented specifically for those engaged in the Local Government sector.

The conference sessions aim to support and inform Mayors, Presidents, Elected Members and Chief Executive Officers. Additional attendance by General Managers, Directors and other senior managers is also highly recommended. Available options include full conference participation and daily registration.

SOCIAL ACTIVITIES

The Partner Program offers an interesting range of options for accompanying guests, and social networking functions include the **Opening Welcome Reception** on Wednesday, a **Sundowner** and the invitational **Mayors and Presidents' Reception** hosted by The Rt Hon the Lord Mayor Lisa Scaffidi at Council House on Thursday, and the closing **Gala Dinner** which is scheduled for Friday evening.

There is also an optional fun tour to Lancelin available for delegates and partners on Saturday, 6 August.

OPTIONAL BREAKFASTS

Thursday, 4 August

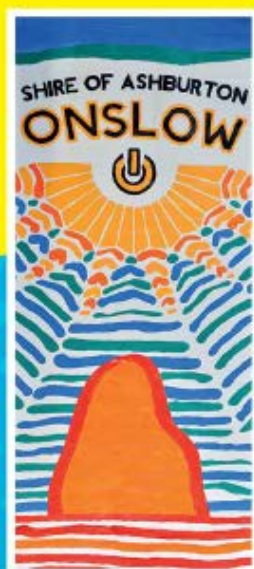
ALGWA AGM and Breakfast

Friday, 5 August

Convention Breakfast with Peter Bell

ELECTED MEMBER TRAINING

To facilitate progress with the Elected Member Development Program, a number of modules are again being offered prior to the Convention, as well as after the Convention. Full details are enclosed in a separate flyer – enquiries to training@walga.asn.au



BANNERS IN THE TERRACE

2015 Overall Winner – Shire of Ashburton

Take some time to view the outstanding display of this year's creative entries in the Banners in the Terrace competition – flying high along St Georges and Adelaide Terraces between Sunday, 24 July and Saturday 6, August.

THE PROGRAM



WEDNESDAY, 3 AUGUST

10.00am

Delegate Service Desk open for Convention Registration (PCEC Level 2)

12.00pm – 1.00pm

Luncheon for 2016 WALGA Honours Recipients

1.30pm – 5.30pm

WALGA ANNUAL GENERAL MEETING

Parliamentarian addresses from

Hon Tony Simpson MLA, Minister for Local Government *(Invited)*

Mr David Templeman MLA, Shadow Minister for Local Government

Presentation of Honour Awards

5.30pm – 7.00pm

CONVENTION OPENING WELCOME RECEPTION

THURSDAY, 4 AUGUST

7.00am

Delegate Service Desk open for Registration (PCEC Level 2)

7.00am – 8.30am

ALGWA (WA) AGM and Breakfast. Register online via Delegate Registration. Other enquiries to Cr Janet Davidson OAM JP, City of Perth – M: 0417 974 936 or janetdavidsonjp@hotmail.com

9.00am

OPENING KEYNOTE ADDRESS FROM SIR ROBIN WALES



Sir Robin Wales, Mayor, London Borough of Newham, has led community engagement and development of one of the most underprivileged London boroughs. Sir Robin Wales became Leader of the Newham Council in 1995, and following a local referendum in 2002 he became the first Labour directly elected Mayor in England, and was re-elected in 2006, 2010 and 2014. Under Sir Robin's leadership Newham is at the forefront of public policy and has led the way on a number of ground-breaking schemes in housing and education. Private tenants in Newham were the first in England to enjoy more protection as a result of the borough-wide licensing of private rented properties.

Newham was also the first borough in the country to offer free school meals to all primary school children. Robin's commitment to giving Newham's young people the best chance in life is also reflected in the successful Every Child programme. In recognition of his services to Local Government, Sir Robin was awarded a knighthood in the Birthday Honours List in 2000.

Sir Robin Wales, Mayor, London Borough of Newham
Sir Robin Wales appears by arrangement with Saxton Speakers Bureau

10.15am – 11.00am

Refreshments

11.00am

SESSION 2 STRONG FORCE FOR EQUALITY



Few would expect a tough-as-nails Chief of Army to be recognised internationally for his commitment to gender equality, diversity and inclusion. But when former Lieutenant-General David Morrison ordered misbehaving troops to 'get out' if they couldn't accept women as equals, his video went viral and he started a cultural shift that has changed Australia's armed forces forever. Since this time, the number of women joining the army has grown by two per cent and the culture is more accepting of racial, ethnic and sexual diversity.

Lt General David Morrison AO (retd)
Lt General David Morrison appears by arrangement with Saxton Speakers Bureau



THE PROGRAM

12.00pm



SESSION 3 CHANGING THE WORLD – ONE KID AT A TIME

Tanya Dupagne has worked with over 130,000 children in Australia, South Africa, America and Vietnam, and has trained people from across the world in leadership development and teambuilding. She is the founder and manager of the Shire of Kulin's nationally recognised Camp Kulin program, leading a team of over 120 staff and volunteers to provide camps for children, in particular children who have experienced trauma.

Tanya speaks about the impact youth work has had on her and with the children at Camp Kulin and community. She was the recipient of a prestigious Churchill Fellowship from the Winston Churchill Memorial Trust, which allowed her to work alongside the world's top domestic violence prevention institutions and industry leaders and present the Camp Kulin program in Denver, Chicago, Philadelphia, New York and New Hampshire.

Tanya Dupagne, Camp Kulin Manager, Shire of Kulin

1.00pm

Lunch

2.00pm

SESSION 4 CONCURRENT SESSIONS

All delegates will be asked to indicate session preference when registering to assist with venue planning.

Emergency Management – "Let the Locals Lead"

With an increasing number of significant natural disasters impacting on WA communities, Local Governments are more than ever in the 'hot seat' during an emergency to support response efforts, manage recovery, provide long term support to those affected within their community all whilst going about day to day business. The Australian Business Roundtable have released a report estimating the total cost of natural disasters in Australia in 2015 exceeded \$9 billion, or 0.6% of GDP. This is expected to double by 2030 and to reach an average of \$33 billion a year by 2050.

This session will introduce a fresh perspective on Emergency Management taking an organisational approach on how Local Governments can work within the EM framework creating a network and system to enhance recovery, maintain business as usual and work towards the ultimate goal of building community resilience.

Transparency and Empowerment

Enhancing Local Government transparency is not just a catch-cry. It's about creating a better understanding of what the Local Government does, how it's done and most importantly, it can help generate ideas about what might be possible. Community empowerment is about taking those possibilities and turning them into new realities.

This session is designed to give you a taste of how you might enhance your understanding of Council business, particularly the financial realities, in a world where not everyone is a finance expert. It's also about recognising that people want a say in what their Local Government does and how you can harness that energy and direct into tangible projects and outcomes that improve not just physical amenity or service delivery, but also the social capital of the community. It's a brave new world out there...

Finding a Better Way – Childcare in Regional WA

The childcare system is highly regulated and increasingly complex, and when combined with the added challenges faced in rural areas such as the attraction and retention of qualified staff, many services are struggling to manage.

The Shire of Brookton is leading a collaborative approach involving 43 Local Governments for more sustainable model of management for Wheatbelt Early Childhood Education and Care (ECEC) services. This session will introduce you to the project and its impact on the region's families.

3.30pm

Refreshments

4.15pm

Banners in the Terrace Awards

THE PROGRAM

4.30pm

**SESSION 5 LEADING ON THE EDGE**

Imagine living in months of darkness, the temperature hovers around minus 35 degrees, and there's no way in or out. Welcome to Antarctica. In this session Rachael will reveal how she kept her team inspired and productive through the long, dark winter. She will provide the tools to build respect and teamwork, stay resilient, and lead without a title. Rachael shares just how she managed everything from a search-and-rescue following a plane crash, to resolving a peaceful settlement to the Bacon War.

Rachael Robertson, Antarctic Expedition Leader
Rachael Robertson appears by arrangement with Saxton Speakers Bureau

5.30pm – 7.00pm

SUNDOWNER in the Trade Pavilions; OR

6.00pm – 7.30pm

MAYORS AND PRESIDENTS' RECEPTION at Council House hosted by The Rt Hon the Lord Mayor Lisa Scaffidi (by prior invitation)

FRIDAY, 5 AUGUST

7.00am

Delegate Service Desk open

7.30am – 8.45am

CONVENTION BREAKFAST WITH PETER BELL

Over an eight year football career, Peter experienced the highs and lows that Australian Rules Football had to offer. Peter captained the Fremantle Dockers, was an All Australian player in 1999 and 2003 and winner of the Doig Medal in 2001, 2003 and 2004. He was also awarded the Ross Glendinning Medal in 2006 and was President of the Australian Football League Players Association from 2003 to 2007. Born in South Korea, he came to Australia in 1979 and spent his formative years in Kojonup, Western Australia. Peter speaks about the game of AFL, with valuable stories about the hardships and many triumphs and how his personal life has had an impact on his successful football career.

Peter Bell appears by arrangement with Saxton Speakers Bureau

9.00am

SESSION 6 EMERGENCY!

Emergency services come into sharp focus when catastrophes are unfolding, but are often taken for granted in the long periods of relative calm between events. This session will examine the challenge of providing and maintaining these critical services, flavoured with real-life experiences from the service providers and the communities they protect. The presentations will be mediated by respected commentator and journalist Liam Bartlett who will facilitate audience participation in the Q & A session.

Liam Bartlett, Journalist
 Tony Ahern, CEO, St John Ambulance
 Prof. Tarun Weeramanthri, Assistant Director General, Public Health Division, Department of Health
 Michael Parker, CEO, Shire of Harvey

10.15am – 11.00am

Refreshments

11.00am

SESSION 7 CONCURRENT SESSIONS

All delegates will be asked to indicate session preference when registering to assist with venue planning.

Changing the Face of Tourism

As a State, Western Australia is abundant in natural attractions with a climate conducive to tourism activity; there is a lot to celebrate. To make the most of its potential means managing the challenges and making the most of opportunities whilst protecting our natural wonders.

Come and find out what the Shire of Exmouth and partners are doing to ensure protection of the Ningaloo Reef and to ensure economic, environmental and cultural benefits to the community, visitors, and researchers. As one of the only healthy major coral reef systems on the planet, its conservation is critical. Join us for a robust panel discussion about tourism and the role of Local Government.

Inclusive Communities – Changing Lives

A socially inclusive community is one in which all members feel valued and have the opportunity to fully participate in the life of that community. In simple terms, a socially inclusive community is one in which everyone can participate. This session will highlight how Local Government has changed lives through better access to employment, service design and delivery, and investment. Listen to and be inspired by community and business leaders who are working together to better support our most vulnerable and lead the change that's needed.

Urban Forestry – 10 Steps to a More Resilient Community

Want to maximise the physiological, sociological, economic, biological, and aesthetic aspects of your Local Government? Easy – grow an urban forest.

Local Government is under increasing pressure to plan for larger populations and increased urban density within a changing climate. Urban forests are key to addressing these concerns, as they seek to create resilient, sustainable urban landscapes that improve community health, and provide enjoyable places for people to live and work.

But if urban forests can do all this, why doesn't everyone have one? Like many of the things worth having, planning and establishing an urban forest isn't always straight forward. Attend this session to gain inspiring ideas and practical tools and learn real world examples and clear next steps.

12.30pm

Lunch

1.30pm

SESSION 8 THE NATURE OF NUMBERS

The world we live in is mad about numbers.

How much of this? How many of that? What's the percentage? What's the measure?

This session will look at some fascinating numbers, firstly around the economic reality that we exist in at a global, national and local level. Commentator Gene Tunny from Adept Economics will walk us through the trends, indicators, shifts and cycles of the economic environment so that we can better understand what the implications are for Local Governments as the economy ebbs and flows. Then we will look at the numbers that make up our own elected membership. UWA researchers will present the findings of the first Census of Western Australia's Local Government Elected Members, helping us understand both what we have in common and what our diversity looks like.

Gene Tunny, Adept Economics

Prof. Fiona Haslam McKenzie, Centre for Regional Development at UWA

Dr. Paul Maginn, Centre for Regional Development at UWA

2.45pm

Refreshments



3.30pm

CONVENTION CLOSING ADDRESS

SESSION 9 ADVERSITY DOES NOT DEFINE YOU...



Michael Crossland is an extraordinary young man who has defied the odds of a life-threatening illness to build a life of exceptional achievements. Diagnosed with aggressive life-threatening cancer before his first birthday and spending nearly a quarter of his life in hospital, doctors said his future didn't look bright. Infection and fatigue were too great a risk to lead a normal life. His only wish was to be able to do all the things that other kids took for granted.

Now, Michael is a world-renowned inspirational speaker with audience numbers exceeding 500,000 people worldwide. He is an accomplished businessman, Australian of the Year finalist, six-time Australia Day Ambassador, National Ambassador for five different charities, runs a school and orphanage in Haiti and is an international hall of fame inductee. Michael's life is a remarkable success.

Michael Crossland

Michael Crossland appears by arrangement with ICMI Speakers & Entertainers

4.30pm

Official Close of the 2016 Local Government Convention

7.00pm – 11.30pm

Pre-Dinner Drinks and Gala Dinner, PCEC BelleVue Ballroom

PARTNER ACTIVITIES

Registration required for all activities – prices include GST

WEDNESDAY, 3 AUGUST

5.30pm – 7.00pm

Opening Welcome Reception in the Trade Exhibition \$60

THURSDAY, 4 AUGUST

9.00am – 1.30pm

FRAGRANCES AND FOOD – INDULGE YOUR SENSES

Come and be educated on the creative processes of creating beautiful perfumes. Hear the history of the making of various key scents and learn about the scents created for Winston Churchill, Grace Kelly and Clark Gable.

After this sensory experience it is time for another sensory sensation – this time taste. A short walk away is the delightful lunch venue, Rochelle Adonis.

Includes: Facilitator, bus fare, walk, lunch and refreshments.
\$120 (minimum 10 – maximum 20)

9.30am – 12.30pm

GOLD FEVER

Delve into the gold fever history that gripped our State in the 1890's. This activity is a walking tour and also includes the hop on CAT bus.

Tour the City by foot to hear about some of the sites that were very important in the financial history of our state. The tour will then move on to visit the Perth Mint – the oldest operating mint in the world still in its original location, and that until 1970 was

still under British control. If you have not been to the Mint for some time, this is really worth revisiting. Take time to step back and experience the wonder of this precious metal gold originally called "Red".

Includes: Entry to the museum, morning tea and guide.
\$70 (minimum 10 – maximum 20)

10.00am – 12.00pm

BEER O'CLOCK

The Northbridge Brewing Company (NBC) is a microbrewery situated in a truly unique venue.

NBC's master brewer has been responsible for some of the best beers in Australia and he will take the group through how beer is brewed and then to the actual tasting of the handcrafted beers. The group will then be taken on a tour of NBC.

Includes: Facilitator, beer and light food.
\$70 (minimum 10 – maximum 20)

1.30pm – 5.00pm

4WD – FACTS, FICTION & FAMILY FUN

(at the PCEC)

Planning on going on a 4WD holiday but are unsure:
 How to set your 4WD up?
 How to plan a driving holiday?
 What you need to do to ensure a safe driving holiday?

The facilitator is an experienced adventure off-road trainer and a fully loaded 4WD will be on-site for the course.

Includes: Professional Off-Road Trainer, facilitator and afternoon tea.
\$110 (minimum 10 – maximum 30)



5.30pm – 7.00pm
SUNDOWNER IN THE TRADE EXHIBITION \$60

6.00pm – 7.30pm
MAYORS AND PRESIDENTS' RECEPTION
at Council House (by prior invitation)

FRIDAY, 5 AUGUST

7.30am – 8.45am
BREAKFAST WITH PETER BELL (at the PCEC) **\$88**

9.30am – 1.30pm
MATTERS OF TASTE

Come on a culinary adventure where we split off into three groups, one group will cook the entrée, one group will cook main and a third group will cook dessert. A great team building event where you get to mingle with people over great food and a glass of wine.

Includes: Cooking, coach transport, facilitator and lunch.
\$200 (minimum 15 – maximum 18)

9.30am – 4.30pm
SWAN VALLEY GOURMET DAY

Time to get the taste buds firing by exploring the amazing places the Swan Valley has to offer from honey, bush food, wine and coffee. It's not all about wine, the Swan Valley is a veritable food bowl.

Includes: Transport, facilitator, tour, lunch and refreshments.
\$140 (minimum 15 – maximum 30)

1.30pm – 4.00pm
DIGITAL PHOTO EDITING AND CREATING PHOTOBOOKS
(at the PCEC)

Got stuck on what to do with all those digital photos sitting on your camera and on your computer? Well, this is the course to do. Learn how to edit your digital photos and create amazing photobooks that will last a lifetime.

Includes: Facilitator and afternoon tea.
\$115 (minimum 15 – maximum 30)

7.00pm – 11.30pm
CONVENTION GALA DINNER (at the PCEC)

\$90 for partners of Full Delegates and Life Members
\$190 for all other guests

SATURDAY, 6 AUGUST

An additional option for Delegates and Partners.

8.30am – 4.30pm
LANCELIN ADVENTURE

Now the seat belt is fastened get ready for some heart pumping excitement as our coach transforms into a 4WD. Squeal with delight or terror as we venture up and down the sand dunes. Still up for some more excitement? Then it is time to hop on a sand board and show off your "moves".

After this, there will be time to relax with a picnic lunch on the banks of the Moore River, followed by a leisurely river cruise up the River.

Includes: Comfortable coach transport, morning tea, lunch and River cruise.
\$210 (minimum 15 – maximum 25)



GENERAL INFORMATION

ONLINE CONVENTION REGISTRATIONS – A SIMPLE PROCESS.

Visit www.walga.asn.au – then go to the 2016 Convention and Trade Exhibition link to complete your registration online.

Full delegate fees cover the daily conference program, lunches and refreshments – the Opening Reception on Wednesday, 3 August and the Sundowner on Thursday, 4 August. The Convention Gala Dinner on Friday evening is optional, and a ticket fee applies.

GENERAL INFORMATION

CONVENTION FEES

Prices are per person and are all inclusive of GST.
Deadline for all Registrations is **Tuesday, 5 July 2016**

CONVENTION REGISTRATION

Full Delegate	\$1,475
WALGA Life Members	Complimentary

DAY DELEGATE REGISTRATION

Day: Thursday, 4 August (includes Sundowner)	\$780
Day: Friday, 5 August	\$725

OPTIONAL EXTRAS

Gala Dinner

Full Delegate & Partner	\$90 each
WALGA Life Member & Partner	\$90 each
Gala Dinner Only	\$190 each

Breakfast

ALGWA Breakfast (Thursday)	\$55
Convention Breakfast with Peter Bell (Friday)	\$88

PARTNERS/GUESTS

Opening Reception (Wednesday)	\$60
Sundowner (Thursday)	\$60
Lunch (Thursday)	\$50
Lunch (Friday)	\$50
Partner Tours	Individual tour fees as listed

Please contact WALGA for more information if your partner would like to attend a particular conference session.

Elected Member Professional Development

– see enclosed leaflet for details.

CHANGES TO YOUR REGISTRATION

You can modify your online booking at any time by using the link provided in your confirmation email. Once you have completed your registration, a tax invoice with a confirmation number will be emailed to you. Click on the link and enter your Confirmation Number to make any changes or additions to your reservation.

Registration cancellations must be advised in writing prior to the deadline date of Tuesday, 5 July 2016. Thereafter full fees are payable. Alternatively, a registration may be transferred to another member of the Council.

SPECIAL REQUIREMENTS

Special dietary requirements, mobility or any other special needs should be indicated when registering – WALGA will use its best endeavours to meet these requests.

ACCOMMODATION

A range of accommodation options were issued to Councils in December, and hotel booking forms and details are available at www.walga.asn.au. Reservations are to be made direct and please note that city hotels have limited guest parking so clarify these arrangements when booking.

INTER-VENUE TRANSFERS

Coach transfers will be provided for the Mayors and Presidents' Reception at Council House on Thursday, 4 August collecting guests from Mounts Bay Road (near Mill Street intersection) – with returns to both the PCEC and CBD hotels, as required.

A limited service will similarly be provided between CBD hotels and the PCEC for the Gala Dinner on Friday evening.

The convenient, free and frequent bus services operating within the CBD are recommended for transfers between city hotels and the PCEC – for detailed information on these services go to www.transperth.wa.gov.au – and hotel staff can offer some local advice to guests.

The limited transfer schedule will be displayed at the Delegate Service Desk.

PCEC PARKING

For those requiring daily parking, WALGA can arrange for a multi-entry (24 hour access) parking space in the underground car park at the PCEC at a daily cost of \$37. Parking space requests must be indicated on the registration form – **please note the non-extendable deadline for these requests is Tuesday, 5 July 2016.**

ENQUIRIES

Serena Shand, WALGA Marketing and Events Support Officer
T 08 9213 2097
F 08 9213 2077
E registration@walga.asn.au

Information in this brochure is correct at time of printing but may be subject to change



**FOR FURTHER INFORMATION**

Please contact Serena Shand, Marketing & Events Support Officer.

ONE70 LV1, 170 Railway Parade, West Leederville WA 6007

T (08) 9213 2097 | **F** (08) 9213 2077 | **E** sshand@walga.asn.au

www.walga.asn.au

PRESENTED BY



WALGA
WARRING LOCAL GOVERNMENT

FOUNDING CORPORATE PARTNER



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ATTACHMENT 3 TO ITEM 12.4.2**2016 WALGA Related Speaker Profiles**

Sir Robin Wales has lived and worked in Newham for the whole of his adult life, moving to the borough in 1978 to work for British Telecom. He was born in Kilmarnock, Scotland in 1955 and studied chemistry at the University of Glasgow.

Sir Robin has been part of Newham Council for more than twenty years. He served first as a councillor from 1982 to 1986 and then from 1992 until 1995, when he became Leader of the Council. Following a local referendum in 2002 he became the first Labour directly elected Mayor in England in 2002. He was re-elected in 2006 and 2010. In May 2014 he won his

fourth term in office.

As Mayor, Sir Robin leads the council in delivering its vision to make Newham a place where people choose to live, work and stay. He shares the view that work is the best path out of poverty and has committed to helping Newham residents get jobs and have opportunities to fulfil their aspirations and potential.

Under Sir Robin's leadership Newham is at the forefront of public policy and has led the way on a number of ground-breaking schemes. In housing, Newham was the first local authority to introduce borough-wide licensing of private rented properties, giving private tenants in Newham more protection than anywhere else in England. Seeking out new income streams, Newham has established a wholly-owned company that will build and acquire properties to rent, increasing the availability of good quality homes in the borough.

Newham was also the first borough in the country to offer free school meals to all primary school children. Robin's commitment to giving Newham's young people the best chance in life is also reflected in the Every Child programme - through one-to-one reading support for children who are struggling to a wide range of free sporting activities and free music tuition in Every Child a Musician.

In recognition of his services to local government, Sir Robin was awarded a knighthood in the Birthday Honours List 2000. He is the father of two children and lives in Newham.



Adept Economics was founded in Brisbane in 2014 by economist and public policy expert **Gene Tunny**. Gene has 15 years' experience in economics and public policy, as a private sector consultant and state and Commonwealth official, most recently with Commonwealth Treasury.

Gene is an accomplished speaker and regular economics commentator for ABC and commercial radio and television current affairs. He has tutored and lectured in economics at the University of Queensland and Queensland University of Technology.

Gene has published peer-reviewed articles on topics including labour market policies, innovation, and car and film industry assistance that have been influential in the policy debate. For example, Gene's [article on car industry assistance](#) alerted the Productivity Commission to the possible reductions in used car prices that might arise from freeing up importation of second hand cars, and has thus started a debate on this issue.

Radio & Television Appearances

[ABC News Video – Privatisation Push as Power Prices Surge Again](#)

[Nine News Video – Paddington Residents Rally Against Development](#)

[612 ABC Brisbane - Commission of Audit from an Economist's Point of View](#)



Tanya Dupagne grew up in Kwinana, Western Australia. She was told she would never get anywhere because of where she was from, and was determined to prove everyone wrong. After graduating from Kwinana Senior High School in 1998, she went on to complete a Bachelor of Communications at Edith Cowan University in Perth.

In 2003, she travelled to New Hampshire, USA, to work at a summer camp for underprivileged and at risk children. She returned to the camp as the program co-ordinator for 2004 and 2005.

Tanya was placed on a volunteer placement with The Future Factory, South Africa, in 2005. She returned in 2006, 2007, 2008 and 2010, running youth activity, leadership and feeding programs in the townships of South Africa with TFF projects.

She worked with high-level cases of poverty, rape, child abuse and substance abuse on a daily basis, implemented programs resulting in long term change, and co-ran the organisation in 2006/2007. She also co-ordinated a volunteer trip to Vietnam to work in an orphanage and township.

She was trained in teambuilding and motivation in America, and has worked on events and projects throughout the world.

Tanya has trained staff from over 15 countries in teambuilding and leadership processes, and runs workshops for children, teachers and corporates. These include teambuilding for at risk children in America, children with behavioural problems in Australia, and for Rock Challenge, Department of Cultural Services & Sports, Department of the Premier and South African Games in South Africa. She has worked with over 130,000 children across the world.

She created the nationally recognised Dance 4 Africa program in 2007. Starting as a one-off performance of a musical based on her life in Cape Town, this program has now grown to involve over 1,000 Australian children, and has provided over 180,000 meals, Christmas parties for over 5,000 children, medical supplies and a nurse for a village, school fees, equipment and more for those living in poverty in South Africa, Vietnam and Chile. The program has won many awards in Australia, with teachers, parents and the community reporting better behaviour, school marks and self confidence in those children participating.

Tanya also runs programs at schools, and created the Boys and Girls Clubs, which teach basic life skills to children aged 8-12 years old and have achieved long term changes in the children involved. She is the co-founder of the Kwinana Children's Choir, and was elected in 2009 as the youngest Councillor on the City of Kwinana Council. She has sat on and chaired numerous local and regional committees and boards.

In 2011, she was appointed as the General Manager for The Global Good Foundation (GGF), being promoted to CEO in 2012. She implemented and co-ordinated the international education campaign 'Minute of Noise', aimed at letting children know that it is ok to speak out about violence. In just three months, the Minute of Noise campaign went global, and has resulted in

many children coming forward to disclose information about situations of domestic violence and being able to get the help they need.

Tanya won the Act-Belong Commit Awards Adult Category, WA Children's Week Award of Recognition Adult Category, Premier's Active Citizenship Award, Town of Kwinana Citizen of the Year and the Martin Waudby Memorial Award for Outstanding Community Leadership. She was one of 5 Australians named on the Power 30 Under 30 list for Australasia by the Apex Society in America for worldwide contribution to community service.

Tanya attended the Rotary Youth Leadership Award and was selected for the SPARK Mentorship Program, the Australia Council's national mentoring program for young artists, supported by the Dance, Theatre and Community Partnerships sections. She was a nominee for the Australian of the Year Awards, and a national finalist for the NAB Women's Agenda Leadership Awards Regional/Rural Manager of the Year and state finalist for the Telstra Business Women's Awards.

In 2012 she was awarded a prestigious Churchill Fellowship, which enabled her to travel to America in 2013 to further research the generational cycle of domestic violence. She received the Churchill Medallion from the Winston Churchill Memorial Trust and Life Membership from the Churchill Fellows Association of WA in 2014.

Tanya was the first individual to ever receive the Constable Care Child Safety Awards Award of the Year, also taking home the WA Child Safety Employee Award, and was named as one of Australia's 100 most influential women by the Australian Financial Review and Westpac in the 100 Women of Influence Awards.

ATTACHMENT 4 TO ITEM 12.4.2



WALGA PROFESSIONAL DEVELOPMENT OPPORTUNITIES

The following WALGA training courses are offered in Perth during Monday, 1 August to Tuesday, 9 August to coincide with the 2016 Local Government Convention.

PRE CONVENTION

<p>Monday, 1 and Tuesday, 2 August</p> <p>9.00am – 4.30pm</p> <p>Cost: \$1,200 (+GST)</p> <p>Venue: Parmelia Hilton Hotel (Penthouse Boardroom)</p>	<p>Procurement Training for Local Government (for Officers)</p> <p><i>Procurement training for Local Government is a foundation course in procurement for Local Government Managers and Officers, designed specifically for individuals who are not formally trained or qualified in procurement.</i></p> <p>This two day workshop will provide participants with a practical working knowledge of best practise procurement and contract management that is directly relevant and transferrable to their roles and responsibilities within Local Government.</p>
<p>Monday, 1 August</p> <p>9.00am – 4.30pm</p> <p>Cost: \$595 (+GST)</p> <p>Venue: Parmelia Hilton Hotel (Pinnacles Room)</p>	<p>Participate in Local Government Emergency Management (for Elected Members and Officers)</p> <p><i>Participate in Local Government Emergency Management Preparation provides the foundation to increase Local Governments' knowledge of their preparation and planning responsibilities under the Emergency Management Act 2005.</i></p> <p>The aim of the course is to assist Local Government to initiate, coordinate and manage Local Government emergency management planning activities under the Emergency Management Act 2005.</p>
<p>Tuesday, 2 August</p> <p>9.00am – 4.30pm</p> <p>Cost: \$595 (+GST)</p> <p>Venue: Parmelia Hilton Hotel (Pinnacles Room)</p>	<p>Manage Recovery Activities for Local Government (For Elected Members and Officers)</p> <p><i>Manage Recovery Activities for Local Government provides the foundation to increase Local Governments' knowledge of their recovery responsibilities under the Emergency Management Act 2005.</i></p> <p>The aim of the course is to assist Local Government to initiate, coordinate and manage Local Government recovery activities under the Emergency Management Act 2005.</p>

Tuesday, 2 August

9.00am – 4.30pm

Cost: \$595 (+GST)

Venue: WALGA Boardroom

Better Planning Decisions (for Elected Members and Officers)

Better Planning Decisions uses practical examples to guide participants on how to formulate a good planning outcome based on a planning framework which has a strategic focus supported by sound statutory planning processes.

The course focuses on helping participants understand how planning processes must be consistent and transparent and when decisions are made they are done so in the public interest.

* Elected Members must have previously completed WALGA's Land Use Planning course.

DURING CONVENTION

Wednesday, 3 August

9.00am – 4.30pm

Cost: \$650 (+GST)

Venue: Parmelia Hilton Hotel
(Penthouse Boardroom)

Planning and Specification Development (for Officers)

Planning and Specification Development focuses in detail on the critical steps associated with planning and specification development for successful contracts.

Addressing key planning areas including; understanding the supply market, risk management and procurement planning, this course will also provide skills, processes and hands on case studies to assist those Officers involved in all aspects of the preparation of specifications.

Thursday, 4 August

9.00am – 4.30pm

Cost: \$650 (+GST)

Venue: Parmelia Hilton Hotel
(Penthouse Boardroom)

Evaluation, Supplier Selection and Contract Establishment (for Officers)

Evaluation, Supplier Selection and Contract Establishment focuses in detail on the Evaluation and Supplier selection stage of the Procurement Cycle.

Addressing key areas including legislative, regulatory and policy frameworks, principles of probity in procurement, effective probity and compliance management throughout the procurement cycle, evaluation and scoring methodologies, selection reports and contract establishment.

Participants will increase their knowledge and skills in order to response to questions or provide information to Council and Councillors.

Friday, 5 August

9.00am – 4.30pm

Cost: \$650 (+GST)

Venue: Parmelia Hilton Hotel
(Penthouse Boardroom)

Managing Contracts in Local Government (for Officers)

Managing Contracts in Local Government is designed to assist Local Governments and Contract Managers in Western Australia to address issues and raise the bar in improving all aspects of their contract management performance. Managing Contracts tailors modern leading contract management practice specifically for contract managers in the Western Australian Local Government context.

This practical training is designed for procurement practitioners and for all those in Local Government who have contract management responsibilities, and would like to improve their understanding and practice.

POST CONVENTION

Saturday, 6 August

9.00am – 4.30pm

Cost: \$495 (+GST)

Venue: Parmelia Hilton Hotel
(Penthouse Boardroom)

Professionally Speaking (for Elected Members)

Professionally Speaking (or how to deal with communication minefields – everything from media interviews to hostile public meetings) is an interactive workshop specifically designed to get participants 'battle-ready' and offers practical techniques for handling unfamiliar public speaking situations with confidence and aplomb. While the focus of the session is on demystifying the media and getting the best result from every media opportunity, these skills can also be effectively used in other business settings.

Presented by Award Winning TV Journalist, Andrea Burns

Monday, 8 August

9.00am – 4.30pm

Cost: \$495 (GST Exempt)

Venue: WALGA Boardroom

CEO Performance Appraisals (for Elected Members)

CEO Performance Appraisals provides the skills and knowledge required for Elected Members to manage the performance of their Chief Executive Officer.

Work allocation and the methods to review performance, reward excellence and provide feedback where there is a need for improvement are also included. This course makes the link between performance management and performance development, and reinforces both functions as a key requirement of an effective CEO.

Monday, 8 August

9.00am – 4.30pm

Cost: \$495 (+GST)

Venue: WALGA Boardroom

Understanding Financial Reports and Budgets (for Elected Members)

Understanding Financial Reports and Budgets uses existing legislation as its basis to explore the way in which Local Governments are required to plan for the future, develop an annual budget and monitor, review and interpret financial reports.

Topics covered within the course include the legislative requirements for Local Government accounting, understanding budget documents, familiarisation with budget processes and discussing accounting terms and financial reports.

Tuesday, 9 August

9.00am – 4.30pm

Cost: \$595 (+GST)

Venue: WALGA Boardroom

Local Recovery Coordinator (for Elected Members and Officers)

Local Recovery Coordinator course assists appointed Local Recovery Coordinators under the Emergency Management Act 2005 to act effectively and appropriately to ensure a smooth recovery can occur within a community affected by an emergency.

The aim of the course is to provide participants, with the knowledge of their responsibilities to coordinate and manage recovery activities as a Local Recovery Coordinator in accordance with the Emergency Management Act 2005.

** It is recommended that those who register on this course have previously attended the 'Manage Recovery Activities' course provided by WALGA or have a sound background in Emergency Management.*



PRESENTED BY  FOUNDED CORPORATE PARTNER 

2016 WA LOCAL GOVERNMENT CONVENTION

REGISTRATION FORM

To register interest in any of the abovementioned training courses, please complete the Registration Form, along with a Purchase Order number, and return to WALGA Training via email at training@walga.asn.au. Alternatively, you can register online at walgatraining.com.au.

All general enquiries regarding course content should be directed to WALGA Training on 9213 2089.

COURSE DETAILS

- ☐ Procurement Training for Local Government
- ☐ Participate in Local Government Emergency Management Preparation
- ☐ Manage Recovery Activities for Local Government
- ☐ Better Planning Decisions
- ☐ Planning and Specification Development
- ☐ Evaluation, Supplier Selection and Contract Establishment
- ☐ Managing Contracts in Local Government
- ☐ Professionally Speaking
- ☐ CEO Performance Appraisals
- ☐ Understanding Financial Reports and Budgets
- ☐ Local Recovery Coordinator

YOUR DETAILS

Name of Participant: _____

Council: _____

Telephone: _____

Email: _____

Purchase Order No: _____

Dietary/Other Special Requirements: _____



Places are limited, so be sure to register as soon as possible.

12.4.3 Proposed Policies 2/007 'Purchasing', 2/016 'Regional Price Preference', 2/011 'Tender Evaluation'

Author: Peter Keane, Risk Analyst

Authorising Officer: Peter Kocian, Executive Officer

File No. 04/03/0002

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/250 RECOMMENDATION/COUNCIL DECISION

MOVED: CR BLANCO

SECONDED: CR HOOPER

That with respect to proposed policies 2/007 'Purchasing', 2/016 'Regional Price Preference' and 2/011 'Tender Evaluation', Council:

- 1. Endorse the proposed policies for public comment, noting that where a local government prepares a regional price preference policy, it is required to give statewide public notice of the intention to have a regional price preference policy pursuant to Regulation 24E of the *Local Government (Functions and General) Regulations 1996*.**
- 2. Note that a discussion paper, as included as attachment 4 to this report, has been prepared on the potential application of regional price preference, and this will be made available to inform public consultation.**

CARRIED 9/0

EXECUTIVE SUMMARY

At the Audit, Risk and Governance Committee Meeting held on Tuesday 10 May 2016 the Committee recommended that Council endorse proposed policies 2/007 'Purchasing', 2/016 'Regional Price Preference' and 2/011 'Tender Evaluation' for public comment.

To align the Purchasing Policy with recent changes to the *Local Government (Functions and General) Regulations 1996*, and in order to realise recommended potential improvement opportunities identified during the Probity review process, Town officers are proposing that Council endorse the following draft Policies for advertising:

- Policy 2/007 'Purchasing'
- Policy 2/016 'Regional Price Preference'
- Policy 2/011 'Tender Evaluation'

DETAILED REPORT

An internal probity review has been undertaken on all expenditure to any single vendor of greater than \$50,000 for the financial years 14-15 and 15-16. Based upon this probity review and associated findings, a number of improvement opportunities have been identified and recommendations prepared to realise these opportunities. These recommendations have been further validated by a procurement audit completed by an external audit firm in Moore Stephens. Amongst other recommendations, Moore Stephens provided the following conclusions relevant to the suite of Policies being presented for consideration:

Report No. 1 - Dec 2015

Report Recommendation	Implemented & Planned Actions
Elected Members be offered access to training and/or a formal induction process that includes information in relation to the Code of Conduct and other Council Policies that relate to the procurement processes.	Ongoing elected member training, inclusive of induction training to newly elected members.
Existing Senior Staff who are likely to be involved in the procurement process be required to undertake training in relation to their obligations to adhere to Council's Procurement Policy and the induction process for new Senior Staff include information in relation to the Council's Procurement Policy.	With the impending implementation of Centralised procurement, senior staff have been consulted on the new/amended policies. Stakeholder consultation will be ongoing and during the implementation procurement process and Synergy system training is planned for identified personnel across the organisation. The Town will incorporate procurement training into the induction program for all staff.

Report No. 2 – April 2016

Report Recommendation	Implemented & Planned Actions
That the Procurement Policy and Tender Policy be reviewed and amended.	The Purchasing, Regional Price Preference, Tender and Tender Evaluation Policies are to be amended, created or rescinded, and will be presented to Council in June 2016 for approval.
That a policy relating to use of panel contracts should be developed.	The Procurement Policy has been amended to incorporate provision for the establishment of local panels.
Existing Senior Staff who are likely to be involved in the procurement process be required to undertake training in relation to their obligations to adhere to Council's Procurement Policy and the induction process for new Senior Staff include information	With the impending implementation of Centralised procurement, senior staff have been consulted on the new/amended policies. Stakeholder consultation will be ongoing and during the implementation procurement process and Synergy system training is planned for

in relation to the Council's Procurement Policy.	identified personnel across the organisation. The Town will incorporate procurement training into the induction program for all staff.
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Changes to the *Local Government (Functions and General) Regulations 1996* have also necessitated for changes to be made to the Town's Purchasing Policy. Key changes to the Regulations are as follows:-

1. Tender threshold increase from \$100,000 to \$150,000;
2. Inclusion of supply panel establishment and operational requirements;
3. Addition of public tender exemption for Aboriginal Businesses and Disability Enterprises with a contract value of ≤\$250,000 goods and services supplied by a panel of pre-qualified suppliers;
4. Addition of supply panels in public tender exemption.

As a result, the following changes to policies are proposed:-

- The Purchasing and Regional Price Preference Policies have been amended to align with the current Regulations. The Purchasing Policy has been modelled upon the WALGA template which has been adopted/modified by the majority of WA Local Governments;
- A Tender Evaluation Policy has been created to provide improved guidance to Officers as to the processes after the submission of Tenders, and to also ensure better practice in the evaluation of tenders.

Consultation

The Town of Port Hedland held a community consultation session on 18th April 2016 with a total of 30 community members in attendance from 21 local businesses, and incorporated 10 of 12 potential supply panel categories.

Information provided during the consultation session was well received and provided an avenue for robust discussion, questioning and comment. Key discussion points were as follows:-

- Regional Local content inclusive of Karratha. Qualitative weighting to local suppliers;
- Supply panels and questions on panel operations;
- Supplier previously received ToPH business 13/14 & 14/15 but significant reduction in 15/16;
- Suppliers not being considered for certain categories of spend i.e. stationery;
- Aboriginal corporation based out of Karajini exceeds 400km radius from ToPH, and the question of inclusion in Regional Pricing Preference;
- Comment that region should be restricted to 100km radius with business also required to be ratepayers.

FINANCIAL AND RISK IMPLICATIONS

There will be very minor expenditure incurred in the advertising of the proposed Policies. Advertising expenses will be funded from the existing advertising budget (GL404287).

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.

STATUTORY AND POLICY IMPLICATIONS

The Local Government (Functions and General) Regulations 1996 – Part 4 & 4A are relevant, which is applicable in the areas of Purchasing Goods and Services, Tendering and Regional Price Preference requirements.

Policies 2/007 'Purchasing', 2/016 'Regional Price Preference' and 2/018 'Tender Evaluation' are proposed. 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.

It is a regulatory requirement (Regulation 24E of the Local Government (Functions and General) Regulations 1996) that the Regional Price Preference Policy be advertised in statewide paper for public comment for a period of 4 weeks. It is proposed that the Town will advertise all draft policies to elicit public comment prior to seeking council approval, however the requirement is only for the Regional Price Preference Policy.

ATTACHMENTS

1. Policy 2/007 Purchasing - Draft
2. Policy 2/016 Regional Pricing Preference – Draft (as amended)
3. Policy 2/011 Tender Evaluation – Draft
4. Regional Pricing Preference – ARG Discussion Paper

28 April 2016

ATTACHMENT 1 TO ITEM 12.4.3



2/007 PURCHASING

1. Policy

The Town of Port Hedland (ToPH) is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance and complies with the *Local Government Act 1995* (the "Act") and Part 4 of the *Local Government (Functions and General) Regulations 1996*, (the "Regulations") Procurement processes and practices to be complied with are defined within this Policy and the ToPH's prescribed procurement procedures.

2. Objectives

The objectives of this Policy are to ensure that all ToPH procurement activities:

- **Value for Money** - demonstrate that best value for money is attained;
- **Regulatory Compliance** - compliant with relevant legislations, including the Act and Regulations;
- **Record Management** - are recorded in compliance with the *State Records Act 2000* and associated ToPH records management practices and procedures;
- **Transparency & Professionalism** - mitigate probity risk, by establishing consistent and demonstrated processes that promotes openness, transparency, fairness and equity to all potential suppliers;
- **Sustainable benefits** - ensure that the sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment; and
- **Integrity and Ethical** - conducted in a consistent and efficient manner across the organisation and that ethical decision making is demonstrated.

3. Reference Documents

Policy 2/011 'Tender Evaluation'
Policy 2/016 'Regional Price Preference'
Code of Conduct
Delegation Register
Statement of Business Ethics

4. Integrity

Purchasing Principles

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:



Policy 2/007 'Purchasing'

- **Accountability** - full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- **Regulatory Compliance** - all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the ToPH's policies and Code of Conduct;
- **Open Competition** - purchasing is to be undertaken on a competitive basis where all potential suppliers are treated impartially, honestly and consistently;
- **Transparency** - all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies, audit requirements and relevant legislation. If the Town of Port Hedland is seeking a quote to inform budget processes without a genuine commitment to procure goods and services this must be disclosed to the business providing the quote;
- **Conflict of Interest** - any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- **Professionalism** - any information provided to the ToPH's by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

5. Purchasing Requirements

5.1 Legislative / Regulatory Requirements

The requirements that must be complied with by the ToPH, including purchasing thresholds and processes, are prescribed within the Regulations, this Policy and associated purchasing procedures.

5.2 Policy

Purchasing that is \$150,000* or below in total value (excluding GST) must be in accordance with the purchasing requirements under the relevant threshold as defined under section 5.4 of this Purchasing Policy.

Purchasing that exceeds \$150,000* in total value (excluding GST) must be put to public Tender when it is determined that a regulatory Tender exemption, as stated under 5.4 of this Policy, is not deemed to be suitable.

* - or as per Part 4 Div. 1 11A (1) of Local Government (Function & General) Regulations 1996

5.3 Purchasing Value Definition

Determining purchasing value is to be based on the following considerations:

1. Exclusive of Goods and Services Tax (GST);



Policy 2/007 'Purchasing'

2. The actual or expected value of a contract over the full contract period, including all options to extend; or the extent to which it could be reasonably expected that the ToPH will continue to purchase a particular category of goods, services or works and what total value is or could be reasonably expected to be purchased. A best practice suggestion is that if a purchasing threshold is reached within three years for a particular category of goods, services or works, then the purchasing requirement under the relevant threshold (including the tender threshold) must apply;
3. Must incorporate any variation to the scope of the purchase and be limited to a 5% tolerance of the original purchasing value.

Purchasing from Existing Contracts

Where the ToPH has an existing contract in place, it must ensure that goods and services required are purchased under these contracts to the extent that the scope of the contract allows.

Purchasing Thresholds

The table below prescribes the purchasing process that the ToPH must follow, based on the purchase value:

Purchase Value Threshold	Purchasing Requirement
Up to \$5,000	Obtain at least one (1) oral or written quotation from a suitable supplier, either from: <ul style="list-style-type: none"> • an existing panel of pre-qualified suppliers administered by the ToPH; or • Standing Offer Arrangement; or • a pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA); or • From the open market.
Over \$5,000 and up to \$15,000	The buyer of goods and/or services shall obtain at least two (2) written quotations from suppliers following a brief outlining the specified requirement, either from: <ul style="list-style-type: none"> • an existing panel of pre-qualified suppliers administered by the ToPH; or • Standing Offer Arrangement; or





Policy 2/007 'Purchasing'

	<ul style="list-style-type: none"> • a pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA); or • From the open market. <p>These two written quotes, and any ancillary supporting documentation shall be electronically attached to an authorised purchase request to the Purchasing office for raising of an official purchase order</p>
Over \$15,000 and up to \$150,000*	<p>The buyer of goods and/or services shall develop a "Request for Quotation" or an "Expression of Interest" (depending upon the procurement strategy) in order to obtain either at least three (3) written quotes or expression of interest submissions.</p> <p>The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy.</p> <p>Quotations within this threshold may be obtained from:</p> <ul style="list-style-type: none"> • an existing panel of pre-qualified suppliers administered by the ToPH; or • Standing Offer Arrangement; or • a pre-qualified supplier on the WALGA Preferred Supply Program or State Government CUA; or • From the open market. <p>Requests for quotation from a pre-qualified panel of suppliers (whether administered by the ToPH through the WALGA preferred supply program or State Government CUA) are not required to be invited using a Request for Quotation form, however at least three written quotes are still required to be obtained.</p>
Over \$150,000* or as per Part 4 11A of Local Government (Function & General) Regs 1996	<p>Where the purchasing requirement is not suitable to be met through a panel of pre-qualified suppliers, or any other tender-exempt arrangement as listed under section 5.4 of this Policy, conduct a public "Request for Tender" process in accordance with Part 4 of the <i>Local Government (Functions and General) Regulations 1996</i>, this policy, and all other relevant ToPH's policies and procedures.</p> <p>In the case of tender exemption conditions, at least three (3) written quotations must be received by formal invitation under a "Request for Quotation".</p>





Policy 2/007 'Purchasing'

	The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy, and as per the Tender Evaluation Policy.
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* - or as per Part 4 Div. 1 11A (1) of Local Government (Function & General) Regulations 1996

5.4 *Tendering Exemptions*

An exemption to publicly invite tenders may apply in the following instances:

- The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement.
- the purchase is from a Regional Local Government or another Local Government;
- the purchase is acquired from a person registered on the WA Aboriginal Business Directory, as published by the Small Business Development Corporation, where the consideration under contract is worth \$250,000 or less and represents value for money;
- the purchase is acquired from an Australian Disability Enterprise and represents value for money;
- the purchase is from a pre-qualified supplier under a Panel established by the ToPH;
- the purchase is to be obtained from expenditure authorised in an emergency as per section 5.8 of this policy; or
- any other exclusion under regulation 11 of the Local Government (Functions and General) Regulations 1996 apply.

5.5 *Inviting Tenders Under the Tender Threshold*

Where considered appropriate and beneficial, the ToPH may consider publicly advertising Tenders in lieu of undertaking a Request for Quotation for purchases under the tender threshold. This decision should be made after considering the benefits of this approach in comparison with the costs, risks, timeliness and compliance requirements, and whether the purchasing requirement can be met through the WALGA Preferred Supply Program or State Government CUA.

If a decision is made to undertake a public Tender for contracts expected to be \$150,000* or less in value, the Tendering Process procedures must be followed in full, as per the regulations.

* - or as per Part 4 Div. 1 11A (1) of Local Government (Function & General) Regulations 1996

5.6 *Sole Source of Supply*

Where the purchasing requirement is over the value of \$5,000 (excl GST) and of a unique nature that can only be supplied from one supplier, the purchase is





Policy 2/007 'Purchasing'

permitted without undertaking a tender or quotation process. This is only permitted in circumstances where the ToPH is satisfied and can evidence that there is only one source of supply for those goods, services or works.

The ToPH must use all best endeavours to determine if the sole source of supply is genuine. Where-ever possible an expression of interest (EOI) process shall be undertaken to ascertain whether there is only one source of supply.

If, in the event, consultants or a group of consultants have been utilised to provide a range of services initially on a **complex** project, it may be deemed that it is not be feasible to restart a project under tender circumstances due to the effort and cost associated with gaining the required background knowledge. In this case, the situation may be deemed as tender exempt under a sole supplier situation. Once determined, the justification must be endorsed by the Chief Executive Officer, prior to a contract being entered into.

A sole source of supply purchase does not relate to purchases not planned for, due to time constraints.

5.7 *Splitting of Purchase orders*

The ToPH shall not enter into two or more contracts or create multiple purchase order transactions of a similar nature for the purpose of "splitting" the value of the purchase or contract to take the value of the consideration of the purchase below a particular purchasing threshold, particularly in relation to Tenders and to avoid the need to call a public Tender.

5.8 *Emergency Purchases*

An emergency purchase is defined as an unanticipated and unbudgeted purchase, as per Local Government Act 1995 Section 6.8(1) (c), which is required in response to an emergency situation. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken, however, the funds must be approved by the Mayor prior to purchase.

An emergency purchase does not relate to purchases not planned for, due to time constraints.

6. **Records Management**

Records of all purchasing activity must be retained in compliance with the *State Records Act 2000 (WA)*, the ToPH's Records Keeping plan and associated procurement procedures.

For each procurement activity, such documents may include:



Policy 2/007 'Purchasing'

- The Procurement initiation document such as a procurement business case which justifies the need for a contract to be created (where applicable);
- Procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the contract;
- Request for Quotation/Tender documentation;
- Copy of public advertisement inviting tenders, or the notice of private invitation (whichever is applicable);
- Copies of quotes/tenders received;
- Evaluation documentation, including individual evaluators note and clarifications sought;
- Negotiation documents such as negotiation plans and negotiation logs;
- Approval of award documentation;
- All correspondence to respondents notifying of the outcome to award a contract;
- Contract Management Plans which describes how the contract will be managed; and
- Copies of contract(s) with supplier(s) formed from the procurement process.

7. Buy Local

As much as practicable, the ToPH must:

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- ensure that procurement plans address local business capability and local content;
- explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- Provide adequate and consistent information to potential suppliers.

To this extent, a qualitative weighting may be afforded in the evaluation of quotes and tenders where suppliers are located within the municipal boundary of the Town of Port Hedland or a neighbouring municipality located within a 500km radius of the ToPH Civic centre with a reciprocal Regional Pricing Preference to the benefit of ToPH businesses.

A regional price preference may be afforded to locally based businesses for the purposes of assessment. Provisions are detailed within the ToPH's Regional Price Preference Policy.

8. Purchasing From Disability Enterprises





Policy 2/007 'Purchasing'

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the ToPH is not required to publicly invite tenders if the goods or services are to be supplied from an Australian Disability Enterprise, as registered on www.ade.org.au. This is contingent on the demonstration of value for money.

Where possible, Australian Disability Enterprises are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Australian Disability Enterprises, as per the Regional Price Preference.

9. Purchasing From Aboriginal Businesses

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the ToPH is not required to publicly invite tenders if the goods or services are to be supplied from a person registered on the Aboriginal Business Directory published by the Small Business Development Corporation on www.abdwa.com.au, where the expected consideration under contract is worth \$250,000 or less. This is contingent on the demonstration of value for money.

Where possible, Aboriginal businesses are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Aboriginal owned businesses, or businesses that demonstrate a high level of aboriginal employment, as per the Regional Price Preference Policy.

10. Panels Of Pre-Qualified Suppliers

10.1 Policy Objectives

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

- the ToPH determines that a range of similar goods and services are required to be purchased on a continuing and regular basis;
- there are numerous potential suppliers in the local and regional procurement-related market sector(s) that satisfy the test of 'value for money';
- the purchasing activity under the intended Panel is assessed as being of a low to medium risk;
- the Panel will streamline and will improve procurement processes; and
- The ToPH has the capability to establish, manage the risks and achieve the benefits expected of the proposed Panel.

The ToPH will endeavour to ensure that Panels will not be created unless most of the above factors are firmly and quantifiably established.





Policy 2/007 'Purchasing'

10.2 Establishing a Panel

Should the ToPH determine that a Panel is beneficial to be created, it must do so in accordance with Part 4, Division 3 the *Local Government (Functions and General) Regulations 1996*.

Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the Panel.

Panels may be established for a maximum term of two (2) years.

Evaluation criteria must be determined and communicated in the application process by which applications will be assessed and accepted. The Evaluation criteria will be set out within ToPH procedures.

Where a Panel is to be established, the ToPH will endeavour to appoint at least three (3) suppliers to each category, on the basis that best value for money is demonstrated.

In each invitation to apply to become a pre-qualified supplier (through a procurement process advertised through a state-wide notice), the ToPH must state the expected number of suppliers it intends to put on the panel.

Should a Panel member leave the Panel, they may be replaced by the next ranked Panel member determined in the value for money assessment should the supplier agree to do so, with this intention to be disclosed in the detailed information set out under Regulation 24AD(5)(d) and (e) when establishing the Panel.

10.3 Distributing Work Amongst Panel Members

To satisfy Regulation 24AD(5) of the Regulations, when establishing a Panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the Panel must either prescribe whether the ToPH intends to:

- i. Obtain quotations from each pre-qualified supplier on the Panel with respect to all purchases, in accordance with Clause 11.4; or
- ii. Purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or
- iii. Develop a ranking system for selection to the Panel, with work awarded in accordance with Clause 11.3(b).

In considering the distribution of work among Panel members, the detailed information must also prescribe whether:

- a) Each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items





Policy 2/007 'Purchasing'



of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or

- b) Work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under Regulation 24AD (5) (f) when establishing the Panel. The ToPH is to invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a Contract. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the ToPH may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in section 5.5 of this Policy.

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

10.4 *Purchasing from the Panel*

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

Each quotation process, including the invitation to quote, communications with panel members, quotations received, evaluation of quotes and notification of award communications must all be captured on the ToPH's records system. A separate file is to be maintained for each quotation process made under each Panel that captures all communications between the ToPH and Panel members.

10.5 *Recordkeeping*

Records of all communications with Panel members, with respect to the quotation process and all subsequent purchases made through the Panel, must be kept.

For the creation of a Panel, this includes:

- The Procurement initiation document such as a procurement business case which justifies the need for a Panel to be created;
- Procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the Panel;
- Request for Applications documentation;
- Copy of public advertisement inviting applications;
- Copies of applications received;
- Evaluation documentation, including clarifications sought;





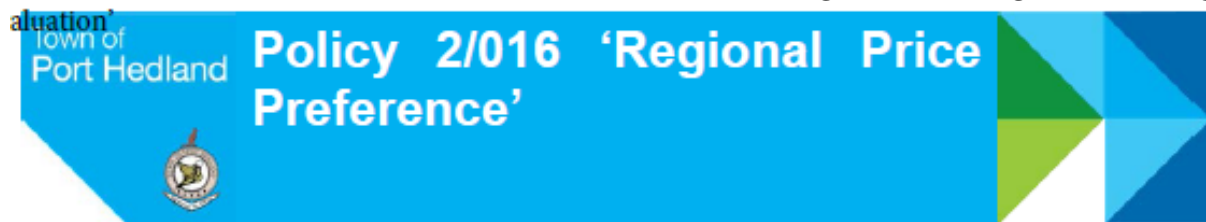
Policy 2/007 'Purchasing'

- Negotiation documents such as negotiation plans and negotiation logs;
- Approval of award documentation;
- All correspondence to applicants notifying of the establishment and composition of the Panel such as award letters;
- Contract Management Plans which describes how the contract will be managed; and
- Copies of framework agreements entered into with pre-qualified suppliers.

The ToPH is also to retain itemised records of all requests for quotation, including quotations received from pre-qualified suppliers and contracts awarded to Panel members. A unique reference number shall be applied to all records relating to each quotation process, which is to also be quoted on each purchase order issued under the Contract.

Information with regards to the Panel offerings, including details of suppliers appointed to the Panel, must be kept up to date, consistent and made available for access by all officers and employees of the ToPH.

Council adoption date and resolution no.	OCM 29 January 2014 (201314/222)
Date of adoption of amendment and resolution number do not delete the previous dates	Amended at the 29 January 2014 Council Meeting (201314/222) Amended at the 8 June 2011 Council Meeting Amended at the 27 May 2009 Council Meeting
Relevant legislation	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Local Government (Functions and General Regulations) 1996
Related Policy	2/011 Tender Evaluation
Delegated authority	Yes
Business unit	N/A
Directorate	Office of the CEO
Review frequency	As Required



2/016 REGIONAL PRICE PREFERENCE

1. Policy

A price preference will apply to all tenders and requests for proposals invited by the Town of Port Hedland (ToPH) for the supply of goods and services and construction (building) services unless Council resolves that this policy not apply to a particular procurement episode.

2. Objective

To maximise the use of competitive local business in the procurement of goods and services, supporting local business and industry and to encourage employment of local people thereby generating economic growth within the Town.

3. Reference Documents

Local Government (Functions and General) Regulations 1996
Policy 2/007 'Purchasing'

4. Definitions

Goods: includes tangible, quantifiable material requirements usually capable of being moved or transported that are purchased, rented, leased or hired by the Town.

Services or Provision of Services: means any task, consultancy, work or advice to be performed or provided that is procured by the Town and includes services such as management consultancies, outsourcing, maintenance contract / agreement, cleaning, waste removal, equipment repairs, external auditors, utilities and services acquired by a private sector provider for the Town.

Construction (including works): performing any improvement on or over any areas of land, lake, river or ocean and any services related to that activity in the prescribed area, including the construction of buildings, housing and other public infrastructure as well as related services such as architectural, surveying, facilities management and general maintenance.

5. Regional Description

"Regional" is defined as ~~All~~ all businesses located within the municipal boundary of the ToPH or a neighbouring municipality within a 500km radius of the ToPH Civic Centre.



Policy 2/016 'Regional Price Preference'



6. Conditions

To be consider "Regional", a ~~Regional~~ Contractor / Supplier must fulfil the following conditions:

- a. Have had a permanent office and permanent staff in the prescribed area for at least 6 months before to bids being sought; and
- b. Be either registered or licensed in Western Australia; and
- c. Demonstrate a majority or all of the good or services are to be supplied from ToPH sources; or
- d. Businesses-Be located within neighbouring municipalities with reciprocal Regional Pricing Preference Policies which benefit ToPH businesses.

7. Application

When a regional price preference is applied to tenders and requests for proposals, in accordance with the Local Government (Functions and General) Regulations (1996) the following levels of preference will be applied:

1.1 Goods and Services to a maximum price reduction of \$50,000

A 10% price preference to an eligible business, contractor or supplier as defined in this policy.

1.2 Construction (building) services up to a maximum price reduction of \$50,000

A 5% price preference to an eligible business, contractor or supplier, as defined in this policy.

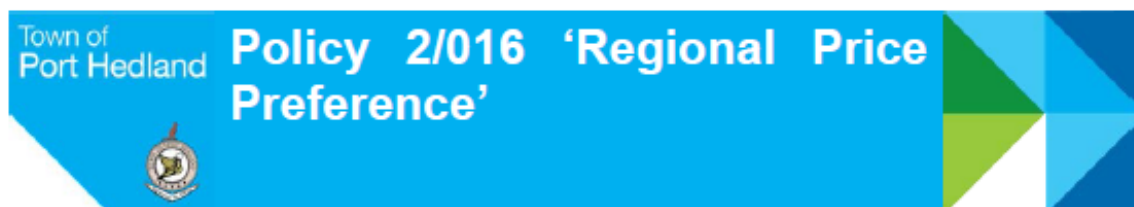
1.3 Competitive Tendering

A 10% price preference to an eligible business, contractor or supplier as defined in this policy, applies where the contract is for goods and services (including construction (building) services) up to a maximum price reduction of \$500,000, if the Town is seeking tenders for the provision of goods or services for the first time, due to those goods or services having been, until then, undertaken by the Town.

1.4 Application of the levels of preference in accordance with this Policy

The prices for goods and services submitted by an eligible business, contractor or supplier as defined in this policy may be either wholly supplied from within the prescribed area as the region or partly supplied from within the prescribed area as the region. However, only those goods or services supplied from within the prescribed area as the region will be included in the discounted calculations that form part of the assessment of a tender or proposal when this policy is in operation.





8. Reporting

That the actual financial cost of applying any regional price preferences to successful tenders or quotes be collated for reporting to the Council and Community in the Towns' Annual Report to enable the RPP Policy to be measured as to the cost to the Town and, by extrapolation the ratepayers, in annually comparing and recognising the corresponding benefits to the residents, ratepayers and business community.

Adoption Date	OCM 28 August 2013 (201314/067)
Date of adoption of amendment and Resolution Number Do not delete previous dates	
Relevant Legislation	Local Government Act 1995 Local Government (Functions and General) Regulations (1996)
Related Policy	2/007 Purchasing Policy
Delegated Authority	No
Business Unit	
Responsible Directorate	Corporate Services
Review Frequency	Annually

ATTACHMENT 3 TO ITEM 12.4.3

**2/011 TENDER EVALUATION****1. Policy**

Tender evaluation will apply to all tenders and requests for proposals invited by the Town of Port Hedland (ToPH) for the supply of goods and services and construction (building) services unless Council resolves that this policy not apply to a particular procurement episode.

2. Objective

To enable guidance to the Chief Executive Officer (CEO) in accordance with any available delegation to approve the use of suitable tender evaluation criteria prior to inviting of tender for discrete and identifiable budget items.

3. Principles

This policy is applicable based upon the following being addressed:-

- A delegation is in place to enable the CEO to approve the tender evaluation criteria prior to any invite of tenders;
- A discrete and identifiable budget is in existence for a product, supply & install or service at the time that tenders are invited;
- The value of the tender is greater than \$150,000 or deemed to be suitable for the tendering process;
- Internal controls relevant to tender management are not compromised;
- Acceptance of the tender will be approved by Council unless delegation exists to the CEO, under provisions of the Delegation Register.

4. Reference Documents

Local Government (Functions and General) Regulations 1996
Policy 2/007 'Purchasing'
Policy 2/016 'Regional Pricing Preference'
Delegation and Sub-Delegation register

5. Definitions

Goods: includes tangible, quantifiable material requirements usually capable of being moved or transported that are purchased, rented, leased or hired by the Town.



Services or Provision of Services: means any task, consultancy, work or advice to be performed or provided that is procured by the Town and includes services such as management consultancies, outsourcing, maintenance contract / agreement, cleaning, waste removal, equipment repairs, external auditors, utilities and services acquired by a private sector provider for the Town.

Construction (including works): performing any improvement on or over any areas of land, lake, river or ocean and any services related to that activity in the prescribed area, including the construction of buildings, housing and other public infrastructure as well as related services such as architectural, surveying, facilities management and general maintenance.

Technical:

6. Roles and Responsibilities

The Requesting Officer shall ensure:-

- The appropriate process is followed as determined by existence of any budget allocation;
- Where possible apply the evaluation principles appropriate to the tender being sought, as per this Policy;
- Complete and issue a report to the CEO for awarding the tender or issuing to the Council for tender award approval.

The CEO shall ensure:-

- The policy will be adhered to in accordance with the appropriate delegations, Employee Code of Conduct and authorisations;
- All budgeted project cost provision will be deemed confidential and not released to the public (when the item is disclosed in a publicly available report or detailed in the publicly available Annual Budget);
- A report is provided to Council as to results of tender evaluation process in the next available council meeting via resolution for consideration, unless the CEO has the appropriate delegated authority.

The Elected Members shall ensure in keeping with the ToPH Code of Conduct, Elected Members role with respect to tenders is limited to considering and approving the successful tender where a tender is not approved pursuant to delegated authority. In addition, the ToPH will ensure that all tenders and documentation include reference to "Canvassing of Elected Members" which will automatically disqualify the Tender.





7. Scope of Work

The scope of work must be relevant and sufficient detail provided to give the contracted tenderer a clear understanding of the nature and extent of the works required including timeframes and deliverables to complete the tendered works. Pricing by the tenderer can only be based upon the scope of works described in detail.

All scopes of work shall be estimated to within $\pm 10\%$ of the approved budget (i.e. a Quantity Surveyor Report) prior to the tendering process, to assist and support the effective and efficient tender evaluation process.

All scopes of work and budget estimates are required to be confirmed by the relevant Director &/or CEO prior to the invitation to tender.

8. Tender Evaluation

8.1 The CEO or that officer's delegate (as per the Sub-delegation register) will determine the criteria for tender acceptance prior to tenders being called, and be submitted along with all tender documentation for tender calling.

8.2 Tenders vary greatly in the nature of the activity, scope of work and pricing styles, therefore it is difficult to prescribe one single evaluation model to fit all circumstances.

In all cases, the criteria will be provided within the tender documentation, including the acceptable weighting range.

Goods

Table 1 relates to the suggested approach for the procurement of goods and applies to any goods or products purchased from suppliers:-

Criteria	Acceptable Weighting Range
Price	$\geq 50\%$
Quality	$\geq 10\%$
Capacity to deliver	$\geq 10\%$
Others as deemed appropriate	Up to 30%



This provides for a price weighting to be fixed between 50-80%, whilst still maintaining 20% weighting for quality and capacity to deliver, however, the CEO or that officer's delegate may authorise weightings outside this guide where circumstances warrant.

When determining the criteria, the sum of the weighting must equal 100%.

Supply & Install

Table 2 relates to the suggested approach for the procurement of supply and install tenders, whether it be civil supply & construction, equipment supply and install etc:-

Criteria	Acceptable Weighting Range
Price	≥30%
Relevant Experience	≥10%
Methodology	≥10%
Quality	≥10%
Capacity to deliver	≥10%
Others as deemed appropriate	Up to 30%

This provides for a price weighting to be fixed between 30-60%, whilst still maintaining 40% weighting for experience, methodology, quality and capacity to deliver, however, the CEO or the officer's delegate may authorise weightings outside this guide where circumstances warrant.

When determining the criteria, the sum of the weighting must equal 100%.

Services

Table 3 relates to suggested approach for the procurement of services, whether it be consultancy, service and repair, labour services etc:-

Criteria	Acceptable Weighting Range
Price	≥40%
Relevant Experience	≥10%
Methodology	≥10%





Capacity to deliver	≥10%
Others as deemed appropriate	Up to 30%

This provides for a price weighting to be fixed between 40-70%, whilst still maintaining 30% weighting for experience, methodology, and capacity to deliver, however, the CEO or the officer's delegate may authorise weightings outside this guide where circumstances warrant.

When determining the criteria, the sum of the weighting must equal 100%.

8.3 In the advent that the tender is of a technical nature and the technical content has significant importance in project execution, the evaluation shall be undertaken on the technical aspects of the tender in the first instance (without assessment of price). Due to the technical aspects, it may also be a requirement to conduct an independent evaluation via a suitably qualified third party.

Upon the completion of the technical evaluation, and only if there are multiple tenders similarly rated during the technical evaluation shall price be then included in the tender evaluation process.

9. Tender Opening

9.1 The CEO or the officer's delegate (as per the Sub-delegation register) is responsible for keeping any tender submitted in safe custody and to ensure that it remains confidential.

9.2 Tenders are not to be opened, examined or assessed until the time after tender submission, as per tender documentation and public advertising, after which further tenders will not be accepted.

9.3 When tenders are opened:-

- at least two employees of the ToPH must be present
- members of the public are entitled to be present
- the names of the tenderers are to be immediately recorded in the tender register.

10. Reporting



The Reporting officer will complete the "Agenda Item Template" for reporting to next ordinary Council meeting after the tender is awarded. The CEO will then ensure the report is furnished at the next ordinary Council meeting.

11. Consequences

This Policy represents the formal policy and expected standards of the ToPH. Appropriate approvals need to be obtained prior to any deviation from this policy. Employees and Elected Members have an obligation under the ToPH Code of Conduct to give full effect to the lawful policies, decisions and practices of the Town.

Adoption Date	OCM 8 June 2011
Date of adoption of amendment and Resolution Number Do not delete previous dates	OCM 28 August 2013 (201213/067)
Relevant Legislation	Local Government Act 1995 Local Government (Functions and General) Regulations (1996)
Related Policy	Town of Port Hedland Procurement Policy 2/007
Delegated Authority	
Business Unit	
Directorate	Corporate Services
Review Frequency	Annually

ATTACHMENT 4 TO ITEM 12.4.3**Regional Pricing Preference - ARG Discussion Paper****Regulatory Requirements**

Local Government (Functions & General) Regulations 1996 states the following:

24B Terms used

Regional tenderer means a supplier of goods or services who satisfies the criteria in subregulation (2)

(2) A supplier of goods or services who submits a tender is regarded as being a regional tenderer for the purpose of this Part if-

- a. That supplier has been operating a business continuously out of premises in the appropriate region for at least 6 months before the time after which further tenders cannot be submitted; or*
- b. Some or all of the goods or services are to be supplied from regional sources.*

24D. Discount permitted for regional pricing preference

(1) A preference may be given to a regional tenderer by assessing the tender from that regional tenderer as if the pricing bids were reduced by-

- a. Up to 10% - where the contract is for goods or services up to a maximum price reduction of \$50,000*
- b. Up to 5% - where the contract is for construction(building) services, up to a maximum price reduction of \$50,000*
- c. Up to 10% - where the contract is for goods or services(including construction(building) services), up to a maximum price reduction of \$500,000, if the local government is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until now, undertaken by the local government*

Current Council "Regional" & Pricing Preference Definition

Town of Port Hedland(ToPH)

Regional Definition

Regional Contractor must fulfil the following conditions:-

- a. Have had a permanent office and permanent staff in the prescribed area for at least 6 months before bids being sought;
- b. Be either registered or licensed in WA;
- c. Demonstrate a majority or all goods or services are to be supplied from regional sources; and
- d. If not located with the municipal boundary of the Town of Port Hedland, be located in or source goods and services with the municipal boundary of the local government within the Pilbara with a reciprocal Price Preference Policy under which business within the town of Port Hedland may receive consideration under.

Pricing Preference

Goods and Services to a maximum price reduction of \$50,000 - A 10% price preference to an eligible business, contractor or supplier as defined in this policy.

Construction (building) services up to a maximum price reduction of \$50,000 - A 5% price preference to an eligible business, contractor or supplier, as defined in this policy.

Competitive Tendering - A 10% price preference to an eligible business, contractor or supplier as defined in this policy, applies where the contract is for goods and services (including construction (building) services) up to a maximum price reduction of \$500,000, if the Town is seeking tenders for the provision of goods or services for the first time, due to those goods or services having been, until then, undertaken by the Town.

City of Karratha

Regional Definition

A supplier that has been operating a business continuously out of premises within the City of Karratha for at least six (6) months and submits a tender for the supply of goods and/or services

Pricing Preference

- a. 10% (up to a maximum price reduction of \$50,000) for goods &/or services;
- b. 5% (up to a maximum price reduction of \$50,000) for construction (building) services;
- c. 10% (up to a maximum price reduction of \$500,000) for goods; or services (including construction (building) services), , if tenders are being sought for the first time for goods or services currently undertaken by Council.

Shire of East Pilbara – the Town has been unable to ascertain if they apply a Regional Price Preference Policy

Shire of Broome

Regional Definition

Where practical, the Shire of Broome shall seek to support business and industry within the Shire. The Shire of Broome will ensure that business and industry within the Shire have every opportunity to bid for and where competitive, supply the required needs. As part of considering the value for money decision, the benefits of purchasing goods and services from local suppliers shall be considered.

Pricing Preference

A preference of 5% to a maximum of \$25,000 per annum per supplier capped at \$50,000 for the term of the contract will be given to suppliers trading continuously for

at least six (6) months prior to the closing date of tenders or quotations sought from a recognised business address within the Shire of Broome or Kimberley Region.

Note:-

City of Karratha - no reciprocal RPP Policy

Shire of East Pilbara – not applicable

Shire of Broome - no reciprocal RPP Policy

Potential Options

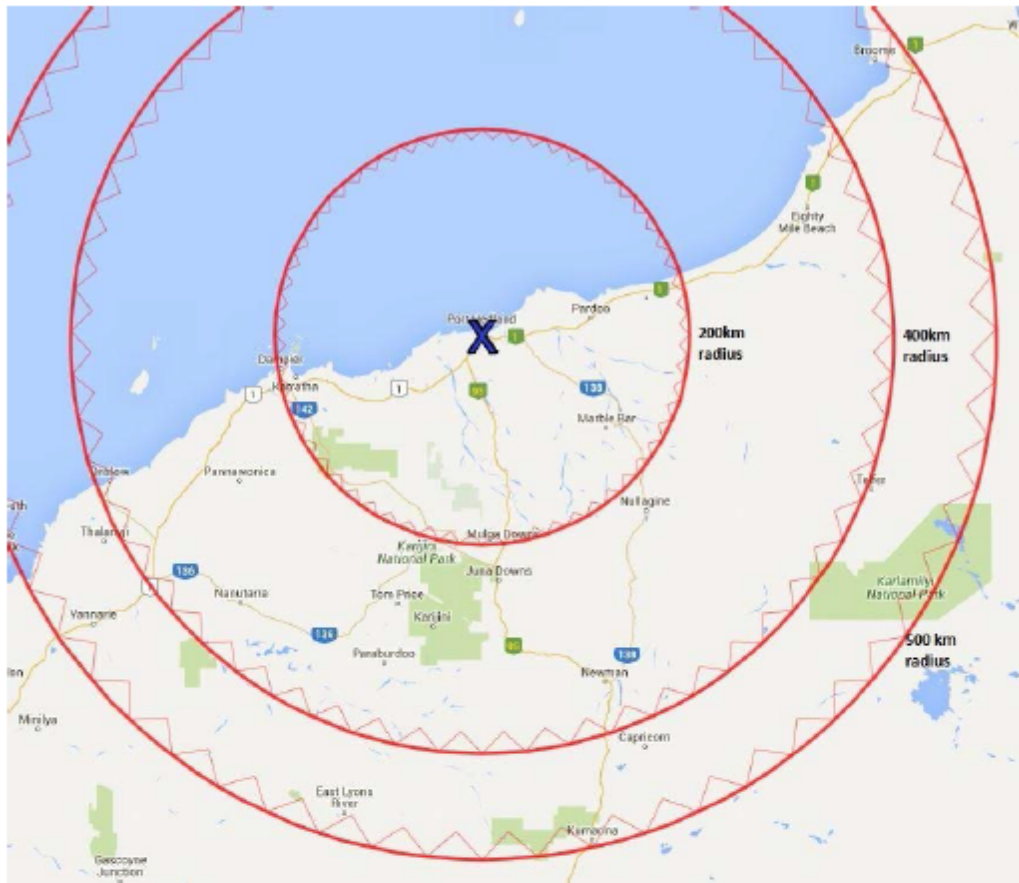


Figure 1 - Regional map with distances from Port Hedland

1. Maximum Regional Pricing Preference (RPP) only applies to businesses within Town of Port Hedland; or
2. Maximum Regional Pricing Preference (RPP) applies for businesses within Town of Port Hedland, 50% of RPP applies to businesses with 200 or 400 or 500km radius of ToPH; or
3. Maximum Regional Pricing Preference (RPP) applies for all businesses within 200 or 400 or 500km radius of ToPH; or
4. Maximum Regional Pricing Preference (RPP) applies to businesses within ToPH and municipalities with reciprocal Regional Pricing Preference Policies, within the Pilbara region; or
5. Maximum Regional Pricing Preference (RPP) applies to businesses within ToPH and municipalities on the boundary of ToPH with reciprocal Regional Pricing Preference Policies,

8:34pm Chief Executive Officer declared a financial interest in item '12.4.4 Chief Executive Officer – 2016 Performance Review' as the item discussed his employment.

Chief Executive Officer left the room.

12.4.4 Chief Executive Officer – 2016 Performance Review

Author: Peter Kocian, Executive Officer, and Nicholas Ross, Manager People & Culture

Authorising Officer: Mal Osborne, Chief Executive Officer

File No. PER - 8842

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/251 COUNCIL DECISION

MOVED: CR BLANCO

SECONDED: MAYOR HOWLETT

That Council adjourn the meeting in accordance with section 13.3 of the Standing Orders Local Law 2014 until Wednesday 25 May 2016 at 8:40pm.

CARRIED 9/0

8:35pm Mayor advised that the meeting is adjourned.

201516/252 COUNCIL DECISION

MOVED: CR MELVILLE

SECONDED: CR NEWBERY

That Council resume the meeting that was adjourned in accordance with section 13.1 of the Town of Port Hedland Standing Orders Local Law 2014.

CARRIED 9/0

8:41pm Mayor advised that the meeting is resumed.

RECOMMENDATION

That, with respect to the Chief Executive Officer's performance review, Council resolve to:

1. Authorise commencement of the Chief Executive Officer's performance review for 2016 pursuant to section 5.38 of the *Local Government Act 1995*, the Chief Executive Officer's Contract of Employment, Council Policy 3/019 CEO Performance Review and Council Resolution Number 201516/051;
2. Authorise the appointment of Mr. John Phillips (JCP Consulting) to independently facilitate the Chief Executive Officer's performance review for 2016, as a request for external assistance is permissible under the Chief Executive Officer's Contract of Employment and Council Policy 3/019 CEO Performance Review;

3. Invite all elected members to participate in the Review Working Group to consider the Chief Executive Officer's performance review for 2016 with two meetings proposed for the 1 and 7 June 2016;
4. Rescind Policy 3/019 CEO Performance Review as the requirements to undertake a review of the Chief Executive Officer's performance is covered by sections 5.38 and 5.39 (Contract of Employment) of the *Local Government Act 1995*.

AMENDED RECOMMENDATION/MOTION

MOVED: CR ARIF

SECONDED: CR WHITWELL

That, with respect to the Chief Executive Officer's performance review, Council resolve to:

1. Authorise commencement of the Chief Executive Officer's performance review for 2016 pursuant to section 5.38 of the *Local Government Act 1995*, the Chief Executive Officer's Contract of Employment, Council Policy 3/019 CEO Performance Review and Council Resolution Number 201516/051;
2. Authorise the appointment of Mr. John Phillips (JCP Consulting) to independently facilitate the Chief Executive Officer's performance review for 2016, as a request for external assistance is permissible under the Chief Executive Officer's Contract of Employment and Council Policy 3/019 CEO Performance Review;
3. Invite all Elected Members to participate in the Chief Executive Officer's performance review for 2016 with two meetings proposed for the 1 and 7 June 2016;
4. Amend Policy 3/019 'CEO Performance Review' as per attachment 2;
5. Appoint the Mayor, Deputy Mayor, Councillors Hooper and Tavo to the CEO Performance Review Working Group to undertake the Chief Executive Officer's performance review for 2016.

201516/253 AMENDMENT/COUNCIL DECISION

MOVED: CR BLANCO

SECONDED: CR HOOPER

That Council amend point 4 of the amended recommendation/motion to 'workshop policy 3/019 'CEO Performance Review''.

CARRIED 9/0

201516/254 AMENDED MOTION/COUNCIL DECISION**MOVED: CR ARIF****SECONDED: CR WHITWELL**

That, with respect to the Chief Executive Officer's performance review, Council resolve to:

1. Authorise commencement of the Chief Executive Officer's performance review for 2016 pursuant to section 5.38 of the *Local Government Act 1995*, the Chief Executive Officer's Contract of Employment, Council Policy 3/019 CEO Performance Review and Council Resolution Number 201516/051;
2. Authorise the appointment of Mr. John Phillips (JCP Consulting) to independently facilitate the Chief Executive Officer's performance review for 2016, as a request for external assistance is permissible under the Chief Executive Officer's Contract of Employment and Council Policy 3/019 CEO Performance Review;
3. Invite all Elected Members to participate in the Chief Executive Officer's performance review for 2016 with two meetings proposed for the 1 and 7 June 2016;
4. Workshop policy 3/019 'CEO Performance Review';
5. Appoint the Mayor, Deputy Mayor, Councillor Hooper and Councillor Tavo to the CEO Performance Review Working Group to undertake the Chief Executive Officer's performance review for 2016.

***THE AMENDED MOTION BECAME THE SUBSTANTIVE MOTION
WHICH WAS PUT AND CARRIED 9/0***

9:05pm Chief Executive Officer re-entered the room.

EXECUTIVE SUMMARY

This report seeks Council authorisation to appoint Mr. John Phillips (JCP Consulting) to commence the Chief Executive Officer's (CEO's) performance review for 2016.

DETAILED REPORT

At the Ordinary Meeting of 23 September 2015, Council resolved as follows:

201516/051 AMENDED RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HUNT

SECONDED: CR HOOPER

That Council:

1. Receive the report on the CEO Annual Appraisal, including the attached Key Performance Indicators for Mr Osborne;
2. Note and confirm that the Elected Members have reviewed the report's recommendations and attached Key Performance Indicators and deemed them to be satisfactory;
3. Endorses commencement of the 2016 review process by April 2016, with the appraisal to be completed before the June 2016 Ordinary Council Meeting; and
4. Confirm the CEO Key Performance Indicators for 2016.

CARRIED 5/2

Pursuant to section 5.38 of the *Local Government Act 1995* the Chief Executive Officer's performance is to be reviewed at least once in relation to every year of employment. The last review was concluded in September 2015 and in accordance with Council Resolution number 201516/051 it is recommended that the Chief Executive Officer's review for 2016 commence.

As has occurred in the past it is recommended that Mr. John Phillips (JCP Consulting) be appointed to independently facilitate the CEO's performance review for 2016. An indicative quote of \$2750 - \$4750 (exclusive of GST and expenses) has been obtained and covers the following scope:

- Potential establishment and modelling exercise (including survey)
- Facilitation of workshop with Elected Members
- Drafting of report to Elected Members
- Debrief and implementation

The proposed outline of the CEO performance review process for 2016 is as follows:

1. 20 May 2016 – distribution of three surveys (360 degree feedback) to Elected Members, Directors/Managers and External Stakeholders. To be completed by 27 May 2016.
2. 1 June 2016 – all Elected Members are invited to participate in a working group for an initial discussion (3 hours) facilitated by John Phillips.
3. 2 June 2016 – distribution of the results of the surveys to Elected Members and the CEO.
4. 7 June 2016 – all Elected Members are invited to participate in a formal appraisal meeting (5 hours) facilitated by John Phillips to:
 - Consider the CEO Report and the result of the 360 degree feedback
 - Set new KPIs based on 4 key areas (Citizens/Community, Human Capital, Financial Stewardship and Internal Processes).
5. 23 June 2016 – CEO's 2016 Performance Review and 2016/17 Key Performance Indicators to be presented to the June Ordinary Council Meeting.

FINANCIAL AND RISK IMPLICATIONS

A quote of \$2750 - \$4750 (exclusive of GST and expenses) has been obtained from Mr. John Phillips to independently facilitate the Chief Executive Officer's performance review for 2016. There is an available budget against general ledger account 406262 Management Support – Corporate Management.

Section 5.38 of the *Local Government Act 1995* requires the Chief Executive Officer's performance to be reviewed at least once per year. Should the performance review not be finalised in a timely manner there is a risk that the Town of Port Hedland will incur a statutory breach.

STATUTORY AND POLICY IMPLICATIONS

Council has an existing Policy 3/019 CEO Performance Review which is still current (adopted 2004). The Policy states that the task of conducting the CEO performance review is delegated to a Review Working Group comprised of the Mayor, Deputy Mayor and one other Councillor elected by the Council each year. It is recommended that this Policy be rescinded as the requirements to undertake a review of the CEO's performance is governed by the *Local Government Act 1995* and the CEO's Contract of Employment, both of which supersede Council Policy.

Further reporting of the CEO's Performance Review will include details of matters relating to an employee, and therefore will be confidential under section 5.23(2)(a) of the *Local Government Act 1995* applies as the matter affects an employee.

Section 4.1 of the 2014 – 2024 Strategic Community Plan applies as the Town is attracting and retaining an effective workforce to deliver organisational outcomes.

ATTACHMENTS

1. Policy 3/019 CEO Performance Review
2. Draft CEO Performance Review Policy

11 May 2016

ATTACHMENT 1 TO ITEM 12.4.4

**3/019 CEO PERFORMANCE REVIEW****Policy Purpose**

This policy provides a framework and guidance for the CEO performance review. It is designed to ensure a consistent and fair approach is used where the format and assessment criteria are known in advance.

Timing

The CEO performance review is to be conducted in November each year. The last date for the report of the Review Working Group to be presented to Council is at the December Council Meeting in the year of the review.

Delegation

The task of conducting the CEO performance review is delegated to a Review Working Group, except that all Councillors shall be provided the opportunity to provide an evaluation to this Committee.

Review Working Group

The Review Working Group shall comprise the Mayor, Deputy Mayor and one other Councillor elected by the Council each year.

Outside Assistance

The Review Working Group is to conduct the review. If the Committee is of the view that it requires the assistance of a consultant or other outside expertise in any particular year, the Committee is to bring the request to the Council for consideration.

CEO Performance Agreement

The Review Working Group is to use the CEO Performance Agreement as the basis for the assessment. The Review Working Group is to draw up the CEO Performance Agreement for the year following as part of its task. The CEO Performance Agreement is to contain the following:

- Performance Indicators
- Performance Targets
- Timeframe
- Performance Measure

For ease of assessment the Review Working Group shall break down the performance indicators into Key Result Areas. These key result areas may be consistent each year or amended by the Review Working Group with the agreement of the CEO.



CEO Report

The CEO is required to submit a report against each performance indicator using the performance measure as evidence. The report is to say whether the performance targets have been reached within the specified timeframe and the effect these have had on the performance of the organisation. If the performance targets have not been reached the report is to include an explanation.

Review Working Group Report

The Review Working Group is to use the CEO Report as the basis for its assessment and give consideration to any Councillor evaluations also submitted.

For each Performance Indicator the Review Working Group shall:

- Accept the report of the CEO
- Reject the report of the CEO and include an alternative report
- Amend the report in part.

The report of the CEO, together with any alternative reports or amendments made by the Review Working Group shall be submitted to Council.

Appraisal Interview

At the appraisal interview the Review Working Group is to consider the report of the CEO against each of the Performance Indicators. The Review Working Group will use its judgment to decide whether it considers that the CEO Report is an accurate reflection of whether the CEO has reached the performance targets.

If the Review Working Group is not satisfied on the basis of the evidence and the report that the performance targets have been reached, the Review Working Group shall discuss this with the CEO. The discussions shall have regard to the "Description" of the Key Result Area and the "Dominant Skills/Expertise" requirements for that particular Key Result Area contained in the Performance Agreement.

After it has discussed each Performance Indicator with the CEO, the Review Working Group should conclude its findings by accepting the CEO report, or rejecting the CEO report and providing an alternative report or by amending the report in part to reflect the Review Working Group's view.

Satisfaction Measure

When all Performance Indicators have been considered and any adjustments have been made to the CEO Report, the Review Working Group is to use the result to record its view of satisfaction with the performance of the CEO.

Town of
Port Hedland



3/019 CEO PERFORMANCE REVIEW

In using its judgement the Review Working Group shall take the view of whether a “reasonable person” would be satisfied that the performance targets have been reached. It is open to the Review Working Group to make recommendations to the CEO regarding his or her performance and any improvement that are required for the forthcoming review period.

Report to Council

Once the performance appraisal has been completed the Review Working Group is to provide its report to the Council for information.

At the same time the Review Working Group is to submit to Council the draft of a Performance Agreement for the forthcoming review period. The Performance Agreement is required to be adopted by Council. It is open to the Council to make changes to the draft performance agreement before adoption provided that the CEO agrees to the changes and the minutes of the meeting record this.

(Adopted at the 24 November 2004 Council Meeting.)

ATTACHMENT 2 TO ITEM 12.4.4



3/019 CEO PERFORMANCE REVIEW

Policy Purpose

This policy provides a framework and guidance for the CEO performance review. It is designed to ensure a consistent and fair approach is used where the format and assessment criteria are known in advance.

Policy Content*Timing*

~~The CEO performance review is to be conducted in November each year. The last date for the report of the Review Working Group to be presented to Council is at the December Council Meeting in the year of the review.~~

The Chief Executive Officers performance shall be reviewed annually pursuant to the Contract of Employment. The Council shall give the Chief Executive Officer reasonable notice in writing that a performance review is to be conducted to enable the Chief Executive Officer sufficient time to prepare.

Delegation Conduct of Performance Review

~~The task of conducting the CEO performance review is delegated to a Review Working Group, except that all Councillors shall be provided the opportunity to provide an evaluation to this Committee.~~

Any performance review will be conducted on behalf of the Council by the nominated persons or person to whom the Council delegates that task, known as the Review Working Group. The Review Working Group shall comprise of the Mayor, Deputy Mayor and ~~one~~two other Councillors elected by the Council each year. In accordance with the contract of employment between the CEO and the Town of Port Hedland ~~the Council shall use an independent party to facilitate the performance review.~~

Review Working Group

~~The Review Working Group shall comprise the Mayor, Deputy Mayor and one other Councillor elected by the Council each year.~~

Outside Assistance

~~The Review Working Group is to conduct the review. If the Committee is of the view that it requires the assistance of a consultant or other outside expertise in any particular year, the Committee is to bring the request to the Council for consideration.~~

CEO Performance Agreement Procedure



~~The Review Working Group is to use the CEO Performance Agreement as the basis for the assessment. The Review Working Group is to draw up the CEO Performance Agreement for the year following as part of its task. The CEO Performance Agreement is to contain the following:~~

- ~~▲ Performance Indicators~~
- ~~▲ Performance Targets~~
- ~~▲ Timeframe~~
- ~~▲ Performance Measure~~

~~For ease of assessment the Review Working Group shall break down the performance indicators into Key Result Areas. These key result areas may be consistent each year or amended by the Review Working Group with the agreement of the CEO.~~

Any performance review conducted shall be broadly based on the following Key Areas having regard to the Position Description and the specific indicators agreed to by the parties at the end of each performance review. Each indicator is to contain a performance target, timeframe and performance measure. Each indicator is to contain a performance target, timeframe and performance measure.

- Leadership
- Councillor Relations
- External Relations, including customers and stakeholders
- Organisation Management
- Planning
- Financial Management

CEO Report

The CEO is required to submit a report against each performance indicator using the performance measure as evidence. The report is to say whether the performance targets have been reached within the specified timeframe and the effect these have had on the performance of the organisation. If the performance targets have not been reached the report is to include an explanation.

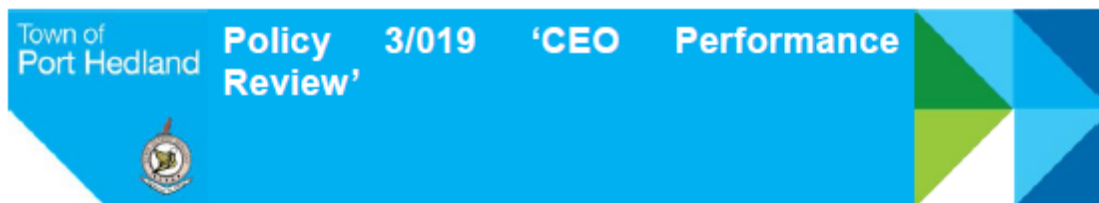
Review Working Group Report

The Review Working Group is to use the CEO Report as the basis for its assessment and give consideration to any Councillor evaluations also submitted.

For each Performance Indicator the Review Working Group shall:

- Accept the report of the CEO
- Reject the report of the CEO and include an alternative report





← ~~Amend the report in part.~~

The report of the CEO, together with any alternative reports ~~or amendments~~ made by the Review Working Group, shall be submitted to Council.

Appraisal Interview

At the appraisal interview the Review Working Group is to consider the report of the CEO against each of the Performance Indicators. The Review Working Group will use its judgment to decide whether it considers that the CEO Report is an accurate reflection of whether the CEO has reached the performance targets.

If the Review Working Group is not satisfied on the basis of the evidence and the report that the performance targets have been reached, the Review Working Group shall discuss this with the CEO. The discussions shall have regard to the "Description" of the Key Result Area and the "Dominant Skills/Expertise" requirements for that particular Key Result Area contained in the Performance Agreement.

After it has discussed each Performance Indicator with the CEO, the Review Working Group should conclude its findings by accepting the CEO report, or rejecting the CEO report and providing an alternative report or by amending the report in part to reflect the Review Working Group's view.

Satisfaction Measure

When all Performance Indicators have been considered and any adjustments have been made to the CEO Report, the Review Working Group is to use the result to record its view of satisfaction with the performance of the CEO.

In using its judgement the Review Working Group shall take the view of whether a "reasonable person" would be satisfied that the performance targets have been reached. It is open to the Review Working Group to make recommendations to the CEO regarding his or her performance and any improvement that are required for the forthcoming review period.

Report to Council

Once the performance appraisal has been completed the Review Working Group is to provide its report to the Council for information.





At the same time the Review Working Group is to submit to Council the draft of a Performance Agreement for the forthcoming review period. The Performance Agreement is required to be adopted by Council. It is open to the Council to make changes to the draft performance agreement before adoption provided that the CEO agrees to the changes and the minutes of the meeting record this.

Council adoption date and resolution no.	24 November 2004 OCM
Date of adoption of amendment and resolution number do not delete the previous dates	
Relevant legislation	Local Government Act 1995
Delegated authority	Nil
Business unit	Executive
Directorate	Office of the CEO
Review frequency	As required

12.4.5 Short-Term Investment of the Airport Lease Funds

Author: Dale Stewart, Acting Director Corporate Services
Authorising Officer: Mal Osborne, Chief Executive Officer
File No. 30/12/0013

DISCLOSURE OF INTEREST BY OFFICER

Nil

RECOMMENDATION 1

Mayor called for a show of hands in favour (1/3 of the number of offices of council members whether vacant or not – this being three) to consider the revoking of part b. of point 5. of Decision 201516/026 of Item 7.1.3 'Long-Term Lease Recommendations (Port Hedland International Airport Long-Term Lease – Wealth Management Strategy Framework)' presented to Council's Special Meeting held on 25 August 2015, and recorded on page 101 of those Minutes.

That Council revoke part b. of point 5. of decision 201516/026 of Item 7.1.3 'Long-Term Lease Recommendations (Port Hedland International Airport Long-Term Lease – Wealth Management Strategy Framework)' presented to Council's Special Meeting held on 25 August 2015 and recorded on page 101 of those Minutes that states:

- b. Authorise the CEO to liaise with the Western Australian Treasury Corporation to establish an agreement to immediately invest all of the funds into an interest bearing account in accordance with section 6.14 of the Local Government Act 1995 (WA), with the following disbursement arrangements:*
 - i. Transaction fees totalling \$4,500,000 (excluding GST) are to be paid to The Airport Group as per engagement terms with the Town of Port Hedland;*
 - ii. Interest earnings on the fund are to be transferred to the Town of Port Hedland Municipal Bank Account on a monthly basis (in arrears);*
 - iii. No further funds can be accessed until the Council has resolved on a wealth management framework which is to include rules on how funds are to be disbursed in the future and what the authorisation mechanisms are for release of funds.*

201516/255 RECOMMENDATION 2/COUNCIL DECISION

MOVED: CR WHITWELL

SECONDED: CR HOOPER

That Council note that the airport lease funds are currently invested with the Western Australian Treasury Corporation, with a principal sum of \$162,347,001 invested in a 30-day term deposit at an interest rate of 1.78%, maturing on 9 June 2016.

CARRIED 9/0

201516/256 RECOMMENDATION 3/COUNCIL DECISION**MOVED: CR ARIF****SECONDED: CR HOOPER**

That Council request the Chief Executive Officer to schedule Elected Member Concept Forums to enable Council consideration and community engagement with respect to the Airport Wealth Management Framework, its management, investment and its disbursement / distribution streams by no later than 31 December 2016.

CARRIED 9/0**RECOMMENDATION 4**

That pending the conclusion of the Wealth Management Framework, Council authorise the Chief Executive Officer (or his delegate) to invest the airport lease funds into term deposits (for a term not exceeding 12-months) held with Authorised Deposit-Taking Institutions in accordance with the Town of Port Hedland 2/010 Council Investments Policy (being a maximum of 35% in any one institution with a minimum S&P Long Term Rating of AAA).

201516/257 AMENDED RECOMMENDATION 4/COUNCIL DECISION**MOVED: CR HOOPER****SECONDED: CR GILLINGHAM**

That pending the conclusion of the Wealth Management Framework, Council authorise the Chief Executive Officer (or his delegate) to invest the airport lease funds into term deposits (for a term not exceeding 12-months) held with Authorised Deposit-Taking Institutions in accordance with the Town of Port Hedland 2/010 Council Investments Policy (being a maximum of 35% in any one institution with a minimum S&P Long Term Rating of AA).

CARRIED 9/0**RECOMMENDATION 5**

That in accordance with previous undertakings and resolution with respect to the Wealth Management Framework, Council authorise the payment of 100% of interest earnings from the investment of the airport lease funds (estimated at approximately \$4.47M) into the Town of Port Hedland Municipal Account for the 2016/17 financial year to support municipal operations, to be drawn down periodically to meet cash-flow requirements.

AMENDED RECOMMENDATION 5

That in accordance with previous undertakings and resolution with respect to the Wealth Management Framework, Council authorise the payment of 100% of interest earnings from the investment of the airport lease funds (estimated at approximately \$4.47M) into the Town of Port Hedland Municipal Account for the 2016/17 financial year to support municipal operations, with interest only able to be drawn down after adoption of the Framework, expected by 31 December 2016, or at the end of the relevant term deposits (debentures) redemption dates, if these dates are later.

201516/258 COUNCIL DECISION**MOVED: CR TAVO****SECONDED: CR BLANCO**

That with respect to the Wealth Management Framework, Council defer consideration of the payment of the interest earnings from the investment of the airport lease funds into the Town of Port Hedland Municipal Account to support municipal operations to a meeting in June 2016.

CARRIED 7/2

For	Against
Mayor Howlett Councillor Blanco Councillor Gillingham Councillor Arif Councillor Melville Councillor Newbery Councillor Tavo	Councillor Hooper Councillor Whitwell

RECOMMENDATION 6/MOTION**MOVED: CR HOOPER****SECONDED: CR ARIF**

That Council authorise the withdrawal of \$2,737,933 in capital from the airport lease funds, being the proceeds from the sale of assets including plant and equipment as per the Asset Sale Agreement provided as Attachment 2, to be paid into the Town of Port Hedland Asset Management Reserve on or before 30 June 2016, to be utilised to fund current committed priority capital works identified in the sale agreement, however to be reconsidered and approved by Council as part of the 2016/17 Budget deliberations.

LOST FOR WANT OF AN ABSOLUTE MAJORITY VOTE 4/5

For	Against
Mayor Howlett Councillor Hooper Councillor Arif Councillor Whitwell	Councillor Blanco Councillor Gillingham Councillor Melville Councillor Newbery Councillor Tavo

MOTION**MOVED: MAYOR HOWLETT****SECONDED: CR WHITWELL**

That Council authorise the withdrawal of \$2,737,933 in capital from the airport lease funds, being the proceeds from the sale of assets including plant and equipment as per the Asset Sale Agreement provided as Attachment 2, to be paid into the Town of Port Hedland airport reserve on or before 30 June 2016, to be utilised to fund current committed priority capital works identified in the sale agreement, however to be reconsidered and approved by Council as part of the 2016/17 Budget deliberations.

LOST FOR WANT OF AN ABSOLUTE MAJORITY VOTE 4/5

For	Against
Mayor Howlett Councillor Hooper Councillor Arif Councillor Whitwell	Councillor Blanco Councillor Gillingham Councillor Melville Councillor Newbery Councillor Tavo

EXECUTIVE SUMMARY

Council resolved to dispose of the Port Hedland International Airport by way of long term lease, for a lease value of circa \$205M comprised of an upfront payment of \$165M and capital expenditure requirement of \$40M.

Settlement occurred on the 11 March 2016 with net funds of \$162,347,001 invested with the Western Australian Treasury Corporation for an initial 60-day term at an interest rate of 2.18%pa, maturing on the 18 May 2016. Instructions have been provided to roll this investment over with the Western Australian Treasury Corporation to mature on 9 June at an interest rate of 1.78%.

This item seeks Council authorisation to invest the funds in term deposits with Authorised Deposit taking Institutions in accordance with Council's Investment Policy. This will achieve a higher interest rate and potential return for the Town with no change in risk profile. This item also considers the payment of interest earnings to municipal operations and the withdrawal of the asset sale agreement proceeds to fund priority capital works.

DETAILED REPORT

The airport lease net funds (\$162,347,001) are invested with the Western Australian Treasury Corporation at an interest rate of 2.18% however this has since decreased to 1.78% following the Reserve Bank of Australia drop in interest rates.

Should the funds be invested in term deposits with Authorised Deposit taking Institutions in accordance with Council's Investment Policy, a higher interest rate and therefore potential return to the Town of Port Hedland would be achieved. This investment strategy would be consistent with the larger local governments such as the cities of Stirling, Joondalup and Melville who all invest the majority of their funds in ADI's (very little with the WATC).

Council and the community have previously been advised that the Town of Port Hedland will require approximately \$8.2M in funding as an annual disbursement from the investment of the airport lease funds to replace the following recurrent revenue streams foregone as a result of the airport land transaction:

• Airport dividend to muni	\$3,383,415
• Precinct 3 lease revenue	\$3,795,258
• Mia lease revenue	\$195,982
• Port Haven lease revenue	\$1,275,292

Whilst the actual amount of funding required to balance the budget (taking into account operational efficiencies and rating strategy) will not be known until the draft 2016/17 Budget is finalised, Council is requested to provide direction on the quantum of the disbursement to provide a level of certainty with budget planning for the next financial year. Officers are requesting the following disbursements for the 2016/17 financial year:

1. 100% of interest earnings from the investment of the airport lease funds to be paid into the municipal account to support service delivery;
2. Part of the airport lease proceeds (\$2,737,933) related to the sale of assets including the sale of plant and equipment located at the Port Hedland International Airport (see Attachment 2). These funds should have been isolated from the airport lease funds at the time of settlement, with a recommendation to pay the funds into the Town's Asset Management Reserve. There is still a requirement / commitment to funding Airport capital projects in the 2016/17 and or 2017/19 financial years and ensuring that asset minor airport sale proceeds are allocated to meet these commitments would be a prudent strategy.

Council have the option of setting a percentage of the interest earnings to be paid into the municipal fund. Similarly, Council can resolve to support full payment, part payment or no payment of the asset sale funds into the Town's Asset Management Reserve.

Consultation

Elected Members received a presentation on the short-term (next 12-months) investment framework for the airport lease funds at a workshop on the 27 April 2016.

There appeared to be general support for the funds to be invested in term deposits with Authorised Deposit Taking Institutions (ADI's) in accordance with the Council Investment Policy. This approach is consistent with funds held by the local government of Joondalup, Stirling, Melville and Swan – who have similar investment policies and similar (slightly less than the Town) total investment funds held.

Council could if it wished reduce the maximum percentage held in any one entity from 35% to say 25% or even 20%, consistent with some of those municipalities if it had further concerns.

FINANCIAL AND RISK IMPLICATIONS

Council and the community have previously been advised that the Town of Port Hedland will require \$8.2M in funding as an annual disbursement from the investment of the airport lease funds to replace the following recurrent revenue streams foregone as a result of the airport land transaction:

- Airport dividend to muni \$3,383,415
- Precinct 3 lease revenue \$3,795,258
- Mia lease revenue \$195,982
- Port Haven lease revenue \$1,275,292

Council are required to provide direction on the quantum of the disbursement from the airport lease funds to inform the 2016/17 Budget.

Investing the entire \$159.6M in the 'big four' banks (say maximum 25% each) for 180 days or 365 day terms as opposed to with the WATC would indicatively and conservatively produce a greater dividend to the ratepayers (the Councils bottom line) of \$1.2M per annum with little change to the risk profile and totally consistent with \$160M investment holdings of the other municipalities mentioned above. The prudent person rule holds that the Council and its officers should be ensuring that it produces a reasonable return taking into account the risks, likelihood and consequences, not to be 'overly conservative' with the public purse. It is the view of the Towns officers that investment in the WATC is overly conservative.

An analysis over 180 days (actual quotes effective 10 May) is provided as an example:

	WATC	NAB	ANZ	CBA	Westpac
Principal	40,000,000	40,000,000	40,000,000	40,000,000	40,000,000
Term (days)	180	180	180	180	180
Interest rate	2.00%	2.80%	2.65%	2.59%	3.03%
Interest projection	394,521	552,329	522,740	510,904	597,699
Interest sacrificed		157,808	128,219	116,384	203,178

STATUTORY AND POLICY IMPLICATIONS

All money received or receivable by the Town must be held in its municipal fund or, if required, the trust fund (section 6.7 of the *Local Government Act 1995*). Money in the municipal fund can be quarantined in a reserve account that has been set up for a specific purpose under s6.11 of the *Local Government Act 1995*. The money held in a reserve account may be invested in accordance with section 6.14 of the Act, including in accordance with regulation 19C of the *Local Government (Financial Management) Regulations 1996*, which allows for the immediate investment for the airport lease funds in compliant investments.

A large portion of the Town's Strategic Community Plan is relevant to this item including:

Goal 3.1 Sustainable services and infrastructure

Goal 4.1 Strategic and best practice local government administration.

It should be noted that consideration of the Wealth Management Framework and its broader long term strategy (including external versus internal management and distribution streams) is still subject to additional Council Workshops (as required) and the following that community engagement.

ATTACHMENTS

1. Council Investment Policy
2. Asset Sale Agreement – Port Hedland International Airport (Under Separate Cover)

9 May 2016

ATTACHMENT 1 TO ITEM 12.4.5

**2/010 COUNCIL INVESTMENTS****OBJECTIVES**

To provide a framework for the investment of Council funds that seeks to maximise the return to Council whilst having due consideration for the risk and security of each investment; and ensures that Council's liquidity requirements are being satisfied.

Primary considerations of this policy are:

- Preservation of capital;
- Liquidity requirements; and
- Return of investment.

LEGISLATIVE REQUIREMENTS

All investments are to comply with the following:

- Local Government Act 1995 - Section 6.14;
- The Trustees Act 1962 - Part III Investments;
- Local Government (Financial Management) Regulations 1996 – Regulations 8, 19, 19C, 28 and 49; and
- Australian Accounting Standards

DELEGATION OF AUTHORITY

Authority for implementation of the Investment Policy is delegated by Council to the Chief Executive Officer in accordance with the *Local Government Act 1995*.

The Chief Executive Officer may sub-delegate the implementation of the Investment Policy to other Town officers, in writing and keep a register of these appointments.

PRUDENT PERSON STANDARD

All investments will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

ETHICS AND CONFLICTS OF INTEREST

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. The Department of Local Government and Communities Guidelines No.1 'Disclosure of Interests Affecting Impartiality' and No. 21 'Disclosure of Financial Interests in Returns' provide guidance for recognising and disclosing any conflicts of interest.

Any independent advisors are required to disclose any actual or perceived conflicts of interest.

APPROVED INVESTMENTS

Authorised Investments shall be limited to Australian currency denominated:

- Deposits (including Flexi and At Call deposits) with Authorised Deposit Taking Institutions;
- Deposits with Authorised Deposit Taking Institutions (ADIs) as defined in section 5 of the Banking Act 1959 (Commonwealth) with a Standard & Poors (or its equivalent) credit rating of BBB or higher (subject to overall limits) and the Western Australian Treasury Corporation (WATC), for a term not exceeding 12 months;
- Bonds that are guaranteed by the Commonwealth Government or a State or Territory and which have a term not exceeding three years.

PROHIBITED INVESTMENTS

This investment policy prohibits any investments carried out for speculative purposes including:

- Derivative based instruments; and
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

The leveraging of investments (borrowing to invest) is prohibited.

PROFESSIONAL ADVICE

The Town may from time to time retain the services of suitably qualified investment professionals to provide assistance in investment strategy formulation, portfolio implementation and monitoring.

Any such advisor must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment



products being recommended and is free to choose the most appropriate product within the terms and conditions of this Investment Policy.

Any independent advisor engaged by the Town is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

INVESTMENT FUNDS

All cash and investments held by the Town are placed in common investments in accordance with *Local Government (Financial Management) Regulations 1996* Regulation 8.

RISK MANAGEMENT GUIDELINES

All investments obtained must comply with three key criteria relating to:

- Portfolio Credit Framework: limit overall credit exposure of the portfolio;
- Counterparty Credit Framework: limit exposure to individual counterparties/institutions; and
- Term to Maturity Framework: limits based upon maturity of securities.

Portfolio Credit Framework

To control the credit quality on the investment portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %
AAA	A-1+	100%
AA	A-1+	100%
A	A-1	60%
BBB	A-2	20%

If any of the investments within the portfolio are subject to a credit rating downgrade such that the portfolio credit percentages are no longer compliant with the Investment Policy, the investment will be divested as soon as practicable.

Counterparty Credit Framework

Exposure to an individual counterparty/institution will be restricted by its credit rating so that single entity exposure is limited, as detailed in the table below:



S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %
AAA	A-1+	35%
AA	A-1+	35%
A	A-1	2%
BBB	A-2	10%

If any of the investments within the portfolio are subject to a credit rating downgrade, or maturing investments are redeemed, such that counterparty portfolio percentages are no longer compliant with the Investment Policy, the relevant investments will be divested as soon as practicable.

Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints: Investment Type	Term to Maturity
ADI Deposits	≤ 12 months
State/Commonwealth Government Bonds	≤ 3 years

REPORTING AND PERFORMANCE MONITORING

Council will receive a monthly report on the investment portfolio, listing for each investment the institution, amount, term to maturity, maturity date, amount interest rate, and % of total portfolio represented by the individual investment. A summary of the composition of the investment portfolio by credit rating and institution will also be included.

A benchmarking report of the Town's investment portfolio will be provided as part of the Quarterly Budget Review.

Performance benchmarks will be based on the following table:

Investment Product	Performance Benchmark
Cash	Cash Rate
Enhanced/Direct Investments	UBSWA Bank Bill
Bonds	CPI + appropriate margin over rolling 3 year periods

Council Adoption Date and Resolution No.	23 April 2008
Date of adoption of amendment and Resolution Number Do not delete previous dates	24 June 2009 13 July 2011 Amended at the 28 May 2014 Council Meeting (201314/338)
Relevant Legislation	1. Local Government Act 1995



	2. Local Government (Financial Management) Regulations 1996 3. The Trustees Act 1962
Delegated Authority	Yes
Business Unit	Financial Services
Directorate	Corporate Services
Review Frequency	As required



ITEM 13 LATE ITEMS AS PERMITTED BY PRESIDING MEMBER/ COUNCIL**13.1 Statement of Financial Activity for the period ended 30 April 2016**

Author: Laura Delaney, Coordinator Financial Services

Authorising Officer: Dale Stewart, Acting Director Corporate Services

File No. 12/14/0003

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/259 RECOMMENDATION 1/COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR HOOPER

That Council, with respect to the Statement of Financial Activity for the period ended 30 April 2016:

1. Receive the Monthly Financial Health Check;
2. Receive the Statement of Financial Activity (and supporting information);
3. Receive the Port Hedland International Airport Statement of Financial Activity;
4. Receive the Waste Management Statement of Financial Activity;
5. Note the accounts paid during April 2016 under delegated authority;
6. Receive the Credit Card Statements.

CARRIED 9/0

201516/260 RECOMMENDATION 2/COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR WHITWELL

That Council approve the following amendments to the 2015/16 Budget as per the table below, resulting in no impact on the proposed budgeted municipal surplus carried forward of \$1.188M:

Account Description	Current Budget	Proposed Budget	Change in Net Current Assets (Municipal Surplus)
Building Refurbishment - Civic Centre	(\$4,800,000.00)	(\$1,000,000.00)	\$3,800,000.00
New Loan Borrowings	\$5,141,000.00	\$341,000.00	(\$4,800,000.00)
Transfer from Asset Management Reserve	\$1,372,820.39	\$2,372,820.39	\$1,000,000.00
			\$0

CARRIED BY ABSOLUTE MAJORITY VOTE 5/4

For	Against
Mayor Howlett Councillor Hooper Councillor Arif Councillor Melville Councilor Whitwell	Councillor Blanco Councillor Gillingham Councillor Newbery Councillor Tavo

EXECUTIVE SUMMARY

This report presents the Statement of Financial Activity for the period ended 30 April 2016.

Supplementary information regarding the Town's financial activities is attached to this report.

DETAILED REPORT

The Statement of Financial Activity is presented in a similar format to the Rate Setting Statement as included in the 2015/16 Annual Budget.

The following commentary is provided on variances between year to date actuals and year to date budget for the period ended 30 April 2016:

Account Description	YTD Variance	Comment
Operating Revenue		
Rates	-1%	Actuals less than YTD Budget due to interim rates not realised.
Operating Grants, Subsidies & Contributions	-18%	Actuals less than YTD Budget due to timing of payments from grant providers which is received quarterly or upon full acquittal of the project. There are no concerns with respect to the anticipated effect on the proposed end of year forecast position.
Fees & Charges	-5%	Actuals less than YTD Budget due to General Tipping Fees & Scrap Metal YTD Budget not fully realised and Infrastructure Maintenance Service Charges.
Interest Earnings	-58%	Actuals less than YTD Budget Interest earnings however this will balance across the financial year, due to staggering maturities on investments and accruals. There are no concerns with respect to the anticipated effect on the proposed end of year forecast position.
Other Revenue	2577%	Actuals greater than YTD Budget as a result of the Port Hedland International Airport long term lease proceeds received. Appropriate accounting treatment yet to be applied to long term lease proceeds paid in advance.

Operating Expenditure		
Employee Costs	1%	Actuals greater than YTD budget due to payment of leave entitlement upon employee termination from salary and wages accounts. These payments will have the effect of reducing the leave provision accounts in the balance sheet as part of the end of financial year accounting process in June and balance out. In addition, additional workers compensation premium has been paid to insurer as a result of a premium adjustment invoice being received. Adjustment is as a result of the value of claims paid as at 31 December 2015 and the reconciliation of wages estimated and actual wages for the 2014-2015 year.
Materials and Contracts	-19%	Actuals less than YTD Budget Community Amenities: Difference related to Landfill Business Unit mainly in the Landfill Masterplan; Town Planning/Regional Development Northern Planning Program: South East Planning – Eastern Gateway; Landfill Management underspend; and Tyre Disposal Service with no actuals due to timing. Recreation & Culture: Difference related to Sportsgrounds mainly in park maintenance. Transport (excl. Airport): Difference mainly in Infrastructure Maintenance due to timing of works and invoicing.
Utilities	-16%	Actuals less than YTD Budget due to timing of payment of bills and consumption patterns.
Depreciation	2%	Actuals greater than YTD Budget, noting this non-cash amortisation is currently being reviewed. Annual Airport depreciation has been completed.
Interest Expense	-26%	Actuals less than YTD Budget due to timing of payments for interest on the Town's loans.
Insurance Expense	16%	Actuals greater than YTD Budget Insurances were paid for 12 months for the Airport however the QBR anticipated savings in this area once the airport was leased and the insurance risk transferred. Finance are currently investigating whether a credit can be obtained for the 'unused insurance' from 11 March to 30 June, which should bring the totals closer inline to Budget.
Other Expenditure	-24%	Actuals less than YTD Budget due to the timing associated with expenditure.
Capital Expenditure and Revenue		
Acquisition of Infrastructure.	-54%	Actuals less than YTD Budget due to the timing of completion of the capital works

Property, Plant and Equipment		program. Catamore Court construction is over (42%) however it is expected that a review of the committed orders (as opposed to payments) will confirm that the project has been closed out on close to Budget.
Proceeds from the Disposal of Assets	261%	Actuals greater than YTD Budget relating to the Airport proceeds from the disposal of assets.
Capital Grants and Contributions for the Development of Assets	-46%	Actuals less than YTD Budget due to timing of payment, with a large portion paid on the completion of capital works projects.
Proceeds from Self Supporting Loans	11%	Actuals greater than YTD Budget due to timing of payments.
Transfers from Reserves	-76%	Actuals less than YTD Budget as Reserves journals are completed as capital works progress.
Transfers to Reserves	3208%	Actuals greater than YTD Budget as a result of the Port Hedland International Airport long term lease proceeds being restricted into the Reserve.

The net current asset position as at 30 April 2016 is \$6.419M. The remaining balance is expected to decline over the next two months, as projects are delivered and operational budgets are expended.

The unrestricted cash position as at 30 April 2016 is \$2.156M and is calculated as follows:

	2015/16 Actual (000's)
Current Assets: Cash and Investments	\$246,862
Restricted Cash – Reserves	(\$244,706)
Unrestricted Cash Position as at 30 April 2016	\$2,156

FINANCIAL IMPLICATIONS

A municipal surplus occurs where revenue exceeds expenditure in a particular financial year. As per the current 2015/16 budget, the estimated municipal surplus is \$1.188m.

Town officers propose not to draw down on any of the budgeted \$4.8M loan for the Civic Centre Redevelopment project in the 2015/16 financial year. Any future works for this project will be decided via the 2016/17 Budget process. Works undertaken at the Wedgefield depot facility to cater for the relocation of the Works & Services Administrative staff premised as part of the strategy is proposed to be funded by the Asset Management Reserve. Expenditure for the relocation committed as part of this to 30 April is \$1,025,350 and to 16 May 2016 is \$1,104,000 with this anticipated to be the forecast expenditure, minus advance building rental commitments of approximately \$122,000. Approval is therefore requested to transfer a maximum of \$1,000,000 from this Reserve before the end of June 2016. The alternative is that the administration would be left with the option of drawing down a similar amount from the proposed loan.

Town officers will be drawing down the loan for Catamore Court Development up to the value of \$341,000 as per the 2015/16 Budget (as approved in the QBR) before the 30th June 2016.

The Town's Financial Sustainability Ratios changed as a result of the variations endorsed as part of the December Quarterly Budget Review. The ratios are presented in the table below.

Ratio	Calculation	Adopted Budget	Sept QBR	Dec QBR	Target Range
Unrestricted Current Ratio <i>(Liquidity Ratio: Ability to pay bills)</i>	$\frac{\text{Current Assets less Restricted Current Assets}}{\text{Current Liabilities less Liabilities Associated with Restricted Assets}}$	1.23	1.1	1.1	1.00 -1.20
Operating Surplus Ratio <i>(Financial Performance Ratio)</i>	$\frac{\text{Operating Revenue less Operating Expense}}{\text{Own Source Operating Revenue}}$	0.84%	-4%	-13.70%	1% -15%
Own Source Revenue Coverage Ratio <i>(Ability to Cover Costs through Own Revenue)</i>	$\frac{\text{Own Source Operating Revenue}}{\text{Operating Expense}}$	95.93%	90%	83.31%	40% -60%
Debt Service Cover Ratio <i>(Ability to pay debts)</i>	$\frac{\text{Operating Surplus before Interest and Depreciation Expense}}{\text{Principal and Interest Repayments}}$	7.67	5.56	3.20	3 -5
Net Debt to Operating Revenue Ratio	$\frac{\text{Net Budgeted Debt as at 30 June 2016}}{\text{Operating Revenue}}$	42.60%	42.54%	48.11%	<50%
Asset Sustainability Ratio	$\frac{\text{Capital Renewal/ Replacement Expenditure}}{\text{Depreciation Expense}}$	-	52%	48.63%	90% - 110%

The following comments are provided regarding the ratios in the table above:-

- Operating Surplus Ratio – this does not meet the Department's proposed minimum target because of the adjustments made to operating revenue and expenditure to reflect financial close of the Airport lease transaction. Adjustments related to the Airport transaction are funded entirely from the Airport Reserve and do not affect the Municipal projected closing surplus. The Town's projected closing cash surplus position remains strong at \$1.188m. This ratio takes into account the Town's depreciation of approximately \$15m which is a non-cash component. By not meeting the minimum target for this ratio it demonstrates that the Town is not raising enough operating revenue to fund all its operating expenditure. The Town has to rely on reserves, grants and contributions and borrowings to fund operating expenditure.

- Asset Sustainability Ratio – by not meeting the Department's minimum target it shows that the Town is not replacing assets at the rate it is consuming them i.e. capital renewal is not equal to depreciation. This creates a renewal backlog which continues to build over time. This is directly related to the operating surplus ratio which shows that the Town does not generate enough operating revenue to fund capital renewal equal to depreciation.

The Town is currently reviewing and updating Asset Management Plans and also has suggested that Council support a moratorium on the acquisition/construction of new assets, focusing on the renewal of existing assets.

RISK IMPLICATIONS

The Town of Port Hedland is exposed to a number of financial risks in both its Annual Budget and Long Term Financial Plan (which is underpinned by some key assumptions).

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.

Description		Summary
Rates Revenue GRV		The 2015/16 Adopted Budget included rate revenue of \$3,348,800 from six mass accommodation facilities. The Town has been in active discussions with the Department of Local Government over the last two years, with respect to the rating methodology of these facilities. For the 2015/16 financial year the Department requested the Town to reduce the rate in the dollar by \$0.02, impacting on total rate yield (advertised rates model was \$3,685,176). It is likely that mass accommodation rates will come under further pressure in future years including it currently being subject to a 'out of session' valuation review
Community Contribution: Mia Mia		The 2015/16 Adopted Budget includes a community contribution of \$464,845 under the Mia Mia lease. This lease expires in December 2019 and income is uncertain after this date.
Interest on Investments		The 2015/16 Adopted Budget includes income of \$2.1m from interest on investments. All interest earnings on Reserves are applied to Municipal revenue, with the exception of interest earnings on the Spoilbank Reserve which is applied against the Asset Management Reserve and the BHP Reserve which was applied back to the BHP Reserve. As Reserve balances are depleted, the Town will receive a lower income from interest on these balances.
FMG Memberships		FMG under agreement with the Town provide an annual contribution of \$500,000 towards the operations of Wanangkura Stadium. Under the agreement FMG employees are entitled to drawdown on this amount for activities through the Leisure Facilities and Matt Dann, with budgeted expenses of \$240,000 for Stadium activities and \$10,000 for Matt Dann activities, effectively providing a subsidy of \$250,000. FMG have a five year agreement

	with the Town which commenced on the 1 October 2012 and ends on the 30 September 2017.
Waste Management Reserve	<p>As at 30 June 2016 the budgeted closing balance of the Waste Management Reserve is \$9.932m 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.</p> <p>The 2015/16 Budget includes income of \$2.5m from the Waste Management business unit as a return on investment into Municipal funds. This reflects a rate of return of 7.48% on total waste collection services, supported by the draft Pricing Model for Waste Services. This Pricing Model will be presented to the Audit, Risk & Governance Committee.</p>
Scotty's Cafe	The 2015/16 Adopted Budget includes a capital contribution of \$1.2m from FMG for the construction of Scotty's Café at Marquee Park. The funding agreement is currently on hold and the project will not proceed until funding has been secured. Should Council decide to fund the project from own source funds, the Town would be required to also fund operational expenses which were to be originally captured under the funding agreement with FMG for the first 3 years (\$1.1m recurrent funding requirement over 3 years).
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.
Unspent Grant Funding	The Town currently has unspent grant funding, including funding from Royalties for Regions, Country Local Government Fund and Regional Road Group. This funding is associated with capital works programs such as the South Hedland Integrated Facility, Kerbing Construction and Walkway Lighting. 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 be potentially 'lost'. This could also damage future funding opportunities.

STATUTORY AND POLICY IMPLICATIONS

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires the Town to prepare a monthly Statement of Financial Activity. The monthly Statement of Financial Activity is to be presented to the Council at an ordinary meeting within 2 months after the end of the month to which the statement relates. The operating section of the Interim Statement of Financial Activity is shown by program in accordance with Regulation 34 (3)(b) of the *Local Government (Financial Management) Regulations 1996*.

In accordance with regulations 34 (5) of the *Local Government (Financial Management) Regulations 1996*, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2015/16 for reporting material variances adopted by the Council on 12 August 2015 shall be:

- a) 10% of the amended budget; or
- b) \$100,000 of the amended budget

Whichever is the lesser.

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, 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.

ATTACHMENTS

1. Monthly Financial Health Check for the Period Ended 30 April 2016
2. Statement of Financial Activity for the Period Ended 30 April 2016 (Under Separate Cover)
3. Port Hedland International Airport Statement of Financial Activity for the Period Ended 30 April 2016 (Under Separate Cover)
4. Waste Management Statement of Financial Activity for the Period Ended 30 April 2016 (Under Separate Cover)
5. Accounts paid under delegated authority for the month of April 2016 (Under Separate Cover)
6. Credit Card Statements for the month of April 2016 (Under Separate Cover)

17 May 2016

ATTACHMENT 1 TO ITEM 13.1

MONTHLY FINANCIAL HEALTH CHECK



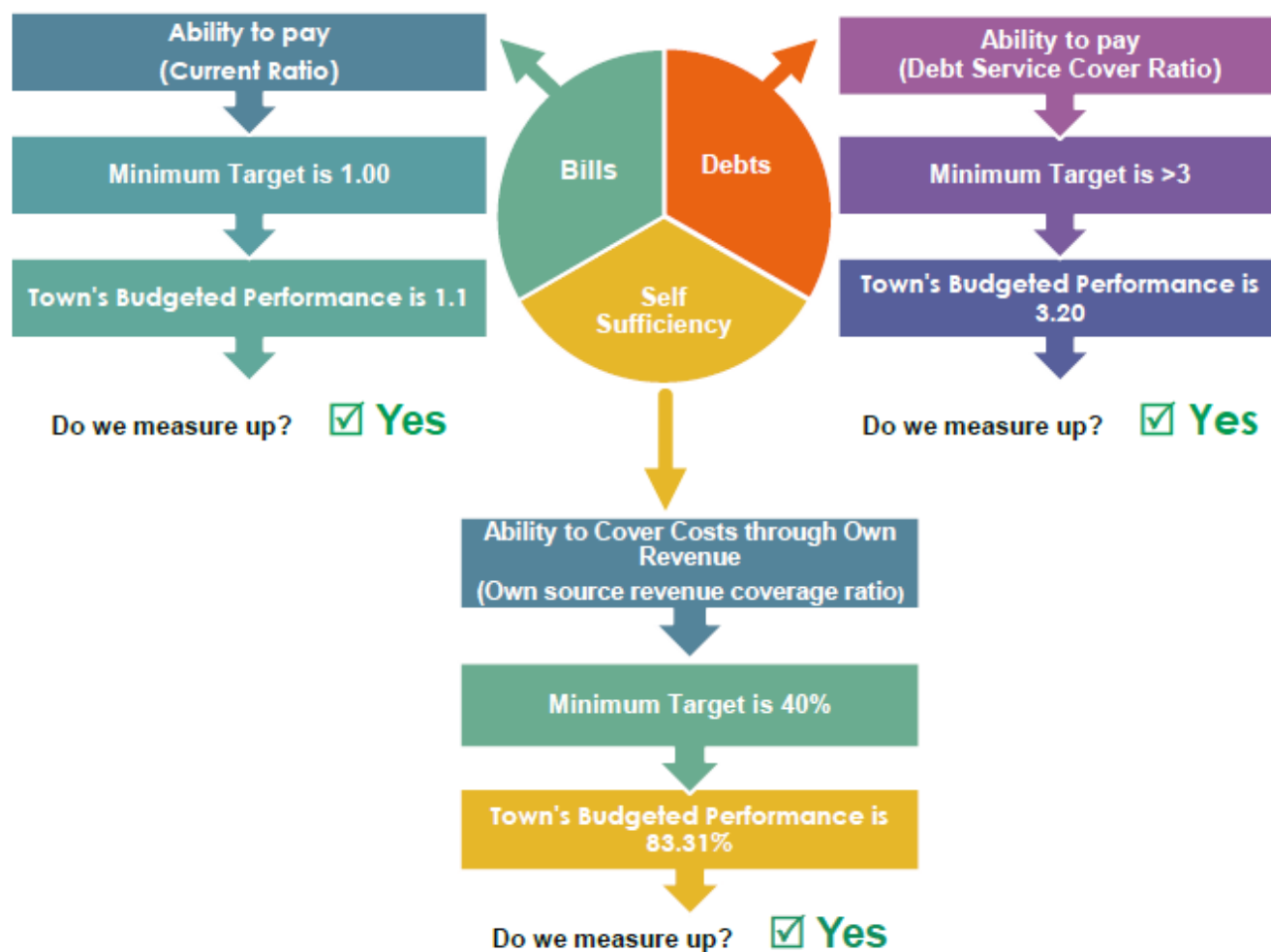
As at 30 April 2016

Highlighting how the Town of Port Hedland is tracking
against financial ratios



Financial Snapshot (Year to Date)	Actual (000's)
Operating Revenue	\$215,596
Operating Expenditure (Including Non-Cash Items)	(\$55,227)
Non-Cash Items	\$12,293
Capital Revenue	\$8,376
Capital Expenditure	(\$12,385)
Loan Repayments	(\$2,080)
Transfers to/from Reserves	(\$165,220)
Surplus Brought Forward 1 July 2015	\$5,066
Current Municipal Surplus Position at 30 April 2016	\$6,419

Financial health indicators



Cash in the bank



► How are we tracking against our budgeted targets?

Operating Surplus Ratio

A measure of the Town's ability to cover its operational costs including depreciation and have funds left over to cover capital expenditure (including principal loan repayments) without relying on debt or reserves.

Minimum Target is 1%

Town's Budgeted Performance is - 14%

Do we meet the target? ☒ No

- The addition of carry forwards from the December QBR and other budget adjustments including those associated with the Airport transaction has resulted in the ratio dropping below the target.
- The increase in depreciation (following revaluation of assets at fair value over the last three years) has significantly increased the annual depreciation charge and puts pressure on the operating surplus result.
- A negative ratio highlights the gap in funding infrastructure renewal expenditure from Council's own source revenue.

Asset Sustainability Ratio

Measures if the Town is replacing or renewing existing non-financial assets at the same rate that its overall asset stock is wearing out.

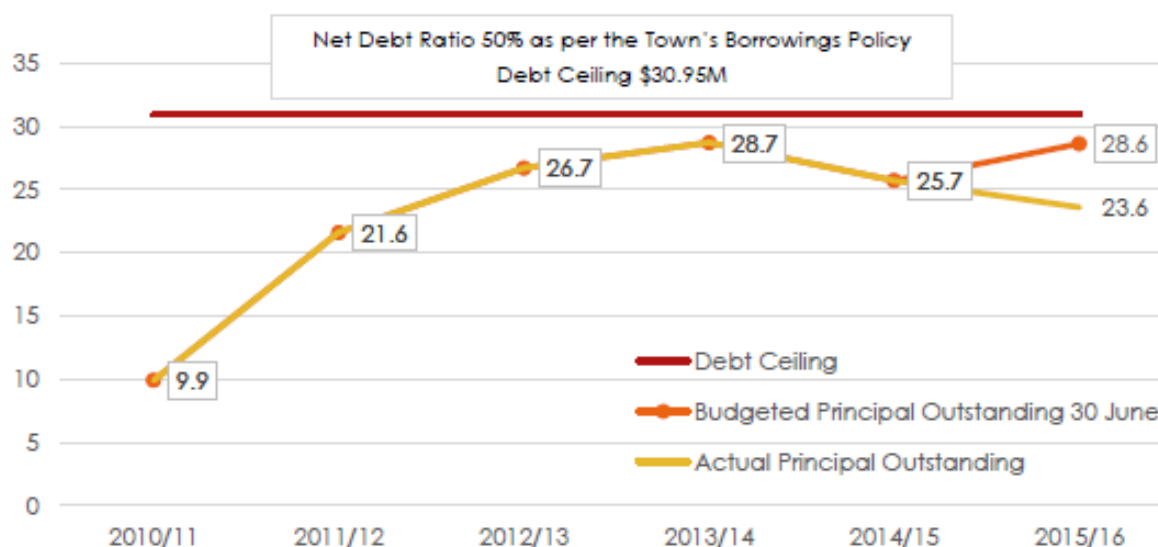
Minimum Target is 90%

Town's Budgeted performance is 49%

Do we meet the target? ☒ No

- The reduction in renewal expenditure and \$1.5M increase in the budgeted depreciation charge approved in the September QBR has had a two-fold effect on the asset sustainability ratio resulting in a decrease of the ratio below the target.
- With a history of high levels of capital expenditure in the past 4 years and \$36.3M in total capital works for the current year, we will need to ensure expenditure on capital renewal is maintained at the same rate as depreciation in the future years.

Debt levels



Current Budget Principal Outstanding Forecast at 30 June 2016 = \$28.614M

Current Budget Operating Revenue = \$61.9M

Budgeted Net Debt Ratio = 46%

Debt Ceiling 50% pursuant to Policy (\$61.9M x 50%) = \$30.95M

Actual Principal Outstanding 30 April 2016 = \$23.638M

Current Budget Operating Revenue = \$61.9M

Actual Net Debt Ratio = 38%

Intergenerational Loans

Loan Purpose	Outstanding Amount	Remaining Term
1. Marquee Park	\$4.59M	16 years
2. JD Hardie Upgrade	\$2.67M	15/17 years
3. Wanangkura Stadium	\$9.12M	16/17 years
4. GP Housing	\$1.38M	17 years

Any feedback on this document is greatly appreciated and can be emailed to council@porthedland.wa.gov.au

ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

ITEM 15 REPORTS OF COMMITTEES

Note: The Minutes of this Committee meeting are enclosed under separate cover.

15.1 Audit, Risk and Governance Committee Minutes – 12 April 2016**201516/261 RECOMMENDATION/COUNCIL DECISION**

MOVED: CR ARIF

SECONDED: CR TAVO

That Council receive the Minutes of the Ordinary Meeting of the Audit, Risk and Governance Committee held on 12 April 2016 at 5:30pm.

CARRIED 9/0

ITEM 16 CONFIDENTIAL ITEMS

Nil.

ITEM 17 APPLICATIONS FOR LEAVE OF ABSENCE**201516/262 COUNCIL DECISION**

MOVED: CR ARIF

SECONDED: CR GILLINGHAM

That Council approve the following applications for leave of absence:

- **Councillor Hooper, from 5 June 2016 to 11 June 2016**
- **Councillor Melville, from 2 June 2016 to 8 June 2016**

CARRIED 9/0

ITEM 18	ATTENDANCE	BY	TELEPHONE/	INSTANTANEOUS
	COMMUNICATIONS			

Nil

ITEM 19 CLOSURE**19.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 22 June 2016, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 15 June 2016, commencing at 5:30pm.

19.2 Closure

There being no further business, the Mayor declared the meeting closed at 9.55pm.