



**Shire of Derby /  
West Kimberley**

# **MINUTES**

## **Ordinary Council Meeting Thursday, 28 April 2022**

**Date: Thursday, 28 April 2022**

**Time: 5:30pm**

**Location: Council Chambers  
Clarendon Street  
Derby**



**Order Of Business**

**1 Declaration of Opening, Announcements of Visitors ..... 4**

**2 Attendance via Telephone/Instantaneous Communications..... 4**

**3 Disclosure of Interests ..... 4**

    3.1 Declaration of Financial Interests ..... 5

    3.2 Declaration of Proximity Interests ..... 5

    3.3 Declaration of Impartiality Interests..... 5

**4 Applications for Leave of Absence ..... 5**

**5 Responses to Previous Public Questions taken on Notice ..... 5**

**6 Public Time..... 5**

    6.1 Public Question Time ..... 5

    6.2 Public Statements ..... 5

**7 Petitions, Deputations, Presentations and Submissions ..... 6**

**8 Announcements by Presiding Person without Discussion ..... 6**

**9 Confirmation of Minutes of Previous Meetings ..... 7**

**10 Recommendations and Reports of Committees ..... 8**

    10.1 Minutes of the Audit Committee Meeting held on 21 April 2022 ..... 8

**Reports ..... 10**

**11 Executive Services ..... 10**

    11.1 Minutes of the joint meeting of the Kimberley Zone and Kimberley Regional Group held 19 April 2022 ..... 10

**12 Corporate Services ..... 85**

    12.1 Outstanding Rates Collection Policy Modification (and confirmation of Sale of Property for Unpaid Rates - 5 Delwarr Street, Derby) ..... 85

**13 Technical Services..... 91**

    13.1 Award of Tender T7-2021 - Noonkanbah Road and Milligidee access Road – Reshaping and Resheeting ..... 91

**14 Development Services ..... 95**

    14.1 Addressing Derelict Houses, Untidy Blocks in Derby and Strategic State Housing Needs for the Shire..... 95

**15 Community and Recreation Services ..... 117**

    15.1 Funding Request - Mowanjum Festival 2022 ..... 117

**16 Motions of which Previous Notice has been Given ..... 124**

**17 New Business of an Urgent Nature ..... 125**

    17.1 Attendance at INDO PACIFIC 2022 International Maritime Exposition, Sydney - 10 - 12 May 2022..... 125

**18 Matters for which the Meeting may be Closed (Confidential Matters)..... 129**

**19 Closure..... 129**

    19.1 Date of Next Meeting..... 129

    19.2 Closure of Meeting..... 129

**MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, CLARENDON STREET, DERBY  
ON THURSDAY, 28 APRIL 2022 AT 5:30PM**

- PRESENT:** Cr Geoff Haerewa (Shire President), Cr Peter McCumstie (Deputy Shire President), Cr Paul White, Cr Geoff Davis, Cr Rowena Mouda, Cr Pat Riley, Cr Keith Bedford (via videoconference) and Cr Linda Evans
- IN ATTENDANCE:** Neil Hartley (Acting Chief Executive Officer / Director of Strategic Business), Alan Thornton (Acting Director of Corporate Services), Christie Mildenhall (Acting Director of Community Services), Robert Paull (Manager of Development Services), Sarah Smith (Executive Services Coordinator)
- VISITORS:** Kylie Hartley (Media and Communications Advisor) and Dean Wyber (Manager of Assets and Projects).
- GALLERY:** Terri Buckley and Rachel Atkins.
- APOLOGIES:** Nil
- APPROVED LEAVE OF ABSENCE:** Cr Andrew Twaddle
- ABSENT:** Nil

### **1 DECLARATION OF OPENING, ANNOUNCEMENTS OF VISITORS**

The meeting was opened at 5:33pm by Geoff Haerewa – Shire President.

### **2 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS**

In accordance with regulation 14A of the Local Government (Administration) Regulations 1996 Council must approve (by Absolute Majority) the attendance of a person, not physically present at a meeting of Council, by audio contact. The person must be in a 'suitable place' as approved (by absolute majority) by Council. A 'suitable place' means a place that is located in a townsite or other residential area and 150km or further from the place at which the meeting is to be held.

- Cr Keith Bedford.

*NOTE: His Excellency the Governor, in Executive Council, has approved regulations (Gazetted 25 March 2020) to allow all Western Australian local government councils to hold meetings electronically during a public health emergency or a state of emergency. This can be via teleconference, video conference or other electronic means. The Shire of Derby/West Kimberley will provide this option for Councillors until further notice, or the COVID-19 state of emergency provision is modified accordingly.*

### **3 DISCLOSURE OF INTERESTS**

Section 5.65 and 5.70 of the *Local Government Act 1995* requires an Elected Member or officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Elected Member or officer must disclose the nature of the interest in a written

notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

An Elected Member who makes a disclosure under section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow an Elected Member to speak, the extent of the interest must also be stated.

### **3.1 Declaration of Financial Interests**

- Nil.

### **3.2 Declaration of Proximity Interests**

- Nil.

### **3.3 Declaration of Impartiality Interests**

- Cr Peter McCumstie – 10.1 - Minutes of the Audit Committee Meeting held on 21 April 2022  
**Nature:** Family member involved.
- Cr Keith Bedford – 10.1 - Minutes of the Audit Committee Meeting held on 21 April 2022  
**Nature:** Community Member for Junjuwa.

## **4 APPLICATIONS FOR LEAVE OF ABSENCE**

- Nil.

## **5 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

- Nil.

## **6 PUBLIC TIME**

### **6.1 Public Question Time**

- Nil.

### **6.2 Public Statements**

- Nil.

**7 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS**

- Nil.

**8 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

- Nil.

**9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**RESOLUTION 46/22**

**Moved: Cr Linda Evans**

**Seconded: Cr Geoff Davis**

**That the Minutes of the Ordinary Meeting of the Shire of Derby/West Kimberley held at the Fitzroy Crossing, on 31 March 2022 be CONFIRMED.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

**CARRIED 8/0**

**10 RECOMMENDATIONS AND REPORTS OF COMMITTEES****10.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 21 APRIL 2022****File Number: 4110****Author: Sarah Smith, Executive Services Coordinator****Responsible Officer: Amanda Dexter, Chief Executive Officer****Authority/Discretion: Executive****SUMMARY**

For Council to receive the Audit Committee Minutes.

**ATTACHMENTS****1. Minutes of the Audit Committee Meeting held on 21 April 2022****RESOLUTION 47/22****Moved: Cr Rowena Mouda****Seconded: Cr Paul White****THAT COUNCIL:****Receive the Minutes of the Audit Committee Meeting held on 21 April 2022 and the recommendations therein be adopted.****In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie****Against: Nil****CARRIED 8/0****COMMITTEE RESOLUTION AC48/22****Moved: Cr Peter McCumstie****Seconded: Cr Geoff Haerewa****That the Audit Committee recommends that Council notes the list of accounts for March 2022 paid under Delegated Authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 attached to this report, totalling \$2,062,702.17.****In Favour: Crs Geoff Haerewa, Peter McCumstie and Andrew Twaddle****Against: Nil****CARRIED 3/0**



**COMMITTEE RESOLUTION AC49/22****Moved: Cr Geoff Haerewa****Seconded: Cr Peter McCumstie****That the Audit Committee recommends Council RECEIVES the Monthly Financial Management Report incorporating the Statement of Financial Activity for the period ending 31st March 2022.****In Favour: Crs Geoff Haerewa, Peter McCumstie and Andrew Twaddle****Against: Nil****CARRIED 3/0****COMMITTEE RESOLUTION AC50/22****Moved: Cr Geoff Haerewa****Seconded: Cr Andrew Twaddle****That the Audit Committee recommends that Council:**

- 1. Receives the report on outstanding rate and service charge debt by financial year to the end of March 2022.**

**In Favour: Crs Geoff Haerewa, Peter McCumstie and Andrew Twaddle****Against: Nil****CARRIED 3/0****COMMITTEE RESOLUTION AC51/22****Moved: Cr Geoff Haerewa****Seconded: Cr Peter McCumstie****That the Audit Committee:****Recommends that Council receives the information contained in the report detailing Sundry Debtors as at 31 March 2022.****In Favour: Crs Geoff Haerewa, Peter McCumstie and Andrew Twaddle****Against: Nil****CARRIED 3/0 BY ABSOLUTE MAJORITY**

**REPORTS****11 EXECUTIVE SERVICES****11.1 MINUTES OF THE JOINT MEETING OF THE KIMBERLEY ZONE AND KIMBERLEY REGIONAL GROUP HELD 19 APRIL 2022****File Number:** 4221**Author:** Sarah Smith, Executive Services Coordinator**Responsible Officer:** Amanda Dexter, Chief Executive Officer**Authority/Discretion:** Advocacy**SUMMARY**

This report presents for Council endorsement the Minutes from the Joint Meeting of the Kimberley Zone of the Western Australian Local Government Association (WALGA) and the Kimberley Regional Group held on 19 April 2022.

**DISCLOSURE OF ANY INTEREST**

Nil by Author and Responsible Officer.

**BACKGROUND**

A copy of the minutes from the joint meeting held 19 April 2022 between members of the Kimberley Zone of WALGA (Zone) and Kimberley Regional Group (KRG) is attached for Council consideration.

As a result of a past decision of the group, both the Kimberley Zone and KRG meetings are joined.

It should be remembered that the Kimberley Zone of WALGA is a group established to represent regional issues to the State Council of WALGA. This group includes the four Kimberley Shires in addition to the Shires of Christmas Island and Cocos Keeling Islands.

The KRG is a group defined through a deed of agreement between the four Kimberley local governments with the Minister for Local Government.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**STRATEGIC IMPLICATIONS**

GOAL	OUTCOME	STRATEGY
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation.	1.2.1 Provide strong civic leadership. 1.2.2 Provide strong governance.

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Community:</b> That the Shire’s interests and contribution to the zone are represented and reflect the views of the community	Unlikely	Minor	Low	Minutes received and endorsed by Council to allow for transparency and assist zone attendees with clear direction

**CONSULTATION**

Nil.

**COMMENT**

The minutes and respective background information are attached to this report and the following comments are made in relation to the resolutions passed by the Group. Additional recommendations have been made where necessary for Council’s consideration.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

- 1. Zone KRG Joint Meeting Minutes - 19 April 2022  

<p><b>RESOLUTION 52/22</b></p> <p><b>Moved: Cr Peter McCumstie</b> <b>Seconded: Cr Geoff Davis</b></p> <p><b>That Council</b></p> <p><b>Receives and endorses the resolutions of the Kimberley Zone of WALGA and Kimberley Regional Group as attached in the minutes from the Joint Meeting held 19 April 2022.</b></p> <p><u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;"><b>CARRIED 8/0</b></p>
--



**KIMBERLEY ZONE &  
KIMBERLEY REGIONAL GROUP  
JOINT MEETING**

**UNCONFIRMED  
MINUTES**

**19 APRIL 2022**

Commencing at

**1:00PM**

**VIDEO CONFERENCE**

**KIMBERLEY ZONE AND  
KIMBERLEY REGIONAL GROUP JOINT MEETING**

**TUESDAY 19 APRIL 2022**

**INDEX – MINUTES**

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....	3
2.	RECORD OF ATTENDANCE / APOLOGIES .....	3
3.	DECLARATIONS OF INTEREST.....	4
4.	CONFIRMATION OF MINUTES .....	4
5.	BUSINESS ARISING FROM PREVIOUS MEETING .....	4
6.	PRESENTATIONS FROM REPRESENTATIVES .....	4
7.	REPORTS FROM REPRESENTATIVES .....	4
8.	REPORTS FROM KIMBERLEY COUNTRY ZONE .....	5
8.1	WALGA STATE COUNCIL AGENDA AND PRESIDENT'S REPORT .....	5
8.2	WALGA ZONE STATUS REPORT.....	13
8.3	VEHICLES BEING DRIVEN ON UNSEALED ROADS CLOSED DUE TO WET CONDITIONS .....	16
9.	REPORTS FROM KIMBERLEY REGIONAL GROUP.....	18
9.1	PROPOSAL TO HAVE WALGA ADMINISTER THE KIMBERLEY ZONE AND KRG .....	18
9.2	ACKNOWLEDGEMENT OF NOEL MASON, FORMER CEO SHIRE OF HALLS CREEK .....	21
9.3	FEDERAL BUDGET OVERVIEW .....	24
9.4	OPERATIONAL PLAN AND BUDGET – PROJECTS 2022-23 .....	36
9.5	INFRASTRUCTURE PROSPECTUS .....	38
9.6	2022 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENTS MOTION.....	41
9.7	UNDERGROUND POWER.....	48
9.8	BUSINESS PLAN PROGRESS REPORT .....	50
9.9	CONSULTANT REPORT .....	57
10.	CORRESPONDENCE .....	60
11.	GENERAL BUSINESS .....	73
12.	MATTERS BEHIND CLOSED DOORS .....	73
13.	MEETING CLOSURE .....	73

**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

**2. RECORD OF ATTENDANCE / APOLOGIES**

**ATTENDANCE:**

Cr Chris Mitchell	Shire of Broome
Cr Harold Tracey	Shire of Broome
Sam Mastrolembo	Shire of Broome
Amanda Dexter	Shire of Derby West Kimberley
Cr Geoff Haerewa	Shire of Derby West Kimberley
Cr David Menzel	Shire of Wyndham East Kimberley
Vernon Lawrence	Shire of Wyndham East Kimberley
Nick Kearns	Shire of Wyndham East Kimberley
Phillip Cassell	Shire of Halls Creek
Cr Malcolm Edwards	Shire of Halls Creek
Debra Goostrey	Zone Executive - ATEA

**APOLOGIES:**

Cr Tony Chafer	Shire of Wyndham East Kimberley
Cr Jeanette Young	Shire of Cocos (Keeling) Islands
Cr Hua (Helen) Liu	Shire of Cocos (Keeling) Islands
Kelli Small	Shire of Cocos (Keeling) Islands
Phill Cassel	Shire of Halls Creek
Chris Loessl	Shire of Halls Creek
Cr Peter McCumstie	Shire of Derby/West Kimberley
Natasha Maher	Australia's North West Tourism
Tim Bray	Kimberley Development Commission

**3. Declarations Of Interest**

Nil

**4. CONFIRMATION OF MINUTES**

**KIMBERLEY ZONE & KIMBERLEY REGIONAL GROUP RESOLUTION:**

*Minute No. KRG/0224/001*

*Moved: Cr G Haerewa*

*Seconded: Shire of Broome*

*That the Minutes of the Kimberley Regional Group held on 15 February 2022, as published and circulated, be confirmed as a true and accurate record of that meeting.*

**5. BUSINESS ARISING FROM PREVIOUS MEETING**

**6. PRESENTATIONS FROM REPRESENTATIVES**

Mr Dickie Bedford – Executive Director, Aanja.

**7. REPORTS FROM REPRESENTATIVES**

**7.1 RDA KIMBERLEY**

Janine Hatch, Executive Officer

**7.2 KIMBERLEY DEVELOPMENT COMMISSION**

Chuck Berger, Chief Executive Officer

**7.3 DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES**

Kristina Dickman, Regional Manager Kimberley

**7.4 WALGA**

Tim Lane, Manager Strategy and Association Governance

Bec Waddington Policy Officer Community

UNCONFIRMED MINUTES – Kimberley Regional Group 19 April 2022

**8. REPORTS FROM KIMBERLEY COUNTRY ZONE**

**8.1 WALGA STATE COUNCIL AGENDA AND PRESIDENT'S REPORT**

**LOCATION/ADDRESS:** Nil  
**APPLICANT:** Nil  
**FILE:** KRG01  
**AUTHOR:** Zone Executive  
**CONTRIBUTOR/S:** Nil  
**RESPONSIBLE OFFICER:** CEO SHIRE OF WYNDHAM EAST KIMBERLEY  
**DISCLOSURE OF INTEREST:** Nil

**SUMMARY:**

To consider the recommendations on Matters for Decisions that will be considered at the WALGA State Council meeting held 5 May 2021.

**COMMENT**

The next WALGA State Council meeting will be held 4<sup>th</sup> May 2022. The following matters for decision will be considered.

	<b>Matters for Decision</b>	<b>WALGA Recommendation</b>	<b>Zone Comment &amp; Recommendation</b>
5.1	Submission to Statutory Review of the <i>Food Act 2008</i> (05-031-01-0006 BW)	That the submission to the Department of Health relating to the Statutory Review of the Food Act 2008 be endorsed.  Overall, feedback from Local Governments is that the Act is an effective piece of legislation. The enforcement tools of improvement notices and infringements provisions have proved very successful. Some areas for improvement are highlighted in the submission and include emerging industries, access to appropriate expertise, temporary and mobile food businesses, registrations, company structures and powers under the Act.	SUPPORTED
5.2	Local Government Grant Scheme Funding (05-024-03-0006 VJ)	That WALGA advocates to the Minister for Emergency Services and the Fire and Emergency Services Commissioner for:  1. An allocation of Local Government Grant Scheme (LGGS) funding to undertake an audit of existing facilities, appliances, vehicles, and major items of equipment for both Local Government Volunteer Bushfire Brigades (BFB) and State Emergency Services (SES).  2. Following the completion of the audit, an allocation of funding through the Local Government Grant Scheme (LGGS) to	SUPPORTED  In addition to the real funding gap that has emerged in the cost of equipment, the implications under the new workplace laws should also be seen as a trigger for this funding review.



UNCONFIRMED MINUTES – Kimberley Regional Group 19 April 2022

		<p>prepare a Comprehensive Asset Management Plan that:</p> <ol style="list-style-type: none"> <li>a. Aligns with the principles in the Department of Local Government, Sport and Cultural Industries' (DLGSC) Asset Management National Framework and Guidelines, and the Integrated Planning and Reporting Framework.</li> <li>b. Forecasts the emergency response needs of communities across Western Australia over the next 10 years, to estimate the quantum of the facilities, appliances, vehicles, and major items of equipment that will be needed.</li> <li>c. Outlines a 10 year forward plan of modifications, replacements and additions required.</li> <li>d. Investigates the extent to which future BFB facilities can be co-located with other emergency services facilities.</li> </ol> <ol style="list-style-type: none"> <li>3. The establishment of a Working Group involving WALGA, the Department of Fire and Emergency Services (DFES) and LGIS to oversee the preparation of the Comprehensive Asset Management Plan.</li> <li>4. Support for the Comprehensive Asset Management Plan to be reviewed every five years.</li> <li>5. Support for an increase in Local Government Grant Scheme (LGGs) funding to support the unsuccessful capital grants funding applications by Local Governments to the 2020 21 LGGs Capital Grants Committee.</li> </ol>	
5.3	Draft Active Travel to School Roadmap (05-001-03-0051 SDS)	<ol style="list-style-type: none"> <li>1. Endorses the Draft Active Travel to School Roadmap, subject to amending Urban Environment Initiative No 1 to "Consult local governments to identify sub-regional school transport challenges and amend existing planning guidelines and develop new guidelines where gaps exist"; and</li> <li>2. Works with the Department of Transport to finalise the Roadmap and encourage Local Government participation in the initiatives identified where these offer solutions to the local issues encountered in each area.</li> </ol>	Supported Note: this is a Perth based item
5.4			

UNCONFIRMED MINUTES – Kimberley Regional Group 19 April 2022

Matters for Noting:

- 6.1 Draft National Plan to End Violence Against Women and Children (05 086-03-0004 VB)
- 6.2 Feedback on Community Disaster Resilience Strategy Discussion Paper (05-024-02-0067 VJ)
- 6.3 2021 CoastWA Local Government Survey (06-085-01-0002 LS)
- 6.4 Update on draft WA Public Libraries Strategy 2022-2026 (05-012-03-0001 SM)
- 6.5 Local Emergency Management Arrangements (LEMA) Review Project (05-024-03-0040 SR)
- 6.6 Comment on Draft Health Promotion Strategic Framework 2022-2026 (05-031-03-0005 BW)
- 6.7 Wooroloo Bushfire Independent Review Final Report (05-024-03-0011 CM)
- 6.8 2022-23 Federal Budget Update (05-088-03-0002 DT)
- 6.9 Local Government Emergency Management Survey Results (05-024-03-0042 CM)  
43

Organisational Reports

- 7.1.1 Report on Key Activities, Commercial and Communications Unit (01 006-03-0017)
- 7.1.2 Report on Key Activities, Governance and Organisational Services Unit (01 006-03-0007 TB)
- 7.1.3 Report on Key Activities, Infrastructure (05-001-02-0003 ID)
- 7.1.4 Report on Key Activities, Strategy, Policy and Planning Unit (01-006-03-0017 NM)
- 7.2 Policy Forum Report (01-006-03-0007)
- 7.3 Policy Team Reports
  - 7.3.1 Environment and Waste Policy Team Report
  - 7.3.2 Governance and Organisational Services Policy Team Report
  - 7.3.3 Infrastructure Policy Team Report
  - 7.3.4 People and Place Policy Team Report

### **WALGA State President's Report**

(Summary below, report attached)

- COVID-19 Update
- Special Electors' Meetings: WALGA has received feedback from numerous Local Governments regarding Special Electors Meetings which are being requested by pro-choice vaccination groups in the community and WALGA has provided responses to approximately 50 separate enquiries in the first quarter of 2022.
- State Road Funds to Local Government Agreement looking at options and strategies that WALGA has the opportunity to put before the State Government regarding an agreement to provide funding to Local Governments from vehicle licence fee revenue. The current five-year agreement expires in June 2023.
- Local Government Legislative Reform WALGA will provide regular updates to State Council and the sector more broadly as the legislative reform process progresses.
- 2022 Local Government Honours Program - nomination forms and further information can be found on the WALGA website. Nominations will close at 5:00pm on Friday, 24 June.

UNCONFIRMED MINUTES – Kimberley Regional Group 19 April 2022

- Australian Local Government Association (ALGA) - WALGA is working alongside ALGA and other state and territory Local Government Associations on a Federal Election campaign with the theme "Don't leave local communities behind". The campaign highlights five key areas and 17 opportunities for Federal Members and Candidates to work with Local Governments.

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

**Governance Goal – A collaborative group demonstrating strong regional governance:**

Effective governance protocols and systems for business efficiency and improved services through collaboration

**Economy Goal – A sustainable and diverse economy:**

Sustainable Local Government revenue

**VOTING REQUIREMENTS**

*Simple Majority*

<b>KIMBERLEY ZONE &amp; KIMBERLEY REGIONAL GROUP RESOLUTION:</b>	
<b>(REPORT RECOMMENDATION)</b>	<b>Minute No. KRG/0224/002</b>
<b>Moved: G Haerewa</b>	<b>Seconded: M Edwards</b>
<b>That the Kimberley Regional Group:</b>	
<ol style="list-style-type: none"> <li><b>1. Notes the State Council Agenda Items as circulated.</b></li> <li><b>2. Notes the report from the WALGA President as circulated.</b></li> <li><b>3. Supports the recommendations in the Matters for Decision contained within the State Council Agenda.</b></li> </ol>	

**Attachments**

1. WALGA State Council Agenda 5 May 2021 (under separate cover).
2. WALGA President's Report May 2021.

UNCONFIRMED MINUTES – Kimberley Regional Group 19 April 2022



## President's Report

### May 2022

This is my first report as your President, I consider it a privilege to undertake this leadership role and will endeavour to represent you and the Local Government sector with consideration and courage at all times. I welcome all contact and communication, to be fully informed is critical to effective leadership.

#### COVID-19 – Update

Since the last State Council meeting, COVID-19 has taken hold across WA and there have been frequent changes to the level of restrictions in place. WALGA has sought to keep the sector across developments as they occur through frequent COVID-19 updates and a number of very well attended webinars.

#### Special Electors Meetings

WALGA has received feedback from numerous Local Governments regarding Special Electors Meetings which are being requested by pro-choice vaccination groups in the community and we have provided responses to approximately 50 separate enquiries in the first quarter of 2022.

WALGA is aware of 14 Local Governments who have had or been requested to hold Special Electors Meetings. These meetings are being conducted with approximately 350 to 400 people attending (mostly outdoors) and some Local Governments have expressed concern for the safety of their staff and Elected Members attending these meetings.

In 2020, as part of the Government's response to COVID-19, the previous Minister for Local Government made a Ministerial Order under the *Local Government Amendment (COVID-19 Response) Act 2020* that Local Governments could not hold Special Electors Meetings under sections 5.27 and 5.28 of the *Local Government Act 1995* due to the public health risk they presented.

I wrote to Minister Carey requesting that he consider reinstating this order as a priority, or alternatively, allow for Electors Meetings to be held electronically. In making the request, I was clear that Local Governments are not seeking to stifle community debate or involvement on important issues.

The Minister has [responded](#) advising that he is considering the potential for Electors Meetings to be held electronically, as well as looking to make other changes relating to Electors Meetings as part of his legislative reform package.

#### State Road Funds to Local Government Agreement

UNCONFIRMED MINUTES – Kimberley Regional Group 19 April 2022

I have been focussing attention on options and strategies that WALGA has the opportunity to put before the State Government regarding an agreement to provide funding to Local Governments from vehicle licence fee revenue. The current five-year agreement expires in June 2023. I am actively supported by Cr Rich, Cr Pavlovich and Cr Sadler in this work.

The State Government has made it clear that it wants to see clearly demonstrable social outcomes from road investment, including use of recycled materials, Aboriginal employment and improved safety. I know that Local Governments are heavily dependent on State road funding and am very aware that as a whole, our sector's performance in committing to regionally significant projects and delivering them on time has been inconsistent.

I firmly believe that we will need to commit to doing things differently if we are to secure a new agreement with critical funding. Perhaps the most challenging conversations will be within our sector to agree what we are prepared to change to ensure the continuation of this agreement.

### **Local Government Legislative Reform**

At a meeting in early April, the Minister for Local Government confirmed that WALGA will be key members on the working group tasked with the detailed design of the new legislation.

A schedule of meetings for the working group has been developed and WALGA will be represented by our CEO Nick Sloan, Tony Brown and senior members of the Governance and Organisational Services team.

We will provide regular updates to State Council and the sector more broadly as the legislative reform process progresses.

### **2022 Local Government Honours Program**

The Local Government Honours Program affords significant public recognition and celebration of the outstanding achievements and lasting contributions made by Elected Members and employees to their respective Councils, the Local Government sector and the wider community.

Nominations for this year's Program are now open. Following a thorough review of the Program last year, two new awards have been added, alongside four existing awards:

1. Local Government Medal
2. Life Membership
3. Eminent Service Award
4. Merit Award (*new for 2022*)
5. Local Government Distinguished Officer Award
6. Young Achievers Award (*new for 2022*)

The new Merit Award has combined two previous awards (Merit and Long & Loyal Service) and is intended to recognise notable contributions to WALGA, Local Government and/or the Local Government sector. The Young Achievers Award is open only to Elected Members and employees aged 35 years or younger, recognising notable commitment and demonstrated potential for professional success.

Nomination forms and further information can be found on the WALGA website. Nominations will close at 5:00pm on Friday, 24 June.

UNCONFIRMED MINUTES – Kimberley Regional Group 19 April 2022

### **Australian Local Government Association (ALGA)**

WALGA is working alongside ALGA and other state and territory Local Government Associations on a Federal Election campaign with the theme "*Don't leave local communities behind*". The campaign highlights five key areas and 17 opportunities for Federal Members and Candidates to work with Local Governments. Each week, WALGA is sending members and candidates letters, and producing social media posts and media statements to highlight the five areas in a Western Australian context. We have also invited Federal Members to host webinars for the sector.

Can I encourage you to consider attending the National General Assembly in Canberra this June. Western Australia generally has a strong contingent attend and this year we have quite a few motions coming from WA Councils. It has a great program, plus WALGA hosts a breakfast for our attendees with WA Federal members of Parliament. If you have never been take a peek at the [program](#).

Easter is just around the corner, may you and all your loved ones stay safe and take the opportunity to enjoy life. Remember to call me if you need, good or bad, on 0428 958 305.

**Cr Karen Chappel JP**

**WALGA President**

### **President's Contacts**

The President's contacts since 2 March and scheduled before 4 May are as follows:

#### **State Government Relations**

- Minister for Housing: Lands; Homelessness; Local Government, Hon John Carey MLA
- Minister for Emergency Services; Innovation and ICT; Medical Research; Volunteering, Hon Stephen Dawson MLC
- Minister for Disability Services; Fisheries; Seniors and Ageing; Small Business, Hon Don Punch MLA
- Minister for Police; Road Safety; Defence Industry; Veterans Issues, Hon Paul Papalia MLA
- State Road Funds to Local Government Advisory Committee
  - Delegate Workshop
  - Meeting
- Roundtable on General Practitioner tendering for Regional/Rural Local Government areas – Hosted by the Minister for Local Government, Hon John Carey, MLA
- Public Accounts Committee - Hearing Student Transport Services submission
- Webinar - Development Assessment Panel Regulations reform - Department of Planning, Lands and Heritage

#### **Zone Meetings**

- Murchison Country Zone Meeting
- Northern Country Zone Meeting
- South Metropolitan Zone Meeting

UNCONFIRMED MINUTES – Kimberley Regional Group 19 April 2022

### **Local Government Relations**

- State Council Meeting
  - Special State Council Meeting
  - Strategic Forum
  - Finance and Services Committee Meeting
- LGIS
  - Board induction
  - Board Meeting
- ALGA
  - Board Meeting – Canberra
  - NGA Sub-Committee Meeting
- Department Local Government; Sport Cultural Industries Director General, Lanie Chopping, Deputy Director General, Erin Gauntlett, Executive Director Local Government, Tim Fraser and WALGA Deputy President, Cr Paul Kelly
- Regional Capitals Alliance WA Meeting
- Shire of Ashburton Chief Executive Officer, Kenn Donohoe and Director Infrastructure Services, Matthew Fanning
- Local Government Convention (LGC22) Committee meetings x 2
- WALGA Webinar - WA Federal Member Budget
- Webinar - National Reconciliation Week

### **Conferences, Workshops, Public Relations**

- 2022 WA Women's Hall of Fame Induction Ceremony
- Institute of Public Works Engineering Australasia Gala Dinner
- Chamber of Commerce and Industry WA Business Breakfast
- Mining Communities Policy Forum

<b>8.2 WALGA ZONE STATUS REPORT</b>	
<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Zone Executive
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	CEO SHIRE OF WYNDHAM EAST KIMBERLEY
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**  
 This Status Report provides an update on the WALGA response to relevant Kimberley Zone Resolutions.

**BACKGROUND**

*Previous Considerations*

**COMMENT**

Following the submission of resolutions from the Kimberley Zone, WALGA has provided responses in the attached Zone Status Report April 2022 (attached). The following summary is provided for each of the resolutions submitted to WALGA, noting that Item 9.8 is acknowledged by WALGA but not included in their report.

*Kimberley Zone Item 11.1 20 April 2021 Disaster relief and recovery funding arrangements*

**KIMBERLEY REGIONAL GROUP RESOLUTION:**  
**(REPORT RECOMMENDATION) Minute No. KRG/0421/007**  
**Moved: Cr D Menzel Seconded: Cr M Edwards**  
**That the Kimberley Zone:**

- 1. Express dissatisfaction with current disaster relief and recovery funding arrangements and call for urgent action from the State Government to investigate and address these shortcomings.**
- 2. Seek WALGA advocacy to support the motion.**

**WALGA Response**

WALGA has endorsed advocacy positions seeking improvements to disaster relief and recovery funding including assessment periods, eligibility of certain costs and improving resilience of reconstructed infrastructure. Regular meetings with DFES and Main Roads officers are on-going. Detailed evidence of examples where the process is not effective have been collected and continue to be. Timelines for decision-making and an escalation process would seem to be an important addition to the process.

Note: The KRG met with the Hon Stephen Dawson MLC to discuss the roll out of the disaster relief funding arrangements in WA.

**ITEM 8.2 WALGA ZONE STATUS REPORT**



*Kimberley Zone Item 9.8 29 June 2021 Rating of Aboriginal Land*

**KIMBERLEY REGIONAL GROUP RESOLUTION:  
(REPORT RECOMMENDATION)**

**Moved: Cr G Haerewa** **Minute No. KRG/0621/010**  
**Seconded: Cr M Edwards**

**That the Kimberley Regional Group writes to WALGA to:**

- 1. Highlight the emerging issue of the rating process on Aboriginal lands, and**
- 2. Request that WALGA write to the State Government to seek clarification about how land uses on Aboriginal Lands should be treated across a range of contexts and tenures.**

**CARRIED UNANIMOUSLY 4/0**

**WALGA Response**

The issue of Rating Exemptions is one of the main areas of WALGA's advocacy in respect to Local Government Act amendments. The rating exemptions that are of concern for the sector relate to the following:

- Rating of Charitable Purpose properties
- Department of Housing: Leasing to Charitable Organisations
- Government Trading Entities
- State Agreement Act projects
- State Owned Unallocated Crown Land

On this basis, the Local Government sector supports an independent review of all rating exemptions to enhance equity among ratepayers in the community.

The State Government has been advised of the WALGA position and a copy of the WALGA Rating Review Advocacy item is attached.

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

**Governance Goal – A collaborative group demonstrating strong regional governance:**

Effective governance protocols and systems for business efficiency and improved services through collaboration

Recognition of Kimberley Local Government issues and opportunities

**ITEM 8.2 WALGA ZONE STATUS REPORT**

**Built Environment Goal – Improved and secure transport, communications, community and essential services:**

Improved regional arterial road network, ports and airports

**Economy Goal – A sustainable and diverse economy:**

Sustainable Local Government revenue

Improved regional infrastructure

**VOTING REQUIREMENTS**

*Simple Majority*

**KIMBERLEY ZONE & KIMBERLEY REGIONAL GROUP RESOLUTION:**

<b>(REPORT RECOMMENDATION)</b>	<b>Minute No. KRG/0224/003</b>
<b>Moved: Cr Chris Mitchell</b>	<b>Seconded: Cr D Menzel</b>

*That the Kimberley Zone notes the WALGA Zone Status Report April 2022.*

**Attachments**

There are no attachments for this report.

**8.3 VEHICLES BEING DRIVEN ON UNSEALED ROADS CLOSED DUE TO WET CONDITIONS**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Zone Executive
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	CEO SHIRE OF WYNDHAM EAST KIMBERLEY
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

This Status Report provides an update on the WALGA response to relevant Kimberley Zone Resolutions.

**BACKGROUND**Previous Considerations

Nil

**COMMENT**

Local Governments in the Gascoyne Country Zone have identified significant costs and risks arising from motorists ignoring road closures or being unaware of road closures, driving on and damaging wet roads. The Zone has resolved to seek that WALGA investigate:

1. Technologies available to physically close roads remotely (using booms, gates or some other approach); and
2. The practices, legislation, regulations and penalties currently available to effectively enforce road closures.

The Infrastructure Policy Team is seeking advice from WALGA Zones with large, remote unsealed road networks regarding the significance of damage from vehicles being operated on closed, wet roads. This will assist to inform decisions about the scope and priority of addressing this matter.

Specifically:

1. Have Shires estimated the frequency of and costs incurred to repair damage to roads caused by vehicles being driven on them while closed due to wet conditions?
2. Are Shires aware of situations where offenders have been successfully prosecuted (under the Road Traffic (Administration) Act 2008 or Local Laws) and the extent to which these cases have been effective in deterring others?
3. Have Shires identified any practices that are more effective in increasing compliance with road closures during wet conditions?

Other general advice or suggestions relating to this matter will be appreciated.

**ITEM 8.3 VEHICLES BEING DRIVEN ON UNSEALED ROADS CLOSED DUE TO WET CONDITIONS**

The information was circulated to member Shires on the 25 February 2022, with no advice received to date. It is noted that flooding events and potential damage by vehicle access when the road is closed may occur concurrently and not be costed separately.

**REPORT RECOMMENDATION**

**Moved:** Cr G Haerewa

**Seconded:** Cr Malcolm Edwards

That the Kimberley Zone:

1. Acknowledges the request by WALGA for feedback on damage on closed roads.
2. Informs WALGA that vehicle damage for roads closed due to saturation and flooding events:
  - a. are not recorded separately.
  - b. is a component of annual damage to road infrastructure.
  - c. damage to unsealed roads servicing remote communities is complex as alternative access to food and fuel supplies during wet season closures may only be through plane or helicopters freight services, in at significant expense.
3. Provides feedback to WALGA that vehicle damage from commercial operations are the key issue in the Kimberley.

**KIMBERLEY ZONE & KIMBERLEY REGIONAL GROUP RESOLUTION:**

**Minute No. KRG/0224/004**

**Moved:** Cr G Haerewa

**Seconded:** Cr Malcolm Edwards

**That the Kimberley Zone:**

1. Acknowledges the request by WALGA for feedback on damage on closed roads.
2. Informs WALGA that vehicle damage for roads closed due to saturation and flooding events:
  - a. are not recorded separately.
  - b. is a component of annual damage to road infrastructure.
  - c. damage to unsealed roads servicing remote communities is complex as alternative access to food and fuel supplies during wet season closures may only be through plane or helicopters freight services, in at significant expense.
3. Provides feedback to WALGA that vehicle damage from commercial operations are the key issue in the Kimberley, noting that unsealed road infrastructure is not fit-for-purpose for commercial operations in the Kimberley region.

**9. REPORTS FROM KIMBERLEY REGIONAL GROUP**

**9.1 PROPOSAL TO HAVE WALGA ADMINISTER THE KIMBERLEY ZONE AND KRG**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Zone Executive
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	CEO SHIRE OF WYNDHAM EAST KIMBERLEY
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

The Kimberley Regional Group currently engages a consultant to coordinate the administration of the WALGA Kimberley Zone meetings and all matters relating to the KRG including administration and executive functions including research and advice. It is proposed to transfer the WALGA Kimberley Zone matters and administrative aspects of KRG meetings to WALGA as this is a free member service.

**BACKGROUND**

Previous Considerations

Nil.

**COMMENT**

The Kimberley Regional Group was established in 2010 and engaged an officer to focus on matters of importance in the Kimberley. In 2018 this role was outsourced and is currently out for expressions of interest.

WALGA has offered to provide the Kimberley Country Zone with Executive Support including:

- A dedicated Zone Executive Officer as the principal point of contact for all Zone business;
- Liaison with the President and Executive as required;
- Preparation of agendas and minutes of all meetings;
- Organisation of meeting logistics, in relation to meeting room bookings and set-up;
- Preparation of correspondence and action items;
- Arrangement of guest speakers for Zone meetings; and,
- Organisation of any other meetings or deputations including Ministerial appointments.

WALGA's Governance & Organisational Services Team will provide the service and one dedicated senior officer will be assigned to the Zone. This will assist with continuity, relationship and stakeholder management, and follow up of any issues.

**ITEM 9.1 PROPOSAL TO HAVE WALGA ADMINISTER THE KIMBERLEY ZONE AND KRG**

WALGA currently provides this service to the following twelve (seven country, five metropolitan) WALGA Zones:

- Gascoyne Country
- Central Metropolitan
- Great Eastern Country
- East Metropolitan
- Central Country
- Peel Country
- South Metropolitan
- South East Metropolitan
- Pilbara Country
- North Metropolitan
- South West Country
- Great Southern Zone (Commencing May 2022)

WALGA can undertake the services outlined above at no cost to the Zone, as this function aligns with their Corporate Strategy. The Kimberley Shires will benefit through the release of current funds for the outsourced administration tasks and reduction in duplication.

#### **CONSULTATION**

Nil.

#### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

#### **FINANCIAL IMPLICATIONS**

Nil.

#### **STRATEGIC IMPLICATIONS**

**Governance Goal – A collaborative group demonstrating strong regional governance:**

Effective governance protocols and systems for business efficiency and improved services through collaboration

Recognition of Kimberley Local Government issues and opportunities

Alignment and integration of regional and local priorities for member Councils.

#### **VOTING REQUIREMENTS**

*Simple Majority*

**KIMBERLEY ZONE & KIMBERLEY REGIONAL GROUP RESOLUTION:**

**(REPORT RECOMMENDATION)**

**Minute No. KRG/0224/005**

**Moved: Cr C Mitchell**

**Seconded: Cr G Haerewa**

1. That the Kimberley Regional Group accepts the offer by WALGA to provide the Kimberley Country Zone with Executive Support including:
  - a. A dedicated Zone Executive Officer as the principal point of contact for all Zone business;
  - b. Liaison with the President and Executive as required;
  - c. Preparation of agendas and minutes of all meetings;
  - d. Organisation of meeting logistics, in relation to meeting room bookings and set-up;
  - e. Preparation of correspondence and action items;
  - f. Arrangement of guest speakers for Zone meetings; and,
  - g. Organisation of any other meetings or deputations including Ministerial appointments.

**Attachments**

Nil

<b>9.2 ACKNOWLEDGEMENT OF NOEL MASON, FORMER CEO SHIRE OF HALLS CREEK</b>	
<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Zone Executive
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	CEO SHIRE OF WYNDHAM EAST KIMBERLEY
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**  
 The Kimberley Regional Group is pleased to welcome the new Shire of Halls Creek CEO, Mr Phillip Cassell and acknowledges the contribution of Mr Noel Mason in his time in that role.

**BACKGROUND**

Previous Considerations

Nil.

**COMMENT**

Mr Phillip Cassell has been appointed by the Shire of Halls Creek as the new Chief Executive. Mr Cassell's previous role was as the senior contracts administrator at Cassowary Coast Regional Council.

Mr Cassell has a strong background in road works as well as significant academic qualifications including a Masters in Business Law, and Diplomas in Accounting, Civil Construction Management and Civil Engineering.

Mr Cassell replaced Mr Noel Mason, who resigned in February 2022.

The KRG acknowledges the significant progress made during Mr Mason's three year tenure including the initial funding for the Tanami Road upgrades, the re-establishment of Shire road workcrews for creation of training and employment opportunities in the Shire, the support for Olabud Doogethu which includes the introduction of Evening Youth Engagement Officers and engagement programs as part of a Justice Reinvestment Program which have provided the foundation of other programs implemented throughout the Kimberley and beyond.

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

**Local Government Act 1995**

**ITEM 9.2 ACKNOWLEDGEMENT OF NOEL MASON, FORMER CEO SHIRE OF HALLS CREEK**



**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS****Governance Goal – A collaborative group demonstrating strong regional governance:**

Effective governance protocols and systems for business efficiency and improved services through collaboration

Secure funding for regional initiatives

Recognition of Kimberley Local Government issues and opportunities

Alignment and integration of regional and local priorities for member Councils.

**Natural Environment Goal – Responsible management of the environment:**

Integrated waste management

**Built Environment Goal – Improved and secure transport, communications, community and essential services:**

Liveable towns supporting regional communities

Improved regional arterial road network, ports and airports

Adequate land supply

High standard of infrastructure planning

Reliable and adequate power and communications.

**Community Goal – A vibrant community based on equity, inclusion and opportunity for all:**

Innovative and joined up approach to housing development, ownership and design through community participation

Improved Kimberley regional outcomes in health

Improved Kimberley regional outcomes in education

Greater participation in the community and workforce

Better alcohol management across the Kimberley.

**Economy Goal – A sustainable and diverse economy:**

Generational advantage that captures the wealth for the region

Improved outcomes in employment

**ITEM 9.2 ACKNOWLEDGEMENT OF NOEL MASON, FORMER CEO SHIRE OF HALLS CREEK**

Improved regional infrastructure

**VOTING REQUIREMENTS**

*Simple Majority*

**KIMBERLEY ZONE & KIMBERLEY REGIONAL GROUP RESOLUTION:**

<b>(REPORT RECOMMENDATION)</b>	<b>Minute No. KRG/0224/006</b>
<b>Moved: Cr D Menzel</b>	<b>Seconded: Cr C Mitchell</b>

*That the Kimberley Regional Group:*

1. *Notes the appointment of Mr Phillip Cassell as CEO of the Shire of Halls Creek:  
and*
2. *Acknowledges the contribution of Mr Noel Mason, former CEO Shire of Halls Creek and instructs the secretariate to write a letter of acknowledgement of the contribution made by Mr Mason.*

**Attachments**

1. Nil

**ITEM 9.2 ACKNOWLEDGEMENT OF NOEL MASON, FORMER CEO SHIRE OF HALLS CREEK**

**9.3 FEDERAL BUDGET OVERVIEW**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Zone Executive
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	CEO SHIRE OF WYNDHAM EAST KIMBERLEY
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

The Federal Budget was handed down on Tuesday 29 March 2022 with two major projects in the Kimberley

**BACKGROUND**

Previous Considerations

Nil.

**COMMENT**

The Federal Treasurer handed down the budget on the 29th March 2022 with two major projects being funded in the Kimberley being:

- \$400m to upgrade the Tanami from Halls Creek to the Border with a further \$110m to finish the upgrades from the border to Alice Springs.
- \$244m to upgrade and refurbish a range of facilities at RAAF Base Curtin, including communications capabilities, roads, hangars for aircraft, security, workshops and electrical services.

Both projects are subject to further works including an updated business plan for the Tanami Road.

Other matters of interest include:

Page 119: The Government will provide an additional \$50.0 million over 2 years from 2022-23 through Round 6 of the Safer Communities Fund. Grant funding will be available for local government and community organisation initiatives that address crime and anti-social behaviour.

P144: The Government will provide \$501.7 million over 3 years from 2022-23 to extend the Local Roads and Community Infrastructure Program to support local councils to maintain and deliver social infrastructure, improve road safety and bolster the resilience of the local road network.

The Australian Local Government Association Federal Budget analysis is provided as an attachment.

**ITEM 9.3 FEDERAL BUDGET OVERVIEW**

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

**Governance Goal – A collaborative group demonstrating strong regional governance:**

Secure funding for regional initiatives

Recognition of Kimberley Local Government issues and opportunities

Alignment and integration of regional and local priorities for member Councils.

**Built Environment Goal – Improved and secure transport, communications, community and essential services:**

Liveable towns supporting regional communities

Improved regional arterial road network, ports and airports

High standard of infrastructure planning

**Economy Goal – A sustainable and diverse economy:**

Improved regional infrastructure

**VOTING REQUIREMENTS**

*Simple Majority*

**KIMBERLEY ZONE & KIMBERLEY REGIONAL GROUP RESOLUTION:**

**(REPORT RECOMMENDATION)**

**Minute No. KRG/0224/007**

**Moved: Cr C Mitchell**

**Seconded: Cr M Edwards**

*That the Kimberley Regional Group notes the Federal Budget overview.*

**Attachments**

ALGA Federal Government Budget Analysis

**ITEM 9.3 FEDERAL BUDGET OVERVIEW**



## Fact Sheet 1 – Financial Assistance Grants

- The 2022-23 Budget maintains the system of payments to support local government, through Financial Assistance Grants.
- In 2022-23 the Australian Government will provide **\$2.8b** in Financial Assistance Grants funding. This includes **\$2.1b** which will be brought forward from the 2022-23 estimate and paid to State and Territory Governments in 2021-22
- The Financial Assistance Grants as a proportion of Commonwealth Tax Revenue in 2022-23 is therefore estimated to be **0.55%**. In 2021-22 – this was 0.6%
- Financial Assistance Grants continue to comprise two components: general purpose assistance grants; and untied local roads grants.

*Table 1 - Overview of Financial Assistance Grants 2022-23*

<b>Table 1: Financial Assistance Grants 2022-23 \$M</b>	
General Purpose Component	487.9
Local Road Component	216.5
<b>Total Financial Assistance Grants</b>	<b>704.4</b>

*\*Note \$2.1 b will be brought forward into the 2021-22 financial year (BP3 P97)*



Table 2 Financial Assistance Grants for the period 2021-22 to 2025-26.

Table 2: Total Financial Assistance Grants to local government 2022-23 to 2025-26				
	2022-23	2023-24	2024-25	2025-26
	\$m	\$m	\$m	\$m
General Purpose Component	487.9	2,027.6	2,111.3	2,195.4
Local Road Component	216.5	899.7	936.9	974.2
<i>Total financial assistance grants</i>	<i>704.4</i>	<i>2,927.3</i>	<i>3,048.2</i>	<i>3,169.5</i>

Note a bring forward payment of \$2.1B from 2022-23 will be provided in 2021-22. (BP3 P97)

Table 3 Financial Assistance Grants by jurisdiction – 2022-23

Table 3: Financial Assistance Grants by jurisdiction 2022-23									
	NSW \$m	VIC \$m	QLD \$m	WA \$m	SA \$m	TAS \$m	ACT \$m	NT \$m	TOTAL \$m
General Purpose Component	154.9	125.9	99.3	51	33.7	10.3	8.2	4.7	487.9
Local Road Component	82.8	44.6	40.6	33.1	11.9	11.5	6.9	5.1	216.5
<b>TOTAL</b>	<b>217.7</b>	<b>170.6</b>	<b>139.9</b>	<b>84.1</b>	<b>45.6</b>	<b>21.8</b>	<b>15.1</b>	<b>9.8</b>	<b>704.4</b>

Note a bring forward payment of \$2.1B from 2022-23 will be provided in 2021-22. (BP3 P97)



## Fact Sheet 2 - Transport - A local government perspective

### Commonwealth funding for Local Roads in 2022-23:

Roads to Recovery \$m	\$491
Identified Local Road Grants \$m	\$216.5**
Local Roads and Community Infrastructure Program \$m	\$649.3
Black Spots \$m	\$129
Bridges Renewal \$m	\$131.1

Total road funding allocation for local governments, by State/Territory in 2022-23 is set out in the table below:

State/Territory	Roads to Recovery \$m	Bridges Renewal \$m	Identified Local Roads Grants \$m	Local Roads and Community Infrastructure \$m	Black Spots \$m	TOTAL \$m
New South Wales	\$136.2	\$47.5	\$62.8	\$184.5	\$35.5	\$466.5
Victoria	\$101.2	\$35.4	\$44.6	\$136.3	\$35.4	\$352.9
Queensland	\$101.4	\$26.0	\$40.6	\$131.5	\$26.7	\$326.2
Western Australia	\$70.5	\$12.7	\$33.1	\$91.7	\$14.2	\$222.2
South Australia	\$44.6	\$6.2	\$11.9	\$57.3	\$9.0	\$129.0
Tasmania	\$16.3	\$1.9	\$11.5	\$20.2	\$3.9	\$53.8
Australian Capital Territory	\$8.0	\$1.2	\$6.9	\$10.3	\$2.4	\$28.8
Northern Territory	\$12.8	\$0.2	\$5.1	\$17.5	\$1.9	\$37.5
<b>Total:</b>	<b>\$491.0</b>	<b>\$131.1</b>	<b>\$216.5</b>	<b>\$649.3</b>	<b>\$129.0</b>	<b>\$1,616.9</b>

\* Note: South Australia also received \$40m over two years from 2021-22 to continue supplementary local roads funding

Sum of the components above may not add to the total due to rounding.

\*\*also note that \$2.1B of Financial Assistance Grant funding has been bought forward to 2021-22.

AI.GA 2022-23 Federal Budget Analysis (29<sup>th</sup> March 2022)



### Fact Sheet 3: 2022-23 Budget Overview

#### 1. General overview and economic outlook:

- Deficit of 1.6% of GDP by 2025-26
- Working towards 4% unemployment
- Wages growth 3%
- 3.5% econ growth in 2022-23

#### 2. Budget Priorities:

- Living relief for Australians
- Supporting small business
- Investing in roads, & infrastructure
- Flood relief and response

#### 3. Key initiatives and savings measures:

- Temporary cut to fuel excise
- Continued funding of the Local Roads and Community Infrastructure Fund
- Bring forward FA Grants of \$2.1B into 2021-22
- \$37.9B regions & infrastructure





**4. ALGA Board Priorities and Federal Budget initiatives**

ALGA Board Priorities	Coalition Budget 2022-23 Measures
Financial Assistance Grants	<p>In 2022-23 the Australian Government will provide <b>\$2.804B</b> [\$2,652B in 2021-22] in Financial Assistance Grants funding. This includes <b>\$2.1B</b> [\$1.3B in 2021-22] which will be brought forward from the 2022-23 estimate and paid to States and Territory Governments in 2021-22. The remainder is <b>\$704.4M</b> in 2022-23 [\$1.3B in 2021-22]. (BP3 P97)</p> <p><b>Cash injection of \$2.1B provided in this financial year</b></p> <p>Commonwealth estimated taxation revenue (on accruals basis) for 2022-23 is <b>\$508.4</b> (Budget Paper 1, Statement 4 Revenue Table 4.1 P112).</p> <p>The Financial Assistance Grants as a proportion of Commonwealth Tax Revenue in 2022-23 is therefore estimated to be <b>0.55 %</b>. In 2021-22 it was 0.6% partly due to lower revenue.</p> <p>.</p>
Local Roads and Community Infrastructure Program	<p>An additional \$501.7M over 3 years in 2022-23 Budget - BP2 P144, BP3 P65</p> <p>2022-2023 – additional \$0.3M                  2023-2024 – \$250.7M                  2024 –2025 - \$250.7M</p> <p><b>Total expenditure of this program is now \$3b.</b></p>
Local Roads Investment Program	<p>Heavy Vehicle Safety and Productivity Program BP3 P59</p> <p>2022-2023 - \$67.2M                  2023-2024 - \$101.6M                  2024-2025 - \$69.3M                  2025 –2026 - \$69.3</p>



ALGA Board Priorities	Coalition Budget 2022-23 Measures
Roads to Recovery	BP3 P61  2022-2023 - \$490.9M [\$499.5M in 2021-22] 2023-2024 - \$485.3 2024-2025 - \$499.5M 2025-2026 - \$499.5M
Black Spot Program	BP3 P57  2022-2023 - \$128.9M [\$137M in 2021-22] 2023-2024 - \$121.1M 2024-2025 - \$121.1M 2025-2026 - \$110M
South Australia Road Funding	\$20m per year over two years from 2021-22 No additional funding provided in 2022-23
Disaster Mitigation Program	\$20.9M Total (BP3 P72) – Disaster Risk Reduction \$50M (BP3 P73) – Coastal and Estuaries Risk Mitigation \$10.5M (BP3 P76) Regional Drought Resilience Planning  \$150M (BP3 P74) for NSW and Qld only – post disaster resilience measures Flood Recovery and Resilience Package, split 50/50  (BP2 P60-63) \$150M– 2022-23 Emergency Response Fund for post disaster resilience measures for Nthn Rivers Region of NSW \$31.2M over 2 years for mental health of residents in flood affected areas NSW and Qld \$3B over forward estimates to accommodate additional C'wealth expenditure on floods response in NSW and Qld Jointly fund an estimated \$2B in support measures including to councils.  NSW and Qld Flood Relief and mitigation, various measures – see further information in BP2 P60-63  [\$41.6M (BP3 P90) – DRFA – expense estimates \$2,468.7M (BP3 P91) – DRFA – cash estimates]
Stronger Regional Digital Connectivity Package	Government response to Regional Telecomm Review BP2 P134 - Includes expanding mobile coverage in regional Australia (\$811.6M over 5 years)



ALGA Board Priorities	Coalition Budget 2022-23 Measures
Circular Economy	\$84.6M (BP3 P84 and BP2 P51) – Recycling Infrastructure various Includes \$60.4 million for plastic recycling through the Recycling Modernisation Fund
Local Government Climate Response Partnership Fund	See Disaster Mitigation Funding above

**5. Other measures of interest for local governments in the Coalition Federal Budget:**

- Temporary reduction in fuel excise BP2 P15
- Future Drought Fund - \$84.5M over 4 years BP2 P53
- Great Barrier Reef leadership and stewardship- \$1B over 9 years BP2 P56
- Women’s Safety – BP2 P66
- Boosting Participation and Building Australia’s workforce \$153.5M over 5 years BP2 P74
- Investing in Skills apprenticeships BP2 P76
- Supporting rural health \$224.4M over 4 years BP2 P98
- Preventative Health - \$30.1M includes community health/physical activity BP2 P107
- Safer Communities Fund Round 6 – an additional \$50M over 2 years from 2022-23 – available for local governments to apply BP2 P119
- Community Development Grants – nominated projects \$67.7M over 3 years BP 2 P130
- COVID 19 - additional arts sector support BP2 P131
- COVID 19 - additional aviation support BP2 P132
- Infrastructure Investment – priority regional infrastructure - \$1.5B over 10 years - various projects
- Regional Accelerator Program - \$2B over 5 years – drive economic growth in regional areas
- Stronger Communities Program \$29.2 M over 2 years – small projects. BP2 P152
- Supporting regionalisation – new childcare centres, employment opportunities \$67.7M over 8 years BP2 P152
- Digital Economy Strategy – includes Office of Future Transport Technology BP2 P157



- Disaster Support – NFP – various BP2 P158
- \$31.8M in 2022-23 to commence establishment of 35 regional/local voice bodies across Australia (BP2 P161) –
- Affordable Housing and Home Ownership – increase to 50 000 places/year BP2 P170
- Funding for remote indigenous housing – NT only \$223.8M in 2022-23 (BP3 P54)



**Population Assumptions used in the Budget (BP3 P113)**

**Table A.1: Population by state, at 31 December**

million	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	Total(a)	Australia
2021	8.199	6.664	5.256	2.696	1.781	0.544	0.434	0.248	25.821	25.826
2022	8.242	6.727	5.330	2.730	1.798	0.549	0.437	0.250	26.063	26.068
2023	8.322	6.835	5.405	2.767	1.814	0.554	0.441	0.252	26.389	26.394
2024	8.415	6.960	5.477	2.803	1.828	0.558	0.447	0.253	26.742	26.747
2025	8.511	7.088	5.551	2.839	1.844	0.562	0.453	0.255	27.104	27.109

(a) 'Total' is the sum of the states and territories shown, and excludes Jervis Bay Territory, Christmas Island, the Cocos (Keeling) Islands and Norfolk Island.

**Table A.2: Population by state, at 30 June**

million	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	Total(a)	Australia
2020-21	8.189	6.649	5.221	2.682	1.773	0.541	0.432	0.246	25.735	25.739
2021-22	8.209	6.679	5.290	2.711	1.789	0.547	0.435	0.249	25.908	25.913
2022-23	8.276	6.775	5.370	2.749	1.807	0.552	0.439	0.251	26.219	26.223
2023-24	8.367	6.896	5.440	2.785	1.821	0.556	0.443	0.252	26.560	26.565
2024-25	8.463	7.024	5.514	2.821	1.836	0.560	0.450	0.254	26.923	26.928
2025-26	8.559	7.152	5.588	2.857	1.852	0.565	0.456	0.256	27.284	27.289

(a) 'Total' is the sum of the states and territories shown, and excludes Jervis Bay Territory, Christmas Island, the Cocos (Keeling) Islands and Norfolk Island.

**Net interstate migration (BP3 P115)**



**Table A.5: Net overseas migration, for years ending 30 June**

	2020-21(a)	2021-22	2022-23	2023-24	2024-25	2025-26
Net overseas migration, Australia	-89,900	41,000	180,000	213,000	235,000	235,000

(a) Outcome for 2020-21 from ABS National, state and territory population, September 2021.

**Net Overseas Migration (BP3 P115)**

**Table A.6: Net interstate migration by state, for years ending 30 June**

	NSW	VIC	QLD	WA	SA	TAS	ACT	NT
2020-21	-16,700	-18,300	30,900	4,600	700	0	900	-2,200
2021-22	-40,600	-17,300	41,000	7,600	4,500	2,800	900	1,100
2022-23	-30,200	-5,000	30,000	3,200	100	1,700	700	-400
2023-24	-20,000	6,900	19,200	-1,200	-4,200	700	500	-1,800
2024-25	-20,200	6,400	19,400	-1,200	-4,100	800	600	-1,700
2025-26	-20,200	5,900	19,600	-1,200	-4,000	900	600	-1,600

<b>9.4 OPERATIONAL PLAN AND BUDGET – PROJECTS 2022-23</b>	
<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Zone Executive
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	CEO SHIRE OF WYNDHAM EAST KIMBERLEY
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**  
 It is a requirement under the Kimberley Regional Group MOU for a Operational Plan and budget, including a list of projects, be presented prior to the end of the financial year.

**BACKGROUND**

Previous Considerations

Nil

**COMMENT**

Item 10.7 of the Kimberley Regional Group Memorandum of Understanding (MOU) requires that an Operational Plan and budget for each financial year must be submitted to the Board for approval no later than one month prior to the commencement of the financial year to which the Operational Plan and budget applies. Once approved by the Board, the Operational Plan and budget will be submitted by the Host CEO or their delegate to each of the Participants for approval.

In order to develop the budget, proposed projects need to be identified, including those where external grant funding will be sought and, the costs identified for administering the functions of the KRG.

Two projects have been previously identified for the period being the:

- Workforce needs analysis, which has been approved as an outsourced project; and
- Housing Needs Analysis which will benefit from the release of Census Data in June 2022 and the outcomes of the of the Workforce needs analysis. Costing for this project has not been undertaken, and is contingent upon the degree that inhouse projects will be utilised going forward.

These two projects are strongly related with the housing of employees a major issue in the Kimberley.

The operation cost of the Kimberley Regional Group will be available when the RFQ process concludes.

**9.4 OPERATIONAL PLAN AND BUDGET – PROJECTS 2022-23**

It is anticipated that for the 2022-23 period, that identified project and administrative costs can be covered within the current reserves of the KRG with membership funding levels unchanged from the 2021-2022 financial year.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

**Governance Goal – A collaborative group demonstrating strong regional governance:**

Secure funding for regional initiatives

Recognition of Kimberley Local Government issues and opportunities

Alignment and integration of regional and local priorities for member Councils.

**VOTING REQUIREMENTS**

*Simple Majority*

<b>KIMBERLEY ZONE &amp; KIMBERLEY REGIONAL GROUP RESOLUTION:</b>	
<b>(REPORT RECOMMENDATION)</b>	<b>Minute No. KRG/0224/008</b>
<b>Moved: Cr C Mitchell</b>	<b>Seconded: Cr G Haerewa</b>
<p><i>That the Kimberley Regional Group:</i></p> <ol style="list-style-type: none"> <li>1. <i>Approves the projects as listed;</i></li> <li>2. <i>Notes the advice that, for 2022-23 period, that identified costs can be covered within the current reserves of the KRG and membership fees unchanged from the 2021-2022 financial year; and</i></li> <li>3. <i>Defers formal budget decisions until the outcomes of the KRG consultant procurement process are concluded.</i></li> </ol>	

**Attachments**

Nil



**9.5 INFRASTRUCTURE PROSPECTUS**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Zone Executive
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	CEO SHIRE OF WYNDHAM EAST KIMBERLEY
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

The Kimberley Regional Group developed the Infrastructure Prospectus in response to the COVID-19 pandemic. This item provides the 2022-23 update for approval.

**BACKGROUND**

Previous Considerations

Nil.

**COMMENT**

In August 2020 it was agreed to development an advocacy document which focused on infrastructure investment as part of the COVID-19 recovery strategy.

Given the scale and diversity of possible projects, the concepts were workshopped with the following criteria being applied to create a short list of projects for consideration:

1. Deliver local jobs and business opportunities during project construction and over the longer term.
2. Projects should be "shovel ready" (or where a high priority project that requires planning/business case development), deliverable within a 3 year period.
3. Leverage existing projects or deliver investment growth.
4. Facilitate resilience.
5. Are related to local government (such as LG project coordination, use of LG land etc) and/or are State Government or Traditional Owner Projects.

Over time the detail of projects is updated and amended to ensure that the Infrastructure Prospectus remains current and relevant to the needs of the region.

In 2022, several projects have been replaced with the following new entries:

- Wyndham Community Boating Facility.
- Sanctuary Road Caravan Park (key worker housing) Project, Broome.

The updating of the Infrastructure Prospectus is an ongoing however this review has been comprehensive and therefore should remain current for some time.

**ITEM 9.5 2022 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENTS MOTION**

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT*****Local Government Act 1995*****FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS****Governance Goal – A collaborative group demonstrating strong regional governance:**

Effective governance protocols and systems for business efficiency and improved services through collaboration

Secure funding for regional initiatives

Recognition of Kimberley Local Government issues and opportunities

Alignment and integration of regional and local priorities for member Councils.

**Natural Environment Goal – Responsible management of the environment:**

Integrated waste management

**Built Environment Goal – Improved and secure transport, communications, community and essential services:**

Liveable towns supporting regional communities

Improved regional arterial road network, ports and airports

Adequate land supply

High standard of infrastructure planning

Reliable and adequate power and communications.

**Community Goal – A vibrant community based on equity, inclusion and opportunity for all:**

Innovative and joined up approach to housing development, ownership and design through community participation

Improved Kimberley regional outcomes in health

Improved Kimberley regional outcomes in education

**ITEM 9.5 2022 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENTS MOTION**

Greater participation in the community and workforce

Better alcohol management across the Kimberley.

**Economy Goal – A sustainable and diverse economy:**

Generational advantage that captures the wealth for the region

Improved outcomes in employment

Improved regional infrastructure

**VOTING REQUIREMENTS**

*Simple Majority*

**KIMBERLEY ZONE & KIMBERLEY REGIONAL GROUP RESOLUTION:**

<b>(REPORT RECOMMENDATION)</b>	<b>Minute No. KRG/0224/009</b>
<b>Moved: Cr C Mitchell</b>	<b>Seconded: Cr D Menzel</b>

*That the Kimberley Regional Group endorses the Kimberley Investment Prospectus.*

**Attachments**

1. Kimberley Investment Prospectus 2022-23 (under Separate Cover)

**9.6 2022 National General Assembly of Local Governments Motion**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Zone Executive
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

The Shire of Derby West Kimberley has the opportunity to progress (on behalf of the Kimberley Region) an important disaster recovery motion at the June 2022 National General Assembly of Local Governments in Canberra. This report provides background and seeks support for the motion from the KRG.

**BACKGROUND**

Previous Considerations

Nil

**COMMENT**

For a number of years the Kimberley Regional Group has been advocating for a more streamlined system of approval for disaster relief funding.

The current Disaster Relief Funding Arrangements (WA) were introduced with an intent of betterment to overcome repetitive damage to the same infrastructure which, over the longer term, will provide significant cost savings.

The 2022 National General Assembly of Local Governments will be held in Canberra at the National Convention Centre, from 19– 22 June. Convened annually by the Australian Local Government Association, the National General Assembly of Local Government is the peak annual event for Australian Local Governments, attracting in excess of 800 Mayors, Presidents, and Councillors each year. This event provides a unique opportunity for Local Government representatives to engage directly with the Federal Government, to develop national policy, and to influence the future direction of our districts and their respective communities.

The Shire of Derby West Kimberley has the opportunity to progress (on behalf of the Kimberley Region) an important disaster recovery motion at the June 2022 National General Assembly of Local Governments in Canberra. The proposed position and motion is as follows:

**ITEM 9.5 2022 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENTS MOTION**

**DISASTER RECOVERY FUNDING ARRANGEMENTS**

## Motion

*This National General Assembly calls on the Australian Government to:*

1. *Commit to ensuring that building back resilient public infrastructure is a core element of disaster recovery funding arrangements at Commonwealth and jurisdiction level.*
2. *Provide clear guidance on appropriate standards for resilience for public infrastructure to support decisions regarding additional investment.*
3. *Commit to providing up-front funding to Local Governments that will enable counter disaster operations and reconstruction of essential public assets to proceed without financial impediments.*

Attached is the item provided by the Shire of Derby West Kimberley which has the unanimous support of the that Council.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

***Local Government Act 1995***

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS****Built Environment Goal – Improved and secure transport, communications, community and essential services:**

Liveable towns supporting regional communities

High standard of infrastructure planning

**Economy Goal – A sustainable and diverse economy:**

Improved regional infrastructure

**VOTING REQUIREMENTS**

*Simple Majority*

**ITEM 9.5 2022 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENTS MOTION**

**KIMBERLEY ZONE & KIMBERLEY REGIONAL GROUP RESOLUTION:****(REPORT RECOMMENDATION)****Minute No. KRG/0224/010****Moved: Cr G Haerewa****Seconded: Cr M Edwards**

*That the Kimberley Regional Group endorses the motion proposed by the Shire of Derby West Kimberley to lodge the following motion for the convention's consideration.*

This National General Assembly calls on the Australian Government to:

- a) Commit to ensuring that building back resilient public infrastructure is a core element of disaster recovery funding arrangements at Commonwealth and jurisdiction level;
- b) Provide clear guidance on appropriate standards for resilience for public infrastructure to support decisions regarding additional investment; and
- c) Commit to providing up-front funding to Local Governments that will enable counter disaster operations and reconstruction of essential public assets to proceed without financial impediments.

**Attachments**

SWEK 2022 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENTS MOTION

**ITEM 9.5 2022 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENTS MOTION**

**6.2 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - MOTION****File Number:** 4065**Author:** Neil Hartley, Director - Strategic Business**Responsible Officer:** Amanda Dexter, Chief Executive Officer**Authority/Discretion:** Advocacy**SUMMARY**

The Shire has the opportunity to progress (on behalf of the Kimberley Region) an important disaster recovery motion at the June 2022 National General Assembly of Local Governments in Canberra.

This report promotes that Council should take advantage of the opportunity to gain national exposure of the issue, which has specific relevance to the Kimberley Region.

**DISCLOSURE OF ANY INTEREST**

Nil.

**BACKGROUND**

Convened annually by the Australian Local Government Association, the National General Assembly of Local Government is the peak annual event for Australian Local Governments, attracting in excess of 800 Mayors, Presidents, and Councillors each year. This event provides a unique opportunity for Local Government representatives to engage directly with the Federal Government, to develop national policy, and to influence the future direction of our districts and their respective communities.

The theme for the 2022 NGA is *Partners in Progress*. The 2022 National General Assembly of Local Governments will be held in Canberra at the National Convention Centre, from 19– 22 June.

The proposed position and motion is as follows:

**DISASTER RECOVERY FUNDING ARRANGEMENTS****Motion**

*This National General Assembly calls on the Australian Government to:*

- 1. Commit to ensuring that building back resilient public infrastructure is a core element of disaster recovery funding arrangements at Commonwealth and jurisdiction level.*
- 2. Provide clear guidance on appropriate standards for resilience for public infrastructure to support decisions regarding additional investment.*
- 3. Commit to providing up-front funding to Local Governments that will enable counter disaster operations and reconstruction of essential public assets to proceed without financial impediments.*

**National Objective**

*Local Governments are at the forefront of preparing for and recovering from disasters. The destruction of essential public infrastructure during natural disasters has a significant negative impact on the resilience and recovery of communities, particularly when people remain isolated for an extended period and are unable to access services or support.*

*More resilient public infrastructure will support communities recovering more quickly and reduce the financial impact of disasters on all tiers of Government.*

**Summary of Key Arguments**

- *97% of Commonwealth disaster funding is spent on recovery with only 3% allocated to preparation and mitigation; yet investment in mitigation saves tens of dollars in post-disaster recovery expenditure.*
- *Many local governments experience the same infrastructure being destroyed or damaged by repeated events, particularly flooding.*
- *In many instances modest investments such as increasing the diameter of culverts, installing scour protection to bridge embankments and redesigning floodway crossings will significantly reduce the likelihood that subsequent flooding will destroy the infrastructure.*
- *Several inquiries have concluded that the current disaster recovery funding arrangements are systematically biased against betterment and in favour of rebuilding to the pre-disaster standard<sup>1</sup>. There have been some changes since this conclusion was reached and now the approach to responding to the need to build back more resilient essential public infrastructure varies across the jurisdictions, despite operating under consistent Commonwealth Disaster Recovery Funding Arrangements (DRFA).*
- *The current reimbursement arrangements, with payments taking several months in some situations place local governments under serious cash-flow pressure in order to continue to pay contractors undertaking reconstruction work. There are situations where work has had to be slowed in order to maintain adequate cash-flow.*

**STATUTORY ENVIRONMENT**

**Local Government Act S 2.7 (Role of council)** outlines that the Council governs the local government's affairs, and is responsible for the performance of the local government's functions. It is also charged with overseeing the allocation of the local government's finances and resources; and determine the local government's policies.

<sup>1</sup> Productivity Commission 2014 Natural Disaster Funding Arrangements p101 ([Volume 1 - Natural Disaster Funding Arrangements \(pc.gov.au\)](#)) Accessed 15 March 2022



Special Council Meeting Minutes

24 March 2022

**POLICY IMPLICATIONS**

**C1 Elected Member and Chief Executive Officer Attendance at Events and Functions**, meets the requirements of Section 5.90A of the Local Government Act, by establishing guidelines for appropriate disclosure and management of acceptance of invitations to events or functions, or other hospitality occasions, where Elected Members and the Chief Executive Officer are invited free of charge, whether as part of their official duties as Shire representatives or not.

**C3 Caretaker (Electoral Period)**, establishes protocols for the purpose of avoiding actual and perceived advantage or disadvantage to a candidate in a Government Election (Federal, State, or Local).

**C8 Public Statements by Councillors and CEO**, provides clarity as to the roles and responsibilities of the President, the Deputy President, Councillors, and the Chief Executive Officer when speaking publically/issuing public statements.

**FINANCIAL IMPLICATIONS**

There will be costs associated with conference registrations, travel, accommodation, etc. The Shire has historically had attendance at the National General Assembly of Local Governments and the current budget provides the capacity to meet these costs.

**CONSULTATION**

No community consultation is considered to be required.

**COMMENT**

Many local governments take advantage of attendance at the National General Assembly to press home the point on specific issues of state and national significance. This particular issue has national significance, but also has a direct relevance to the local governments and their communities in the Kimberley Region.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

Nil

<p><b>RESOLUTION 19/22</b></p> <p><b>Moved:</b> Cr Andrew Twaddle</p> <p><b>Seconded:</b> Cr Linda Evans</p> <p><b>That Council:</b></p> <ol style="list-style-type: none"> <li>1. Endorses attendance at the 2022 National General Assembly of Local Governments (Canberra, 19– 22 June) of the Shire President and Chief Executive Officer; and</li> <li>2. Supports the lodging of the following motion for the convention's consideration:                     <p style="margin-left: 40px;"><i>This National General Assembly calls on the Australian Government to:</i></p> <ol style="list-style-type: none"> <li>a) <i>Commit to ensuring that building back resilient public infrastructure is a core element of disaster recovery funding arrangements at Commonwealth and jurisdiction level;</i></li> <li>b) <i>Provide clear guidance on appropriate standards for resilience for public infrastructure to support decisions regarding additional investment; and</i></li> <li>c) <i>Commit to providing up-front funding to Local Governments that will enable counter disaster operations and reconstruction of essential public assets to proceed without financial impediments.</i></li> </ol> </li> </ol> <p><b>In Favour:</b> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie</p> <p><b>Against:</b> Nil</p> <p style="text-align: right;"><b>CARRIED 9/0</b></p>
--

<b>9.7 UNDERGROUND POWER</b>	
<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Zone Executive
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	CEO SHIRE OF WYNDHAM EAST KIMBERLEY
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**  
 The opportunity to increase the amount of underground power lines in the Kimberley has been seen as a desirable outcome for some time and this item refers this matter to WALGA for further consideration.

**BACKGROUND**

Previous Considerations

Nil

**COMMENT**

The need for underground power in the Kimberley has been considered by the KRG over time to both improve safety and the aesthetic for communities.

The State Underground Power Program (the Program) was an initiative that replaces overhead power lines in established areas with underground power infrastructure. The Program is a partnership between the Government of Western Australia, Western Power and local governments. Funding for projects is shared between program partners. The objectives of the Program are to

- improve reliability and security of electricity supply for consumers;
- enhance streetscapes and visual amenity;
- reduce street tree maintenance costs for local governments;
- improve street lighting and community safety; and
- reduce maintenance costs for Western Power.

The Program was established in 1996 to improve the reliability of electricity supply, after a severe storm in 1994 caused major disruptions in Perth and southern parts of Western Australia. Western Power later reported that 80 per cent of the power failures could be attributed to trees and branches falling on power lines. The most recent funding round was in January 2017. This project appears to have been limited to the SW interconnected network. Pilbara appears to be the only project to have occurred in the north west.

**ITEM 9.7 UNDERGROUND POWER**

Horizon Power has been approached previously by the KRG about available plans or funding for an undergrounding program however feedback is that the matter is best progressed through WALGA as it has implications out side of this region. On that basis this item has been prepared with the intention to seek the support of the KRG to refer this matter to WALGA for further consideration and discussion.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

**Built Environment Goal – Improved and secure transport, communications, community and essential services:**

Liveable towns supporting regional communities

High standard of infrastructure planning

**Economy Goal – A sustainable and diverse economy:**

Improved regional infrastructure

**VOTING REQUIREMENTS**

*Simple Majority*

**KIMBERLEY ZONE & KIMBERLEY REGIONAL GROUP RESOLUTION:**

<b>(REPORT RECOMMENDATION)</b>	<b>Minute No. KRG/0224/011</b>
<b>Moved: Cr C Mitchell</b>	<b>Seconded: Cr M Edwards</b>

*That the Kimberley Regional Group requests that WALGA enter into discussions with Horizon Power in relation to programs and funding to transition overhead wires to underground power.*

**Attachments**

Nil

**ITEM 9.7 UNDERGROUND POWER**

**9.8 BUSINESS PLAN PROGRESS REPORT**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Zone Executive
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	CEO SHIRE OF WYNDHAM EAST KIMBERLEY
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

The Strategic Community Plan and Business Plan for the period 2020-2024 was adopted in June 2021. This report provides an update on progress towards the achievement of the Business Plan which has a four year horizon.

**BACKGROUND**

Previous Considerations

Nil.

**COMMENT**

The Strategic Community Plan and Business Plan for the period 2021-2025 was adopted in June 2021. The summary report attached provides an update on progress towards the achievement of the Business Plan in this period.

Key matters addressed in the Business Plan include:

- Coordination of the KRG delegation to Perth in February 2022 meeting, to discuss critical matters with the following Ministers:
  - Hon Tony Buti MLA, Minister for Aboriginal Affairs; Racing and Gaming Citizenship and Multicultural Interests
  - Hon Sue Ellery MLC, Minister for Education and Training
  - Hon Simone McGurk, Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services
  - Hon Bill Johnston MLA, Minister for Mines and Petroleum; Energy; Corrective Services; Industrial Relations.
  - Hon John Carey, Minister for Housing; Lands; Homelessness; Local Government.
- Follow up letters to Ministers summarising discussions.
- Media support including press releases, media engagement and briefing notes.
- Liaison with ongoing projects including the Kerbside Wates Collection contract, DAMA, alternative energy in the Kimberley.
- Support for the transition of the Secretariate to the Shire of Wyndham East Kimberley.

**ITEM 9.7 BUSINESS PLAN PROGRESS REPORT**

- Noting the transition to a new consultant, the update of key documents including the Infrastructure Prospectus and the Annual Performance Report.
- Ongoing liaison with key stakeholders in the lead up to the Federal Budget.

The attached report provides the linkages to the Strategic Community Plan and Business Plan for the period 2020-2024.

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

**Governance Goal – A collaborative group demonstrating strong regional governance:**

Effective governance protocols and systems for business efficiency and improved services through collaboration

Secure funding for regional initiatives

Recognition of Kimberley Local Government issues and opportunities

Alignment and integration of regional and local priorities for member Councils.

**Natural Environment Goal – Responsible management of the environment:**

Integrated waste management

**Built Environment Goal – Improved and secure transport, communications, community and essential services:**

Liveable towns supporting regional communities

Improved regional arterial road network, ports and airports

Adequate land supply

High standard of infrastructure planning

Reliable and adequate power and communications.

**ITEM 9.7 BUSINESS PLAN PROGRESS REPORT**

**Community Goal – A vibrant community based on equity, inclusion and opportunity for all:**

Innovative and joined up approach to housing development, ownership and design through community participation

Improved Kimberley regional outcomes in health

Improved Kimberley regional outcomes in education

Greater participation in the community and workforce

Better alcohol management across the Kimberley.

**Economy Goal – A sustainable and diverse economy:**

Generational advantage that captures the wealth for the region

Improved outcomes in employment

Improved regional infrastructure

**VOTING REQUIREMENTS**

*Simple Majority*

**KIMBERLEY ZONE & KIMBERLEY REGIONAL GROUP RESOLUTION:**

**(REPORT RECOMMENDATION)**

**Minute No. KRG/0224/012**

**Moved: Cr D Menzel**

**Seconded: Cr G Haerewa**

*That the Kimberley Regional Group notes the Business Plan Update as attached.*

**Attachments**

1. Business Plan Update April 2022

## ACTIVITY AGAINST THE BUSINESS PLAN

NOTE: Only matters in the Business Plan responded to this period are reported.

### Our People

Goal 1: A vibrant community based on equity, inclusion and opportunity for all.

OUTCOME	STRATEGY	ACTIONS	
1.1 Substance abuse and associated harm is reduced.	1.1.2 Advocate for fit for purpose and consistent alcohol management systems in the Kimberley.	1.1.2.1	Meet with relevant Ministers to discuss next steps to reduce alcohol related harm.
		1.1.2.2	Meet with State Government officers to discuss next steps to reduce alcohol related harm.
ACTION: Meeting with the Minister for Racing and Gaming, follow up letters, media coordination			
1.2 Kimberley regional health outcomes improve.	1.2.1 Advocate for key health equipment, such as dialysis machines, to be available throughout the Kimberley.	1.2.1.1	Correspond and meet with relevant Ministers to discuss timeframes in relation to budget items and election promises.
		ACTION: Coordination of Meetings with the Ministers: for Racing and Gaming (re Alcohol); Housing; Family and Domestic Violence and follow up letters.	
1.3 Crime is reduced both across the region and by location	1.3.2 Advocate for improved management of youth anti-social behaviour including funding for diversion programs.	1.3.2.1	Monitor funding allocated or committed to the provision of diversion programs across the Kimberley.
		ACTION: Coordination of Meetings with the Ministers for: Police; Racing and Gaming; Housing; Family and Domestic Violence; Corrections and follow up letters.	
1.5 School attendance improves with a higher number of students graduating year 12.	1.5.1 Advocate for fit for purpose education facilities and pedagogy to improve school attendance and outcomes.	1.5.1.1	Develop and advocacy document to support the provision of fit-for-purpose education facilities and pedagogy.
	1.5.2 Advocate for enhanced post school employment pathways.	1.5.2.1	Develop an advocacy document (in conjunction with 1.5.1.1) to support the provision of enhanced post school employment pathways.



ACTION: Coordination of Meetings with the Ministers for: Education, Child Protection and follow up letters.		
1.6 Fit for purpose housing is available to meet individual and community needs.	1.6.1 Advocate for appropriate housing typology, location and volume to meet the changing needs of the community.	1.6.1.1 Monitor housing availability and affordability. 1.6.1.2 Advocate for improved housing affordability and availability when stock levels fall below market expectations.
ACTION: Coordination of Meetings with the Ministers for: Housing; Community Services and follow up letters. Housing briefing paper prepared and circulated to support the meeting.		

Our Place

Goal 2.

Our region will become a leader in creating a sense of place and liveability whilst preserving history, culture and our unique environment.

OUTCOME	STRATEGY	ACTIONS
2.1 Our towns provide a variety of public spaces that welcome local residents and visitors with shaded spaces and safe access.	2.1.1 Advocate for funding to support master planning and urban renewal.	2.1.1.1 Ensure the Infrastructure Prospectus remains up to date. 2.1.1.2 Advocate to relevant Ministers in relation to the Infrastructure Prospectus.
ACTION: Infrastructure Prospectus updated in cooperation with member Shires, including the replacement of some existing projects due to a higher priority or funding received.		
2.3 We have liveability attractors including sufficient and fit for purpose recreation areas, aquatic facilities, libraries, sporting facilities and a variety of leisure experiences.	2.3.1 Advocate for funding for liveability attractors.	2.3.1.1 Ensure the Infrastructure Prospectus remains up to date.
ACTION: As per Action for 2.1		

2.5 A reduced ecological footprint for the region (cont).	2.5.4 Advocate for affordable and reliable energy with a lower carbon footprint.	2.5.4.1 Develop an advocacy paper on energy with that will deliver affordable and reliable energy with a lower carbon footprint.
ACTION: Information sought and received from Horizon Power to inform the report.		

Our Prosperity

Goal 3.

The potential of the Kimberley as a strong and diversified economy is realised with benefits retained in the region and the opportunity to participate available to all.

OUTCOME	STRATEGY	ACTIONS
3.1 The Kimberley region is prosperous with a diversified and sustainable economy.	3.1.1 Advocate for the infrastructure required to attract and retain business and projects in the region.	3.1.1.1 Monitor the Kimberley Infrastructure Prospectus and update annually.  3.1.1.2 Advocate for agreed infrastructure to attract and retain business and projects in the Kimberley.
ACTION: The advocacy for the funding of the Tanami Road to be sealed from Halls Creek to Alice Springs was achieved with the Federal Budget 2022 announcement. Coordination of media etc.		
3.2 Local businesses and jobs are enhanced through opportunity created through private and government investment.	3.2.2 Advocate for local jobs creation in all new projects to reduce reliance on a FIFO workforce.	3.2.2.1 Promote opportunities and benefits in the Kimberley for the use of a local workforce.  3.2.2.2 Monitor and identify current and potential barriers to a local workforce and advocate mitigation of those issues.
ACTION: Liaised with the Regional Development Australia - Pilbara and the East Kimberley Chamber of Commerce and Industry on the approval of the Designated Area Migration Agreements (DAMA) for which they will be the Designated Area Representative (DAR) including the release of the Workforce Study RFQ.		
3.5 Our infrastructure is protected from known and	3.5.1 Advocate for improved protection and recovery from natural and other disasters.	3.5.1.1 Advocate for appropriate processes and timeframes for state responses to disasters including funding for recovery projects.

potential threats.	3.5.2 Advocate for improved Protection from global threats.	3.5.2.1 Monitor global threats and provide and intermittent report on any increased threat.  3.5.2.2 Advocate on the vulnerability of the north of the State to hostile actions towards key infrastructure.
<p>ACTION: Coordination of a meeting with the Minister for Emergency Services in relation to delays and red tape associated with DRFWA.</p> <p>Attended the North West Defence Force Alliance meeting on 5 April.</p>		

Our Performance

Goal 4

As a collective, we will support the delivery of excellence in governance and service delivery that is relevant and of value.

Outcomes		Strategy		Action	
4.1	Shire resources are maximised.	4.1.1	Facilitate shared tendering and contracting where regional benefit can be achieved.	4.1.1.1	Identify projects where shared tendering and contracting processes will be mutually beneficial.
<p>ACTION: Ongoing support for the Kerbside tender contract review including the extension of contract arrangements.</p>					

**9.9 CONSULTANT REPORT**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Zone Executive
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	CEO SHIRE OF WYNDHAM EAST KIMBERLEY
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

This report provides an overview of the activity undertaken by the consultant to support the activities of the WALGA Kimberley Country Zone (Zone) and the Kimberley Regional Group (KRG).

**BACKGROUND**

Previous Considerations

Nil.

**COMMENT**

The key focus areas for this period were the:

- Coordination and follow up of the delegation to Perth to meet with relevant State Ministers.
- The Coordination of the Zone/KRG meeting in Perth and follow up.
- Liaison in relation to the transition of the Secretariate to the SWEK and supporting the process for ensuring administrative and executive continuity for the Zone and KRG including ensuring that upcoming governance requirements are in process.
- Media liaison including briefing note preparation.
- Liaison with the Federal Government in relation to the Regions of Growth.

The full report has been attached.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

**Local Government Act 1995**

**FINANCIAL IMPLICATIONS**

Nil

ITEM 9.9 CONSULTANT REPORT APRIL 2022

**STRATEGIC IMPLICATIONS**

**Governance Goal – A collaborative group demonstrating strong regional governance:**

Alignment and integration of regional and local priorities for member Councils.

**VOTING REQUIREMENTS**

*Simple Majority*

**KIMBERLEY ZONE & KIMBERLEY REGIONAL GROUP RESOLUTION:**

<b>(REPORT RECOMMENDATION)</b>	<b>Minute No. KRG/0224/013</b>
<b>Moved: Cr David Menzel</b>	<b>Seconded: Cr Chris Mitchell</b>

*That the Kimberley Regional Group:*

- a) notes the Consultant Report provided by ATEA Consulting; and*
- b) express their thanks and gratitude to Debra Goostrey and ATEA Consulting for the excellent service they have provided to the Kimberley Zone and Kimberley Regional Group.*

**Attachments**

Consultant Report April 2022.

## Consultant Report April 2022

Summary of Activities since Previous Report (to 6 April 2021) not covered in the Business Plan Report.



This period included the February KRG meeting in Perth and the associated Ministerial meetings. The volume and sensitivity of the meetings meant that the logistics took considerable time. Initial briefing papers and meeting summaries were also prepared.

The close out of existing works and ensuring that the transition to the new host shire and the new consultant is efficient has also been a priority. This includes “getting ahead” to ensure that requirements under the MOU for documents such as the Annual Performance Report are well progressed or completed prior to the finalisation of the ATEA Consulting Contract, as well as deferred procurement is advanced. Current projects are also being finalised to reduce handover complexities.

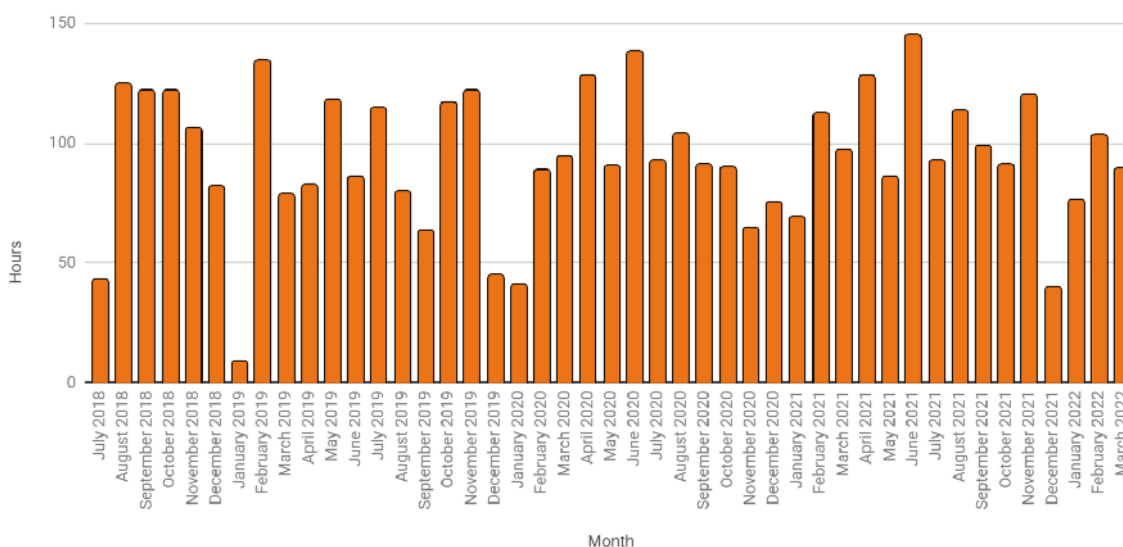
Engagement was also undertaken in the lead up to the Federal budget which saw the Tanami Road funding announcement of \$400m and the Curtin Airbase funding of \$242m for upgrades.

As this will be my last report, noting the imminent procurement process for the KRG consultant, I wanted to take this opportunity to thank all of the staff at the Shires over the years and the incredibly dedicated councillors who have given their time so generously to the greater good of all.

### Summary of Hours

The wet season was similar to many previous years with a significant dip over the December/January period, followed by a more active period in the lead up to the February Zone KRG meeting.

Rolling Contract Hours



ATTACHMENT 1 – CONSULTANT REPORT APRIL 2022

**10. CORRESPONDENCE**

<b>CORRESPONDENCE OUT</b>	
<b>To</b>	<b>Subject</b>
Hon Bill Johnston MLA	Thank you and summary of discussions at the meeting.
Hon Simone McGurk MLA	Thank you and summary of discussions at the meeting.
Hon Sue Ellery MLC	Thank you and summary of discussions at the meeting.
Hon Tony Butil MLA	Thank you and summary of discussions at the meeting.
Hon Tony Butil MLA	Thank you and summary of discussions at the meeting.
Hon Stephen Dawson MLC	Thank you and summary of discussions at the meeting.
Hon John Carey MLA	Thank you and summary of discussions at the meeting.

**Attachments**

1. Correspondence Out

*ITEM 10 - CORRESPONDENCE*



15 March 2022

Hon Tony Buti MLA  
 Minister for Aboriginal Affairs; Racing and Gaming  
 Citizenship and Multicultural Interests  
 5th Floor, Dumas House  
 2 Havelock Street  
 WEST PERTH WA 6005

By email: Minister.Buti@dpc.wa.gov.au

Dear Minister

**Re Meeting Discussion Follow-up**

On behalf of member Shires, I want to thank you for making the time on Monday 15 February 2022 to discuss matters relating to the spiralling antisocial behaviour in the Kimberley and the implementation of the Banned Drinkers Register.

As you are aware, the Kimberley Regional Group (KRG) is an alliance of the four Shires of the Kimberley, being the Shire of Broome, the Shire of Derby West Kimberley, the Shire of Halls Creek and the Shire of Wyndham East Kimberley. Collaboratively the group seeks to support outcomes for the region through improved social, economic and cultural outcomes.

We have provided below our key comments and our takeaway messages from the meeting.

**KRG Key Comments:**

1. The KRG has deep concern that there are less people on the Banned Drinkers Register (BDR) than prior to the trial as Licensees in the East Kimberley can no longer upload persons banned from their establishment and the timeframes for Prohibition Orders and Barring Notices are excessive.
2. The KRG queried whether the State Emergency Act could be used to bring the improvement of pathways forward, noting that some of the alcohol restrictions fit within that mandate.
3. There appears to be a gap in the current service provision and limited options for people to get help in some locations.
4. With a fully functional BDR the level of violence would be reduced with an example provided that the over fifty Domestic Violence presentations at Derby Hospital could be halved and there would be less children on the street as they would not be afraid to go home.
5. The secondary supply of alcohol - the sly grogging market - has become more profitable due to mandates and ID requirements with a carton increasing from \$150 to \$200.
6. The BDR could be a conduit to services, with non-attendance resulting in no release from BDR.

.../2.

Kimberley Regional Group and Kimberley Zone  
 PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

... | < | > | ...

**ATTACHMENT - CORRESPONDENCE**





Key Takeaway Messages.

1. This is a trial so that we can consider new approaches prior to legislative reform. Pathways for placing problem drinkers onto the Banned Drinkers Register will be considered by the Minister after the finalisation of the interim report by the University of Western Australia. That report is due in March 2022.
2. We are trying to work out what is policy and what is legislation within this process.
3. A Ministerial committee is looking into the integrated issue across agencies and we will ensure you are consulted through Ms Divina D'Anna MLA.

We seek to continue this dialogue on these critical matters and will seek a follow up meeting in the week commencing 20 June 2022 when we next meet in Perth.

Your sincerely

Cr David Menzel  
 Chair  
 Kimberley Regional Group



Kimberley Regional Group and Kimberley Zone  
 PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

**ATTACHMENT - CORRESPONDENCE**



15 March 2022

Hon John Carey  
 Minister for Housing; Lands;  
 Homelessness; Local Government  
 7th Floor, Dumas House  
 2 Havelock Street  
 WEST PERTH WA 6005

By email: Minister.Carey@dpc.wa.gov.au

Dear Minister

**Re Meeting Discussion Follow-up**

On behalf of member Shires, I want to thank you for making the time on the 3<sup>rd</sup> February 2022 to discuss the current and long term housing crisis in the Kimberley.

As you are aware, the Kimberley Regional Group (KRG) is an alliance of the four Shires of the Kimberley, being the Shire of Broome, the Shire of Derby West Kimberley, the Shire of Halls Creek and the Shire of Wyndham East Kimberley. Collaboratively the group seeks to support outcomes for the region through improved social, economic and cultural outcomes.

We have provided below our key comments and our takeaway messages from the meeting. We also requested in the meeting that you consider supporting proposals to improve the pathways for inclusion onto the Banned Drinkers Register during Cabinet discussions as this is a vital tool for improving the lives of young people by making homes safer, reducing their presence on the streets at night and increasing school attendance.

**KRG Key Comments:**

1. There is a significant issue – to the point of crisis – in the private rental market, both availability and affordability. The same situation exists for home buyers.
2. Land availability varies between the Shires with some towns having no current options for expansion with others constrained by the priorities of DevelopmentWA.
3. Building costs have gone up significantly with a set of steel frames rising from \$23,000 to \$40,000. Historically, increased materials costs rarely contract after a boom period.
4. Social housing is at crisis level with overcrowding and third world conditions in some locations which is a driver in the current record youth anti-social behaviour and poor schooling outcomes.
5. There have been four housing Ministers in five years and there has been no action to address the issues. For example, there is an MOU with the Department of Housing for McMahon Estate (Broome) which has not been progressed. This is important as it will decrease the intensity of nearby social housing.
6. We need clarification on how much is being spent in the Kimberley to address the housing crisis. The group queried the ratio of new housing coming on line and the demolition of uninhabitable stock. Note: the Minister stated now public housing was being demolished.
7. High employment private investment, such as Seafarms, Sorby Hills and the Cotton Gin are at risk if there is no housing in Kununurra. Starting point is 150 homes required with more to follow but services and capacity are currently missing.
8. It is essential that head contractors use local content to support the region.

.../2.

Kimberley Regional Group and Kimberley Zone  
 PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

**ATTACHMENT - CORRESPONDENCE**



Key Takeaway Messages.

1. The government is not specifically allocating funding at this stage as we look at the factors such as whether it is spent by the Government on public housing or it is spent on community housing where they can get matching funds or through programs such as the NW Aboriginal Housing Fund.
2. A surplus land register being developed with the intent of finding lazy land or surplus land that can be used to deliver to address housing affordability/availability. LG may be interested in participating.
3. Only two percent of WACHS housing sits within housing.
4. \$60m in SHERP grants – across the Kimberley for community housing to tackle aging stock and the government can commit to purchasing GROW housing to support get projects started.
5. We need meat on the bone, \$522m set aside for 2 or 3 years to work on the best approach when the boom ends.
9. Modular is seen as a pathway for affordable housing with two constructed in Albany. The KRG representatives noted the on the ground experiences in the north is previous attempts are deteriorating rapidly and the approach is not suitable due to the conditions.
10. There will be big projects in the Kimberley but that cannot be released until after it has been through the Cabinet process.

We seek to continue this dialogue on these critical matters and will seek a follow up meeting in the week commencing 20 June 2022 when we next meet in Perth.

Your sincerely

Cr David Menzel  
Chair  
Kimberley Regional Group



Kimberley Regional Group and Kimberley Zone  
PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

**ATTACHMENT - CORRESPONDENCE**



15 March 2022

Hon Sue Ellery MLC  
 Minister for Education and Training  
 Leader in the Legislative Council  
 12th Floor, Dumas House  
 2 Havelock Street  
 WEST PERTH WA 6005

By email: Minister.Ellery@dpc.wa.gov.au

Dear Minister

**Re Meeting Discussion Follow-up**

On behalf of member Shires, I want to thank you for making the time on Friday 18 February 2022 to discuss a range of matters relating to the poor school attendance rates across the Kimberley and complex issues that underpin this situation.

As you are aware, the Kimberley Regional Group (KRG) is an alliance of the four Shires of the Kimberley, being the Shire of Broome, the Shire of Derby West Kimberley, the Shire of Halls Creek and the Shire of Wyndham East Kimberley. Collaboratively the group seeks to support outcomes for the region through improved social, economic and cultural outcomes.

We have provided below our key comments and our takeaway messages from the meeting. We also requested in the meeting that you consider supporting proposals to improve the pathways for inclusion onto the Banned Drinkers Register during Cabinet discussions as this is a vital tool for improving the lives of young people by making homes safer, reducing their presence on the streets at night and increasing school attendance.

**KRG Key Comments:**

1. We need to get rid of the notion that school is optional. In Halls Creek attendance of 10 – 20 percent in some years is unacceptable. Young people are not graduating Year 12 and many leave school unable to read or write.
2. Target 120 is good but should be expanded and we also we need diversity of approaches with strong local ownership.
3. There is a lot of money spent on engagement programs but we need to look at what is being taught and how is it delivered when considering attendance. Maybe more focus on cultural training – in Halls Creek the program started with an intent of six but had sixteen participants. Making education relevant is essential - there are currently 16 recruits in the Cert III in Civil Construction.
4. We need much greater transparency of what is happening in our schools and enforcement of laws around school attendance.
5. Across the Kimberley we are seeing those that can afford it sending their children to boarding school or families leaving town altogether. This leaves the disrupters and the dwindling group of students remaining feel unsafe. Schools did not create the issue with violence but they have a role in stopping it.

.../2.

Kimberley Regional Group and Kimberley Zone  
 PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

**ATTACHMENT - CORRESPONDENCE**



2

6. Indigenous run hostels could ensure young people are fed, have uniforms and supported study facilities.
7. Consideration should be given to alternative sites for education and alternative learning centres, one in the East and one in West Kimberley for disruptive students. Consider alternatives, even if controversial such as full language emersion.

Key Takeaway Messages.

1. The police are at the end of the line, the two agencies in between are Education and Child Protection.
2. Working on a package across government of a nuanced range of strategies to help tackle the issues, and we invite you to forward any ideas through.
3. One of the complexities is that government Departments do not always work together – we are now making that a priority.
4. The Minister queried what Shires, who sit outside of the education system, can do and suggested ranger programs and volunteer programs.
5. The investment in the science lab in Halls Creek was to bring that school into line with other schools.

We seek to continue this dialogue on these critical matters and will seek a follow up meeting in the week commencing 20 June 2022 when we next meet in Perth.

Your sincerely

Cr David Menzel  
Chair  
Kimberley Regional Group



Kimberley Regional Group and Kimberley Zone  
PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

Navigation icons: back, forward, search, etc.

**ATTACHMENT - CORRESPONDENCE**



15 March 2022

Hon Bill Johnston MLA  
 Minister for Mines and Petroleum; Energy;  
 Corrective Services; Industrial Relations  
 9th Floor, Dumas House  
 2 Havelock Street  
 WEST PERTH WA 6005

Hon Simone McGurk  
 Minister for Child Protection; Women's Interests;  
 Prevention of Family and Domestic Violence;  
 Community Services  
 8th Floor, Dumas House  
 2 Havelock Street  
 WEST PERTH WA 6005

By email: Minister.McGurk@dpc.wa.gov.au

By email: Minister.Johnston@dpc.wa.gov.au

**Re Meeting Discussion Follow-up**

On behalf of member Shires, I want to thank you for making the time on the 16<sup>th</sup> February 2022 to discuss the spiralling antisocial and criminal behaviour, rising domestic violence and the neglect of children in the Kimberley.

As you are aware, the Kimberley Regional Group (KRG) is an alliance of the four Shires of the Kimberley, being the Shire of Broome, the Shire of Derby West Kimberley, the Shire of Halls Creek and the Shire of Wyndham East Kimberley. Collaboratively the group seeks to support outcomes for the region through improved social, economic and cultural outcomes.

We have provided below our key comments and our takeaway messages from the meeting. We also requested in the meeting that you consider supporting proposals to improve the pathways for inclusion onto the Banned Drinkers Register during Cabinet discussions as this is a vital tool for improving the lives of young people by making homes safer, reducing their presence on the streets at night and increasing school attendance.

**KRG Key Comments:**

1. Youth crime and anti-social behaviour is at record levels in the Kimberley and there needs to be a stronger commitment to alternative pathways, including on country facilities.
2. Children are wandering the streets at night, too afraid to go home, this is unacceptable and we urgently need safe places for those children to be taken. Children will go there voluntarily if it is structured correctly such as the Derby suggestion for a shelter with couches etc.
3. The interaction of government agencies with families and children needs to improve if better outcomes are to be achieved.
4. Local governments want to be more involved with decision making as we are at the front line when things go wrong.

.../2.

Kimberley Regional Group and Kimberley Zone  
 PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

**ATTACHMENT - CORRESPONDENCE**



2

Key Takeaway Messages.

1. There are legislative barriers to picking up children from the streets if they are doing nothing wrong, which would impact on the concept of safe houses.
2. A range of programs are being put into place to support young people and families and reduce the level of dysfunction we are seeing
3. On country facilities and safe houses may have a role in the future however this needs further investigation.
4. A juvenile justice facility is not being planned for the Kimberley at this time.

We seek to continue this dialogue on these critical matters and will seek a follow up meeting in the week commencing 20 June 2022 when we next meet in Perth.

Your sincerely

Cr David Menzel  
 Chair  
 Kimberley Regional Group



Kimberley Regional Group and Kimberley Zone  
 PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

**ATTACHMENT - CORRESPONDENCE**



15 March 2022

Hon Paul Papalia MLA  
 Minister for Police; Road Safety;  
 Defence Industry; Veterans Issues  
 10th Floor, Dumas House  
 2 Havelock Street  
 WEST PERTH WA 6005

By email: Minister.Papalia@dpc.wa.gov.au

**Re Meeting Discussion Follow-up**

On behalf of member Shires, I want to thank you for making the time on 28 January 2022 to discuss the spiralling antisocial and criminal behaviour in the Kimberley and other matters.

As you are aware, the Kimberley Regional Group (KRG) is an alliance of the four Shires of the Kimberley, being the Shire of Broome, the Shire of Derby West Kimberley, the Shire of Halls Creek and the Shire of Wyndham East Kimberley. Collaboratively the group seeks to support outcomes for the region through improved social, economic and cultural outcomes.

We have provided below our key comments and our takeaway messages from the meeting. We also requested in the meeting that you consider supporting proposals to improve the pathways for inclusion onto the Banned Drinkers Register during Cabinet discussions as this is a vital tool for improving the lives of young people by making homes safer, reducing their presence on the streets at night and increasing school attendance.

**KRG Key Comments:**

1. There is major concern about the spiralling anti-social and criminal activity in Kimberley. This is causing fear for individuals and problems for businesses that cannot attract staff.
2. There is frustration with the disconnect between what is happening in the Kimberley and the understanding of Ministers. Social media is adding to the dysfunction.
3. A minority group of youths have become criminals, the larger group must be stopped from anti-social behaviour as they roam the streets in packs of 30-50 children and youths.
4. There is a need for pathways for the Police to efficiently add people to the Banned Drinkers Register. The consideration of prohibition of all but light strength alcohol is not supported as it will negatively impact on the Kimberley and boost sly grogging.
5. We would like to better understand what the master plan is for the Kimberley and be involved in the solutions, including having a place at the discussion table. This is already happening at a local level and we need to elevate this discussion to Ministers.
6. We need a category below Banksia Hill and have on country diversion and safe houses.
7. There is growing concern in relation to vigilantly action.
8. People are frustrated that the phone diverts to Perth where they don't know the streets.
9. The Police are not being criticised in the Kimberley – most believe they are trying but overworked.
10. We need better boarder management for returning residents and seasonal workers, particularly for the mustering season, but going forward tourism and harvesting. We need to broaden the skilled worker list.
11. The use of Shire or regional boarders as a COVID-19 management strategy is not supported.

.../2.

Kimberley Regional Group and Kimberley Zone  
 PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

**ATTACHMENT - CORRESPONDENCE**





Key Takeaway Messages.

1. Some of these matters, including the Kimberley Youth Justice Strategy, are not in my portfolio but I am aware of the issues.
2. The police are working hard and the rate of sanctions is high. Serge policing, such as Operation Heat Shield has been used to get an outcome. Looking at research and intelligence capacity to get a better outcome.
3. Target 120 is working well with MG Corp delivering wrap around services.
4. There are more youth in Banksia than there have been for some years but we are trying to break the pipeline with the young people through the use of sanctions. We are dealing with the minority who are repeat offenders, noting that three years is a long sentence.
5. The KJJS is funding night patrols and other smaller things have been initiated and funded. What is taking the time is the co-design to provide a longer term solution.
6. Minister McTiernan is coordinating a group that is working on a range of responses and other Ministers are focused on it. Feedback by Shires is appreciated.
7. We have some of the best investigators in the world, can we solve the problem of where the alcohol is coming from as it is not coming from the pub.
8. The government is aware of the border control issues.

We seek to continue this dialogue on these critical matters and will seek a follow up meeting in the week commencing 20 June 2022 when we next meet in Perth.

Your sincerely

Cr David Menzel  
 Chair  
 Kimberley Regional Group



Kimberley Regional Group and Kimberley Zone  
 PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

**ATTACHMENT - CORRESPONDENCE**



15 March 2022

Hon Bill Johnston MLA  
 Minister for Mines and Petroleum; Energy;  
 Corrective Services; Industrial Relations  
 9th Floor, Dumas House  
 2 Havelock Street  
 WEST PERTH WA 6005

Hon Simone McGurk  
 Minister for Child Protection; Women's Interests;  
 Prevention of Family and Domestic Violence;  
 Community Services  
 8th Floor, Dumas House  
 2 Havelock Street  
 WEST PERTH WA 6005

By email: Minister.McGurk@dpc.wa.gov.au

By email: Minister.Johnston@dpc.wa.gov.au

**Re Meeting Discussion Follow-up**

On behalf of member Shires, I want to thank you for making the time on the 16<sup>th</sup> February 2022 to discuss the spiralling antisocial and criminal behaviour, rising domestic violence and the neglect of children in the Kimberley.

As you are aware, the Kimberley Regional Group (KRG) is an alliance of the four Shires of the Kimberley, being the Shire of Broome, the Shire of Derby West Kimberley, the Shire of Halls Creek and the Shire of Wyndham East Kimberley. Collaboratively the group seeks to support outcomes for the region through improved social, economic and cultural outcomes.

We have provided below our key comments and our takeaway messages from the meeting. We also requested in the meeting that you consider supporting proposals to improve the pathways for inclusion onto the Banned Drinkers Register during Cabinet discussions as this is a vital tool for improving the lives of young people by making homes safer, reducing their presence on the streets at night and increasing school attendance.

**KRG Key Comments:**

1. Youth crime and anti-social behaviour is at record levels in the Kimberley and there needs to be a stronger commitment to alternative pathways, including on country facilities.
2. Children are wandering the streets at night, too afraid to go home, this is unacceptable and we urgently need safe places for those children to be taken. Children will go there voluntarily if it is structured correctly such as the Derby suggestion for a shelter with couches etc.
3. The interaction of government agencies with families and children needs to improve if better outcomes are to be achieved.
4. Local governments want to be more involved with decision making as we are at the front line when things go wrong.

.../2.

Kimberley Regional Group and Kimberley Zone  
 PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

**ATTACHMENT - CORRESPONDENCE**



Key Takeaway Messages.

1. There are legislative barriers to picking up children from the streets if they are doing nothing wrong, which would impact on the concept of safe houses.
2. A range of programs are being put into place to support young people and families and reduce the level of dysfunction we are seeing
3. On country facilities and safe houses may have a role in the future however this needs further investigation.
4. A juvenile justice facility is not being planned for the Kimberley at this time.

We seek to continue this dialogue on these critical matters and will seek a follow up meeting in the week commencing 20 June 2022 when we next meet in Perth.

Your sincerely

Cr David Menzel  
 Chair  
 Kimberley Regional Group



Kimberley Regional Group and Kimberley Zone  
 PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

**ATTACHMENT - CORRESPONDENCE**

**11. GENERAL BUSINESS**

**KIMBERLEY ZONE & KIMBERLEY REGIONAL GROUP RESOLUTION:**

**Minute No. KRG/0224/014**

**Moved: Cr David Menzel**

**Seconded: Cr G Haerewa**

*That the Kimberley Regional Group prepare a letter to the Minister for Corrective Services, the Hon Bill Johnston, in relation to the location of the new Kimberley Prison.*

**12. Matters Behind Closed Doors**

**13. Meeting Closure at 15:10**

**12 CORPORATE SERVICES****12.1 OUTSTANDING RATES COLLECTION POLICY MODIFICATION (AND CONFIRMATION OF SALE OF PROPERTY FOR UNPAID RATES - 5 DELWARR STREET, DERBY)****File Number: 5128****Author: Alan Thornton, Acting Director of Corporate Services****Responsible Officer: Amanda Dexter, Chief Executive Officer****Authority/Discretion: Administrative****SUMMARY**

This report proposed that Council notes the sale of this property to recover (at least in part) the cost of outstanding rates, recovery costs, and the costs of building demolition for this property. Also, that the Policy relating to Outstanding Rates Collection be modified to bring it into consistency with the Delegation relating to "Recovery of Rates Debts - Actions to Take Possession of the Land" (#1.1.29).

The outstanding rates/debt for 5 Delewarr Street, Derby, has been reported to Council via the Audit Committee on a regular basis (generally monthly) over past months.

**DISCLOSURE OF ANY INTEREST**

Nil by the Author.

**BACKGROUND**

Where rates and service charges in respect of any rateable land remain outstanding for at least three years, a local government may take possession of the land and either; lease the land, sell the land, or transfer it to the Crown. In late 2020 the Shire began the process of seizing the property so it could be sold, with sale funds used to recover these debts. The owner of the property has shown no interest in engaging with the Shire or the Shire's legal advisors/debt collectors during the debt collection process.

The auction for the sale of 5 Delewarr Street Derby is due to occur on 21 May 2022. It is not known if there are any higher priority debts (e.g. taxation) but understand that Town and Country Building Society do have an interest (however it has not responded to any of the correspondence from either the Shire or Mcleods – it is possible therefore that there might be a priority debt that needs to be paid out prior to the Shire). The sale price achieved is hoped to be sufficient to cover the current Shire debt amount but the valuation recently received does not support this, with a valuation of just \$75,000. The Shire can still pursue the outstanding debt as a civil debt recover matter.

Outstanding debts owing to the Shire of Derby/West Kimberley for 5 Delewarr Street, Derby is outlined in the following table, inclusive of demolition costs incurred by the Shire (incurred when the property was demolished by the Shire due to health concerns (2016) in light of the owner taking no action to remedy them):

<b>FINANCIAL YEARS 2001 TO 2022</b>	
Rates Raised	\$21,638.05
Rubbish [up to 16/17]	\$6,420.92
Emergency Services Levy Charges	\$1,149.90
Instalment/Fees	\$30.00
Legal Charges	\$9,533.91
Demolition	\$32,118.95
Interest	\$55,447.80
Sub Total	\$126,339.53
Less Payments Received	<b>-\$18,001.24</b>
<b>TOTAL OUTSTANDING (to date)</b>	<b>\$108,338.29</b>

The Shire has both an Outstanding Rates Collection Policy (F5) and a delegation for Recovery of Rates Debts - Actions to Take Possession of the Land (1.1.29). This delegation provides for the CEO to progress a land sale for unpaid rates, but that any decision to do so must comply with the Council’s Outstanding Rates Collection Policy, which in turn requires the prior approval of Council to progress such an action. There is a lack of clarity between the two documents (Policy F5 and Delegation 1.1.29) in regard to how Council needs to be engaged in the process, but the process adopted in this case has been through the 17 September 2020 Audit Committee Meeting’s Rates Outstanding Report, which outlined the recovery position for all outstanding rates at that time. In regard to 5 Delewarr Street, Derby, the action status was *“currently with McLeods. Goal for resolution is to initiate acquisition and sale”* and the recommendation of the Committee was *“2. Note the intention to more actively pursue debt collection in accordance with Council policies AF19 – OUTSTANDING RATES COLLECTION POLICY and COVID-19 FINANCIAL HARDSHIP POLICY – As adopted Resolution 56/20 30 April, 2020”*. The Audit Committee’s recommendation was adopted by Council at its 26 November 2020 meeting and there is an update of this (and other) debtors provided through the Audit Committee on a monthly basis. This report proposes to refine the Policy so it is clear that the above process meets the policy requirement for such actions in the future.

**STATUTORY ENVIRONMENT**

**Local Government Act S. 6.64 (Actions to be taken)** provides that if any rates or service charges have been unpaid for at least three years, the local government may take possession of the land and —

- (a) from time to time lease the land; or
- (b) sell the land; or
- (c) cause the land to be transferred to the Crown; or
- (d) cause the land to be transferred to itself.

**Local Government Act S. 6.68 (Exercise of Power to Sell Land)** provides the authority for a local government to sell land for unpaid rates, conditional on reasonable debt collection attempts being

made and the debt being owed for a period in excess of three years. Or if three years has not passed, that the reasons for the decision to recover earlier are recorded in the minutes of the meeting at which the decision was made.

**Local Government Act Schedule 6.3 – Provisions relating to sale or transfer of land where rates or service charges unpaid** provides the detail of how land is to be sold or transferred (like notices, advertisements, application of funds achieved from any sale, and transfer of land to the Crown process, etc.) and specifically includes the following clause:

**Cl. 7 - If sale not completed within 12 months after commencement, proceedings lapse:** outlines that if a contract for sale has not been entered by the expiration of 12 months, then the proceedings must cease and the local government must recommence proceedings.

**POLICY IMPLICATIONS**

**Outstanding Rates Collection Policy (F5)** - sets out guidelines for the collection of outstanding rates and charges, applicable legal action requirements and associated rating procedures within the Shire. This policy provides for the potential sale of land for unpaid rates, but requires the prior approval of Council to do so.

Whilst the Council resolved at its meeting of 26 November 2020 (via the Audit Committee) to pursue debt collection in accordance with Council policies, it is considered prudent to (1) confirm with Council, the process undertaken, and (2) clarify the policy so that it more accurately reflects the process undertaken (so it can be used for any similar future sales).

**Delegation 1.1.29 Recovery of Rates Debts - Actions to Take Possession of the Land** provides for the CEO to progress a land sale for unpaid rate, but that any decisions to do so under this delegation must comply with (amongst other things) the Council’s Outstanding Rates Collection Policy.

**FINANCIAL IMPLICATIONS**

There is a risk that the property is not worth the value of the debt, but hopefully with a reasonably robust real-estate market in Derby, a sale within a reasonable period of time should be anticipated (and hopefully above the amount of the debt being carried by the Shire). The Shire can still pursue the debt as a civil debt recover matter, but it would need to have a reasonable chance of recovery occurring before it progressed down that path.

**STRATEGIC IMPLICATIONS**

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.2 Provide strong governance

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Financial:</b> Non collection of rates results in less services	Almost Certain	Insignificant	Medium	Progressively implement debt recovery options, including sale of land if

being able to be provided to the district.				necessary.
<b>Reputation:</b> Sale of land for unpaid debt can be seen as an extreme form of debt collection.	Possible	Minor	Medium	Provide community information on debt recovery policy and the value of rates in providing services.

**CONSULTATION**

There was the required public notice published in the West Australian Newspaper of 18 April 2022 advising of the action, but other than this, no additional community consultation is considered to be required.

Consultation has occurred with the Shire’s legal advisors (McLeods) but neither the owner of the property, not Town & Country Building Society, has shown no interest in engaging with the Shire or McLeods throughout the process.

**COMMENT**

Whilst the Council resolved at its meeting of 26 November 2020 (via the Audit Committee) to pursue debt collection in accordance with Council policies, it is considered prudent to (1) confirm with Council the process undertaken for 5 Delewarr Street, and (2) clarify the policy so that it more accurately reflects a suitably accountable process being undertaken (so it can be used for any similar future sales).

In regard to Council’s Policy #F5 - Outstanding Rates Collection Policy – it is suggested that paragraph 15 be altered to reflect the current process, so to change paragraph #15.....from:

*If rates and service charges in respect of any rateable land remain outstanding for at least three years, Council may take possession of the land and either; lease the land, sell the land, transfer to the Crown, or transfer to itself under the provisions of Section 6.64 of the Local Government Act 1995. The approval of Council is to be obtained before this course of action is undertaken.*

to...

*If rates and service charges in respect of any rateable land remain outstanding for at least three years, Council may take possession of the land and either; lease the land, sell the land, transfer to the Crown, or transfer to itself under the provisions of Section 6.64 of the Local Government Act 1995. The approval of Council is to be obtained before this course of action is undertaken **(which can include a suitable notification to either the Audit Committee or to Council of a proposal to progress under delegation, an action outlined in S. 6.64).***

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

Nil



**RECOMMENDATION****That Council:**

1. Notes that the auction for the sale of 5 Delewarr Street, Derby occurred on 21 May 2022 and the sale price achieved was \$???,000\*, and Confirms the CEO's actions in finalising the collection of outstanding rates/shire debts through the sale of this land;
2. Modifies its Council Policy (Report Outstanding Rates Collection Policy - F5) by rewording paragraph #15 as follows: *"15. If rates and service charges in respect of any rateable land remain outstanding for at least three years, Council may take possession of the land and either; lease the land, sell the land, transfer to the Crown, or transfer to itself under the provisions of Section 6.64 of the Local Government Act 1995. The approval of Council is to be obtained before this course of action is undertaken (which can include a suitable notification to either the Audit Committee or to Council of a proposal to progress under delegation, an action outlined in S. 6.64)."*; and
3. Reinforces that the CEO is to arrange with due levels of expediency, the collection of all rates debts, including using the option of selling the land where other debt collection options have been unsuccessfully pursued.

(\*) figure to be inserted at Council meeting.

CEO's Note: A revised officer recommendation was provided for recommendation #1 (as follows):

1. ~~Notes that the auction for the sale of 5 Delewarr Street, Derby occurred on 21 May 2022 and the sale price achieved was \$???,000\*~~, and Confirms the CEO's actions in finalising the collection of outstanding rates/shire debts through the sale of this land;

**RESOLUTION 53/22****Moved: Cr Linda Evans****Seconded: Cr Rowena Mouda****That Council:**

- 1. Confirms the CEO's actions in finalising the collection of outstanding rates/shire debts through the sale of this land;**
- 2. Modifies its Council Policy (Report Outstanding Rates Collection Policy - F5) by rewording paragraph #15 as follows: *"15. If rates and service charges in respect of any rateable land remain outstanding for at least three years, Council may take possession of the land and either; lease the land, sell the land, transfer to the Crown, or transfer to itself under the provisions of Section 6.64 of the Local Government Act 1995. The approval of Council is to be obtained before this course of action is undertaken (which can include a suitable notification to either the Audit Committee or to Council of a proposal to progress under delegation, an action outlined in S. 6.64)."*; and**
- 3. Reinforces that the CEO is to arrange with due levels of expediency, the collection of all rates debts, including using the option of selling the land where other debt collection options have been unsuccessfully pursued.**

**In Favour:** Crs Geoff Haerewa, Paul White, Geoff Davis, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

**Against:** Nil

**CARRIED 8/0**

**13 TECHNICAL SERVICES****13.1 AWARD OF TENDER T7-2021 - NOONKANBAH ROAD AND MILLIGIDEE ACCESS ROAD – RESHAPING AND RESHEETING****File Number: 0481****Author: John Dyer, Manager of Infrastructure****Responsible Officer: Wayne Neate, Director Technical and Development Services****Authority/Discretion: Executive****SUMMARY**

This item is for Council to consider the awarding of Tender T7-2021 being the contract works required to Reshape and Resheet Noonkanbah Road and Milligidee Access Road. It is proposed that the Tender be awarded to Buckley's Earthworks and Paving.

**DISCLOSURE OF ANY INTEREST**

Nil by Author and Responsible Officer.

**BACKGROUND**

As proposed in Council's 2021-2022 budget, funding has been allocated for improvement works to Reshape and Resheet Noonkanbah Road and Milligidee Access Road. Following the tender advertisement, two requests were made for the applicable tender documents.

At the close of tenders on 30 March 2022, submitted tender documents were received from:

- Buckley's Earthworks and Paving
- AK Evans Group

**STATUTORY ENVIRONMENT**

Local Government Act 1995 – 3.57 Tenders for the providing goods or services and Local Government (Functions and General) Regulations 1996 Part 4 Tenders for providing goods or services.

**POLICY IMPLICATIONS**

Section 8 - Purchase of Goods and Services

Regional Price preference Policy AF33

**FINANCIAL IMPLICATIONS**

Funds for the undertaking of this contract are contained within the proposed 2021-2022 budget for the Noonkanbah and Milligidee Access Road works, submitted prices as per the confidential attachment. The funds are made up of Road Project Grant (RRG) from Main Roads Western Australia, Roads to Recovery (R2R) Commonwealth funding programme and Council Funds (RC).

Noonkanbah Road		
RC014 - \$250,000	= \$250,000	= \$250,000

Milligidee Access Road		
RC165 - \$75,000	= \$75,000	= \$75,000

**STRATEGIC IMPLICATIONS**

GOAL	OUR PRIORITIES	WE WILL
4. Environment	4.2 Liveable Communities	4.2.3 Encourage and facilitate the maintenance and development of infrastructure that connects our communities

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Business Interruption:</b> Pastoralists unable to import fuel/fodder and export cattle.	Almost Certain	Severe	Extreme	Maintain roads to industry standards
<b>Community:</b> Access to communities restricted.	Likely	Moderate	High	Maintain roads to industry standards

**CONSULTATION**

Tender T7-2021 to Reshape and Resheet Noonkanbah Road and Milligidee Access Road. The advertised Tender allowed for a minimum of fourteen days for individuals or companies to submit tenders, which included the opportunity to view and inspect the construction site. Council officers have carried out several inspections on the section of road concerned to ascertain the most appropriate locations for treatment.

**COMMENT**

It is recommended that the tender be awarded to the contractor with the highest average score given by three assessors, using the Approved Tender Scoring Criteria that falls within the allocated budget. The Regional Price Preference Policy AF33 was applied to the prices submitted by the three Tenderers.

The criteria and weighting for this tender were as follows:

Criteria	%
Related Experience	15
Key Personnel and Experience	15
Tenderer's Resources	15
Demonstrated Understanding	15
Local Supplier Details	10
Quality Management Systems	20
Risk	10

A score summary is shown below:

Buckleys Earthworks and Paving	C1
AK Evans	C2

		C1	C2
Relevant Experience 15%	Weighted Score	12.3	11.7
Key Personnel Skills & Experience 15%	Weighted Score	12.3	12.3
Tender Resources 15%	Weighted Score	49.3	12.7
Demonstrated Understanding 15%	Weighted Score	13.0	11.7
Local Supplier Details 10%	Weighted Score	9.0	8.3
Quality Management System 20%	Weighted Score	17.7	16.0
Risk 10%	Weighted Score	8.7	9.0
Totals	100%	<b>122.3</b>	<b>81.7</b>

As seen in the table above, Total criteria scores are very similar in the Assessment Criteria for T7-2021 Noonkanbah Road and Milligidee Access Road Reshape and Resheet. It is recommended that this contract be awarded to Buckley's Earthworks and Paving.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

**1. Confidential Price Scoring - T7-2021 - Confidential**

**RESOLUTION 54/22**

**Moved: Cr Paul White**

**Seconded: Cr Linda Evans**

**That Council award Tender T7-2021 Noonkanbah Road and Milligidee Access Road Reshape and Resheet works to Buckley's Earthworks and Paving. Also that the CEO be authorised to negotiate work scope adjustment with Buckley's Earthworks and Paving in order that a reduced contract value can match the available budget amount.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

**CARRIED 8/0**

**14 DEVELOPMENT SERVICES****14.1 ADDRESSING DERELICT HOUSES, UNTIDY BLOCKS IN DERBY AND STRATEGIC STATE HOUSING NEEDS FOR THE SHIRE****File Number: 7085****Author: Robert Paull, Manager Development Services****Responsible Officer: Wayne Neate, Director Technical and Development Services****Authority/Discretion: Legislative****SUMMARY**

Council is requested to:

- support the process and direction to address derelict houses and untidy blocks in Derby;
- address the demolition on Lot 775, No. 20 Baobab Street, Derby; and
- seek Federal State Government commitment to improve the public housing stock in Derby and the Kimberley with support from local indigenous corporations.

**DISCLOSURE OF ANY INTEREST**

Nil by author and Responsible Officer.

**BACKGROUND**

The Shire has identified 15 privately owned residential properties in Derby that are abandoned and in disrepair and which require either demolition or renovation. The properties identified are included as **Attachment 1**.

Where possible, private owners have been notified of these concerns and requested to either repair the houses or have them removed (i.e. demolished). In all cases, no action to either demolish or improve the properties has been undertaken.



Lot 775, No. 20 Baobab Street Derby

It is noted that the remains of a privately owned house at Lot 775, No. 20 Baobab Street Derby is uninhabitable (due to fire damage) and although a direction to demolish the house has been served, no response from the owner has been received.

A further Ten (10) residential properties in Derby owned by the State Government through the Department of Housing (DoH) have also been identified as abandoned and in disrepair (**Attachment 2**).

It is noted that on the eve of preparing this report, 3 Demotion Permits were issued for the DOH houses as identified in Attachment 2. In addition to the DoH residential properties identified as abandoned and in disrepair, five (5) Department of Health (DoHealth) properties with a similar level of poor quality housing have also been identified (**Attachment 3**).

In relation to the DoH and DoHealth properties, the Shire President and Chief Executive Office have previously expressed their concerns in the strongest of terms about the poor condition of some State housing State Ministers and senior State executives with no discernible results.

It is noted that local government does not have the legislative authority to direct government agencies or instrumentalities to repair the houses or have them removed.

## **STATUTORY ENVIRONMENT**

### ***Privately Owned Properties***

Local government may act to have owners address properties in disrepair through the following legislation:

*Local Government Act 1995*

*Building Act 2012*

*Health (Miscellaneous Provisions) Act 1911.*

*Health (Asbestos) Regulations 1992*

### ***Government Properties***

Local government has no statutory authority to direct planning, or building or health activities on Commonwealth or State owned land. Accordingly, Council can only seek to influence improvements (or demolition) of dilapidated government housing.

## **POLICY IMPLICATIONS**

There are no known policy implications associated with this Report.

## **FINANCIAL IMPLICATIONS**

There are direct financial and resource implications for Council associated with this Report. The cost of demolition and removal of asbestos (where applicable) in each dwelling is estimated to be in the vicinity of between \$10 - 20,000. Should there be a desire to address houses that are abandoned and in disrepair, Council will need to consider allocating adequate funding in the 2022/23 Budget (and potentially future budgets) to address the (private) dwellings referred in this Report.

It is anticipated that the Shire would seek reimbursement of costs, however often the local government is simply left with land that it would need to dispose. This can result in only a portion of the costs being recovered. In relation to Lot 775, No. 20 Baobab Street, Derby Council is requested to allocate \$14,000 from COA 2070787 *Health Other Expenses* to cover the cost of demolition and inclusion of Caveat on Title reflecting the Shire's interest in the land.



**STRATEGIC IMPLICATIONS**

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	2.1 Safe Communities	1.2.2 Provide strong governance

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<p><b>Legal &amp; Compliance:</b> The possible outcomes of the enforcement of the latter legislation requires consideration by Council, in that, failure by owners to comply with directions under the Act generally result in Council having to follow through and conduct the works.</p>	Possible	Moderate	Medium	To actively pursue to have the identified dilapidated housing stock either demolished or renovated.

**CONSULTATION**

Consultation with the owners of private properties referred in this report has taken place (where the owners were identified and available). Some limited consultation has occurred with properties owned by the DoH where the concerns about the state of their houses has been disclosed.

**COMMENT**

The implementation of any formal proceedings against a property owner is generally going to be triggered by staff and the timing of when this occurs, while generally dependent on the perceived risk, can usually be planned and budgeted.

The risk to the Shire from not undertaking some form of remediation or corrective works is considered high as the properties are not fenced to keep people out and often the abandoned and dilapidated houses have been accessed by trespassers which increases the likelihood of fire or injury.

**Options**

The several options and outcomes to address the abandoned and dilapidated privately owned properties as outlined in this Report which include:

**1. Do Nothing**

Outcome: Should Council takes no action, the buildings will continue to deteriorate and potentially become more dangerous. Not taking action does not abrogate Council of any responsibility.

## **2. Fence the Sites and Do Nothing**

Outcome: As above, and this would not appear to abrogate Council of any responsibility, considering the erection of a fence by Council could be construed to evidence concerns about the state of the building. It also does not remove the negative aesthetical impact of the site.

## **3. Issue a Notice and Do Nothing**

Outcome: This formally flags Council's concerns about a particular site. However, failure to follow through on a notice in a timely manner could still leave Council open to the risk of being perceived responsible for any public harm, whether from windblown building material, asbestos contamination or injury from trespass.

## **4. Serve Notice on the Property**

Outcome: While a notice under the *Building Act 2012* (for a dangerous structure) carries the most significant penalties, it is often a cumbersome, costly and time-consuming process. Service of an *Unfit for Human Habitation* notice under the *Health (Miscellaneous Provision) Act 1911*, conditioned to require immediate demolition may be an appropriate option for a local government, as it allows a fairly quick process through to demolition of the dangerous structure and removal of the public risk.

However both processes raise the issue of the costs required to conduct the works. As an estimate, it may cost anywhere from \$10-20,000 to clear the block and while this can be raised as an encumbrance on the Title, the likelihood of recovering those monies from the sale of the property (which is an option open to Council) is remote at best. Council will note that often, in addition to their condition, the properties may often have outstanding rates.

The costs described above do not include existing unpaid rates arrears and the regulatory and legal costs associated with conducting the sale of the property. The Shire's view is that it has an obligation to progress under 4. above whilst acknowledging that the cost to Council and the likelihood that there may not in many circumstances, be any reimbursement is a likely outcome.

### **20 Baobab Street, Derby**

This dwelling was destroyed by fire and is structurally unsound. The property is overgrown with weeds and potentially a further fire hazard. The owner has been issued a Demolition Order under the *Building Act 2012* and has not carried out the works required. Nor has the owner made contact with the Shire.

With the owner failing to undertake the demolition, it is considered necessary for the Shire to now progress the demotion works in order to provide safety and a level of amenity for the area. Due to the very dangerous nature of the remaining structure, Council is requested to support immediate demolition.

### **Strategic State housing needs for the Shire**

The demolition of poor quality of State housing in Derby (and Fitzroy Crossing) is only one aspect of the issues faced by our communities.

It is considered that the State Government must provide a meaningful replacement program of quality housing that addresses the needs of its tenants and addresses the increasing housing shortages in the Shire and the Kimberley as a whole. Mixed with this, the Shire is aware of a significant number of vacant Government Regional Officers' Housing (GROH) houses under that program in Derby. This appears to be a resource that could make inroads in relation to improving the residential housing supply in the town.

Importantly, the matters of poor housing stock identified in this Report are similar to those acknowledged by many local indigenous corporations; who recognise that appropriate housing is a key to improving the social and economic wellbeing of the broader community. It is open for Council to commence lobbying of both the Federal and State governments on the need for significant ongoing commitment to improve social housing in Derby. In this regard, indigenous stakeholders could be invited to join the Shire in its endeavours to substantially improve the housing stock in Derby through lobbying.

It should be noted that this Report only addresses housing issues in Derby. A further report to Council will shortly be prepared addressing similar matters in Fitzroy Crossing.

### VOTING REQUIREMENT

Absolute majority

### ATTACHMENTS

1. Attachment 1 - 15 houses  
2. Attachment 2 - Department of Housing (houses)  
3. Attachment 3 - Department of Health (houses)  

### RESOLUTION 55/22

**Moved: Cr Paul White**

**Seconded: Cr Geoff Davis**

**That with respect to Addressing Derelict Houses, Untidy Blocks in Derby and Strategic State Housing Needs for the Shire that Council:**

1. **Note the Report;**
2. **Authorise the reallocation of \$14,000 from COA 2070787 Health Other Expenses to the cost of demolition and inclusion of Caveat on Title for Lot 775, No 20 Baobab Street Derby reflecting the Shire's interest in the land.**
3. **Once demolition and inclusion of Caveat on Title for Lot 775, No 20 Baobab Street Derby has been undertaken, the Chief Executive Officer be requested to actively seek reimbursement of Shire's costs from the owner.**
4. **Request to Chief Executive Officer to:**
  - a) **Undertake action as outlined in the Report in relation to progressing the clean-up and where required, demolition of (private) dwellings referred in this Report; and**
  - b) **Consider a submission to the 2022/23 Budget that addresses adequate funding for the potential demolition, establishment of a caveat and potential legal actions to the**

**address the clean-up/demolition of (private) dwellings referred in this Report.**

**5. Request the President on behalf of Council, write to:**

- (a) The Prime Minister of Australia, Premier of Western Australia and the respective Leaders of the Opposition, highlighting the concerns of the community with respect to the need for a meaningful quality State housing program that addresses the needs of its tenants and addresses the increasing housing shortage in the Shire and the Kimberley as a whole;**
- (b) The Minister for Housing and Minister for Health and respective Opposition spokespersons, requesting immediate action to either demolish or renovate the WA Government housing stock identified in this Report and for the demolished housing to be immediately replaced with quality housing targeted to the needs of tenants and the community;**
- (c) Indigenous corporations and stakeholders in Derby who also seek to substantially improve local housing stock by inviting them to join with the Shire in lobbying Federal and State Governments to commit to improved social housing in Derby.**

**In Favour:** Crs Geoff Haerewa, Paul White, Geoff Davis, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

**Against:** Nil

**CARRIED 8/0**

23 Barnett Way Derby



12 Baobab Street Derby



14 Baobab Street Derby



20 Baobab Street Derby



2 Guildford Street Derby



12 Guildford Street Derby



7 Knopp Street Derby



32 Knowsley Street Derby





56 Loch Street Derby



36 Marmion Street Derby



38 Marmion Street Derby



11 McGovern Way Derby



31 McGovern Way Derby



52 Stanley Street



9 TeaTree Mews Derby



17 Barnett Way Derby



28 Barnett Way Derby



7 Baobab Street Derby (Demolition Permit issued by State Housing Authority on 8 April 2022)



12 Baobab Street Derby



17 Baobab Street Derby



77 Clarendon Street Derby



20 McGovern Way Derby



37 McGovern Way Derby (Demolition Permit issued by State Housing Authority on 8 April 2022)





6 Richardson Street Derby



Lot 551 Sutherland Street Derby



1 Rowell Court



3 Rowell Court



5 Rowell Court



9 Rowell Court



4 Alexander Street



**15 COMMUNITY AND RECREATION SERVICES****15.1 FUNDING REQUEST - MOWANJUM FESTIVAL 2022****File Number:** GS/045/5**Author:** Christie Mildenhall, Acting Director of Community Services**Responsible Officer:** Amanda Dexter, Chief Executive Officer**Authority/Discretion:** Executive**SUMMARY**

The Mowanjum Festival is the longest running Indigenous dance festival in the Kimberley region and WA has been running since 1997. The festival is held at the Mowanjum Art and Culture Centre and attracts around 1,100 visitors each year.

This report is for Council to consider a funding request from Mowanjum Cultural and Arts Centre for \$10,000 (ex GST) as a contribution towards the 2022 Mowanjum Festival being held in July.

**DISCLOSURE OF ANY INTEREST**

Nil by author or authoriser.

**BACKGROUND**

The Mowanjum Festival is an annual one day event held to share the vibrant, living culture of the Ngarinyin, Worrorra, and Wunambal people who live in Mowanjum and the communities along the Gibb River Road. It is the longest running Indigenous dance festival in the Kimberley region and WA has been running since 1997 (with 2020 missed due to COVID-19 restrictions). Held at the Mowanjum Art and Culture Centre (MACC) the festival attracts around 1,100 visitors each year to share, experience and immerse themselves in the local culture.

The festival has a major focus on Junba (traditional song and dance) with performers of all ages participating. Dancers from other language groups are also often invited to showcase their performances. Other activities such as ochre painting, boab carving, artefact displays, bush medicine, food and art stalls are on display.

The event is held in July each year, coinciding with the annual Boab Festival.

In the past the event has been delivered by the event management company Skinnyfish Music. Skinnyfish has advised MACC that they are not available to do this year's event. The Board of MACC has subsequently decided to bring event delivery "in house", and are looking to recruit someone to undertake this role.

This funding request would ordinarily be dealt with through the Shire's Community Grants or Development Grants, depending on the value of the funding request. Following a review of the Community Funding Scheme policy these programs have yet to be reinstated, however Officers are currently working on operationalising these programs.

In previous years the Shire has supported this event financially through the Community and Development Grants program, awarding \$5,000 (ex GST) to the event in 2019. Due to a review of the funding program these grants were not available in 2021, so the funding request was considered by Council and \$5,000 was awarded (Council decision 47/21 as outlined below).

**RESOLUTION 47/21**

**Moved: Cr Rowena Mouda**  
**Seconded: Cr Andrew Twaddle**

**THAT COUNCIL:**

- 1. Receive the Minutes of the Audit Committee Meeting held on 20 May 2021 and the recommendations therein be adopted.**

**COMMITTEE RESOLUTION AC52/21**

**That the Audit Committee recommends Council approves a \$5,000 (ex GST) contribution to the Mowanjum Aboriginal Art and Cultural Centre, as a contribution towards the cost of staging the 2021 Mowanjum Festival.**

**CARRIED 9/0**

The 2020 event was cancelled due to COVID-19 restrictions.

Council has also considered other funding requests which would ordinarily be covered by the Community Grants and Development Grants;

- March 2022 - Boab Festival at Derby Inc. - \$7,500 (ex GST)
- December 2020 – Boab Festival at Derby Inc. - \$7,500 (ex GST)

**STATUTORY ENVIRONMENT**

Part 6 – Financial Management of the *Local Government Act 1995* applies to this report in that each year Council allocates an annual budget to donate to community organisations through the Community Funding Scheme.

The Shire's Code of Conduct at clause 23 (Gifts and Benefits) outlines that it is the Shire's position that Council and Committee Members should not seek or accept (either directly or indirectly) any immediate or future gift (including any financial benefit, reward, donation or hospitality) for themselves, or for any other person or body, as a result of their role with the Shire. However, it is acknowledged that there may be instances when receiving a gift is unavoidable or when refusal of a gift may be inappropriate. In these circumstance, Council and Committee Members must comply with the provisions of the rest of this section. In order to ensure transparency, the CEO maintains a register of notifiable gifts which is published on the Shire's website in accordance with the requirements of the Local Government Act 1995.

**POLICY IMPLICATIONS**

*Policy F19 – Community Funding Scheme* provides guidance as to the provision of financial and non-monetary assistance to community groups and not-for-profit organisations by the Shire.

Generally funding is distributed through various grants programs, however the policy stipulates that funding requests received which are not eligible for the grants programs are to be presented to Council. Currently only applications for the Quick grants programs are being accepted. This grant program awards grants of up to \$500 ex GST per annum and therefore this request is not able to be processed through that grant program.

**FINANCIAL IMPLICATIONS**

Funding awarded through the Community Funding Scheme is usually provided at the time the funding request is approved. Therefore if funds are awarded to MACC it will be attributed to the 2021/22 financial year budget.

In the current year’s budget, \$30,000 was allocated for ‘Donations to Community Groups’ for projects funded through the *Community Funding Scheme*. To date \$14,213 has been allocated to projects, leaving \$15,787 for distribution. The request from the Mowanjum Art and Culture Centre is for \$10,000 and therefore can be allocated within the current financial year budget.

**STRATEGIC IMPLICATIONS**

GOAL	OUR PRIORITIES	WE WILL
2. Community	2.3 Vibrant and culturally rich communities	2.3.1 Support the growth and development of arts and cultural programs, services, places and spaces
2. Community	2.3 Vibrant and culturally rich communities	2.3.2 Facilitate and/ or contribute to community events, cultural activities and festivals
2. Community	2.3 Vibrant and culturally rich communities	2.3.3 Record, recognise, preserve and celebrate the district’s culture, history and hertiage
2. Community	2.4 Sustainable Communities	2.4.1 Support and assist volunteer, community and sporting groups

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Financial:</b> Potential for misuse of funding	Unlikely	Minor	Low	Normal requirement of acquittal will be applied to this funding
<b>Reputation:</b> Public perception of Shire if funding is denied	Possible	Moderate	Medium	Council to provide funding as requested.

**CONSULTATION**

No community consultation is considered to be required.

Officers have been in direct consultation with the Manager at the Mowanjum Art and Culture Centre regarding this funding request.

**COMMENT**

The Mowanjum Festival is an event held at the Mowanjum Art and Culture Centre in July each year. As with many event organisers the Board of MACC had been considering the potential

impact of COVID-19 on this year's event. In April 2022 the Board determined that the event will go ahead this year and has started seeking sponsorship from key stakeholders.

MACC has requested funding of \$10,000 as a contribution towards the 2022 Mowanjum Festival. This is an increase on the funding granted in previous years, where the Shire contributed \$5,000.

The funding will be used to assist in meeting the costs of delivering the event. MACC has advised that the costs of setting up the event has increased this year due to the considerable rise in the cost of goods and services, as well as the COVID-19 Public Health measures, which have seen an increase in the number of staff required for the event. Also of difference this year to previous years is that the management and organisation of this event has been brought in house as the previous event managers, Skinny Fish Music is unavailable. This has necessitated MACC recruiting an event coordinator for the three months prior to the event.

This year due to COVID-19 public health measures the event will run at 75% capacity. It is anticipated there will be an audience of around 1,000 people - 750 general public and 250 Mowanjum community members. As previous years have booked out, this is likely to reduce the income generated from ticket sales.

This year MACC has created a standardised sponsorship package for all event sponsors. Sponsorship of \$10,000 would see the Shire classed as a second tier sponsor. As a second tier sponsor the Shire will be acknowledged as a major sponsor in all event publicity. The event is promoted to the public through posters, the Toursim WA portal, social media and local and national media coverage, as well as through other opportunities as they arise. Additionally the Shire will receive six complimentary tickets to the festival (valued at \$40 each based on 2021 prices) and associated merchandise.

The festival has a major focus on Aboriginal culture, with Junba (traditional song and dance) being the main feature of the festival. Junba is considered essential for good social and emotional wellbeing and provides the opportunity for young people and families to strengthen connection to country and intergenerational bonds. In the three months leading up to the festival, workshops are held in Mowanjum and in other communities along the Gibb River Road where Elders and senior community members work with young people to practice Junba and prepare totems and costumes used during the performance.

The Festival provides economic opportunities for Derby and surrounds. It is a significant drawcard to bring people to Derby during the tourist season. The event provides a unique experience to attendees to gaining an understanding and appreciation of Lore and culture of the Ngarinyin, Worrorra and Wunumbul groups who make up the Mowanjum community. The knowledge gained through the event will assist attendees to develop respect for diversity and an understanding and cultural difference. It is the development of respect for culture which underpins one of the five dimensions of reconciliation.

Analysis of the addresses of past ticket holders has shown that the majority of attendees have travelled from somewhere in Western Australia or the eastern seaboard to attend. It is anticipated that around 500 visitors to the event will be from interstate and greater WA. With the Western Australian border reopening it is expected that this year there is likely to be an increased number of tourists coming to visit the Kimberley region this dry season. As a result the event will provide economic benefits to Derby through the provision of accommodation, fuel, meals, groceries and other supplies which may be purchased by visitors. It is expected these 500 people will stay in Derby for a minimum of two days, providing substantial economic potential.

The event also provides economic opportunities to many local businesses and employment opportunities for residents, with the vast majority of services being engaged sourced locally. This



includes logistical support, sound, security, cleaners, ground works, electrical services and food vendors. Additional cleaners and crowd control are sourced from the Mowanjum community. All performers are paid. Where good and services are unable to be sourced from Derby, Broome businesses are engaged.

### VOTING REQUIREMENT

Absolute majority

### ATTACHMENTS

1. Email - Funding Request - Mowanjum Arts and Culture Centre  

#### RESOLUTION 56/22

Moved: Cr Linda Evans

Seconded: Cr Rowena Mouda

That Council;

1. Approves a \$10,000 (ex GST) contribution to the Mowanjum Art and Cultural Centre as a contribution towards the cost of staging the 2022 Mowanjum Festival subject to;
  - (a) Relevant event approvals being obtained;
  - (b) Submission of an acquittal at the conclusion of the event;
  - (c) Suitable promotional recognition of the Shire's contribution (in line with being a second tier sponsor) being secured; and
  - (d) Allocates the six complimentary tickets provided as part of the sponsors package as follows and that this information be incorporated into the Shire's Gift Register;
    - (i) Two tickets for the Shire President (and their guest);
    - (ii) Two tickets for the Shire Vice President (and their guest); and
    - (iii) Two tickets to be allocated to Shire employees (allocated at the discretion of the CEO).

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

**CARRIED 8/0 BY ABSOLUTE MAJORITY**



# MOWANJUM

ABORIGINAL ART & CULTURE CENTRE

**TO: Amanda Dexter, CEO  
Shire of Derby/West Kimberley**

Dear Amanda,

I am writing to request sponsorship of \$10,000 from the Shire of Derby/West Kimberley for the Mowanjum Festival, 2022.

The Mowanjum Festival is an annual celebration which shares the vibrant, living culture of the Ngarinyin, Worrorra and Wunambal peoples who live in Mowanjum and communities along the Gibb River road.

The Festival is one of the largest celebrations of Aboriginal culture in Western Australia. Hosted by the Mowanjum Art and Culture Centre since 1997, the festival attracts up to 1100 visitors each year.

The Festival has a major focus on Junba (traditional song and dance), with performers of all ages participating. Junba is considered essential for good social and emotional wellbeing and is a means for young people and families to strengthen intergenerational bonds and connection to country. The festival provides an important platform for the positive representation of Aboriginal peoples (especially young people) living in Derby and the Kimberley region.

In the 3 months leading up to the festival, engagement with Aboriginal communities in the region is key to the success of the event. Old and senior people work with young people to practice Junba and prepare totems and costumes. This includes workshops in Gibb River Road communities.

**Target audiences include:**

- Mowanjum and Derby communities
- Residents of nearby Kimberley towns
- WA residents travelling to the Kimberley
- Interstate residents travelling to WA
- Arts and museum industry representatives
- Sponsors of the Festival and Museum

**Highlights from 2021**

- In 2021, 1,000 tickets sold online and another 400 tickets were allocated to Mowanjum community members.
- More than 120 dancers, including 80 children took to the stage and were accompanied by a team of singers.
- Mt Barnett's Wananami School children danced for the first time publicly after many months of practice.

Mowanjum Artists Spirit of the Wandjina Aboriginal Corporation  
ABN 97 972 362 126 | PO Box 252 Derby WA 6728  
P 08 9191 1008 | [www.mowanjumarts.com](http://www.mowanjumarts.com)



# MOWANJUM

ABORIGINAL ART & CULTURE CENTRE

Despite the ongoing interruptions and difficulties posed by COVID-19 in 2022, we are confident that on the 8<sup>th</sup> of July can we deliver another successful and safe Mowanjum Festival.

Key to this, is our team of local health professionals working as COVID-19 marshalls, excellent risk management planning and compliance with the latest WA Government COVID-19 Public Health Requirements.

The festival has long standing relationships with local businesses who are employed in the areas of entertainment services, equipment hire, grounds preparation, the participation of local food vendors and volunteers.

In addition, the economic benefits to Derby for this signature event includes increased revenue for accommodation and hospitality venues.

The Mowanjum Festival will be promoted to the public through posters, the Tourism WA portal, social media and local and national media coverage.

Shire of Derby will be acknowledged in all publicity as a major Festival sponsor and receive a sponsors package including 6 complimentary tickets and associated merchandise.

In 2022, the costs of implementing the festival have increased due to the considerable rise in goods and services in 2022, as well as the COVID19 Public Health Measure requirements to increase staffing for events.

We look forward to the Shire joining and supporting us again for another incredible Mowanjum Festival in 2022.

We are grateful for your support.

I look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink that reads "Lotte Waters". The signature is written in a cursive, flowing style.

Lotte Waters  
General Manager

8.4.2022

Mowanjum Artists Spirit of the Wandjina Aboriginal Corporation  
ABN 97 972 362 126 | PO Box 252 Derby WA 6728  
P 08 9191 1008 | [www.mowanjumarts.com](http://www.mowanjumarts.com)

**16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

- Nil.

**17 NEW BUSINESS OF AN URGENT NATURE****17.1****File Number:****Author:** ,**Responsible Officer:** Amanda Dexter, Chief Executive Officer**Authority/Discretion:** Executive**SUMMARY**

The Shire President and Deputy Chair of the North West Defence Alliance, and Cr Peter Long (Chair) have been encouraged to attend the Indo Pacific 2022 International Maritime Exposition in Sydney (10 - 12 May 2022) as a good opportunity to promote the North West to any stakeholders at the conference.

This report outlines that there are budget funds available for attendance should Council confirm a registration.

**DISCLOSURE OF ANY INTEREST**

Nil by Author.

**BACKGROUND**

The Shire President was contacted by Defence West Executive Director, Mr Toff Idrus, suggesting that Cr Peter Long (Chair of the North West Defence Alliance) and himself as the Deputy Chair, attend the Indo Pacific 2022 International Maritime Exposition in Sydney (10 - 12 May 2022) as a good opportunity to promote the North West to any stakeholders at the conference, in particular, Industry Stakeholders. This conference will lead onto the Indian Ocean Conference 26 – 27 July in Perth.

The web page for the conference outlines the following:

The INDO PACIFIC International Maritime Exposition is a three day event incorporating a comprehensive industry exhibition showcasing 700+ naval defence and commercial maritime organisations from around the world as well as a comprehensive conference program featuring 50+ conference sessions, presentations, forums and symposia from leading maritime organisations including the Royal Australian Navy.

The program covers a range of topics from the spectrum of opportunities and issues currently facing the maritime industry, academia and government within Australian and the Indo-Pacific region, including shipbuilding and sustainment, nuclear technology, autonomous drone use in the maritime sphere, emergency response and many more.

The INDO PACIFIC 2022 International Maritime Exposition is your gateway to an Australian and regional marketplace with dynamic fleet acquisition and equipment programs underway.

The Royal Australian Navy (RAN) is acquiring or planning to introduce 29 major new vessels, including a fleet of nuclear-powered submarines, nine Hunter-class frigates and 12 Arafura-class offshore patrol vessels. Upgrades to existing platforms will include an enhanced long-range strike capability, along with associated electronics and communications systems, sensors and munitions.

Other navies of the Indo Pacific region are embarking upon similar upgrades, with many acquiring or seeking to acquire new vessels and aircraft, patrol boats, submarines, landing craft, frigates and supporting systems.

Previously known as PACIFIC International Maritime Exposition, in 2020 the event became INDO PACIFIC in order to more closely reflect Australia's regional stance.

INDO PACIFIC 2022 will be the 12th iteration of this internationally renowned event, which in 2019 attracted:

- 657 participating exhibitor companies from 22 nations
- 182 industry, government, defence and scientific delegations from 48 nations, including 45 international naval delegations and 21 Chief of Navy counterparts from across the region
- 48 major conferences, symposia and forums
- 21,241 attendances across three days.

INDO PACIFIC 2022 is where customer and industry will connect, where commercial maritime and naval defence suppliers will promote their capabilities to decision-makers from around the world, in the only maritime exposition of its kind in the Indo Pacific region.

As the signature maritime event for the region, INDO PACIFIC 2022 offers an unparalleled concentration of:

- Defence and Civil decision makers
- Tier 1 and Tier 2 suppliers
- Small to Medium Businesses
- Prime Contractors
- Universities and Research Organisations

INDO PACIFIC 2022 is the prime face-to-face event for:

- Direct Sales

- Business Development
- Product Launches
- Relationship Development
- Market Research
- Supply Chain Development

**STATUTORY ENVIRONMENT**

**Local Government Act S 2.7 (Role of council)** outlines that the Council governs the local government’s affairs, and is responsible for the performance of the local government’s functions. It is also charged with overseeing the allocation of the local government’s finances and resources; and determine the local government’s policies.

**POLICY IMPLICATIONS**

**(C2) Elected Member and Employee Training and Professional Development** - This Policy provides guidance on training and professional development that is not of a statutory nature, by supporting the attendance by Elected Members and Employees at conferences, seminars and relevant training courses that contribute to their ongoing professional, skills, and knowledge development (and to detail the relevant expenses to be paid by the Shire associated with such attendance).

**FINANCIAL IMPLICATIONS**

The budget contains provision for the attendance of the President/Councillors at Council Meetings and Conferences in the same account (Members – Travel & Accommodation). There has been more meetings at Fitzroy Crossing that the budget originally anticipated and so whilst the 2021/22 budget amount provided was \$27,000 actuals as at 31 March 2022 is already \$32,508 (actual & Purchase Order value). The over-spend by 30 June will be more significant, but in dollar terms is still only likely to be less than \$20,000. Attendance costs at the conference are estimated to be \$5,000 (made up of airfares, travel, and accommodation type expenses) which would be in addition to the above estimated end of year position.

**STRATEGIC IMPLICATIONS**

<b>GOAL</b>	<b>OUR PRIORITIES</b>	<b>WE WILL</b>
1. Leadership and Governance	1.1 Collaboration and partnership	1.1.2 Maximise local opportunities

**RISK MANAGEMENT CONSIDERATIONS**

<b>RISK</b>	<b>LIKELIHOOD</b>	<b>CONSEQUENCE</b>	<b>RISK ANALYSIS</b>	<b>MITIGATION</b>
<b>Reputation:</b> That attendance will not be seen by the community as	Possible	Moderate	Medium	Provide a report following the event of the value considered to be gained by attendance.

representing “good value for money”.				
--------------------------------------	--	--	--	--

**CONSULTATION**

No community consultation is considered to be required.

**COMMENT**

Attendance at conferences are valuable learning and promotional opportunities. Whilst the Shire has not historically been a participant at this event, there may be good value to be gained by the exposure of attendance.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

Nil

**RESOLUTION 57/22**

**Moved: Cr Paul White**

**Seconded: Cr Peter McCumstie**

**That Council endorse the Shire President’s attendance at the Indo Pacific 2022 International Maritime Exposition in Sydney (10 - 12 May 2022).**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

**CARRIED 8/0 BY ABSOLUTE MAJORITY**



**18 MATTERS FOR WHICH THE MEETING MAY BE CLOSED (CONFIDENTIAL MATTERS)**

- Nil.

**19 CLOSURE**

**19.1 Date of Next Meeting**

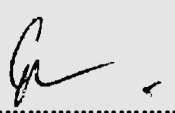
The next ordinary meeting of Council will be held Thursday, 26 May 2022 in the Council Chambers, Clarendon Street, Derby.

**19.2 Closure of Meeting**

The Presiding Member closed the meeting at 5:58pm.

**These minutes were confirmed at a meeting on**

26 May 2022  
.....

Signed:  .....

**Presiding Person at the meeting at which these minutes were confirmed.**

Date: 26 May 2022  
.....