



**Shire of Derby /
West Kimberley**

MINUTES

Ordinary Council Meeting Thursday, 28 July 2022

Date: Thursday, 28 July 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.....	5
3	Disclosure of Interests	5
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	6
5	Responses to Previous Public Questions taken on Notice	6
6	Public Time.....	8
6.1	Public Question Time	8
6.2	Public Statements	8
7	Petitions, Deputations, Presentations and Submissions	8
8	Announcements by Presiding Person without Discussion	8
9	Confirmation of Minutes of Previous Meetings	8
10	Recommendations and Reports of Committees	10
10.1	Minutes of the Audit Committee Meeting held on 21 July 2022.....	10
	Reports	13
11	Executive Services	13
11.1	Derby Port - Jetty Lease Areas 2 and 3 to MPA Fish Farms Pty Ltd	13
11.2	Minutes of the joint meeting of the Kimberley Zone and Kimberley Regional Group held 21 June 2022	16
12	Corporate Services	68
12.1	Code of Conduct, Behaviour Complaints Management Policy Inclusive of Behaviour Complaints Committee	68
12.2	ADOPTION OF THE 2022 - 2023 ANNUAL BUDGET	93
13	Technical Services.....	151
13.1	Awarding of Tender T4-2022 Project Management for event AGRN 951	151
13.2	Normalisation of Road Access to Remote Aboriginal Communities (NoRA) Program	156
14	Development Services	166
14.1	Planning Application for oversized shed (440m2) and reduced setback at Lot 27 (No. 51) Fitzroy Street, Derby.....	166
15	Community and Recreation Services	183
15.1	Derby Boxing Club 2022-2023 User Agreement	183

15.2	Derby Swimming Club 2022-2023 User Agreement	198
16	Motions of which Previous Notice has been Given	211
17	New Business of an Urgent Nature	212
17.1	Shire Councillor Conference Attendance	212
18	Matters for which the Meeting may be Closed (Confidential Matters).....	217
18.1	Derby Airport - Lease to Frontier Helicopters (Area #18)	218
18.2	Derby Port - Kimberley Mineral Sands Lease Modifications (Major Land Transaction) - Proceed with Transaction and Agreement Endorsement.....	219
18.3	Request for Extension of Memorandum of Understanding with Warburton Group Pty Ltd.....	220
19	Closure.....	222
19.1	Date of Next Meeting.....	222
19.2	Closure of Meeting.....	222

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

PRESENT: Cr Paul White, Cr Andrew Twaddle, Cr Rowena Mouda, Cr Geoff Haerewa (Shire President)(via videoconference), Cr Geoff Davis (via videoconference) and Cr Keith Bedford (via videoconference).

IN ATTENDANCE: Amanda Dexter (Chief Executive Officer), Christie Mildenhall (Acting Director of Community Services)(via teleconference), Wayne Neate (Director of Technical and Development Services)(via videoconference), Alan Thornton (Acting Director of Corporate Services), Shane Edwards (Manager of Community Development), Sarah Smith (Executive Services Coordinator), Tania Fromont (Executive Services Administration Officer), Amy Roughton (Corporate and Executive Services Administration Officer), Jamie Bone (Governance Officer) and Dean Wyber (Manager of Projects and Assets).

VISITORS: Nil

GALLERY: Nil

APOLOGIES: Cr Pat Riley and Cr Linda Evans.

APPROVED LEAVE OF ABSENCE: Cr Peter McCumstie (Deputy Shire President)

ABSENT: Nil

1 DECLARATION OF OPENING, ANNOUNCEMENTS OF VISITORS

The meeting was opened at 5:30pm by Amanda Dexter – Chief Executive Officer.

MOTION

RESOLUTION 87/22

Moved: Cr Rowena Mouda

Seconded: Cr Paul White

That Cr Andrew Twaddle will chair the Ordinary Council Meeting held in the Derby Council Chambers on Thursday, 28 July 2022 at 5:30pm.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda and Keith Bedford

Against: Nil

CARRIED 6/0

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 Geoff Haerewa (Shire President);
- Cr Geoff Davis; and
- Cr Keith Bedford.

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

- Cr Paul White – Item 18.1 – Derby Airport - Lease to Frontier Helicopters (Area #18)
Nature: Hanger Neighbour.

3.3 Declaration of Impartiality Interests

- Nil.

4 APPLICATIONS FOR LEAVE OF ABSENCE

LEAVE OF ABSENCE

RESOLUTION 88/22

Moved: Cr Rowena Mouda

Seconded: Cr Keith Bedford

That the Leave of Absence received from Cr McCumstie for the Ordinary Council Meeting held on 28 July 2022 and Cr Haerewa for the Ordinary Council Meeting held on 25 August 2022 be accepted and leave of absence granted.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda and Keith Bedford

Against: Nil

CARRIED 6/0

5 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- Cheryl Grant – Sculptures on the Marsh Project

1. WHAT FORM DID THE PUBLIC CONSULTATION OF 2019 TAKE? WHAT FORM DID THE PUBLIC SCULPTURE PROPOSAL TAKE AT THE TIME?

PLEASE REFER TO OUR RESPONSE TO YOUR SIMILAR PUBLIC QUESTION AT 6.1.1(B) WITHIN THE COUNCIL MINUTES OF 30 SEPTEMBER 2021.

2. HOW DOES COUNCIL MEASURE PUBLIC RESPONSE TO THE SCULPTURES?

PLEASE REFER TO OUR RESPONSE TO YOUR SIMILAR PUBLIC QUESTION AT 6.1.1(B) WITHIN THE COUNCIL MINUTES OF 30 SEPTEMBER 2021. THE METHOD FOR MEASURING PUBLIC RESPONSES TO ANY FUTURE CONSULTATIONS WOULD BE CONSIDERED AT THE TIME, AND WOULD BE DEPENDENT ON THE STYLE OF CONSULTATION UNDERTAKEN.

3. YOUR REPLY (1) STATES THAT THE ARTIST DID NOT DIRECT COUNCIL POLICY BUT THAT “THESE MEETINGS ASSISTED TO INFORM THE DRAFT POLICY IN SO FAR AS THE NATURE AND SCALE OF THE POTENTIAL ART PIECES.” STAKEHOLDERS DO NOT “DIRECT”, THEY “CONTRIBUTE”, WITH COUNCIL MAKING THE FINAL DECISION AT A COUNCIL MEETING”. WHAT IS COUNCIL’S DEFINITION OF A STAKEHOLDER PLEASE?

IN THE CONTEXT OF THE ABOVE STATEMENT (REF: COUNCIL MEETING 28 OCTOBER 2021 6.1)) “STAKEHOLDERS” WOULD HAVE BEEN THOSE PEOPLE/ORGANISATIONS THAT WERE PARTICIPANTS IN THE MEETINGS REFERRED TO.

4. DID COUNCIL AT ANY POINT CONSULT WITH AN INDEPENDENT EXPERT WITH QUALIFICATIONS OR EXPERIENCE IN PUBLIC ART, INCLUDING SCULPTURE? DO COUNCIL MEMBERS HAVE EXPERTISE IN THIS FIELD?

PLEASE REFER TO OUR RESPONSE TO YOUR SIMILAR PUBLIC QUESTION AT 6.1.1(B) WITHIN THE COUNCIL MINUTES OF 30 SEPTEMBER 2021.

5. DOES COUNCIL REQUIRE A STRUCTURAL ENGINEERS REPORT BEFORE THE INSTALLATION OF EACH SCULPTURE?

THE STRUCTURAL AND OTHER REQUIREMENTS FOR PUBLIC ART INSTALLATIONS ARE LISTED WITHIN POLICY (W5) PUBLIC ART, LOCATED ON THE SHIRE'S WEB PAGE.

6. WHO IS LIABLE IF SOMEONE IS INJURED BY A SCULPTURE? WITH COUNCIL NOW ENCOURAGING MORE TRAFFIC ON THE MARSH, THE SCULPTURES AND THE WIRE CABLES COULD POSE A DANGER, PARTICULARLY AT NIGHT.

THE SCULPTURES ARE CONSIDERED TO BE SUITABLY SAFE AND HAVE HAD AN APPROPRIATE ENGINEERING AND BUILDING ASSESSMENT. UNLESS THE SCULPTURE ACTUALLY FALLS IT CANNOT INJURE ANYONE THROUGH ITS OWN ACTIONS. PEOPLE VISITING THESE STRUCTURES NEED TO ACCEPT THAT THEY HAVE A RESPONSIBILITY TO TAKE REASONABLE LEVELS OF CARE FOR THEIR OWN SAFETY, AND TO BE EVEN MORE CAREFUL IF THEY CHOOSE TO VISIT THESE UNLIT SITES AT NIGHT. IT IS CONSIDERED UNLIKELY THAT THE SHIRE WOULD BE LIABLE FOR ANYONE INJURING THEMSELVES ON A STATIC STRUCTURE LIKE A PIECE OF PUBLIC ART.

7. IS COUNCIL COMFORTABLE OWNING, DISPLAYING AND PROMOTING ARTWORKS IN THE PUBLIC REALM WHICH COULD BE OFFENSIVE TO FIRST NATIONS PEOPLE? WHAT STEPS DID COUNCIL TAKE TO ELIMINATE THIS RISK PRIOR TO COMMISSIONING THE SCULPTURES, PARTICULARLY MOON GIRL, FOR INSTALLATION ON THE MARSH? I UNDERSTAND THAT ADVICE WAS NOT SOUGHT FROM TRADITIONAL OWNER GROUPS BEFORE COMMENCING THIS PROJECT. HOW DOES THIS FIT WITH COUNCILS' ACKNOWLEDGEMENT OF COUNTRY STATEMENT?

"FIRST NATIONS SPIRITUALITY IS EASILY MISUSED OR MISREPRESENTED. SOME FIRST AUSTRALIANS' BELIEFS ARE BEING USED IN DISRESPECTFUL WAYS. FOR EXAMPLE, THE USE OF ANCESTRAL BEINGS SUCH AS THE RAINBOW SERPENT, OR WANDJINAS AS CHARACTERS IN 'FICTIONAL' STORIES, ART OR OTHER FORMS OF MEDIA. MOST OFTEN THEY ARE USED WITHOUT PERMISSION, AND PORTRAYED IN DEEPLY HURTFUL WAYS." (THE AUSTRALIAN GOVERNMENT STYLE MANUAL, 2022).

THERE IS NO EVIDENCE PROVIDED THAT THE ARTWORKS REFERRED TO IN THE QUESTION IS OFFENSIVE, AND IT IS NOT BELIEVED THAT IT IS. PLEASE ALSO REFER TO OUR RESPONSE TO YOUR SIMILAR PUBLIC QUESTION AT 6.1.1(B) WITHIN THE COUNCIL MINUTES OF 30 SEPTEMBER 2021.

8. LOCAL ABORIGINAL PEOPLE HAVE APPROACHED ME TO ASK "WHAT IS MOON GIRL?" AND "WHAT IS IT DOING ON THE DERBY MARSH?"

THESE PEOPLE MADE IT CLEAR THAT THEY RECOGNISED SIMILARITIES WITH THE WANDJINA IMAGE IN THE SCULPTURE. OTHER PEOPLE HAVE MADE SIMILAR COMMENTS.

TO MY KNOWLEDGE, THE WANDJINA IMAGE BELONGS TO THE MOWANJUM PEOPLE WHO GO TO GREAT LENGTHS TO EXPLAIN THAT DERBY IS NOT THEIR COUNTRY. IT FOLLOWS THAT THE USE OF WANDJINA-STYLE IMAGES ON THE DERBY MARSH MAY BE INAPPROPRIATE.

HOW DOES COUNCIL PROPOSE TO ELIMINATE THE POTENTIAL FOR THIS AND OTHER SCULPTURES TO CAUSE OFFENCE TO THE WARRWA AND NYIKINA MANGALA TRADITIONAL OWNERS AS WELL AS THE MOWANJUM PEOPLES?

COUNCIL IS VERY COGNISANT OF THE VALUES OF THE DISTRICT'S ABORIGINAL COMMUNITIES, AND IS PRIVILEGED TO HAVE SEVERAL COUNCILLORS ON COUNCIL WITH VERY CLOSE LINKS TO THOSE ABORIGINAL COMMUNITIES. THOSE COUNCILLORS HAVE INPUT TO ANY DECISIONS MADE IN REGARD TO PUBLIC ART BROUGHT BEFORE THE COUNCIL, AND/OR THROUGH THE COUNCILLOR FORUMS WHERE BRIEFINGS OCCUR AND FEEDBACK IS SOUGHT BY OFFICERS.

EXTENSIVE CONSULTATION AND ENGAGEMENT HAS OCCURRED ACROSS ISSUES AND PROJECTS SUCH AS THIS AND IS ONGOING IN REGARDS TO THE FUTURE SCULPTURES – THE APPROPRIATE CULTURAL APPROVALS ARE UNDERTAKEN WHEN REQUIRED.

COUNCIL HAS ALSO ADOPTED A POLICY FOR THE POSITIONING OF PUBLIC ART, WHICH INCLUDES A RANGE OF REQUIREMENTS TO BE CONSIDERED AND/OR MET. PLEASE ALSO REFER TO OUR RESPONSE TO YOUR SIMILAR PUBLIC QUESTION AT 6.1.1(D) WITHIN THE COUNCIL MINUTES OF 30 SEPTEMBER 2021 AND ALSO AS RESPONDED TO AS PART OF THE QUESTIONS AT 6.1 OF THE 28 OCTOBER 2021 COUNCIL MEETING.

9. I ASK AGAIN THAT MOON GIRL BE MOVED FROM THE DOCTORS CREEK FORESHORE AND THAT COUNCIL PROTECT THE AREA FOR REASONS ALSO DETAILED IN MY PREVIOUS TWO LETTERS DATED 27 SEPTEMBER AND 25 OCTOBER 2021.

THE COUNCIL MINUTES AT ITEM 6.1 OF THE 28 OCTOBER 2021 COUNCIL MEETING RECORD THE RESPONSE AT THAT TIME AS BEING “IT IS NOT PROPOSED TO MOVE THE MOON GIRL SCULPTURE, AT LEAST AT THIS POINT IN TIME.” NO CHANGE TO THAT POSITION IS BELIEVED TO BE WARRANTED AS YET.

10. WILL COUNCIL APPROACH THE FUNDING BODY TO REQUEST VARYING THE GRANT CONDITIONS, BASED ON NEW INFORMATION RECEIVED? I BELIEVE A REVISED COMMUNITY-DRIVEN AND CULTURALLY INCLUSIVE APPROACH WOULD BE FAVOURABLY RECEIVED.

THE CONCLUSION DRAWN BY MS GRANT IS NOTED, BUT IT IS NOT PROPOSED TO PURSUE THE SUGGESTED VARIATION.

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 89/22

Moved: Cr Paul White

Seconded: Cr Geoff Haerewa

That the Minutes of the Ordinary Meeting of the Shire of Derby/West Kimberley held at the Kupungarri Remote Aboriginal Community , Gibb River Road, on 29 June 2022 be CONFIRMED.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda and

<u>Against:</u>	Keith Bedford Nil	CARRIED 6/0

10 RECOMMENDATIONS AND REPORTS OF COMMITTEES**10.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 21 JULY 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 minutes of the Audit Committee Meeting held on 21 July 2022.

ATTACHMENTS**RESOLUTION 90/22****Moved: Cr Keith Bedford****Seconded: Cr Geoff Haerewa****THAT COUNCIL:**

Receive the Minutes of the Audit Committee Meeting held on 21 July 2022 and the recommendations therein be adopted.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda and Keith Bedford

Against: Nil

CARRIED 6/0**COMMITTEE RESOLUTION AC65/22****Moved: Cr Peter McCumstie****Seconded: Cr Andrew Twaddle**

That the Audit Committee recommends Council RECEIVES the Monthly Financial Management Report incorporating the Statement of Financial Activity for the period ending 30th June 2022.

In Favour: Crs Geoff Haerewa, Keith Bedford, Peter McCumstie, Pat Riley and Andrew Twaddle

Against: Nil

CARRIED 5/0**COMMITTEE RESOLUTION AC66/22****Moved: Cr Peter McCumstie****Seconded: Cr Andrew Twaddle**

That the Audit Committee recommends that Council notes the List of Accounts for June 2022 paid under Delegated Authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 attached to this report, totalling \$3,575,575.66.

<u>In Favour:</u>	Crs Geoff Haerewa, Keith Bedford, Peter McCumstie, Pat Riley and Andrew Twaddle
<u>Against:</u>	Nil

CARRIED 5/0

COMMITTEE RESOLUTION AC70/22**Moved:** Cr Keith Bedford**Seconded:** Cr Andrew Twaddle**That the Audit Committee recommends that Council:****Receives the report on outstanding rate and service charge debt by financial year to the end of June 2022.****In Favour:** Crs Geoff Haerewa, Keith Bedford, Peter McCumstie, Pat Riley and Andrew Twaddle**Against:** Nil**CARRIED 5/0****COMMITTEE RESOLUTION AC71/22****Moved:** Cr Andrew Twaddle**Seconded:** Cr Peter McCumstie**That the Audit Committee:****Recommends that Council receives the information contained in the report detailing Sundry Debtors as at 30 June 2022.****In Favour:** Crs Geoff Haerewa, Keith Bedford, Peter McCumstie, Pat Riley and Andrew Twaddle**Against:** Nil**CARRIED 5/0 BY ABSOLUTE MAJORITY****COMMITTEE RESOLUTION AC72/22****Moved:** Cr Peter McCumstie**Seconded:** Cr Andrew Twaddle**That the Audit Committee Recommends Council:****1. Writes off the balance owed by the employee listed in this report totalling \$6,000.00****In Favour:** Crs Geoff Haerewa, Keith Bedford, Peter McCumstie, Pat Riley and Andrew Twaddle**Against:** Nil**CARRIED 5/0**

REPORTS

11 EXECUTIVE SERVICES

Cr Pat Riley Entered the meeting at 5:48pm

11.1 DERBY PORT - JETTY LEASE AREAS 2 AND 3 TO MPA FISH FARMS PTY LTD

File Number: 9010.13

Author: Neil Hartley, Director - Strategic Business

Responsible Officer: Amanda Dexter, Chief Executive Officer

Authority/Discretion: Executive

SUMMARY

MPA Fish Farms Pty Ltd leases two separate areas of the Derby Jetty Goods Shed for its operations (Areas 2 and 3). The leases are due to expire on 30 June 2023. Whilst there is still some time until 30th June 2023, the process of S.3.58 of the Local Government Act does need to be complied with if the Council is of the mind to again offer MPA a lease.

This report supports the consideration of a new lease, but in light of recent history, proposes that it would be prudent to require that any new lease(s) be fully executed by MPA prior to the above date (or that access to the site will not be provided).

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

MPA Fish Farms Pty Ltd undertake the production of barramundi in Cone Bay and use the Derby Port and Jetty as a logistics hub to load feed on boats and store frozen Barramundi to be shipped off to their various markets. MPA began operations back in 2008 and were leased two separate areas of the Goods Shed for its operations (Jetty Areas 2 and 3 - within the Goods Shed) from 5 + 5 years from 1 July 2009. Council at its 12 December 2019 meeting endorsed two new leases for 2 + 2 year terms, expiring 30 June 2023.

MPA was for some reason tardy in the execution of the current leases (having done so in only June 2022).

Whilst there is still some time until 30th June 2023 when the leases expire, the process of S.3.58 of the Local Government Act does need to be completed if the Council is of the mind to again offer MPA a lease for these areas. This process will take several months to complete.

STATUTORY ENVIRONMENT

Local Government Act S3.58 (Disposing of property) outlines the requirements of a local government to undertake a disposal of land (vis. sell, lease, etc.). A local government can dispose of property by private treaty if it meets prescribed conditions, like accessing a current valuation, giving public notice, inviting submissions, and reviewing submission received.

Local Government Act S2.7 (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.

POLICY IMPLICATIONS

Nil applicable.

FINANCIAL IMPLICATIONS

A commercial lease of this nature will require legal fees (about \$3,500 - 4,000), administration charges (about \$2,500 – 3,000), public advertising (\$500). We will also need to secure a valuation (about \$2,500). The estimate of fees and costs for the above is expected to be in the order of \$9,000 – 10,000.

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
Legal & Compliance: That the S3.58 process and suitable lease documents are not suitable.	Unlikely	Moderate	Medium	Follow the Local Government Act process and utilise legal advisors as required.
Financial: Cost of providing the lease will be a burden on the Shire	Unlikely	Insignificant	Low	Require a deposit of the estimated fees prior to commencement.

CONSULTATION

Community consultation is required to be undertaken as a requirement of S. 3.58. MPA Fish Farms Pty Ltd have been advised that the lease is due to expire but no specific communications have occurred with MPA Fish Farms Pty Ltd in regard to the proposal outlined within this report.

COMMENT

MPA Fish Farms Pty Ltd have in the past undertaken its lease obligations, with the exception of signing the last lease, which was delayed by about three years for reasons known only to MPA. That was a curious position to take, and whilst it had at the end of the day no impact on the lease or the way the port operated, was not considered to be professional and should be guarded against if a new lease is to be progressed.

Whilst a new lease can be supported in light of there being no current alternative use for the Goods Shed, it would be prudent to advise MPA now that a new lease will not be provided to Jetty

Areas 2 and 3 (within the Goods Shed) nor will access to these sites be granted post 1 July 2023, unless a new lease is in place and execute prior 1 July 2023 by MPA.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

Nil

RESOLUTION 91/22

Moved: Cr Paul White

Seconded: Cr Geoff Haerewa

That Council invites MPA Fish Farms Pty Ltd to register its interest in a new lease for Jetty Areas 2 and 3 (within the Derby Jetty Goods Shed) post the current expiry date of 30 June 2023, on the following conditions:

- 1. payment of \$9,000 as a deposit on the estimated fees and charges involved in developing a new lease; and**
- 2. access will not be provided to Jetty Areas 2 and 3 post 1 July 2023 unless a new lease is in place and execute prior to that date by MPA Fish Farms Pty Ltd.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 7/0 BY ABSOLUTE MAJORITY

11.2 MINUTES OF THE JOINT MEETING OF THE KIMBERLEY ZONE AND KIMBERLEY REGIONAL GROUP HELD 21 JUNE 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 21 June 2022.

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

A copy of the minutes from the joint meeting held 21 June 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
Community: 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 21 June 2022  

RESOLUTION 92/22

Moved: Cr Rowena Mouda

Seconded: Cr Geoff Davis



That Council

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 21 June 2022.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 7/0



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

**UNCONFIRMED
MINUTES**

21 JUNE 2022

Commencing at
1:00PM

VIDEO CONFERENCE

**KIMBERLEY ZONE AND
KIMBERLEY REGIONAL GROUP JOINT MEETING
TUESDAY 21 JUNE 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	5
7.	REPORTS FROM REPRESENTATIVES	5
8.	REPORTS FROM KIMBERLEY COUNTRY ZONE	6
8.1	WALGA STATE COUNCIL AGENDA AND PRESIDENT'S REPORT	6
8.2	WALGA ZONE STATUS REPORT	9
8.3	WALGA BEST PRACTICE GOVERNANCE REVIEW	11
9.	REPORTS FROM KIMBERLEY REGIONAL GROUP	14
9.1	STATE GOVERNMENT FUNDING TO ADDRESS JUVENILE CRIME IN THE KIMBERLEY	14
9.2	KRG ANNUAL PERFORMANCE REPORT	17
9.3	KIMBERLEY REGIONAL GROUP ANNUAL BUDGET 2022-23	19
9.4	KIMBERLEY REGIONAL GROUP MEMORANDUM OF UNDERSTANDING.....	21
9.5	BUSINESS PLAN PROGRESS REPORT	23
9.6	CONSULTANT REPORT	29
9.7	KIMBERLEY REGIONAL GROUP FINANCIAL ACTIVITY STATEMENT 31 MAY 2022.....	31
10.	CORRESPONDENCE	34
11.	GENERAL BUSINESS	49
12.	MATTERS BEHIND CLOSED DOORS	49
13.	MEETING CLOSURE	49

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair, President Cr David Menzel, declared the meeting open at 1:03pm and welcomed all delegates and guests.

2. RECORD OF ATTENDANCE / APOLOGIES

ATTENDANCE:

Cr Chris Mitchell	Shire of Broome
Sam Mastrolembro	Shire of Broome
James Watt	Shire of Broome
Cr Geoff Haerewa	Shire of Derby West Kimberley
Cr Peter McCumstie	Shire of Derby/West Kimberley
Amanda Dexter	Shire of Derby West Kimberley
Vernon Lawrence	Shire of Wyndham East Kimberley
Cr David Menzel	Shire of Wyndham East Kimberley
Cr Tony Chafer	Shire of Wyndham East Kimberley
Debra Goostrey	Zone Executive – ATEA
Tim Lane, Manager Strategy and Association Governance	WALGA

GUESTS:

Janine Hatch, Executive Officer	RDA Kimberley
Greg Hayes, Regional Road Safety Advisor	WALGA RoadWise
Tim Bray, Director Regional Development	Kimberley Development Commission
Kristina Dickman, Regional Manager Kimberley	Department of Local Government, Sport and Cultural Industries
Tom Chapman	Department of Local Government, Sport and Cultural Industries
Craig Parkin	Superintendent Kimberley Police District

APOLOGIES:

Cr Harold Tracey	Shire of Broome
Cr Malcolm Edwards	Shire of Halls Creek

Cr Chris Loessl	Shire of Halls Creek
Phillip Cassell	Shire of Halls Creek
Cr Jeanette Young	Shire of Cocos (Keeling) Islands
Cr Hua (Helen) Liu	Shire of Cocos (Keeling) Islands
Kelli Small	Shire of Cocos (Keeling) Islands
Cr Gordon Thomson	Shire of Christmas Island
Cr Kee Heng Foo	Shire of Christmas Island
David Price	Shire of Christmas Island
Natasha Maher, Chief Executive Officer	Australia's North West Tourism

3. Declarations Of Interest

Nil.

4. CONFIRMATION OF MINUTES

KIMBERLEY ZONE & KIMBERLEY REGIONAL GROUP RECOMMENDATION:

Minute No. KRG/0622/001

Moved: Cr Chris Mitchell

Seconded: Cr Geoff Haerewa

That the Minutes of the Kimberley Regional Group held on 19 April 2022, as published and circulated, be confirmed as a true and accurate record of that meeting.

CARRIED

5. BUSINESS ARISING FROM PREVIOUS MEETING

Nil.

6. PRESENTATIONS FROM REPRESENTATIVES**6.1 Kimberley Police Superintendent**

Kimberley Police Superintendent Craig Parkin presented to the Zone on Operation Regional Shield, the banned drinkers register, and other regional policing matters.

7. REPORTS FROM REPRESENTATIVES**7.1 RDA KIMBERLEY**

Janine Hatch, Executive Officer

7.2 AUSTRALIA'S NORTH WEST TOURISM

Natasha Maher, Chief Executive Officer
Apology – Report circulated out of session.

7.3 WALGA ROADWISE

Greg Hayes, Road Safety Advisor.

7.4 KIMBERLEY DEVELOPMENT COMMISSION

Tim Bray, Director Regional Development.

7.5 DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES

Kristina Dickman, Regional Manager Kimberley.

7.6 WALGA

Tim Lane, Manager Strategy and Association Governance.

Minutes – Kimberley Zone and Kimberley Regional Group 21 June 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:

(Zone delegates to consider the Matters for Decision and Items for Noting contained in the WA Local Government Association State Council Agenda and put forward resolutions to Zone Representatives on State Council)

The full State Council Agenda can be found via [LINK](#): The Zone is able to provide comment or submit an alternative recommendation that is then presented to the State Council for consideration.

COMMENT

The next WALGA State Council meeting will be held 6 July 2022. The following matters for decision will be considered.

	Matters for Decision	WALGA Recommendation
5.1	Review of advocacy positions relating to Emergency Management	That State Council: <ol style="list-style-type: none"> Endorse the removal of the following Emergency Management Advocacy Positions <ol style="list-style-type: none"> Community Resilience Disaster Mitigation Emergency Services Levy Endorse the following Emergency Management Advocacy Positions: <ol style="list-style-type: none"> Emergency Management Principles State Emergency Management Framework Sustainable Grant Funding Model for Emergency Management Consolidated Emergency Services Act Resource Sharing Lessons Learnt Management Emergency Services Levy Local Government Grants Scheme (LGGs)

Minutes – Kimberley Zone and Kimberley Regional Group 21 June 2022

5.2	New Emergency Management Advocacy Position – Community Emergency Service Manager Program	<p>That the following WALGA Advocacy Position relating to the Community Emergency Service Manager (CESM) Program be endorsed:</p> <p><i>8.9 Expansion of the Community Emergency Services Manager Program</i></p> <p><i>That the Association advocates for an expansion of the Community Emergency Service Manager (CESM) Program, as follows:</i></p> <ol style="list-style-type: none"> <i>1. All Local Governments should have the option of participating in the CESM Program.</i> <i>2. The full cost of the CESM Program should be funded through the Emergency Services Levy.</i>
5.3	Draft WA Public Libraries Strategy 2022-2026 and Updated Advocacy Position	<p>That:</p> <ol style="list-style-type: none"> the draft WA Public Libraries Strategy 2022-2026 be endorsed. WALGA's existing Advocacy Position on Public Libraries be deleted and replaced as follows: <p><i>3.8 Public Libraries</i></p> <ol style="list-style-type: none"> <i>1. Western Australian Local Government public libraries provide valuable local cultural infrastructure, creating social and community hubs for community capacity building, recreation, education and literacy, digital inclusion, and social connection, cohesion and inclusion.</i> <i>2. WALGA supports the provision of Public Library services in Western Australia through a formal partnership between Local Government and the State Government of Western Australia, governed by the Library Board Act 1951, namely the State and Local Government Agreement for the Provision of Public Library Services in Western Australia (2020).</i> <i>3. The WA Public Libraries Strategy 2022-2026 provides a framework for a shared vision, strategic direction and collaborative action in the provision of a vibrant and sustainable 21st century public library network.</i> <i>4. It is essential that a sustainable funding model enables Local Governments to continue to deliver library services to support continued growth and adaptation to changing community needs.</i>

Matters for Noting:

- 6.1 2020/21 Local Government Performance Monitoring Project
- 6.2 Proposed Advocacy Position on Arrangements for Management of Volunteer Bushfire Brigades
- 6.3 Aboriginal Cultural Heritage Act 2021 Co-design Process, Phase 1 Submission
- 6.4 Western Power Access Arrangement Review Submission

Minutes – Kimberley Zone and Kimberley Regional Group 21 June 2022

- 6.5 Economic Development Research
- 6.6 Development of Child Safe Policy for Local Government
- 6.7 National Reconciliation Week Local Government Activation Program
- 6.8 WA Strategic Trails Blueprint 2022-2027 – Draft for Comment
- 6.9 Issues Paper: Local Government Approaches to Tree Retention
- 6.10 Report Municipal Waste Advisory Council (MWAC)

Organisational Reports

7.1 Policy Team Reports

- 7.1.1 Environment and Waste Policy Team Report
- 7.1.2 Governance and Organisational Services Policy Team Report
- 7.1.3 Infrastructure Policy Team Report
- 7.1.4 People and Place Policy Team Report

7.2 Key Activity Reports

- 7.2.1 Report on Key Activities, Commercial and Communications Unit
- 7.2.2 Report on Key Activities, Governance and Organisational Services Unit
- 7.2.3 Report on Key Activities, Infrastructure
- 7.2.4 Report on Key Activities, Strategy, Policy and Planning Unit

7.3 Policy Forum Report

WALGA State President's Report – Attached

VOTING REQUIREMENTS

Simple Majority

KIMBERLEY ZONE & KIMBERLEY REGIONAL GROUP REPORT RECOMMENDATION:

Minute No. KRG/0622/002

Moved: Cr Chris Mitchell

Seconded: Cr Geoof Haerewa

That the Kimberley Regional Group:

1. Notes the State Council Agenda Items as circulated.
2. Notes the report from the WALGA President as circulated.
3. Supports the recommendations in the Matters for Decision contained within the State Council Agenda.

CARRIED

Attachments

1. WALGA State Council Agenda 6 July 2022 (link provided above).
2. WALGA President's Report July 2022.

8.2 WALGA ZONE STATUS 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:

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

BACKGROUND

Agenda Item	Zone Resolution	WALGA Response	WALGA Contact
19 April 2022 Zone Agenda Item 8.3 Vehicles Being Drive on Unsealed Roads Closed Due to Wet Conditions	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, at significant expense. 3. Provides feedback to WALGA that vehicle damage from commercial operations is the key issue in the Kimberley.	The Infrastructure Policy Team reviewed and consider the feedback concerning vehicles being driven on closed unsealed roads that was provided by 11 Shires and 3 Zones. The Policy Team resolved that: 1. The key legislative / regulatory requirements appear to be in place; 2. Vehicles being driven on closed roads occurs in other remote Local Government areas, although the situations are different around the State; 3. In the absence of identified technology solutions an initial approach be made by WALGA to ARRB and PATREC to determine if research centres are interested in developing a research project.	Ian Duncan Executive Manager Infrastructure iduncan@walga.asn.au 9213 2031
19 April 2022 Zone Agenda Item 9.7 Underground Power	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.	This matter has been added to the Infrastructure Policy Team agenda for 6 July.	Ian Duncan Executive Manager Infrastructure iduncan@walga.asn.au 9213 2031
2021 20 April Zone Agenda Item 11.1 Disaster Relief and	That the Kimberley Zone: 1. Express dissatisfaction with current disaster relief and recovery funding arrangements and call for urgent action from the State	The Association has endorsed advocacy positions seeking improvements to disaster relief and recovery funding including assessment periods, eligibility of	Ian Duncan Executive Manager Infrastructure

ITEM 8.2 WALGA ZONE STATUS REPORT

Recovery Funding Arrangements	<p>Government to investigate and address these shortcomings.</p> <p>2. Seek WALGA advocacy to support the motion.</p>	<p>certain costs and improving resilience of reconstructed infrastructure.</p> <p>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.</p>	<p>jduncan@walga.asn.au</p> <p>9213 2031</p>
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VOTING REQUIREMENTS

Simple Majority

KIMBERLEY ZONE & KIMBERLEY REGIONAL GROUP REPORT RECOMMENDATION:

Minute No. KRG/0622/003

Moved: Cr Geoff Haerewa

Seconded: Cr Chris Mitchell

That the Kimberley Zone notes the WALGA Zone Status Report June 2022.

CARRIED

8.3 WALGA BEST PRACTICE GOVERNANCE REVIEW

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	KRG01
AUTHOR:	Tim Lane
CONTRIBUTOR/S:	Tony Brown
RESPONSIBLE OFFICER:	Tim Lane
DISCLOSURE OF INTEREST:	Nil

BACKGROUND

WALGA has embarked on a significant project to review WALGA's governance model to ensure the organisation is governed by a contemporary, sound, and agile governance model that:

- Facilitates meaningful engagement with Local Government members,
- Enhances WALGA's legitimacy among members and stakeholders, and
- Enables sound and focused decision making to guide advocacy, policy, and service delivery.

WALGA's Corporate Strategy 2020-25 identifies "contemporary governance and engagement models" as a key strategic priority leading to State Council's commissioning of the Best Practice Governance Review project.

A further goal of the project is to fundamentally review, and subsequently amend, WALGA's governance documentation – Constitution, Corporate Governance Charter, State Council Code of Conduct, and Standing Orders – to ensure consistency and alignment.

To oversee the project, State Council appointed a Steering Committee with the following membership:

President Cr Karen Chappel JP	WALGA President (Chair)
Cr Paul Kelly	WALGA Deputy President
President Cr Phil Blight	Country State Councillor
Mayor Carol Adams OAM	Metropolitan State Councillor
President Cr David Menzel	Country Elected Member
Mayor Albert Jacob	Metropolitan Elected Member
Andrew Sharpe	Country Chief Executive Officer
David MacLennan	Metropolitan Chief Executive Officer
Nick Sloan	WALGA Chief Executive Officer

Senior WALGA staff are providing executive support and PwC has been appointed to facilitate meetings of the Steering Committee and to produce an Options Paper and a Final Report.

The Steering Committee has met twice. At the first meeting, held on 5 May 2022, the Committee:

- Adopted Terms of Reference

ITEM 8.3 WALGA BEST PRACTICE GOVERNANCE REVIEW

- Reviewed the Project Plan
- Considered existing governance documentation
- Discussed the project methodology, and
- Agreed five comparator organisations whose governance models would be reviewed:
 - i. Australian Hotels Association (AHA)
 - ii. Australian Medical Association (AMA)
 - iii. Chamber of Commerce and Industry WA (CCIWA)
 - iv. Chamber of Minerals and Energy (CME), and
 - v. Pharmacy Guild of WA

The comparator organisations were selected for their similarity to WALGA as membership organisations (with organisations as members) and their perceived effectiveness as advocacy peak bodies.

At the Steering Committee's second meeting, held on 8 June 2022, the Committee reviewed the governance models of comparator organisations presented by PwC and identified initial performance assessment criteria that will guide the evaluation of alternative governance model options.

The Steering Committee will be meeting again in late June to consider an Options Paper which will present alternative governance model options. The Options paper will be presented to State Council at the 6 July Strategic Forum. Member feedback will then be sought on the Options Paper during July and August.

Following member feedback, the Steering Committee will direct the development of an agenda item outlining high level principles and non-negotiables of a future governance model for the 2022 Annual General Meeting. This agenda item and debate will gauge members' views on the direction of the project.

The final report due to be completed by mid-October 2022 will be the subject of further consultation with members, including through a full round of Zone meetings in November in the lead-up to the December State Council meeting.

Substantive structural changes to WALGA's governance model will require amendments to the Constitution, which must be approved by a special (75 percent) majority at both a meeting of State Council and an Annual General Meeting. As such, any proposed changes will need to have strong support of members for Constitutional change to be ratified. The aim of the project is to put forward constitutional amendments to members at the 2023 Annual General Meeting.

COMMENT

The Best Practice Governance Review Project represents a significant opportunity to improve WALGA's governance model to improve decision making effectiveness while ensuring meaningful member representation and participation.

Past reviews since the formation of WALGA as the single Local Government sector peak body over 20 years ago have led to significant process and other improvements while the structure and composition of State Council has remained broadly unchanged. WALGA receives mixed feedback on its governance model through member surveys and other mechanisms suggesting there is room for improvement.

ITEM 8.3 WALGA BEST PRACTICE GOVERNANCE REVIEW

Any future governance model will need to balance member representation and participation in decision making processes with efficiency and strategic focus. The forthcoming Options Paper will present potential options that aim to balance competing objectives identified by the Steering Committee.

Member engagement and consultation will be crucial to the success of the project and very high levels of member support will be required for constitutional amendments to be ratified, as outlined above. Consequently, members should anticipate opportunities to contribute to the project and provide insight in relation to options put forward over coming months.

KIMBERLEY ZONE & KIMBERLEY REGIONAL GROUP REPORT RECOMMENDATION:**Minute No. KRG/0622/004****Moved: Cr David Menzel****Seconded: Cr Geoff Haerewa****That the Kimberley Zone note the update on the WALGA Best Practice Governance Review.****CARRIED**

9. REPORTS FROM KIMBERLEY REGIONAL GROUP

9.1 STATE GOVERNMENT FUNDING TO ADDRESS JUVENILE CRIME IN THE KIMBERLEY

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:

The Kimberley Regional Group has advocated strongly for funding to address anti-social behaviour and juvenile crime in the Kimberley. In the lead up to the May 2022 State Budget, a \$40.4million dollar package was announced.

BACKGROUND

Previous Considerations

Nil.

COMMENT

On the 3rd of May, the McGowan government announced a package to help break the cycle of youth offending in the Kimberley including:

- \$15 million towards an on-country residential facility to provide an alternative to detention, as well as \$500,000 to plan and develop other safe place proposals
- \$4.3 million to expand the McGowan Government's successful Target 120 program in the Kimberley
- \$11.7 million to extend the Kimberley Schools Project to keep young people engaged with the education system
- \$2.5 million for Operation Regional Shield, enabling police to deploy additional resources to parts of regional WA as required
- Package also includes boost to youth night patrols, intensive support for vulnerable families, and grants for local projects to engage youth and improve community safety

The State Government has also committed \$33.98 million over four years to improve operations of residential care homes and an additional investment of \$5 million towards five new residential care homes in the Kimberley and Mid-West, to provide better care for vulnerable children.

The acknowledgement in the State Budget on the 12 May 2022 of the issues being faced in the Kimberley reflects the strong advocacy of the KRG and letters have been sent to key Ministers to thank them for their support.

ITEM 9.1 STATE GOVERNMENT FUNDING TO ADDRESS JUVENILE CRIME IN THE KIMBERLEY

The implementation of this package, noting that the Kimberley Juvenile Justice Strategy has not yet to be released, will be monitored for both the allocation of funds and effectiveness of the roll out of programs.

The acknowledgement in the State Budget of the issues being faced in the Kimberley reflects the strong advocacy of the KRG. Correspondence thanking the Premier in his role as Treasurer, along with Ministers MacTiernan, McGurk, Johnston, Buti, Ellery and Papalia, has been sent on behalf of the KRG.

Since the State Budget, the Kimberley Regional Zone has been invited to take up membership as an observer on the Kimberley Aboriginal Youth Wellbeing Steering Committee and Working Group.

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.

Community Goal - A vibrant community based on equity, inclusion and opportunity for all.

Improved Kimberley regional outcomes in health.

Improved Kimberley regional outcomes in education.

Improved youth services and management of youth anti-social behaviour.

ITEM 9.1 STATE GOVERNMENT FUNDING TO ADDRESS JUVENILE CRIME IN THE KIMBERLEY

VOTING REQUIREMENTS

Simple Majority

KIMBERLEY REGIONAL GROUP REPORT RECOMMENDATION

Minute No. KRG/0622/005

Moved: Cr Chris Mitchell

Seconded: Cr David Menzel

That the Kimberley Regional Group:

1. Notes the funding packages;
2. Requests, through the secretariat, regular updates from the relevant working groups;
3. Monitors the implementation and outcomes of these initiatives; and,
4. Invites Minister MacTiernan to the next meeting of the Kimberley Regional Group.

CARRIED

Attachments

Nil

9.2 KRG ANNUAL PERFORMANCE 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:

It is a requirement under item 10.8 of the Memorandum of Understanding that a Performance Report is prepared within two months after 30 June each year. Noting the transitional arrangements currently in place, the Performance Report has been prepared in advance of the 30 June deadline.

BACKGROUND

Previous Considerations

Nil.

COMMENT

It is a requirement under item 10.8 of the Memorandum of Understanding that a Performance Report is prepared within two months after 30 June each year.

The Host Shire Chief Executive Officer or their delegate must, in consultation with the Board, prepare and provide to each Participant an end of year performance report setting out the annual performance of the KRG and addressing the matters referred to below:

- a) a description of the activities carried out by the KRG with reference to the Strategic Goals and Outcomes;
- b) a reasonable itemisation of the Operating Expenses incurred;
- c) a comparison of Operating Expenses incurred with budget estimates and comments on any significant variations;
- d) a brief description of the KRG's planned activities for the next period, including details of any Projects anticipated to commence in the next 12 months;
- e) any other information that the Board directs to be included; and
- f) any other report the Participants may reasonably require to comply with their reporting obligations.

The Performance Report, provided under separate cover, meets the requirement of 10.8(a) and (d). The finance report will be provided when the audit for the period is completed.

CONSULTATION

Nil.

ITEM 9.2 KRG ANNUAL PERFORMANCE REPORT

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 REGIONAL GROUP REPORT RECOMMENDATION****Minute No. KRG/0622/006****Moved:** Cr David Menzel**Seconded:** Cr Chris Mitchell**That the Kimberley Regional Group**

- 1. Adopts the Performance Report; and**
- 2. Notes the Financial Report will be provided within the period stipulated in the MOU.**

CARRIED**Attachments**

Kimberley Regional Group Performance Report (under separate cover)

Cr Geoff Haerewa and Ms Amanda Dexter departed the meeting at 2:41pm.

9.3 KIMBERLEY REGIONAL GROUP ANNUAL BUDGET 2022-23

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:

This report seeks the deferral of the detailed 2022/23 Kimberley Regional Group Annual Budget noting the imminent commencement of the new consultant and, that there will be no impact on the Shire levies for 2022/23 due to the existing operational surplus.

BACKGROUND*Previous Considerations*

Nil

COMMENT

The Secretariat is obliged under the MOU to prepare a Draft Kimberley Regional Group (KRG) 2022/23 Annual Budget which outlines proposed income and expenditure for the following period.

It is noted that the new KRG support consultancy was not finalised at the time of compiling this agenda and therefore the detailed budgetary implications are not yet documented, however there is no risk identified for the 2022/23 period in relation to levies to be charged due the existing surplus.

An extension of time for the approval of the budget is requested, with out of session finalisation of this matter.

CONSULTATION

Nil

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

Nil

STRATEGIC IMPLICATIONS*9.3 KRG Memorandum of Understanding*

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

KIMBERLEY REGIONAL GROUP REPORT RECOMMENDATION

Minute No. KRG/0622/007

Moved: Cr David Menzel

Seconded: Cr Chris Mitchell

That the Kimberley Regional Group:

1. Approves the deferment of the 2022/23 Kimberley Regional Group Annual Budget due to the imminent appointment of a new consultant.
2. Notes the budget will be circulated out of session for approval.

CARRIED

Attachments

Nil

9.4 KIMBERLEY REGIONAL GROUP MEMORANDUM OF UNDERSTANDING

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:

The Kimberley Regional Group KRG operates under a Memorandum of Understanding (MOU) which expires in August 2022. There are a number of matters included in the MOU which do not reflect the operation of the KRG in the current arrangement. This item is to delegate the review and finalisation of the MOU to the Shire CEOs for presentation and adoption at the August KRG meeting.

BACKGROUND*Previous Considerations*

Nil

COMMENT

In 2018, the Kimberley Regional Group (KRG) signed the current Memorandum of Understanding, which provides the framework for the operation of the KRG. Considerable work has been undertaken over the last four years to develop a Governance Manual as a companion document to provide greater detail.

The MOU requires review to more accurately reflect the current operational arrangements, including banking and insurance and the priority activities of the KRG. The review was undertaken by the Shire of Broome and the Shire of Wyndham East Kimberley in the first instance and has been provided to all participating Shires for consideration.

To progress the MOU, which needs to be finalised and adopted prior to the end of August 2022, the matter will be delegated to the CEO's to finalise the draft.

CONSULTATION

Nil

STATUTORY ENVIRONMENT*Local Government Act 1995***FINANCIAL IMPLICATIONS***9.3 KRG Memorandum of Understanding*

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

KIMBERLEY REGIONAL GROUP REPORT RECOMMENDATION

Minute No. KRG/0622/008

Moved: Cr David Menzel

Seconded: Cr Chris Mitchell

That the Kimberley Regional Group:

1. Notes the requirement to finalise the Memorandum of Understanding prior to 31 August 2022.
2. Delegates the finalisation of the drafting of the MOU to the CEOs
3. Notes that the finalised MOU will be considered at the August 2022 KRG meeting.

CARRIED

Attachments

Nil

9.5 BUSINESS PLAN PROGRESS 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:

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.

BACKGROUNDPrevious 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 in this period include:

- Liaison with the Minister for Corrective Services in relation to a meeting to discuss the Kimberley Regional Prison/Kimberley Custodial Plan.
- Ongoing liaison with key stakeholders in the lead up to the Federal Election to highlight the interests of the region.
- Ongoing liaison with key stakeholders in the lead up to the State 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.

ITEM 9.5 BUSINESS PLAN PROGRESS REPORT

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

Improved regional infrastructure

VOTING REQUIREMENTS

Simple Majority

ITEM 9.5 BUSINESS PLAN PROGRESS REPORT

KIMBERLEY REGIONAL GROUP REPORT RECOMMENDATION

Minute No. KRG/0622/009

Moved: Cr Peter McCumstie

Seconded: Cr David Menzel

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

CARRIED

Attachments

1. Business Plan Update June 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: Review the State Budget to determine investment in the Kimberley.		
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: Review the State Budget to determine the full details of the funding announced 3 May 2022.		
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: Review the State Budget to determine the full details of the funding announced 3 May 2022 that relate to school participation.		
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: Reviewed the State Budget for social housing investment.		

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: Finalisation of the Infrastructure Prospectus for the period.		
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: This matter has been referred to WALGA		

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: \$400m announced in the Federal budget with the supporting 20% (\$100m) announced in the State Budget.		
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: Ongoing liaison with key organisations with the recommendation to defer the project until 2023 when the outcomes of the initial East Kimberley DAR are available and understood.		

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.
ACTION: Kerbside tender coordination progressed		

9.6 CONSULTANT 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:

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).

BACKGROUNDPrevious Considerations

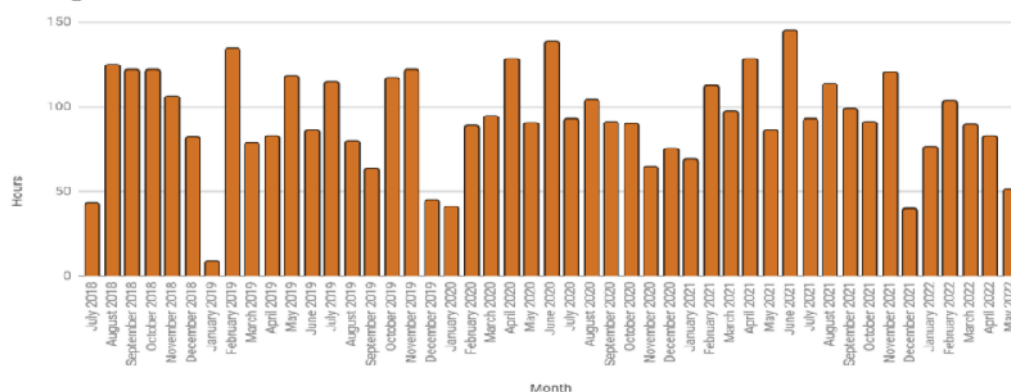
Nil.

COMMENT

The key focus areas for this period were the:

- The period included the following activities:
- State Budget and Kimberley Juvenile Crime Package liaison.
- Kimberley Custodial Plan briefing papers and organisation of Minsiterial meeting.
- Preparation for the transitioning to the incoming consultant and new arrangements.
- Progress of the Kerbside Tender
- Preparation for the June 2022 meeting.
- Updating the Infrastructure Prospectus.
- Completion of the Annual Performance Report.

Rolling Contract Hours

**ITEM 9.7 FINANCIAL ACTIVITY STATEMENT**

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

Nil

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 REGIONAL GROUP REPORT RECOMMENDATION

Minute No. KRG/0622/010

Moved: Cr Chris Mitchell

Seconded: Cr Peter McCumstie

That the Kimberley Regional Group notes the Consultant Report provided by ATEA Consulting.

CARRIED

Attachments

Nil

9.7 KIMBERLEY REGIONAL GROUP FINANCIAL ACTIVITY STATEMENT 31 MAY 2022

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	KRG01; RCG01
AUTHOR:	Director Corporate Services, Shire of Broome
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services, Shire of Broome
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

This report presents the Kimberley Regional Group Financial Activity Statement for the period ended 31 May 2022. The report recommends that the Kimberley Regional Group (KRG) receives the Financial Activity Statement.

BACKGROUND*Previous Considerations*

Joint Meeting 28 June 2021	Item 9.4
Joint Meeting 2 September 2021	Item 9.8

The 2021/22 KRG Annual Budget was adopted at the 28 June 2021 Joint Meeting. The Annual Budget was adopted as a balanced budget.

Following the adoption of the KRG Budget for 2021/22 the group resolved to allocate \$40,000 ex GST from the surplus reserve to fund an investigation into regional labour shortages.

COMMENT

The Financial Activity Statement presents a year to date surplus position of \$278,939 and an estimated surplus position of \$238,365 to 30 June 2022.

The budget amendment approved at the 2 September 2021 Joint Meeting to increase the allocation for consultancy (Regional Labour Shortage) has been processed, with the total budget for account 22183 Consultancy now \$40,000. This has resulted in a corresponding increase in the transfer from surplus.

Executive Consultancy budget remains on target.

Invoices for Member Contributions have recently been released with payment expected to occur in late November, early December.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT**ITEM 9.7 FINANCIAL ACTIVITY STATEMENT**

Local Government Act 1995

FINANCIAL IMPLICATIONS

As at the 30 June 2021 the Kimberley Regional Group surplus was \$278,365.

The Kimberley Regional Group budget was adopted as a balanced budget with an opening surplus balance of \$278,365.

The Kimberley Regional Group surplus at 31 May 2022 is \$319,127.

The estimated budget position to 30 June 2022 is a \$238,365 surplus position.

Acct Code	Account	Original Budget	Current Budget	Actual
OPENING SURPLUS CARRY FORWARD				
100235970	Kimberley Zone - Transfer to Kimberley Zone Reserve - Cap Exp - MUN	-\$278,365.00	-\$278,365.00	-\$278,365.00
CAPITAL INCOME				
100235980	Transfer From Kimberley Zone Reserve - Cap Inc - Kimberley Zone MUN		-\$40,000.00	-\$40,000.00
	TOTAL CAPITAL INCOME	\$0.00	-\$40,000.00	-\$40,000.00
	REMAINING SURPLUS	-\$278,365.00	-\$238,365.00	-\$238,365.00
OPERATING EXPENDITURE				
100221290	Kimberley Zone - Zone & RCG Meeting Expenses - Op Exp MUN	\$10,000.00	\$10,000.00	\$6,755.43
100221340	Kimberley Zone - Annual Financial Audit - Op Exp MUN	\$5,000.00	\$5,000.00	\$5,000.00
100221360	Kimberley Zone - IT Support - Op Exp MUN	\$1,500.00	\$1,500.00	\$0.00
100221370	Kimberley Zone - Sundry Expenses - Op Exp MUN	\$1,000.00	\$1,000.00	\$0.00
100221430	Kimberley Zone - Savannah Way Membership - Op Exp MUN	\$5,000.00	\$5,000.00	\$0.00
100221810	Kimberley Zone - Executive Consultancy - Op Exp MUN	\$147,320.00	\$147,320.00	\$115,769.93
100221830	Kimberley Zone - Consultancy - Op Exp MUN	\$0.00	\$40,000.00	\$0.00
104052970	Kimberley Zone - Admin Cost Allocated - Op Exp MUN	\$0.00	\$0.00	\$0.00
	TOTAL OPERATING EXPENDITURE	\$169,820.00	\$209,820.00	\$127,525.36
OPERATING INCOME				
100230130	Kimberley Zone - Reimbursement Zone & RCG Meetings Expenses - Op Inc MUN	-\$3,000.00	-\$3,000.00	-\$3,808.96
100230210	Kimberley Zone - Members Contribution Secretariat Costs - Op Inc MUN	-\$164,320.00	-\$164,320.00	-\$164,320.00
100235360	Kimberley Zone - Interest on Reserve - Op Inc. MUN	-\$2,500.00	-\$2,500.00	-\$158.77
	TOTAL OPERATING INCOME	-\$169,820.00	-\$169,820.00	-\$168,287.73
	TOTAL CAPITAL INCOME	\$0.00	-\$40,000.00	-\$40,000.00
	TOTAL OPERATING EXPENDITURE	\$169,820.00	\$209,820.00	\$127,525.36
	TOTAL OPERATING INCOME	-\$169,820.00	-\$169,820.00	-\$168,287.73
	TOTAL	\$0.00	\$0.00	-\$80,762.37
	SURPLUS/DEFICIT			
	<i>**Current Surplus = Actual Income less Actual Expenditure + Opening Surplus</i>	-\$278,365.00	-\$238,365.00	-\$319,127.37

ITEM 9.7 FINANCIAL ACTIVITY STATEMENT

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

[Click or tap here to enter text.](#)

VOTING REQUIREMENTS

Simple Majority

KIMBERLEY REGIONAL GROUP REPORT RECOMMENDATION

Minute No. KRG/0622/011

Moved: Cr Peter McCumstie

Seconded: Cr Chris Mitchell

That the Kimberley Regional Group notes the \$319,127 year to date budget surplus and an estimated \$238,365 surplus position to the end of June 2022.

CARRIED

Attachments

There are no attachments for this report.

10. CORRESPONDENCE

CORRESPONDENCE OUT	
To	Subject
Hon Tony Buti MLA	State Budget and Kimberley Juvenile Crime Package
Hon Sue Ellery MLC	State Budget and Kimberley Juvenile Crime Package
Hon Bill Johnston MLA	State Budget and Kimberley Juvenile Crime Package
Hon Alannah MacTiernan	State Budget and Kimberley Juvenile Crime Package
Hon Susan McGurk MLA	State Budget and Kimberley Juvenile Crime Package
Hon Paul Papalia MLC	State Budget and Kimberley Juvenile Crime Package
Hon Mark McGowan MLA	State Budget and Kimberley Juvenile Crime Package

CORRESPONDENCE OUT	
From	Subject
Jennifer McGrath, Mental Health Commission	Kimberley Aboriginal Youth Wellbeing Steering Committee and Working Group.

Attachments

1. Correspondence

ITEM 10 - CORRESPONDENCE



Government of Western Australia
Mental Health Commission

*We're working for
Western Australia.*

Our ref : MHC22/31366
Enquiries : Ann Marie Cuniffe
Phone : (08) 6553 0284

Kimberley Regional Zone of Local Government
C/- Debra Goostrey
Secretariat

By email: debra.Goostrey@kimberleyzone.com.au

Dear Members

KIMBERLEY ABORIGINAL YOUTH WELLBEING STEERING COMMITTEE

We would like to extend an invitation for a delegate of the Kimberley Regional Zone of Local Government to attend the Kimberley Aboriginal Youth Wellbeing Steering Committee (Steering Committee) and the Kimberley Aboriginal Youth Wellbeing Operational Working Group (Operational Working Group) as an observer.

The Kimberley Aboriginal Regional Governance Group (ARGG) and Directors General of State Government agencies formed the Steering Committee in April 2021. The initial purpose of the Steering Committee was to bring together all relevant State Government agencies and Kimberley Aboriginal Community Controlled Organisations (ACCO) to support and enable Aboriginal community-led solutions to improve Aboriginal Youth Wellbeing outcomes in the Kimberley. As the partnership progresses we would like to extend an invitation to both Commonwealth and Local Government.

The ARGG brings together seven key Kimberley ACCOs, Kimberley Land Council, Kimberley Language and Resource Centre, Kimberley Aboriginal Law and Culture Centre, Kimberley Aboriginal Medical Services, Kimberley Stolen Generation Aboriginal Corporation, West Kimberley Futures Empowered Communities, Empowered Communities East Kimberley (Binarri-binyja yarrawoo) and the Empowered Young Leaders into an interim regional governance arrangement to support this partnership. Kimberley Aboriginal people have a long-standing aspiration for permanent regional governance which, when realised, will replace the ARGG.

Current State Government Agency membership on the Steering Committee includes the Mental Health Commission, Department of the Premier and Cabinet, Western Australia Police Force, Department of Justice, Department of Education, Department of Communities, Department of Primary Industries and Regional Development, WA Country Health Service, Department of Health, Department of Treasury, Department of Local Government, Sport and Cultural Industries and the Commissioner of Children and Young People.

Levels 1 and 2 Workzone, 1 Nash Street, Perth, Western Australia 6000
Letters GPO Box X2299, Perth Business Centre, Western Australia 6847
Telephone (08) 6553 0600 Facsimile (08) 6553 0400
Website: www.mhc.wa.gov.au

- 2 -

Current Government initiatives that are considered in this partnership include the Commitment to Aboriginal Youth Wellbeing (86 recommendations), Kimberley Juvenile Justice Strategy, Kimberley Empowered Youth Network and the Kimberley Regional Aboriginal Suicide Prevention Plan. Since April 2021, further collaboration has occurred between the State Government Departments and the Kimberley ACCOs to commence the process to formalise the partnership and to define processes and commitments. An agreed definition of partnership, co-design and shared decision making will be established. A copy of the Draft Terms of Reference is attached (see **Attachment**).

The next Steering Committee meeting is scheduled for 17 June 2022 and will be held via MS Teams. To ensure the meeting papers are sent to the nominated delegate it would be appreciated if you could please advise the name and contact details of the delegate directly to the project team via email at kaywsc@mhc.wa.gov.au.

To support the ongoing work of the Steering Committee, an Operational Working Group (OWG) has been established. The role of the OWG is to progress actions decided on at the Steering Committee. The OWG consists of representatives from State Government agencies and Kimberley ACCOs nominated by the ARGG. Terms of Reference are still being established for the OWG.

The next OWG meeting will be held via MS teams in May 2022 (date to be confirmed). If a representative is available to attend the meeting in May or future meetings, it would be appreciated if you could please provide the details of your representative to the project team at kaywsc@mhc.wa.gov.au and an official invitation will be arranged.

Should you have any questions, please do not hesitate to contact the project team who will be happy to assist.

We look forward to working closely with your nominated delegate to progress this important work.

Yours sincerely



Jennifer McGrath
Co-Chair
Kimberley Aboriginal Youth Wellbeing Steering Committee
May 2022



Jenny Bedford
Co-Chair
Kimberley Aboriginal Youth Wellbeing Steering Committee
May 2022

ATTACHMENT

Aboriginal Youth Wellbeing

Kimberley Steering Committee

DRAFT TERMS OF REFERENCE

March 2022

1. Background

The *Commitment to Aboriginal Youth Wellbeing* (Commitment) was released in March 2020. The Commitment outlines how the Government proposes to work towards reducing the rate of suicide and enhancing the wellbeing of young Aboriginal people. The Commitment is the Government's response to the State Coroner's 2019 Inquest into the deaths of thirteen children and young persons in the Kimberley Region, Western Australia, and the 2016 Parliamentary Inquiry, *Learnings from the Message Stick: the report of the Inquiry into Aboriginal youth suicide in remote areas*. The reports made a combined 86 recommendations that highlight the need for the WA Government to work with Aboriginal people and ensure they are empowered to formulate the policies and services that affect their own communities.

There have been many reports into Aboriginal youth suicide in WA over past decades, carrying many of the same messages and recommendations as the Coroner's Inquest and Message Stick reports. While Governments considered these reports when they were released, implementation of their recommendations was often limited, ad hoc, not resourced or did not address the issue holistically. The Government acknowledges that it must do better in responding to these reports and being accountable to the Aboriginal communities and families that continue to be impacted by suicide.

In March 2021, the Commitment was transitioned from the Department of the Premier and Cabinet (DPC) to the Mental Health Commission (MHC) who now lead the coordination and progression of the State Government's response. The MHC recognise the importance of working with Aboriginal people as outlined in the National Agreement on Closing the Gap and the Aboriginal Empowerment Strategy and identified the need to engage with Kimberley Aboriginal people to deliver an appropriate response that is place-based, community-led and supports the development of genuine partnerships between the State Government, Aboriginal Community Controlled Organisations (ACCOs) and Aboriginal communities.

A Strengthening Partnerships Workshop was held in Broome in April 2021 and the MHC have committed to work in partnership with Kimberley ACCOs to prioritise and develop place-based, community-led action that works toward the 12 Commitments. The workshop was attended by State Government senior executives and was also attended by senior representatives from Kimberley ACCOs.

The aim of the workshop was to initiate discussions between State Government and Kimberley ACCOs on how to strengthen partnerships and identify new ways of working between the State Government, ACCOs and Aboriginal communities. The proposed new ways of working challenges Government to do business in a truly new way. One that acknowledges that Aboriginal people are the experts and need to be heard and listened to as equal partners when decisions are made that affect Aboriginal people and lead the co-creations of solutions.

Following the workshop, further collaboration has occurred between the State Government Departments and the Kimberley ACCOs to formalise the partnership and to define processes and commitments. An agreed definition of partnership, co-design and shared decision making will be established which will then lead to the prioritisation for the implementation of the 86 recommendations and the 12 Commitments, including the five priorities outlined by the Call to Action letter sent to Government in May 2020 from the Kimberley Aboriginal Community Controlled Organisations.

The Kimberley Aboriginal Regional Governance Group (ARGG) brings together seven key Kimberley ACCOs (Kimberley Land Council, Kimberley Language and Resource Centre, Kimberley Aboriginal Law and Culture Centre, Kimberley Aboriginal Medical Services, Kimberley Stolen Generation Aboriginal Corporation, West Kimberley Futures Empowered Communities, Empowered Communities East Kimberley (Binarri-binyja yarrowoo) and the Empowered Young Leaders into an interim regional governance arrangement to support this

partnership. Kimberley Aboriginal people have a long-standing aspiration for permanent regional governance which, when realised, will replace ARGG.

2. Purpose of the Kimberley Aboriginal Youth Wellbeing Steering Committee

The purpose of the Kimberley Aboriginal Youth Wellbeing Steering Committee (KAYWSC) is to bring together all relevant State Government agencies, together with Kimberley ACCOs represented on the Kimberley Aboriginal Regional Governance Group (ARGG) to support and enable Aboriginal community-led solutions to improve Aboriginal Youth Wellbeing outcomes. In particular, the state government is committed to working in partnership with the Kimberley Aboriginal community to progress implementation of actions related to the WA Governments' *Commitment to Aboriginal Youth Wellbeing* report and the 86 recommendations identified in the State Coroner's 2019 *Inquest into the deaths of thirteen children and young persons in the Kimberley Region, Western Australia*, and the 2016 Parliamentary Inquiry, *Learnings from the Message Stick: the report of the Inquiry into Aboriginal youth suicide in remote areas*.

Other State Government initiatives that will be considered in this partnership include the Kimberley Juvenile Justice Strategy, Kimberley Empowered Youth Network and the Kimberley Regional Aboriginal Suicide Prevention Plan.

3. Role and Function

The KAYWSC will not be considered a formal partnership under Closing the Gap. However, the partnership will utilise the strong partnership elements as described in Closing the Gap. The strong partnership elements describe the following:

- The partnership includes Aboriginal representatives who are appointed by Aboriginal people in a transparent way, with the voices of Aboriginal parties holding as much weight as the Governments.
- The partnership is between up to three levels of Government, where Government representatives at the table have negotiating and decision-making authority.
- The partnership is underpinned by a formal agreement which defines the parties, their roles and objectives as well as what is in scope of shared decision-making.
- Decision-making is by consensus and in a transparent way where all parties have enough information to understand the implications of the decision.
- The voices of a wide variety of groups should be heard, including women, young people, elders and people with a disability.
- Funding for relevant programs and services align with jointly agreed community priorities.

The partnership will also build on the four priority reform areas identified in Closing the Gap. The four priority reform areas are:

1. Formal partnerships and shared decision making.
2. Building the community-controlled sector.
3. Transforming government organisations.
4. Shared access to data and information at a regional level.

Initial Deliverables:

- Develop a co-design framework to support the development and implementation of the priorities outlined in this document
- Design and implementation of an appropriate partnership model including the development of a Memorandum of Understanding.
- Progress the immediate actions identified by the Kimberley Stakeholder call for action letter dated 18 May 2020.

- Consider, prioritise and agree on the actions and investment for the 86 recommendations.
- Partnering in response to other related WA Government initiatives including the Kimberley Juvenile Justice Strategy, Kimberley Empowered Youth Network and the Kimberley Regional Aboriginal Suicide Prevention Plan
- Develop and implement a community engagement plan on the partnership and shared decision-making agreement.
- Annual Progress report on the Commitment to Aboriginal Youth Wellbeing.
- Create an action plan with identified timeframes, roles and responsibilities.

4. Membership

The KAYWSC will consist of Director Generals or proxy (Tier 2) from State Government Agencies and representatives from the Kimberley ACCOs.

Proposed membership of the KAYWSC is outlined below:

State Government	Kimberley Stakeholders
Mental Health Commission (MHC) Position Titles: Business Areas:	Kimberley Aboriginal Medical Services (KAMS) Position Titles:
Department of Premier and Cabinet (DPC) Position Titles: Business Areas:	Kimberley Land Council (KLC) Position Titles:
WA Police (WAPOL) Position Titles: Business Areas:	Kimberley Aboriginal Law and Cultural Centre (KALACC) Position Titles:
Department of Justice (DoJ) Position Titles: Business Areas:	Kimberley Language Resource Centre (KLRC) Position Titles:
Department of Education (DoE) Position Titles: Business Areas:	Kimberley Stolen Generation Aboriginal Corporation (KSGAC) Position Titles:
Department of Communities (DoC) Position Titles: Business Areas:	West Kimberley Futures (WKF) – West Kimberley Empowered Communities Position Titles:
Department of Local Government, Sport and Cultural Industries (DLGSC) Position Titles: Business Areas:	Empowered Young Leaders representatives Position Titles:
Department of Primary Industries and Regional Development (DPIRD) Position Titles: Business Areas:	Binarri-binyja yarraoo Aboriginal Corporation (BBY) – East Kimberley Empowered Communities Position Titles:
WA Country Health Service (WACHS) Position Titles: Business Areas:	
Department of Health (DoH) Position Titles: Business Areas:	

Department of Treasury (DoT) Position Titles: Business Areas:	
Commissioner for Young People and Children Position Titles:	

5. Governance Structure

The KAYWSC is the main body established to drive the development and implementation of the partnership.

The Director General Implementation Group (DGIG) will be the State Government Governance group for this work.

The Aboriginal Regional Governance Group (ARGG) will be the Kimberley ACCOs governance group for this work.

Operational working groups will be established consisting of State Government and ARGG representatives. The operational working group will report directly to the KAYWSC.

The KAYWSC may establish additional working groups at its own discretion. These may be time limited or ongoing and will report to the KAYWSC.

The KAYWSC will be advised by the Empowered Young Leaders in regard to Empowered Young Leaders involvement and participation on the operational working groups.

Input the Governance Structure Diagram once confirmed

6. Proxies

Members may nominate a proxy to attend the meetings on their behalf by advising the Chair through the Secretariat. Proxy representatives will have the same responsibilities as members.

7. Confidentiality

The information provided to the KAYWSC is considered confidential. Members are not to communicate or on-forward material received without pre-approval by the Chair/s.

When meetings are conducted via video-conference the meetings will be recorded and will only be used to write minutes.

8. Chairperson

The KAYWSC will be co-chaired by the Mental Health Commission and a representative elected by the ARGG.

The Co-Chairs are responsible for overseeing and monitoring the work of the group, and for facilitating appropriate communication between ARGG and WA Government and reporting through respective accountability structures.

9. Minutes/Action register

An Actions Register from each meeting will be recorded and distributed promptly to each member of the KAYWSC.

10. Executive support

The MHC will manage the executive support responsibilities to the KAYWSC and will be responsible for providing timely and effective secretariat support including:

- acting as a focal point for information and advice on the partnership meeting processes;
- coordinating and disseminating meeting agendas and supporting papers.

11. Quorum

A quorum is constituted by half of the individual membership of the ARGG representatives and half of the individual membership of the Government representatives that make up the KAYWSC.

12. Meetings

It is anticipated the KAYWSC will meet quarterly via video-conference and at a minimum meet twice a year in-person in the Kimberley.

DRAFT



18 May 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 Kimberley Youth and Community Justice Response Package

On behalf of member Shires, I want to thank you for your support in the development and approval of the package of measures announced in the State Budget to address youth antisocial behaviour and crime 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 seek to continue this dialogue on these critical matters in the new financial year to enable a period of implementation to occur. Our office will be in touch to establish a meeting, alternatively please contact Natalie Bray, Executive Officer to the CEO at the Shire of Wyndham East Kimberley on (08) 9168 4100 or by email Natalie.Bray@swek.wa.gov.au.

Your sincerely

Cr David Menzel
Chair
Kimberley Regional Group



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



18 May 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 Kimberley Youth and Community Justice Response Package

On behalf of member Shires, I want to thank you for your support in the development and approval of the package of measures announced in the State Budget to address youth antisocial behaviour and crime 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.

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Your sincerely

Cr David Menzel
Chair
Kimberley Regional Group

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



18 May 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

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

Re Kimberley Youth and Community Justice Response Package

On behalf of member Shires, I want to thank you for your support in the development and approval of the package of measures announced in the State Budget to address youth antisocial behaviour and crime 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 seek to continue this dialogue on these critical matters and hope you will be able to expand on these matters when we meet by video conference on the 27th June 2022.

Your sincerely

Cr David Menzel
Chair
Kimberley Regional Group



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



18 May 2022

Hon Alannah MacTiernan MLC
Minister for Minister for Regional Development;
Agriculture and Food; Hydrogen Industry
11th Floor, Dumas House
2 Havelock Street
WEST PERTH WA 6005

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

Dear Minister

Re Kimberley Youth and Community Justice Response Package

On behalf of member Shires, I want to thank you for your support in the development and approval of the package of measures announced in the State Budget to address youth antisocial behaviour and crime 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 seek to continue this dialogue on these critical matters in the new financial year to enable a period of implementation to occur. Our office will be in touch to establish a meeting, alternatively please contact Natalie Bray, Executive Officer to the CEO at the Shire of Wyndham East Kimberley on (08) 9168 4100 or by email Natalie.Bray@swek.wa.gov.au.

Your sincerely

Cr David Menzel
Chair
Kimberley Regional Group

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



18 May 2022

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

Re Kimberley Youth and Community Justice Response Package

On behalf of member Shires, I want to thank you for your support in the development and approval of the package of measures announced in the State Budget to address youth antisocial behaviour and crime 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 seek to continue this dialogue on these critical matters in the new financial year to enable a period of implementation to occur. Our office will be in touch to establish a meeting, alternatively please contact Natalie Bray, Executive Officer to the CEO at the Shire of Wyndham East Kimberley on (08) 9168 4100 or by email Natalie.Bray@swek.wa.gov.au.

Your sincerely

Cr David Menzel
Chair
Kimberley Regional Group



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



18 May 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 Kimberley Youth and Community Justice Response Package

On behalf of member Shires, I want to thank you for your support in the development and approval of the package of measures announced in the State Budget to address youth antisocial behaviour and crime 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 seek to continue this dialogue on these critical matters in the new financial year to enable a period of implementation to occur. Our office will be in touch to establish a meeting, alternatively please contact Natalie Bray, Executive Officer to the CEO at the Shire of Wyndham East Kimberley on (08) 9168 4100 or by email Natalie.Bray@swek.wa.gov.au.

Your sincerely

Cr David Menzel
Chair
Kimberley Regional Group



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



18 May 2022

Hon Mark McGowan MLA
Premier and Treasurer of Western Australia
13th Floor, Dumas House
2 Havelock Street
WEST PERTH WA 6005

By email: wa-government@dpc.wa.gov.au

Dear Premier

Re Kimberley Youth and Community Justice Response Package

On behalf of member Shires, I want to thank you for your support in the development and approval of the package of measures announced in the State Budget to address youth antisocial behaviour and crime 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 sought meetings with relevant Ministers early in the new financial year to gain greater understanding of the measures and to continue the important dialogue between State and Local Governments on the critical issue of juvenile and adult crime in the Kimberley.

Your sincerely

Cr David Menzel
Chair
Kimberley Regional Group



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

11. GENERAL BUSINESS**11.1 Location of Regional Government Services**

Item foreshadowed for the next meeting relating to the location of regional services.

11.2 Minister for Northern Australia

Invite newly appointed Minister for Northern Australia to the next KRG meeting.

11.3 Update on Progress of Tanami Road

Discussion regarding the progress of the Tanami Road upgrade project.

11.4 Waste Management

Discussion regarding waste management and landfill capacity in the Kimberley.

12. Matters Behind Closed Doors

Refer to confidential addendum.

13. Meeting Closure

The Chair, President Cr David Menzel, declared the meeting closed 3:22pm.

ITEM 13 CLOSE

12 CORPORATE SERVICES**12.1 CODE OF CONDUCT, BEHAVIOUR COMPLAINTS MANAGEMENT POLICY INCLUSIVE OF BEHAVIOUR COMPLAINTS COMMITTEE****File Number:** 4160, 4120**Author:** Jamie Bone, Senior Governance Officer**Responsible Officer:** Alan Thornton, Acting Director of Corporate Services**Authority/Discretion:** Legislative**SUMMARY**

This report finalises the legislative changes of 3 February 2021, with regards to the Model Code of Conduct (for Council Members, Committee Members and Candidates).

This report recommends Council accepts the following:

- Adopts the attached C10 Code of Conduct, Behaviour Complaints Management Policy
- Adopts the attached Behaviour Complaints Committee Delegation of Authority
- Adopts the attached Behaviour Complaints Committee Terms of Reference
- Appoints a Behaviour Complaints Committee

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

On 27 June 2019 the *Local Government Legislation Amendment Act 2019* was passed by Parliament. The Amendment Act addresses the following key areas, within the *Local Government Act (1995)*:

- Best practice standards for CEO recruitment, performance review and early termination;
- Elected member training;
- The treatment of gifts;
- A new code of conduct (the Code);
- Changes to the Standards Panel; and
- Greater transparency through more information being made more easily accessible online.

The Council at its Ordinary Meeting of Council on 29 April 2021 noted the progress on these above six issues but sought the involvement of the Western Australian Local Government Association (WALGA) in the development of a “model” Complaints Handling Procedure.

In liaison with WALGA, a draft policy is now available for the Council’s consideration.

STATUTORY ENVIRONMENT

The **Model Code of Conduct Regulations 2021** (Regulations) have been developed to give effect to the Local Government Amendment Act, and provide for:

- Overarching principles to guide behaviour;
- Behaviours and complaints which are managed by local governments; and
- Rules of conduct and contraventions of which are considered by the independent.

POLICY IMPLICATIONS

There are no policy implications evident.

FINANCIAL IMPLICATIONS

The process of understanding the new legislation, putting into place the authorised officer, the Code, the notification form, and this new Management Policy has taken a number of hours of officer time.

Additionally, any complaints received will require the consumption of considerable amounts of Councillor and employee time, and potentially quite large sums of the Shire's financial resources. A thorough and accountable process will be expected by all parties, and so the securing of forensic investigatory and legal expertise will likely be required in most complaint instances.

STRATEGIC IMPLICATIONS

STRATEGIC AREA	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
Business Interruption: A complaint will take officer and Councillor time to address and will result in disruption to the Shire's outputs.	Possible	Moderate	Medium	Councillors and Employees to have a good awareness of, and comply with the Shire's Codes of Conduct. A suitable "provisional" budget allocation should also be provided for, to accommodate the potential of a larger than expected complaint being forthcoming.
Reputation: Shire Elected Members/Employees fail to meet the requirements Code.	Possible	Moderate	Medium	Councillors and Employees to have a good awareness of, and comply with the Shire's Codes of Conduct.

CONSULTATION

Community consultation for the C10 Code of Conduct Behaviour Complaints Management Policy was required prior to adoption, as resolved by Council at its 29 April 2021 Meeting, resolution 34/21 (vis. *"Require that community consultation occur prior to any document being finally endorsed by Council"*).

As there is no specific statutory requirement for the Policy to undergo community consultation, the Shire will adopt s1.7 *Local Government Act 1995* and 3A *Local Government (Administration Regulations 1996*, where both legislative sections guide conditions for local public notices.

COMMENT

In the more recent past, complaints of any significant nature have generally been forwarded to the Standards Panel, which has utilised the State Government's resources to investigate and deliberate on issues raised. The "shifting" of the responsibility for a good portion of the complaints to individual local governments will see a more prompt process occur, but there will also be a transfer of costs to the individual local governments where the complaints emanate. Some local governments, particularly in the metropolitan area, have already experienced numerous complaints being lodged, but similar levels of complaints are not expected to occur at the Shire of Derby/West Kimberley.

Whilst it is not expected that the Shire of Derby/West Kimberley will likely endure any vexatious complainants, and more likely will not receive any complaints, if one was received, the organisation does need to have in place an appropriate complaint handling process. Such a process protects everyone and provides all parties with confidence that every complaint is treated seriously and appropriately. A suitably trained officer must be available to guide the inquiry relating to any complaint, and for more complex cases, it might be warranted to retain forensic and legal expertise in order to be able to suitably confirm that the complaint investigation/assessment process was undertaken with due levels of thoroughness, competence, accountability, and ensuring that natural justice prevails.

The attached Behaviour Complaints Management Policy accommodates the Regulations, which outline a number of procedural requirements that local governments across Western Australia need to deal with in regard to any complaint received, namely:

1. A complaint must be made in writing within one month of the occurrence of the alleged breach, in the form approved by the Shire, and to the Director Strategic Business;
2. The Shire may dismiss the complaint, or make a finding as to whether the alleged breach has occurred;
3. Before making a finding in relation to the complaint, the Shire must give the person to whom the complaint relates a reasonable opportunity to respond;
4. A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred, than that it did not occur;
5. If the Shire makes a finding that the alleged breach has occurred, it may
 - a. take no further action; or
 - b. prepare and implement a Plan to address the behaviour of the person to whom the complaint relates;

6. When preparing a Plan, the Shire must consult with the person to whom the complaint relates;
7. A Plan may include a requirement for the person to whom the complaint relates, to do one or more of the following:
 - a. engage in mediation;
 - b. undertake counselling;
 - c. undertake training;
 - d. take other action the local government considers appropriate;
8. If the Shire makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of:
 - a. its finding and the reasons for its finding; and
 - b. if its finding is that the alleged breach has occurred, its decision that it has either decided to take no further action; or
 - c. to prepare and implement a Plan to address the behaviour of the person to whom the complaint relates.
9. The Shire must dismiss a complaint if it is satisfied that the behaviour to which the complaint relates, occurred at a Council or Committee meeting; and either:
 - a. the behaviour was dealt with by the person presiding at the meeting; or
 - b. the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures;
10. If the Shire dismisses a complaint, the Shire must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision;
11. A complainant may withdraw their complaint at any time before the Shire makes a finding in relation to the complaint. The withdrawal must be:
 - a. in writing; and
 - b. given to the Shire's Behaviour Complaints Officer (presently the Director Strategic Business);
12. A complaint about an alleged breach by an electoral candidate cannot be dealt with by the Shire unless the candidate has been elected as a Council member.

In addition to the attached C10 Behaviour Complaints Management Policy, attached is the Behaviour Complaints Committee Terms of Reference which compliments the Policy.

The Behaviour Complaints Committee is a Committee of Council Members only, in accordance with s5.9(2)(a) of the Local Government Act 1995.

As stipulated in the attached Delegation of Authority for the Behaviour Complaints Committee, the appointment of the Committee and its function is the following:

1. To review and consider the investigation report/recommendations into any breaches of Code of Conduct for Council Members, Committee Members and Candidates as authored by the nominated Complaint Assessor;
2. To review and consider the Officer Report as authored by the Behaviour Complaints Officer;

3. Dismissing a behaviour complaint and providing reasons for any such dismissal;
4. Making a finding as to whether an alleged complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur;
5. Determining reasons for such a finding;
6. Where a finding is made that a breach has occurred, determining:
 - a. To take no further action
 - b. Prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

In summary, the Behaviour Complaints Management Policy guides the complaints process in accordance with Clause 40 of the Shire of Derby / West Kimberley Code of Conduct for Council Members, Committee Members and Candidates, while the appointment of a Behaviour Complaints Committee determines outcomes, on the balance of probabilities, of any subsequent behaviour complaint investigations in accordance with the *Local Government (Model Code of Conduct) Regulations 2021*.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

1. **C10 Code of Conduct, Behaviour Complaints Management Policy** [!\[\]\(9fc76bc568de26c86ee3d5e3dbd8078b_img.jpg\)](#) [!\[\]\(daf0aad61604c254cd9f454f4405cb2a_img.jpg\)](#)
2. **Behaviour Complaints Committee Terms of Reference** [!\[\]\(629a0b2435424cba03d6a030929b2f55_img.jpg\)](#) [!\[\]\(cf77bb42f3e18f020e0858bc730a535b_img.jpg\)](#)
3. **Behaviour Complaints Committee Delegation of Authority** [!\[\]\(e065f668ad1ed7ef3a44dda79a75e35a_img.jpg\)](#) [!\[\]\(4ad2cb6cf501a2bacfceb78ce5df8ff0_img.jpg\)](#)

RESOLUTION 93/22

Moved: Cr Paul White

Seconded: Cr Geoff Davis

That Council:

1. **Adopts the attached draft C10 Code of Conduct, Behaviour Complaints Management Policy;**
2. **Adopts the attached draft Behaviour Complaints Committee Terms of Reference;**
3. **Adopts the attached draft Behaviour Complaints Committee Delegation of Authority;**
4. **Appoints by absolute majority, the following Councillors to the Shire of Derby / West Kimberley Behaviour Complaints Committee (minimum of three):**
 - a. **Cr White**
 - b. **Cr Haerewa**
 - c. **Cr Mouda**
 - d. **Cr Twaddle**
5. **Appoints by absolute majority, a minimum of two Council Members who will be Deputy Committee Members in accordance with s5.11A of the Local Government Act 1995:**

a. Cr Davis

b. Cr Bedford

6. Require that the CEO suitably advertise the draft C10 Code of Conduct Behaviour Complaints Management Policy; and

7. Notes that if submissions are received, then these will be presented to Council for consideration, or alternatively should no submissions be forthcoming, then the Policy is to come into effect from 19 August 2022, without further reference back to Council.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 7/0 BY ABSOLUTE MAJORITY



(C10) CODE OF CONDUCT BEHAVIOUR COMPLAINTS MANAGEMENT POLICY

Table of Contents

(C10)CODE OF CONDUCT BEHAVIOUR COMPLAINTS MANAGEMENT POLICY	1
1. POLICY OBJECTIVE.....	2
2. POLICY SCOPE	2
3. POLICY DEFINITIONS	2
4. PRINCIPLES	3
4.1Procedural Fairness	3
4.2Consistency	3
4.3Confidentiality	3
4.4Accessibility	4
5. ROLES	4
5.1Behaviour Complaints Officer.....	4
5.2Complaints Assessor	4
5.3Behaviour Complaints Committee	5
6. PROCEDURE	5
6.1Behaviour Complaints Officer.....	5
6.2Candidate Complaints	5
6.3Withdrawing a Complaint	6
6.4Notice to Complainant.....	6
6.5Notice to Respondent.....	6
6.6Alternative Dispute Resolution	7
6.7Order of Complaints	7
6.8Appointment of Complainants Assessor.....	7
6.9Search of Local Government Records.....	7
6.10Assessment of Complaint.....	8
6.11Complaint Report	8
6.12Complaints Committee Meeting	8
6.13Compliance with Plan Requirement.....	9
7. DECISION MAKING	9
7.1Objective and Principles.....	9
7.2Dismissal	10
7.3Finding	10
7.4Plan Requirements.....	10



Shire of Derby / West Kimberley

1. POLICY OBJECTIVE

To establish, in accordance with Clause 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021* and Shire of Derby/West Kimberley Code of Conduct for Council Members, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Derby/West Kimberley Code of Conduct for Council Members, Committee Members and Candidates.

To give effect to the Shire of Derby / West Kimberley's (the Shire) commitment to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.

2. POLICY SCOPE

This Policy applies to complaints made in accordance with Clause 40 of the Shire's Code of Conduct for Council Members, Committee Members and Candidates.

This Policy applies to Council Members, Committee Members, Candidates and any person who submits a complaint in accordance with this Policy.

3. POLICY DEFINITIONS

Act means the Local Government Act 1995.

Behaviour Complaints Committee means the Committee established by the Council in accordance with s.5.8 of the Act for the purpose of dealing with Complaints. The role of the Behaviour Complaints Committee is outlined in Part 5.3 of this Policy.

Behaviour Complaints Officer means a person authorised in writing by Council resolution under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Behaviour Complaints Officer is addressed in Part 5.1 of this Policy.

Breach means a breach of Division 3 of the Code of Conduct for Council Members, Committee Members and Candidates.

Candidate means a candidate for election as a Council Member.

Candidate Complaint means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in Part 6.2 of this Policy.

Code of Conduct means the Shire's Code of Conduct for Council Members, Committee Members and Candidates.

Committee means a committee established by the council under Local Government Act 1995.

Committee Member means a Council Member, employee of the Shire or other person who has been appointed by the Council to be a member of a Committee, in accordance with s.5.10(1) of the Act. A person is a Committee Member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution.

Complaint means a complaint submitted under Clause 40 of the Code of Conduct.

Complainant means a person who has submitted a Complaint in accordance with this Policy.



Complaint Assessor means a person appointed by the Behaviour Complaints Officer in accordance with Part 5.2 and Part 6.8 of this Policy.

Complaint Documents means the Complaint Form and any supporting information, evidence, or attachments provided by the Complainant.

Complaint Form means the form approved under clause 40(2)(a) of the Code of Conduct by Council resolution.

Council means the Council of the Shire of Derby/West Kimberley.

Council or Committee Meeting means a formal meeting of the Council or a Committee that is called and convened in accordance with the Act. It does not include informal meetings, such as workshops or briefings.

Council Member means a person who holds the office of Shire President or Councillor.

Finding means a finding made in accordance with clause 41(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.

Plan means a Plan that may be prepared and implemented under clause 41(4)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.

Response Documents means the response provided by the Respondent to the Complaint, and includes any supporting information or evidence that is supplied.

4. PRINCIPLES

4.1 Procedural Fairness

The principles of procedural fairness, or natural justice, will apply when dealing with a Complaint under this Policy. In particular:

- the Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a plan implemented;
- the decision maker should be objective and impartial, with an absence of bias or the perception of bias; and
- any findings made will be based on proper and genuine consideration of the evidence.

4.2 Consistency

The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

4.3 Confidentiality

The Shire will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent.



Shire of Derby / West Kimberley

Council Members, Local Government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely, and must not disclose or inappropriately use this information.

Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

4.4 Accessibility

The Shire will ensure that information on how to make a complaint, including this Policy, is available at the Shire's Administration Building and on the Shire's website. The Shire will make information available in alternative formats if requested.

Any person wishing to make a complaint may contact the Behaviour Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

The Shire's Complaints Officer is:

Director – Strategic Business

Phone: 08 9191 0999

Email: sdwk@sdwk.wa.gov.au

The complaint form can be located via the following link:

<https://www.sdwk.wa.gov.au/documents/232/complaint-about-alleged-breach>

5. ROLES

5.1 Behaviour Complaints Officer

The Behaviour Complaints Officer is authorised in accordance with clause 40(3) of the Code of Conduct to accept complaints and withdrawal of complaints.

The Behaviour Complaints Officer is not an advocate for the complainant or the respondent. The Behaviour Complaints Officer provides procedural information and assistance to both Complainant and Respondent.

The Behaviour Complaints Officer will liaise with and provide administrative support to a Complaint Assessor appointed under this Policy.

5.2 Complaints Assessor

The Complaint Assessor is appointed by the Behaviour Complaints Officer in accordance with Part 6.8 of this Policy.

The Complaint Assessor is an impartial third party who will undertake the functions specified in this Policy. In undertaking their functions, the Complaint Assessor will apply the Principles of this Policy.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.



Shire of Derby / West Kimberley

5.3 Behaviour Complaints Committee

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the Act for the purpose of dealing with Complaints.

The Behaviour Complaints Committee is a Committee of Council Members only. The membership and purpose of the Behaviour Complaints Committee is outlined in Council Policy Behaviour Complaints Committee Terms of Reference.

6. PROCEDURE

6.1 Behaviour Complaints Officer

Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct [*clause 40(1) of the Code of Conduct*].

A Complaint must be made within one month after the alleged Breach [*clause 40(2)(c) of the Code of Conduct*].

A Complaint must be made by completing the Behaviour Complaint Form in full and providing the completed forms to the Behaviour Complaints Officer.

A Complaint must be made in accordance with the Behaviour Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached.

A Complaint is required to include the name and contact details of the Complainant therefore anonymous complaints cannot be accepted.

Where a Complaint Form omits required details, the Behaviour Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed.

Where a Complaint is made more than one month after the alleged breach, the Behaviour Complaints Officer will give the Complainant written notice that the Complaint cannot be made [*clause 40(2)(c) of the Code of Conduct*].

6.2 Candidate Complaints

A Complaint in relation to a Candidate must be made in accordance with Part 6.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.

Within 7 days after receiving a Candidate Complaint, the Behaviour Complaints Officer will provide written notice:

- To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
- To the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints.

No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy.



Shire of Derby / West Kimberley

Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.

If the Respondent is not elected, the Behaviour Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with *[clause 44(1) of the Code of Conduct]*.

6.3 **Withdrawing a Complaint**

A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint *[clause 43(1) of the Code of Conduct]*.

A Complainant may withdraw a Complaint by advising the Behaviour Complaints Officer in writing that they wish to do so *[clause 43(2)(a) of the Code of Conduct]*.

After receiving a written withdrawal of the Complaint, the Behaviour Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

6.4 **Notice to Complainant**

Within 7 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Complainant that:

- confirms receipt of the Complaint;
- outlines the process that will be followed and possible outcomes;
- explains the application of confidentiality to the complaint;
- includes a copy of this Policy; and
- if necessary, seeks clarifications or additional information.

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will advise the Complainant of the process in accordance with Part 6.6 of this Policy.

6.5 **Notice to Respondent**

Within 14 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Respondent that:

- advises that a Complaint has been made in accordance with the Code of Conduct and this Policy;
- includes a copy of the Complaint Documents;
- outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;
- includes a copy of this Policy; and
- if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will ask the Respondent if they are also willing to participate in accordance with Part 6.6 of this Policy.



Shire of Derby / West Kimberley

6.6 Alternative Dispute Resolution

The Shire recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

To commence the process, the Behaviour Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will pause the formal process.

The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 6.3 of this Policy.

For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution. Other options may include the Behaviour Complaints Officer or other appropriate person acting as an intermediary during negotiation/mediation or the facilitation of mediation with a contracted service provider.

If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of a third party who is providing assistance to the Local Government, such as a facilitator or mediator.

6.7 Order of Complaints

Complaints will normally be dealt with in the order in which they are received.

If more than one Complaint is received that relates to the same alleged behaviour, the Behaviour Complaints Officer may decide to progress those Complaints concurrently.

6.8 Appointment of Complaints Assessor

If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Behaviour Complaints Officer will appoint a suitably qualified and experienced Complaint Assessor. Should this requirement be sought external to an employee with suitable qualifications employed by the Shire, the appointment is to be executed in accordance with the Shire's F1 Procurement of Goods and Services policy.

The Behaviour Complaints Officer will endeavour to appoint a Complaint Assessor within a reasonable period. The Behaviour Complaints Officer will provide written notice of the appointment to the Complainant and the Respondent.

6.9 Search of Local Government Records

The Complaint Assessor may request the Behaviour Complaints Officer to search for any relevant records in the Shire's Record Management System.

In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Officer will be requested to identify any Local Government records that provide evidence that may support a decision as to whether:



Shire of Derby / West Kimberley

- the behaviour occurred at a Council or Committee Meeting,
- the behaviour was dealt with by the person presiding at the meeting, and/or
- the Respondent has taken remedial action in accordance with the Shire's Standing Orders Local Law 2001.

The Complaints Assessor must provide the Respondent with a copy of any records that are identified. In addition, where a clarification or additional information has been sought from the Complainant by either the Behaviour Complaints Officer or the Complaint Assessor, copies must also be provided to the Respondent.

6.10 **Assessment of Complaint**

The Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under Part 6.4 and Part 6.5 of this Policy.

The Complaint Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions, or drafting the Complaint Report or recommendations.

6.11 **Complaint Report**

The Complaint Assessor will prepare a Complaint Report that will:

- outline the process followed, including how the Respondent was provided with an opportunity to be heard;
- include the Complaint Documents, the Response Documents and any relevant Local Government Records as attachments; and
- include recommendations on each decision that may be made by the Complaints Committee; and
- include reasons for each recommendation, with reference to Part 7 of this Policy.

If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 41(4)(b) of the Code of Conduct and Part 7.4 of this Policy, the Complaint Report must include a Proposed Plan.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to include the Complaint Report in the Agenda for a meeting of the Complaints Committee. The Behaviour Complaints Officer will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The recommendations of the Complaint Report will be provided as the Officer Recommendations.

6.12 **Complaints Committee Meeting**

The Agenda will be prepared on the basis that the part of the meeting that deals with the Complaint Report will be held behind closed doors in accordance with s.5.23(2) of the Act.

The Behaviour Complaints Committee will consider the Complaint Report and attachments and give due regard to the recommendations.

In accordance with Regulation 11(d)(a) of the *Local Government (Administration) Regulations 1996*, reasons for any decision that is significantly different from the Officer Recommendation must be recorded in the meeting minutes.



Shire of Derby / West Kimberley

If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Behaviour Complaints Committee will determine whether or not to dismiss the Complaint in accordance with Clause 42(1) of the Code of Conduct and Part 7.2 of this Policy.

If the Behaviour Complaints Committee dismisses a Complaint, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 42(2) of the Code of Conduct. This concludes the process for this Complaint.

If the Complaint is not dismissed, the Behaviour Complaints Committee will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 41 of the Code of Conduct and Part 7.3 of this Policy.

If the Behaviour Complaints Committee finds that the alleged Breach **did not** occur, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 42(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee finds that the alleged breach **did** occur, the Committee will decide whether to take no further action in accordance with clause 42(4)(a) of the Code of Conduct or prepare a plan to address the behaviour in accordance with clause 42(4)(b) of the Code of Conduct and Part 7.4 of this Policy.

If the Behaviour Complaints Committee decides to take no further action, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 42(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee decides to prepare a Plan, the Committee will first consult with the Respondent in accordance with clause 42(5) of the Code of Conduct. The Behaviour Complaints Committee will consider any submissions made by the Respondent before preparing and implementing a Plan.

6.13 Compliance with Plan Requirement

The Behaviour Complaints Officer will monitor the actions in timeframes set out in a Plan.

Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of the Act and clause 54 of the Code of Conduct.

The Behaviour Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

7. DECISION MAKING

7.1 Objective and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 4 of this Policy.



Shire of Derby / West Kimberley

7.2 **Dismissal**

The Behaviour Complaints Committee must dismiss a Complaint in accordance with clause 42(1)(a) and (b) of the Code of Conduct if it is satisfied that -

- a) the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- b) either —
 - i. the behaviour was dealt with by the person presiding at the meeting; or
 - ii. the Respondent has taken remedial action in accordance with the Shire's Standing Order's Local Law 2001.

7.3 **Finding**

In deciding whether to take no further action, or prepare and implement a Plan, the Complaints Committee may consider:

- the nature and seriousness of the breach(es);
- the Respondent's submission in relation to the contravention;
- whether the Respondent has breached the Code of Conduct knowingly or carelessly;
- whether the Respondent has breached the Code of Conduct on previous occasions;
- likelihood or not of the Respondent committing further breaches of the Code of Conduct;
- personal circumstances at the time of conduct;
- need to protect the public through general deterrence and maintain public confidence in Local Government; and
- any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

7.4 **Plan Requirements**

The Proposed Plan may include requirements for the Respondent to do one or more of the following:

- engage in mediation;
- undertake counselling;
- undertake training;
- take other action the Complaints Committee considers appropriate (e.g. an apology).

The Proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.

The Proposed Plan may also outline:

- the actions to be taken to address the behaviour(s);
- who is responsible for the actions;
- any assistance the Local Government will provide to assist achieve the intent of the Plan; and
- a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.



Shire of Derby / West Kimberley

Policy Details			
Original Adoption Date:	28 July 2022 (Item xx, Res. Xx/22)	Review Frequency (Annual/Bi-ennial):	Triennial
Policy Implementing Officer or Team:	Senior Governance Officer	Policy Reviewer:	Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act Local Government (Model Code of Conduct) Regulations 2021		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Code of Conduct (Council Members, Committee Members and Candidates) Code of Conduct – Complaint about Alleged Breach Form		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.			



**Complaint About Alleged Breach Form -
Code of conduct for council members, committee members and candidates**

Schedule 1, Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*

NOTE: A complaint about an alleged breach must be made —
(a) in writing in the form approved by the local government
(b) to an authorised person
(c) within one month after the occurrence of the alleged breach.

Name of person who is making the complaint:

Name: _____
Given Name(s) Family Name

Contact details of person making the complaint:

Address: _____

Email: _____

Contact number: _____

Name of the local government (city, town, shire) concerned:

Name of council member, committee member, candidate alleged to have committed the breach:

State the full details of the alleged breach. Attach any supporting evidence to your complaint form.

Derby

(08) 9191 0999 | 30 Loch Street
sdwk@sdwk.wa.gov.au | PO Box 94, Derby WA 6728

Fitzroy Crossing

(08) 9191 5355 | Flynn Drive
sdwk@sdwk.wa.gov.au | PO Box 101, Fitzroy Crossing

ABN: 99 934 203 062

www.sdwk.wa.gov.au



Date of alleged breach:
_____ / _____ / 20_____

SIGNED:
Complainant's signature:
Date of signing: _____ / _____ / 20_____

Received by Authorised Officer
Authorised Officer's Name:
Authorised Officer's Signature:
Date received: _____ / _____ / 20_____

NOTE TO PERSON MAKING THE COMPLAINT:

This form should be completed, dated and signed by the person making a complaint of an alleged breach of the Code of Conduct. The complaint is to be specific about the alleged breach and include the relevant section/subsection of the alleged breach.

The complaint must be made to the authorised officer within one month after the occurrence of the alleged breach.

Signed complaint form is to be forwarded to: Neil Harley, Director Strategic Business
neil.hartley@sdwk.wa.gov.au
PO Box 94 Derby WA 6728

Derby

(08) 9191 0999 | 30 Loch Street
sdwk@sdwk.wa.gov.au | PO Box 94, Derby WA 6728

Fitzroy Crossing

(08) 9191 5355 | Flynn Drive
sdwk@sdwk.wa.gov.au | PO Box 101, Fitzroy Crossing

ABN: 99 934 203 062

www.sdwk.wa.gov.au



**Shire of Derby /
West Kimberley**

Behaviour Complaints Committee

Terms of Reference

 www.sdwk.wa.gov.au



Objective

To establish Terms of Reference for the Behaviour Complaints Committee of the Shire of Derby / West Kimberley.

Scope

The Terms of Reference apply exclusively to the Shire of Derby / West Kimberley's Behaviour Complaints Committee.

Committee Function

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the *Local Government Act 1995* (the Act) for the purpose of dealing with Behaviour Complaints made under Division 3 of the Shire of Derby / West Kimberley's Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).

The extent of authority provided to the Behaviour Complaints Committee is specified in the relevant Delegated Authority, and includes:

- Dismissing a behaviour complaint in accordance with *clause 13 of the Local Government (Model Code of Conduct) Regulations 2021* and providing reasons for any such dismissal.
- Making a finding as to whether an alleged complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur [*clause 12(3) of the Local Government (Model Code of Conduct) Regulations 2021*].
- Determining reasons for such a finding.
- Where a finding is made that a breach has occurred, determining:
 - To take no further action; or
 - Prepare and implement a plan to address the behaviour of the person to whom the complaint relates.

The extent of authority of the Behaviour Complaints Committee is limited by Condition of the Delegated Authority.

Membership

The Complaints Committee is a Committee of Council Members only in accordance with s.5.9(2)(a) of the Act.

Membership of the Behaviour Complaints Committee will comprise of a minimum of 3 or more Council Members in accordance with 5.8 of the Act, appointed by Council in accordance with s.5.10 of the Act.

In addition, at least 2 Council Members will be appointed as Deputy Committee Members in accordance with s.5.11A of the Act.



The Delegated Authority Condition prescribes that if an appointed Committee Member is identified in the Complaint as either the Complainant or the Respondent, they are to recuse themselves from the Committee's Function by providing an apology. They are to be replaced for the duration of the handling of the subject Complaint by a Deputy Committee Member, selected by the Presiding Member of the Committee.

Meeting Schedule

Meetings are to be scheduled as required by the CEO or Behaviour Complaints Officer in consultation with the Committee Presiding Member.

Delegated Authority

The Behaviour Complaints Committee will act under Delegated Authority in accordance with s.5.16 of the Act. The delegation is recorded in the Shire of Derby / West Kimberley Register of Delegations.

It is a Condition of Delegated Authority that the Behaviour Complaints Committee will be unable to exercise delegated authority if the Complainant or Respondent attend as a Complaints Committee Member.

Committee Governance

Complaints Behaviour Committee meetings are required to:

- be called and convened by the CEO, as required, in consultation with the Committee's Presiding Member;
- include public question time in accordance with regulation 5 of the Local Government (Administration) Regulations 1996;
- make the Committee Notice Papers and Agenda publicly available in accordance with s.5.94 and s.5.96A(f) of the Act, with the exception of agenda content that relates to that part of the meeting which will be closed to members of the public under s.5.23(2); and
- make Committee minutes publicly available in accordance with s.5.94 and s.5.96A(h), with the exception of Minutes content that relates to that part of the meeting which was closed to the public or was determined as confidential under s.5.23(2).



Shire of Derby / West Kimberley

Document Control Box							
Document Responsibilities:							
Owner:	Chief Executive Officer			Owner Business Unit:	Office of the CEO		
Reviewer:	Senior Governance Officer			Decision Maker:	Council		
Compliance Requirements:							
Legislation:	Local Government Act 1995 Local Government (Model Code of Conduct) Regulations 2021						
Other:	Shire of Derby / West Kimberley Complaint About Alleged Breach Form						
Organisational:	Shire of Derby / West Kimberley Code of Conduct for Council Members, Committee Members and Candidates Delegated Authority XXX Behaviour Complaints Committee						
Document Management:							
Risk Rating:	Low	Review Frequency:	Triennial	Next Due:	2025	Records Ref:	[CP####]
Version #	Decision Reference:			Synopsis:			
1.	OCM 28 July 2022 Res. Xx/22			Adoption of Terms of Reference			
2.							

1.4 Council to Council Committees

Delegation	1.4.1 Behaviour Complaints Committee – Authority on Complaints
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s5.16 Delegation of some powers and duties to certain committees
Express power or duty delegated	Local Government (Model Code of Conduct) Regulations 2021: Cl. 12 Dealing with a complaint Cl. 13 Dismissal of a complaint
Function	<ol style="list-style-type: none"> 1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC.cl.12(1) and (3)]. In making any finding the Committee must also determine reasons for the finding [MCC.cl.12(7)]. 2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> a. take no further action [MCC.cl.12(4)(a)]; or b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.cl.12(4)(b), (5) and (6)]. 3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.cl.13(1) and (2)].
Delegates	Shire President Deputy Shire President Councillors
Conditions	<ol style="list-style-type: none"> a. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy, Code of Conduct Behaviour Complaints Management. b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act. c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item. d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a Deputy Committee Member is in attendance. <p>NOTE TO CONDITIONS (C) AND (D): The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.</p>
Express power to subdelegate	Not permitted.
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.

Statutory framework	Local Government Act 1995 Local Government (Model Code of Conduct) Regulations 2021
Policy	C10 Code of Conduct Behaviour Complaints Management Policy
Record keeping	All relevant delegation material to be filed in hard-copy files or relevant location in Synergy records system
Date adopted	XX July 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
XX July 2022	New delegation	New delegation in accordance with legislative changes of 3 February 2021, with regards to the Model Code of Conduct (for Council Members, Committee Members and Candidates).	OCM Agenda Item xxx Res. No. xx/22

12.2 ADOPTION OF THE 2022 - 2023 ANNUAL BUDGET

File Number: 5120

Author: Alan Thornton, Acting Director of Corporate Services

Responsible Officer: Amanda Dexter, Chief Executive Officer

Authority/Discretion: Executive

SUMMARY

Council is requested to consider adopting the Shire of Derby/West Kimberley 2022-23 Annual Budget comprising the following:

1. The 2022-23 Differential Rates, Minimum Payments and Instalment Payment Arrangements;
2. The 2022-23 Fees and Charges Schedule;
3. The 2022-23 Elected Member Sitting Fees and Allowances;
4. The 2022-23 Municipal Fund Budget; and
5. The 2022-23 Materiality Threshold for variance reporting.

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

Local Governments must prepare annual budgets in the format prescribed in the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

Local governments must prepare annual budgets in the format prescribed in the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

- **Fees and Charges 2022 – 2023:** Per sections 6.16 to 6.19 of the Act, a local government may impose a fee or charge for any goods or services it provides. Fees and charges must be imposed when adopting the annual Budget. However, it may also be imposed or amended during the year if necessary.
- **Elected Members Sitting Fees 2022 – 2023:** The Admin Regs prescribe minimum and maximum amounts for Councillor Sitting Fees and Allowances. Councillor Sitting Fees and Allowances are reviewed annually by the Salaries and Allowances Tribunal (SAT) and by Council during the budget development process.
- **Municipal Fund Budget 2022 – 2023:** Under section 6.2(1) of the Act and Local Government (Financial Management) Regulations 1996 (FMR), Council is required to prepare and adopt an annual budget for each financial year. The legislation prescribes the form and content of the annual Budget, which must include statements of income, cash flow and rates setting.
- **Materiality Threshold:** Each financial year, a local government is to adopt a percentage or value, calculated under the Australian Accounting Standards (AASB), to be used for reporting material variances in the monthly statement of financial activity under AASB 1031 Materiality and FMR 34(5). The Materiality Threshold is an internal control measure

that prevents financial loss caused by an omission, misstatement or non-disclosure of financial information. The Materiality Threshold also minimises administrative inefficiency, ensuring only those variances representing a medium or high-level risk are reported to management and Council.

The draft budget incorporates aspects workshopped with Councillors.

STATUTORY ENVIRONMENT

Section 6.2 of the *Local Government Act 1995* requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The 2021/2022 draft budget as presented is

Local Government Act, 1995

- 6.2 Local Government to prepare Annual Budget
- 6.32 Rates and Service Charges
- 6.33 Differential General Rates
- 6.34 Limit on Revenue or Income from General Rates
- 6.35 Minimum Payments
- 6.36 Local Government to give notice of certain rates
- 5.98 Fees etc. for Council Members
- 5.98A Allowance for Deputy Mayor or Deputy President
- 5.99 Annual Fee for Council Members in lieu of fees for attending meetings
- 5.99A Allowances for Council Members in lieu of reimbursement of expenses
- 6.16 Imposition of Fees and Charges
- 6.17 Setting level of Fees and Charges
- 6.51 Accrual of Interest on Overdue Rates or Service Charges
- 6.45 Options for Payment of Rates or Service Charges

Local Government (Financial Management) Regulations 1996

- 52 Minimum Payment — Maximum Percentage — s6.35(4)
- 70 Maximum Rate of Interest on Overdue Rates and Service Charges — s6.51(2)
- 68 Maximum Interest component in Instalments — s6.45(4)(e)
- 67 Additional charge for payment by Instalments
- 34 Financial Activity Statement Report — s6.4
- 5A Local Governments to comply with AAS

Local Government (Administration) Regulations 1996

- 30 Meeting Attendance Fees (Act s5.98(1) and (2A))

Waste Avoidance and Resource Recovery Act 2007

- 66 Local Government may impose Waste Collection Rate
- 67 Local Government may impose Receptacle Charge
- 68 Fees and Charges fixed by Local Government

Salaries and Allowances Tribunal Determination Dated 11 April 2017

Planning and Development Act 2005 and associated Regulations

Health Act 1911 and associated Regulations

Freedom of Information Act 1992 and associated Regulations

Litter Act 1979 and associated Regulations

Dog Act 1976 and associated Regulations

Cat Act 2011 and associated Regulations

Australian Accounting Standards

POLICY IMPLICATIONS

FM2 – Budget Issues

FM3 – Rates

FM5 – Loans

AF14 – Significant Accounting Policies

AF20 – Rating Administration

FINANCIAL IMPLICATIONS

The budget is the primary financial document for the 2022 – 2023 financial year and sets the parameters for expenditure of Shire resources.

The Draft 2022 – 2023 Budget provides for the following income and expenditure:

- Operating Revenue \$20,039,944
- Operating Expenditure \$32,600,653
- Capital Expenditure \$22,886,426
- Capital Revenue \$19,555,173

Financial implications are detailed in the budget papers. All amounts quoted in this report are exclusive of GST, unless otherwise stated.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.4 Attract and effectively use resources to meet community needs

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: Council does not endorse the 2022/2023 budget with the consequential risk of deferred cash flow and thus inability to meet financial commitments.	Unlikely	Major	Extreme	Delegated authority to the CEO to incur expenditure under the <i>Local Government Act 1995</i> until budget endorsement. As consideration of the budget document could not occur at a meeting prior to 31 August, Ministerial approval would be required for an extension.
Legal & Compliance: Council does not endorse the 2022/2023 budget with the consequential risk of deferred cash flow and thus inability to meet financial commitments.	Unlikely	Major	Extreme	Delegated authority to the CEO to incur expenditure under the <i>Local Government Act 1995</i> until budget endorsement. As consideration of the budget document could not occur at a meeting prior to 31 August, Ministerial approval would be required for an extension.
Organisation's Operations: Council does not endorse the 2022/2023 budget with the consequential risk of deferred cash flow and thus inability to meet financial commitments.	Unlikely	Major	Extreme	Delegated authority to the CEO to incur expenditure under the <i>Local Government Act 1995</i> until budget endorsement. As consideration of the budget document could not occur at a meeting prior to 31 August, Ministerial approval would be required for an extension.
Reputation: Council does not endorse the 2022/2023 budget with the consequential risk of deferred cash flow and thus inability to meet financial commitments.	Unlikely	Major	Extreme	Delegated authority to the CEO to incur expenditure under the <i>Local Government Act 1995</i> until budget endorsement. As consideration of the budget document could not occur at a meeting

				prior to 31 August, Ministerial approval would be required for an extension.
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CONSULTATION

Internal consultation has occurred between all departments and through briefings held with Elected Members.

Moore Australia (WA) Pty Ltd

COMMENT

The 2022/2023 Draft Annual Budget for the year ending June 2023 is prepared and delivers on the Shires strategies adopted in the Strategic Community Plan and Corporate Business Plan.

The Budget is a fiscally responsible Budget which provides for the maintenance of service levels, ongoing focus on road infrastructure and the financing of Port and Airport capital works.

The Budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting.

The 2022 – 2023 Budget is a balanced budget that represents the efficiencies and improvements that have occurred over the last few years.

Key considerations include:

- Quarterly Budget Reviews;
- A continued focus by Officers in leveraging Council funds to attract significant grant funding;
- Improved Asset Management Planning;
- Implementing energy efficiencies across Fitzroy Crossing and Derby Assets;
- Improved systems, record management and procedure mapping;
- Proactive debtor management and improved debt recovery;
- Improved management of the rate book;
- Ongoing review of GRV rating for capital improvements and change in land use;
- Review of plant and fleet and disposal of underutilised fleet; and
- Ongoing internal review, quality assurance and governance considerations.

Preparation of the 2022 – 2023 Budget was particularly challenging given the fiscal climate and the following considerations:

- Employee Costs which account for over \$10M of the operating budget are scheduled to increase 4.5% under current enterprise bargaining agreements influenced by both the National CPI and federal award minimum wage directions;
- Increased mandatory superannuation guarantee contributions under the super Guarantee Act, from 10% in 2021- 2022 to 10.5% in 2022- 23;
- March State CPI of 7.6% applies to many of Councils general contracts and are expected to raise the cost of these services significantly for the financial year;

- Various tariffs and expenses were budgeted using inflation estimates derived from WALGA's March Local Government Cost Index (LGCI). Several of these indicators have increased again since March, particularly in the later months of the 2021 – 2022 financial year with increases now expected to be in the quantum of 3% for utilities and 7.5% for insurance; and
- Low interest rates continue to impact return on investment from revenue reserves while driving borrowing rates higher. Borrowing rates in late June have hit 4.75% for 15 year term investments compared to 2% earlier in 2022.

Rates have been able to be contained to a reasonable level of increase across the categories despite inflation figures above 7%.

2022 – 2023 General Rates, Minimum Payments and Instalment Payment Arrangements

As part of the budget process, Council must determine the general rate in the dollar and minimum payments for the 2022 – 2023 financial year.

The current economic climate is challenging with high CPI being recorded across all sectors. From a State perspective, the end of COVID stimulus such as childcare, electricity and fuel subsidies has resulted in a further escalation of inflation rates. Locally, housing and staff shortage are continuing to impact the community and ratepayers.

In regards to Council operations materials and contractor costs have escalated significantly on the back of COVID, global supply chain shortages and the increased rollout of infrastructure works post COVID. Staffing costs, which have seen low wage rate increases over several years, have escalated in line with inflation resulting in increases forecast of operating expenses in 2022 -2023.

Economic forecasts point to continued housing and staff pressures coupled with high inflation. Global supply chain shortages resulting from COVID will continue, placing demand on materials and service providers and keeping costs high.

Council has been cognisant of these impacts in developing the 2022 – 2023 Annual Budget and recognises the need for a general rate increase which will keep pace with increased cost pressures. Following deliberations and feedback provided at the Council Budget Workshops it was identified that of rate revenue was required to achieve a balanced budget in 2022 – 2023 while maintaining a 3.8 % rate change for GRV and a 9.2% rate change for UV.

The setting of minimum rates within rating categories recognises that every property within the district receives some minimum level of benefit from the works and services provided by the Shire, which is shared by all properties regardless of size, value and use.

The proposed Rate in the Dollar (RID) and Minimum Payment for each rating category is summarised in the table below:

General Rate Category	Rate in the Dollar (cents)	Minimum Payment
GRV	\$0.134042	\$1,520.00
UV	\$0.079498	\$ 590.00

Instalment Interest, Penalty Interest and Other Administration Fees

Under section 6.45 and 6.51(1) of the Act, Council can charge interest on unpaid rates and rates paid on an approved instalment plan. The maximum interest rate for outstanding rates and other monies owed to Council is prescribed by Regulation 70 of the FMR and is currently 11%. Instalment interest is set at 7% as prescribed under FMR 68. Council should note that the COVID-19 Hardship related rate concessions previously implemented through the *Local Government (COVID-19 Response) Order 2020* and the *Local Government (COVID-19 Response) Amendment Order 2021* have been extended through the *Local Government (COVID-19 Response) Amendment Order 2022*. The provisions were extended on 30 June 2022 and apply through to 30 June 2023.

Under the *Local Government (COVID-19 Response) Amendment Order 2022*, local governments with an endorsed COVID-19 Financial Hardship Policy, such as the Shire of Derby/West Kimberley, can charge 5.5% instalment interest and up to 7% penalty interest to ratepayers who are not in hardship. This change is not expected to impact the Budget significantly and any reduction in interest income will be addressed in the first quarter Budget review of 2022 – 2023.

Under FMR 67, instalment charges are set to provide full or partial reimbursement of administration costs. The individual instalment transaction fee of \$15.00 is set to reflect the administration cost in handling the instalment options provided to ratepayers.

A nominal \$54.00 fee is proposed for administration costs incurred when actioning requests to enter into alternative payment arrangements which demand significant time for officers to process. The charge has been formulated to offset administration costs partially.

Due Dates for the Payment of Rates and Treatment of Non-Payment of Debts

To maintain consistency with previous years, the due dates for the payment of rates are proposed as per below:

Instalment Option	Payment Due Date
Proposed rate notice issue date:	11 August 2022
<u>Full Payment</u>	15 September 2022
<u>Two Instalment Option</u>	
First instalment	15 September 2022
Second and final instalment	17 January 2023
<u>Four Payment Option</u>	
First instalment	15 September 2022
Second instalment	15 November 2022
Third instalment	17 January 2023
Fourth and final instalment	16 March 2023

In addition to the above, alternative payment arrangements are available to ratepayers to meet their obligations by year-end.

The overall objective for the 2022 – 2023 rating approach is an attempt to ease the burden of the GRV rating category, whilst ensuring that the rates revenue required to balance the budget is collected on an equitable basis, enabling the Shire to provide facilities, infrastructure and services to the entire community.

The Capital Works Program (excluding repayment of Borrowings and Reserve Transfers) includes the following major projects:

Project	\$
Camballin Road – Re Sheet, drainage and reshape	\$506,000.00
Fairfield Leopold road -- Re-sheet, drainage and re-shape	\$694,284.00
FX Visitors Centre Car Park – Reconstruction and Town Centre Revitalisation	\$700,000.00
Calwynyardah-Noonkanbah	\$250,000.00
Fossil Downs	\$ 60,000.00
Gee Gully	\$120,000.00
Plant renewal	\$557,000.00
Dinner Tree Revitalisation	\$ 40,000.00
Alfonso St - Full Reconstruction	\$450,000.00
Yurabi Road - Strategy	\$350,000.00
Fitzroy Crossing Road Reseals	\$225,000.00
Sandford Road - New Solar lighting	\$ 78,000.00
Gravel - Edge break and stabilising	\$100,000.00
Boat Ramp Walkway	\$100,000.00
Security Upgrades Fitzroy Crossing	\$150,000.00
Security Upgrades Fitzroy Crossing	\$150,000.00
Fitzroy Crossing Airstrip Reconstruction	\$3 M
Derby Swimming Pool Upgrade	\$426,500.00

Councillor Allowances

It is proposed that Councillor Fees and Allowances remain unchanged in 2022 - 2023.

Fees & Charges

The 2022 – 2023 fees and charges were reviewed to maximise full cost recovery without hindering patronage for services.

The main features of the budget include:

1. Penalty interest on rates remain at 7% in accordance with the Local Government (COVID-19 Response) Order 2022;
2. There are 812 fees and charges of which 543 remain unchanged;
3. 105 fees and charges have increased by 7.6% or less (Taking into consideration the Local Government Cost index and State and National 2022 CPI to the March Quarter);
4. 60 fees and charges have increased by greater than 7.6% (including Wharf – Land Space).
5. 8 fees and charges have decreased; and
6. 7 fees and charges are new (including Variation of Licence and Transfer of Licence).

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS**1. Draft Statutory Budget 2022-23 and Fees Charges**  **RESOLUTION 94/22**

Moved: Cr Geoff Haerewa

Seconded: Cr Paul White

COUNCIL ADOPT BY EN BLOC RESOLUTION**RECOMMENDATION 1****RECOMMENDATION 2****RECOMMENDATION 3****RECOMMENDATION 4****RECOMMENDATION 5****RECOMMENDATION 6****RECOMMENDATION 7****RECOMMENDATION 8**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 7/0 BY ABSOLUTE MAJORITY

REPORT RECOMMENDATION 1:

That Council by ABSOLUTE MAJORITY pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995, imposes the following general rates and minimum payments on Gross Rental and Unimproved Values:

General Rate Category	Rate in the Dollar (cents)	Minimum Payment
GRV	\$0.134042	\$1,520.00
UV	\$0.079498	\$ 590.00

And;

Notes under section 6.34 of the Local Government Act 1995 the revenue estimated to be yielded by the general rates imposed for the 2022-23 financial year will be 100% of the 2022-23 Budget deficiency.

REPORT RECOMMENDATION 2:

That Council by ABSOLUTE MAJORITY pursuant to section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, nominates the following due dates for the payment of rates in full, and service charges by instalments:

Rates notice issue date: 11 August 2022

Full payment due date: 15 September 2022

Two (2) Payment Option:

- 1st instalment due date: 15 September 2022
- 2nd instalment due date: 17 January 2023

Four (4) Instalments option:102

- 1st instalment due date: 15 September 2022
- 2nd instalment due date: 15 November 2022
- 3rd instalment due date: 17 January 2023
- 4th instalment due date: 16 March 2023

1. Pursuant to Section 6.46 of the *Local Government Act 1995*, Council ADOPTS a discount of 1.5% to rate payers on general rates only, on the condition that all rates (including Rubbish Rates & ESL Levy) and all arrears are paid in full on or before 21 days from date of issue;
2. ADOPTS an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$15 for each instalment after the initial instalment is paid, pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67 of *Local Government (Financial Management) Regulations 1996*;
3. ADOPTS an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option, pursuant to section 6.45 of the *Local Government Act 1995* and regulation 68 of *Local Government (Financial Management) Regulations 1996*;
4. ADOPTS an interest rate of 7% for rates (and service charges) and costs of proceedings to recover such charges that remain unpaid after becoming due and payable, pursuant to section 6.51(1) and subject to section 51(4) of the *Local Government Act 1995* and regulation 70 of *Local Government (Financial Management) Regulations 1996*; and
5. Pursuant to Section 6.16 of the *Local Government Act 1995* and Regulations 67 of the *Local Government (Financial Management) Regulations 1996*, ADOPTS to impose an administration fee of \$52.00 on any ratepayers who wishes to negotiate a rates special payment arrangement.

REPORT RECOMMENDATION 3:**Outstanding Monies Interest Rate 2022 – 2023**

That Council by ABSOLUTE MAJORITY pursuant to section 6.13 of the Local Government Act 1995 ADOPTS a rate of interest of 7% applicable to any amount of money owing to the local government (other than rates or service charges).

REPORT RECOMMENDATION 4:**General Fees and Charges for 2022 – 2023**

That Council by ABSOLUTE MAJORITY pursuant to Section 6.16 of the Local Government Act 1995 RESOLVES to ADOPT the Fees and Charges detailed in Attachment 1.

REPORT RECOMMENDATION 5:**Other Statutory Fees for 2022 – 2023**

That Council by ABSOLUTE MAJORITY pursuant to Section 53 of the Cemeteries Act 1986, Regulation 53(2) of the Building Regulations 2012 and Section 67 of the Waste Avoidance and Resources Recovery Act 2007 RESOLVES to ADOPT:

- a) a private swimming pool inspection fee of \$58.00;
- b) the Fees and Charges for the Shires cemeteries included as Attachment 1; and
- c) the following charges for the removal and deposit of domestic and commercial waste:

Description	Amount	GST	Total
Residential Premises: General Waste Service per week - Domestic service (annual charge) Service includes: <ul style="list-style-type: none"> 240 litre waste bin collected weekly; 	\$860.00	Free	\$860.00
Additional Domestic Refuse Service Charges (annual charge) Service includes: <ul style="list-style-type: none"> Additional 240lt Bin collected weekly: 	\$930.00	Free	\$930.00
Commercial Premises: Commercial Waste Service (annual charge) Service includes: <ul style="list-style-type: none"> 240 litre waste bin collected weekly; 	\$1,340.00	Free	\$1,340.00
Additional Commercial Refuse Service Charges (annual charge): <ul style="list-style-type: none"> Additional 240lt Bin collected weekly 	\$930.00	Free	\$930.00
Additional Commercial Refuse Service Charges (annual charge): <ul style="list-style-type: none"> Additional Rubbish Bin 	\$1,340.00	Free	\$1,340.00

REPORT RECOMMENDATION 6:**Elected Members' Fees and Allowances for 2022 – 2023**

That Council by ABSOLUTE MAJORITY pursuant to Sections 5.98 and 5.99 of the Local Government Act 1995 and Regulations 33 and 34 of the Local Government (Administration) Regulations 1996 RESOLVES to ADOPT the following annual fees and allowances for payment of Elected Members:

Statutory Fees and Allowances 2022 – 2023

- (a) Sitting Fees - President - \$23,231.00
- (b) Sitting Fees – Deputy Shire President & Councillors - \$17,325.00
- (c) President Allowance - \$62,727.00
- (d) Deputy President Allowance - \$15,681.75
- (e) Telecommunication Allowance - \$1,333.33 per Elected Member

REPORT RECOMMENDATION 7:**Material Variance Reporting for 2022 – 2023**

That Council by ABSOLUTE MAJORITY pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, RESOLVES to ADOPT the level to be used in statements of financial activity in 2022 – 2023 for reporting material variances being 10% or \$30,000, whichever is the greater amount.

REPORT RECOMMENDATION 8:**Municipal Fund Budget for 2022 – 2023**

That Council by ABSOLUTE MAJORITY pursuant to Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996 RESOLVES to ADOPT the Municipal Fund Budget as contained in Attachment 1 for the 2022 – 2023 financial year which includes the following:

1. Statement of Comprehensive Income by Nature and Type on page 2 showing a net result for that year of \$6,994,464;
2. Statement of Cash Flows on page 3;
3. Rate Setting Statement on page 4 showing an amount required to be raised from rates of \$8,588,437;
4. Notes to and forming part of the Budget on pages 5 onwards still to be completed; and
5. Supplementary Information – Fees and Charges.

SHIRE OF DERBY-WEST KIMBERLEY
ANNUAL BUDGET
FOR THE YEAR ENDED 30 JUNE 2023
LOCAL GOVERNMENT ACT 1995

TABLE OF CONTENTS

Statement of Comprehensive Income by Nature or Type	2
Statement of Cash Flows	3
Rate Setting Statement	4
Index of Notes to the Budget	5

SHIRE'S VISION

A friendly and diverse place with awesome opportunities.

SHIRE OF DERBY-WEST KIMBERLEY
STATEMENT OF COMPREHENSIVE INCOME BY NATURE OR TYPE
FOR THE YEAR ENDED 30 JUNE 2023

	NOTE	2022/23 Budget	2021/22 Actual	2021/22 Budget
		\$	\$	\$
Revenue				
Rates	2(a)	8,588,437	7,626,940	7,678,514
Operating grants, subsidies and contributions	10	5,565,182	10,324,785	5,971,350
Fees and charges	13	5,003,258	4,537,317	4,180,441
Interest earnings	11(a)	188,912	160,665	225,000
Other revenue	11(b)	694,155	443,666	156,254
		20,039,944	23,093,373	18,211,559
Expenses				
Employee costs		(11,936,453)	(8,185,377)	(9,498,560)
Materials and contracts		(10,541,715)	(6,928,853)	(8,626,979)
Utility charges		(911,688)	(839,837)	(884,529)
Depreciation on non-current assets	6	(7,131,200)	(7,131,200)	(7,131,200)
Interest expenses	11(d)	(102,989)	(115,905)	(135,801)
Insurance expenses		(1,342,900)	(1,161,903)	(1,167,763)
Other expenditure		(633,708)	(445,162)	(490,508)
		(32,600,653)	(24,808,237)	(27,935,340)
		(12,560,709)	(1,714,864)	(9,723,781)
Non-operating grants, subsidies and contributions	10	19,555,173	5,245,731	22,040,788
		19,555,173	5,245,731	22,040,788
Net result for the period		6,994,464	3,530,867	12,317,007
Other comprehensive income				
<i>Items that will not be reclassified subsequently to profit or loss</i>				
Changes in asset revaluation surplus		0	0	0
Total other comprehensive income for the period		0	0	0
Total comprehensive income for the period		6,994,464	3,530,867	12,317,007

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

SHIRE OF DERBY-WEST KIMBERLEY
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 2023

	NOTE	2022/23 Budget	2021/22 Actual	2021/22 Budget
		\$	\$	\$
CASH FLOWS FROM OPERATING ACTIVITIES				
Receipts				
Rates		8,588,437	8,121,213	7,678,514
Operating grants, subsidies and contributions		5,864,715	10,449,794	4,543,559
Fees and charges		5,003,258	4,537,317	4,180,441
Interest received		188,912	160,665	225,000
Goods and services tax received		527,086	456,704	0
Other revenue		694,155	443,666	156,254
		20,866,563	24,169,359	16,783,768
Payments				
Employee costs		(11,936,453)	(8,209,886)	(9,498,560)
Materials and contracts		(10,541,715)	(6,443,266)	(8,626,979)
Utility charges		(911,688)	(839,837)	(884,529)
Interest expenses		(102,989)	(115,905)	(135,801)
Insurance paid		(1,342,900)	(1,161,903)	(1,167,763)
Goods and services tax paid		(1,054,172)	(692,885)	0
Other expenditure		(633,708)	(445,162)	(490,508)
		(26,523,625)	(17,908,844)	(20,804,140)
Net cash provided by (used in) operating activities	4	(5,657,062)	6,260,515	(4,020,372)
CASH FLOWS FROM INVESTING ACTIVITIES				
Payments for purchase of property, plant & equipment	5(a)	(1,772,342)	(1,183,733)	(1,635,286)
Payments for construction of infrastructure	5(a)	(21,114,084)	(7,230,907)	(23,342,110)
Non-operating grants, subsidies and contributions		19,103,095	4,924,085	22,040,788
Proceeds from sale of property, plant and equipment	5(b)	0	0	90,400
Net cash provided by (used in) investing activities		(3,783,331)	(3,490,555)	(2,846,208)
CASH FLOWS FROM FINANCING ACTIVITIES				
Repayment of borrowings	7(a)	(381,779)	(368,840)	(368,840)
Proceeds from new borrowings	7(a)	1,000,000	0	0
Net cash provided by (used in) financing activities		618,221	(368,840)	(368,840)
Net increase (decrease) in cash held		(8,822,172)	2,401,120	(7,235,420)
Cash at beginning of year		11,335,343	8,934,223	8,934,223
Cash and cash equivalents at the end of the year	4	2,513,171	11,335,343	1,698,803

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

SHIRE OF DERBY-WEST KIMBERLEY
RATE SETTING STATEMENT
FOR THE YEAR ENDED 30 JUNE 2023

	NOTE	2022/23 Budget \$	2021/22 Actual \$	2021/22 Budget \$
OPERATING ACTIVITIES				
Net current assets at start of financial year - surplus/(deficit)	3 (a)	7,668,065	5,789,478	5,586,629
		7,668,065	5,789,478	5,586,629
Revenue from operating activities (excluding rates)				
Operating grants, subsidies and contributions	10	5,565,182	10,324,785	5,971,350
Fees and charges	13	5,003,258	4,537,317	4,180,441
Interest earnings	11(a)	188,912	160,665	225,000
Other revenue	11(b)	694,155	443,666	156,254
		11,451,507	15,466,433	10,533,045
Expenditure from operating activities				
Employee costs		(11,936,453)	(8,185,377)	(9,498,560)
Materials and contracts		(10,541,715)	(6,928,853)	(8,626,979)
Utility charges		(911,688)	(839,837)	(884,529)
Depreciation on non-current assets	6	(7,131,200)	(7,131,200)	(7,131,200)
Interest expenses	11(d)	(102,989)	(115,905)	(135,801)
Insurance expenses		(1,342,900)	(1,161,903)	(1,167,763)
Other expenditure		(633,708)	(445,162)	(490,508)
		(32,600,653)	(24,808,237)	(27,935,340)
Non-cash amounts excluded from operating activities	3(b)	7,131,200	7,131,200	7,131,200
Amount attributable to operating activities		(6,349,881)	3,578,874	(4,684,466)
INVESTING ACTIVITIES				
Non-operating grants, subsidies and contributions	10	19,555,173	5,245,731	22,040,788
Payments for property, plant and equipment	5(a)	(1,772,342)	(1,183,733)	(1,635,286)
Payments for construction of infrastructure	5(a)	(21,114,084)	(7,230,907)	(23,342,110)
Proceeds from disposal of assets	5(b)	0	0	90,400
Amount attributable to investing activities		(3,331,253)	(3,168,909)	(2,846,208)
Amount attributable to investing activities		(3,331,253)	(3,168,909)	(2,846,208)
FINANCING ACTIVITIES				
Repayment of borrowings	7(a)	(381,779)	(368,840)	(368,840)
Proceeds from new borrowings	7(b)	1,000,000	0	0
Transfers from cash backed reserves (restricted assets)	8(a)	474,476	0	221,000
Amount attributable to financing activities		1,092,697	(368,840)	(147,840)
Budgeted deficiency before general rates		(8,588,437)	41,125	(7,678,514)
Estimated amount to be raised from general rates	2(a)	8,588,437	7,626,940	7,678,514
Net current assets at end of financial year - surplus/(deficit)	3 (a)	0	7,668,065	0

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

SHIRE OF DERBY-WEST KIMBERLEY
FOR THE YEAR ENDED 30 JUNE 2023

INDEX OF NOTES TO THE BUDGET

Note 1	Basis of Preparation	6
Note 2	Rates	9
Note 3	Net Current Assets	12
Note 4	Reconciliation of cash	14
Note 5	Fixed Assets	15
Note 6	Asset Depreciation	17
Note 7	Borrowings	18
Note 8	Reserves	20
Note 9	Revenue Recognition	21
Note 10	Program Information	22
Note 11	Other Information	23
Note 12	Elected Members Remuneration	24
Note 13	Fees and Charges	26

**SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023**

1 (a) BASIS OF PREPARATION

The annual budget has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and interpretations of the Australian Accounting Standards Board, and the *Local Government Act 1995* and accompanying regulations.

The *Local Government Act 1995* and accompanying Regulations take precedence over Australian Accounting Standards where they are inconsistent.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost. All right-of-use assets (other than vested improvements) under zero cost concessionary leases are measured at zero cost rather than at fair value. The exception is vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

Accounting policies which have been adopted in the preparation of this annual budget have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the budget has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

Financial reporting disclosures in relation to assets and liabilities required by the Australian Accounting Standards have not been made unless considered important for the understanding of the budget or required by legislation.

The local government reporting entity

All funds through which the Shire of Derby-West Kimberley controls resources to carry on its functions have been included in the financial statements forming part of this annual budget.

In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 12 to the annual budget.

2021/22 actual balances

Balances shown in this budget as 2021/22 Actual are estimates as forecast at the time of preparation of the annual budget and are subject to final adjustments.

Budget comparative figures

Unless otherwise stated, the budget comparative figures shown in the budget relate to the original budget estimate for the relevant item of disclosure.

Comparative figures

Where required, comparative figures have been adjusted to conform with changes in presentation for the current financial year.

Initial application of accounting standards

During the budget year, the below revised Australian Accounting Standards and Interpretations are expected to be compiled, become mandatory and be applicable to its operations.

- AASB 2020-3 *Amendments to Australian Accounting Standards* - Annual Improvements 2018-2020 and Other Amendments
- AASB 2020-6 *Amendments to Australian Accounting Standards* - Classification of Liabilities as Current or Non-current - Deferral of Effective Date

It is not expected these standards will have an impact on the annual budget.

New accounting standards for application in future years

The following new accounting standards will have application to local government in future years:

- AASB 2021-2 *Amendments to Australian Accounting Standards* - Disclosure of Accounting Policies or Definition of Accounting Estimates
- AASB 2021-6 *Amendments to Australian Accounting Standards* - Disclosure of Accounting Policies: Tier 2 and Other Australian Accounting Standards

It is not expected these standards will have an impact on the annual budget.

Judgements, estimates and assumptions

The preparation of the annual budget in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The balances, transactions and disclosures impacted by accounting estimates are as follows:

- estimated fair value of certain financial assets
- estimation of fair values of land and buildings and investment property
- impairment of financial assets
- estimation uncertainties and judgements made in relation to lease accounting
- estimated useful life of assets

Rounding off figures

All figures shown in this statement are rounded to the nearest dollar.

**SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023**

1 (b) KEY TERMS AND DEFINITIONS - NATURE OR TYPE

REVENUES

RATES

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

SERVICE CHARGES

Service charges imposed under Division 6 of Part 6 of the *Local Government Act 1995*. Regulation 54 of the *Local Government (Financial Management) Regulations 1996* identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services.

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

PROFIT ON ASSET DISPOSAL

Profit on the disposal of assets including gains on the disposal of long term investments. Losses are disclosed under the expenditure classifications.

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

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

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

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

FEES AND CHARGES

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

INTEREST EARNINGS

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

OTHER REVENUE / INCOME

Other revenue, which can not be classified under the above headings, includes dividends, discounts, and rebates. Reimbursements and recoveries should be separated by note to ensure the correct calculation of ratios.

EXPENSES

EMPLOYEE COSTS

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

MATERIALS AND CONTRACTS

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

UTILITIES (GAS, ELECTRICITY, WATER, ETC.)

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

INSURANCE

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

LOSS ON ASSET DISPOSAL

Loss on the disposal of fixed assets includes loss on disposal of long term investments.

DEPRECIATION ON NON-CURRENT ASSETS

Depreciation and amortisation expense raised on all classes of assets.

INTEREST EXPENSES

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

OTHER EXPENDITURE

Statutory fees, taxes, provision for bad debts, member's fees or State taxes. Donations and subsidies made to community groups.

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023

1 (c) KEY TERMS AND DEFINITIONS - REPORTING PROGRAMS

In order to discharge its responsibilities to the community, Council has developed a set of operational and financial objectives. These objectives have been established both on an overall basis, reflected by the Shire's Community Vision, and for each of its broad activities/programs.

OBJECTIVE

GOVERNANCE

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

ACTIVITIES

Administration and operation of facilities and services to members of council. Other costs that relate to the tasks of assisting elected members and ratepayers on matters which do not concern specific council services.

GENERAL PURPOSE FUNDING

To collect revenue to allow for the provision of services.

Rates, general purpose government grants and interest revenue.

LAW, ORDER, PUBLIC SAFETY

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

Supervision of various by-laws, fire prevention, emergency services and animal control.

HEALTH

To provide an operational framework for environmental and community health.

Food quality and pest control, inspection of abattoir and operation of child health clinic, analytical testing and environmental health administration.

EDUCATION AND WELFARE

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

Year round care, housing for the aged and educational services.

HOUSING

Help ensure adequate housing.

Management and maintenance of staff and rental housing.

COMMUNITY AMENITIES

To provide services required by the community.

Rubbish collections, recycling, refuse site operations, litter control, administration of the town planning scheme, cemetery operations, public toilet facilities, sewerage and protection of the environment.

RECREATION AND CULTURE

To establish and effectively manage infrastructure and resources which help the social well being of the community.

Maintenance and operation of the Town Hall, the aquatic centre, recreation centre, library, community arts program, cultural activities and various services.

TRANSPORT

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

Construction and maintenance of streets, roads, bridges, footpaths, street lighting, traffic management and airport. Purchase and disposal of Council's road plant, parking control and police licensing.

ECONOMIC SERVICES

To help promote the Shire and its economic well being.

Building control, saleyards, tourism and area promotion, standpipes and pest control.

OTHER PROPERTY AND SERVICES

To monitor and control the Shire's overheads operating accounts.

Private works operations, plant repairs and operation costs, stock and materials, property leases and rental, salaries and wages for council employees.

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023

2. RATES AND SERVICE CHARGES

(a) Rating Information

Rate Description	Basis of valuation	Rate in	Number of properties	Rateable value	2022/23 Budgeted rate revenue	2022/23 Budgeted interim rates	2022/23 Budgeted back rates	2022/23 Budgeted total revenue	2021/22 Actual total revenue	2021/22 Budget total revenue
		\$		\$	\$	\$	\$	\$	\$	\$
(i) Differential general rates or general rates										
GRV General	GRV	0.13404	1,407	38,834,598	5,205,472	0	0	5,205,472	4,748,915	4,754,576
UV General	UV	0.07950	145	37,123,576	2,951,235	0	0	2,951,235	2,561,390	2,598,138
Sub-Total			1,552	75,958,174	8,156,707	0	0	8,156,707	7,310,305	7,352,714
Minimum payment										
		\$								
GRV General	GRV	1,520	268	1,254,132	407,360	0	0	407,360	290,400	290,400
UV General	UV	590	143	308,625	84,370	0	0	84,370	85,400	85,400
Sub-Total			411	1,562,757	491,730	0	0	491,730	375,800	375,800
			1,963	77,520,931	8,648,437	0	0	8,648,437	7,686,105	7,728,514
Discounts on general rates (Refer note 2(d))								(60,000)	(59,165)	(50,000)
Total amount raised from general rates								8,588,437	7,626,940	7,678,514

All land (other than exempt land) in the Shire of Derby-West Kimberley is rated according to its Gross Rental Value (GRV) in townsites or Unimproved Value (UV) in the remainder of the Shire of Derby-West Kimberley.

The general rates detailed for the 2022/23 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also considering the extent of any increase in rating over the level adopted in the previous year.

The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of local government services/facilities.

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023

2. RATES AND SERVICE CHARGES (CONTINUED)

(b) Interest Charges and Instalments - Rates and Service Charges

The following instalment options are available to ratepayers for the payment of rates and service charges.

Instalment options	Date due	Instalment plan admin charge	Instalment plan interest rate	Unpaid rates interest rates
		\$	%	%
Option one				
Single full payment	15/09/2022	0	0.0%	7.0%
Option two				
First instalment	15/09/2022	15	5.5%	7.0%
Second instalment	17/01/2023	15	5.5%	7.0%
Option three				
First instalment	15/09/2022	15	5.5%	7.0%
Second instalment	15/11/2022	15	5.5%	7.0%
Third instalment	17/01/2023	15	5.5%	7.0%
Fourth instalment	16/03/2023	15	5.5%	7.0%

	2022/23 Budget revenue	2021/22 Actual revenue	2021/22 Budget revenue
	\$	\$	\$
Instalment plan admin charge revenue	12,000	10,800	12,000
Instalment plan interest earned	25,000	13,068	25,000
Unpaid rates and service charge interest earned	153,912	135,164	200,000
	190,912	159,032	237,000

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023

2. RATES AND SERVICE CHARGES (CONTINUED)

(c) Service Charges

The Shire did not raise service charges for the year ended 30th June 2023.

2. RATES AND SERVICE CHARGES (CONTINUED)

(d) Early payment discounts

Rate, fee or charge to which discount is granted	Type	Discount %	Discount (\$)	2022/23 Budget	2021/22 Actual	2021/22 Budget	Circumstances in which discount is granted
General rates	Rate	%		\$ 60,000	\$ 59,165	\$ 50,000	A discount is offered to ratepayers whose payment of the full amount, including arrears and other charges is received on or before 21 days after the date appearing on the rate notice. The discount will apply to interim rates issued after the billing date.
				60,000	59,165	50,000	

(e) Waivers or concessions

The Shire does not anticipate any waivers or concessions for the year ended 30th June 2023.

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023

3. NET CURRENT ASSETS

(a) Composition of estimated net current assets

Current assets

Cash and cash equivalents - unrestricted

Cash and cash equivalents - restricted

Receivables

Inventories

Less: current liabilities

Trade and other payables

Contract liabilities

Unspent non-operating grants associated with restricted cash

Long term borrowings

Employee provisions

Net current assets

Less: Total adjustments to net current assets

Net current assets used in the Rate Setting Statement

Note	2022/23 Budget 30 June 2023	2021/22 Actual 30 June 2022	2021/22 Budget 30 June 2022
	\$	\$	\$
4	2,011,846	9,679,911	944,002
4	501,325	1,655,432	754,801
	2,338,377	2,338,377	1,864,376
	60,573	60,573	32,395
	4,912,121	13,734,293	3,595,574
	(4,234,970)	(4,234,970)	(2,664,947)
	0	(227,553)	0
	0	(452,078)	0
7	(618,221)	0	(381,779)
	(578,267)	(578,267)	(578,267)
	(5,431,458)	(5,492,868)	(3,624,993)
	(519,337)	8,241,425	(29,419)
3.(c)	519,337	(573,360)	29,419
	0	7,668,065	0

EXPLANATION OF DIFFERENCE IN NET CURRENT ASSETS AND SURPLUS/(DEFICIT)

Items excluded from calculation of budgeted deficiency

When calculating the budget deficiency for the purpose of Section 6.2 (2)(c) of the *Local Government Act 1995* the following amounts have been excluded as provided by *Local Government (Financial Management) Regulation 32* which will not fund the budgeted expenditure.

(b) Non-cash amounts excluded from operating activities

The following non-cash revenue or expenditure has been excluded from amounts attributable to operating activities within the Rate Setting Statement in accordance with *Financial Management Regulation 32*.

Adjustments to operating activities

Add: Depreciation on assets

Non cash amounts excluded from operating activities

Note	2022/23 Budget 30 June 2023	2021/22 Actual 30 June 2022	2021/22 Budget 30 June 2022
	\$	\$	\$
6	7,131,200	7,131,200	7,131,200
	7,131,200	7,131,200	7,131,200

(c) Current assets and liabilities excluded from budgeted deficiency

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

Adjustments to net current assets

Less: Cash - restricted reserves

Add: Current liabilities not expected to be cleared at end of year

- Current portion of borrowings

- Current portion of employee benefit provisions held in reserve

Total adjustments to net current assets

8	(501,325)	(975,801)	(754,801)
	618,221	0	381,779
	402,441	402,441	402,441
	519,337	(573,360)	29,419

**SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023**

3 (d) NET CURRENT ASSETS (CONTINUED)

SIGNIFICANT ACCOUNTING POLICIES

CURRENT AND NON-CURRENT CLASSIFICATION

An asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Shire's operational cycle. In the case of liabilities where the Shire does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current or non-current based on the Shire's intentions to release for sale.

TRADE AND OTHER PAYABLES

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

PREPAID RATES

Prepaid rates are, until the taxable event has occurred (start of the next financial year), refundable at the request of the ratepayer. Rates received in advance are initially recognised as a financial liability. When the taxable event occurs, the financial liability is extinguished and the Shire recognises revenue for the prepaid rates that have not been refunded.

INVENTORIES

General

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

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

Superannuation

The Shire of Derby-West Kimberley contributes to a number of superannuation funds on behalf of employees.

All funds to which the Shire of Derby-West Kimberley contributes are defined contribution plans.

LAND HELD FOR RESALE

Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.

Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.

GOODS AND SERVICES TAX (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).

Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

TRADE AND OTHER RECEIVABLES

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Trade receivables are recognised at original invoice amount less any allowances for uncollectible amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Trade receivables are held with the objective to collect the contractual cashflows and therefore measures them subsequently at amortised cost using the effective interest rate method.

Due to the short term nature of current receivables, their carrying amount is considered to be the same as their fair value. Non-current receivables are indexed to inflation, any difference between the face value and fair value is considered immaterial.

The Shire applies the AASB 9 simplified approach to measuring expected credit losses using a lifetime expected loss allowance for all trade receivables. To measure the expected credit losses, rates receivable are separated from other trade receivables due to the difference in payment terms and security for rates receivable.

PROVISIONS

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

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

EMPLOYEE BENEFITS

Short-term employee benefits

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

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position. The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

CONTRACT LIABILITIES

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer. Grants to acquire or construct recognisable non-financial assets to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023

4. RECONCILIATION OF CASH

For the purposes of the Statement of Cash Flows, cash includes cash and cash equivalents, net of outstanding bank overdrafts. Estimated cash at the end of the reporting period is as follows:

	Note	2022/23 Budget	2021/22 Actual	2021/22 Budget
		\$	\$	\$
Cash at bank and on hand		2,513,171	10,359,543	1,698,803
Term deposits		0	975,800	0
Total cash and cash equivalents		2,513,171	11,335,343	1,698,803
Held as				
- Unrestricted cash and cash equivalents	3(a)	2,011,846	9,679,911	944,002
- Restricted cash and cash equivalents	3(a)	501,325	1,655,432	754,801
		2,513,171	11,335,343	1,698,803
Restrictions				
The following classes of assets have restrictions imposed by regulations or other externally imposed requirements which limit or direct the purpose for which the resources may be used:				
- Cash and cash equivalents		501,325	1,655,432	754,801
		501,325	1,655,432	754,801
The restricted assets are a result of the following specific purposes to which the assets may be used:				
Financially backed reserves	8	501,325	975,801	754,801
Contract liabilities		0	227,553	0
Unspent non-operating grants, subsidies and contribution liabilities		0	452,078	0
		501,325	1,655,432	754,801
Reconciliation of net cash provided by operating activities to net result				
Net result		6,994,464	3,530,867	12,317,007
Depreciation	6	7,131,200	7,131,200	7,131,200
(Increase)/decrease in receivables		0	383,101	(70,844)
(Increase)/decrease in inventories		0	(28,178)	0
Increase/(decrease) in payables		0	489,256	0
Increase/(decrease) in contract liabilities		(227,553)	0	(1,356,947)
Increase/(decrease) in unspent non-operating grants		(452,078)	(321,646)	0
Non-operating grants, subsidies and contributions		(19,103,095)	(4,924,085)	(22,040,788)
Net cash from operating activities		(5,657,062)	6,260,515	(4,020,372)

SIGNIFICANT ACCOUNTING POLICES

CASH AND CASH EQUIVALENTS

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.

Bank overdrafts are shown as short term borrowings in current liabilities in Note 3 - Net Current Assets.

FINANCIAL ASSETS AT AMORTISED COST

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

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

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023

5. FIXED ASSETS

(a) Acquisition of Assets

The following assets are budgeted to be acquired during the year.

Reporting program

Asset class	General purpose funding	Health	Housing	Recreation and culture	Transport	Other property and services	2022/23 Budget total	2021/22 Actual total	2021/22 Budget total
	\$	\$	\$	\$	\$	\$	\$	\$	\$
<i>Property, Plant and Equipment</i>									
Buildings - non-specialised	0	0	1,000,000	0	0	0	1,000,000	682,308	700,532
Furniture and equipment	29,442	0	0	0	0	0	29,442	0	0
Plant and equipment	670,900	72,000	0	0	0	0	742,900	501,425	934,754
	700,342	72,000	1,000,000	0	0	0	1,772,342	1,183,733	1,635,286
<i>Infrastructure</i>									
Infrastructure - roads	0	0	0	0	15,824,284	0	15,824,284	6,323,933	21,457,928
Infrastructure - footpaths	0	0	0	0	280,000	0	280,000	201,190	294,727
Infrastructure - drainage	0	0	0	0	50,000	0	50,000	299,582	0
Infrastructure - parks and ovals	0	0	0	0	0	0	0	13,779	10,000
Infrastructure - wharf	0	0	0	0	100,000	0	100,000	50,530	254,864
Infrastructure - airports	0	0	0	0	3,000,000	0	3,000,000	0	0
Infrastructure - other structures	0	0	0	436,500	327,000	1,096,300	1,859,800	341,893	1,324,591
	0	0	0	436,500	19,581,284	1,096,300	21,114,084	7,230,907	23,342,110
Total acquisitions	700,342	72,000	1,000,000	436,500	19,581,284	1,096,300	22,886,426	8,414,640	24,977,396

A detailed breakdown of acquisitions on an individual asset basis can be found in the supplementary information attached to this budget document as follows:

SIGNIFICANT ACCOUNTING POLICIES

RECOGNITION OF ASSETS

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Financial Management Regulation 17A (5)*. These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023

5. FIXED ASSETS

(b) Disposals of Assets

The following assets are budgeted to be disposed of during the year.

	2022/23 Budget Net Book Value	2022/23 Budget Sale Proceeds	2022/23 Budget Profit	2022/23 Budget Loss	2021/22 Actual Net Book Value	2021/22 Actual Sale Proceeds	2021/22 Actual Profit	2021/22 Actual Loss	2021/22 Budget Net Book Value	2021/22 Budget Sale Proceeds	2021/22 Budget Profit	2021/22 Budget Loss
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
By Program												
Law, order, public safety	0	0	0	0	0	0	0	0	90,400	90,400	0	0
	0	0	0	0	0	0	0	0	90,400	90,400	0	0
By Class												
<u>Property, Plant and Equipment</u>												
Plant and equipment	0	0	0	0		0	0	0	90,400	90,400	0	0
	0	0	0	0	0	0	0	0	90,400	90,400	0	0

A detailed breakdown of disposals on an individual asset basis can be found in the supplementary information attached to this budget document as follows:

- Staff housing program
- Plant replacement program

SIGNIFICANT ACCOUNTING POLICIES

GAINS AND LOSSES ON DISPOSAL

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in profit or loss in the period which they arise.

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023

6. ASSET DEPRECIATION

By Program

Governance
Law, order, public safety
Health
Education and welfare
Housing
Community amenities
Recreation and culture
Transport
Economic services
Other property and services

By Class

Buildings - non-specialised
Furniture and equipment
Plant and equipment
Infrastructure - roads
Infrastructure - footpaths
Infrastructure - drainage
Infrastructure - water supply
Infrastructure - parks and ovals
Infrastructure - wharf
Infrastructure - airports

2022/23 Budget	2021/22 Actual	2021/22 Budget
\$	\$	\$
659	659	659
25,635	25,635	25,635
22,233	22,233	22,233
53,028	53,028	53,028
184,231	184,231	184,231
705,443	705,443	705,443
813,679	813,679	813,679
4,972,748	4,972,748	4,972,748
111,288	111,288	111,288
242,256	242,256	242,256
7,131,200	7,131,200	7,131,200
950,099	950,099	950,099
4,067	4,067	4,067
294,843	294,843	294,843
3,338,465	3,338,465	3,338,465
69,614	69,614	69,614
666,807	666,807	666,807
187,146	187,146	187,146
109,157	109,157	109,157
912,029	912,029	912,029
598,973	598,973	598,973
7,131,200	7,131,200	7,131,200

SIGNIFICANT ACCOUNTING POLICIES

DEPRECIATION

The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Major depreciation periods used for each class of depreciable asset are:

Buildings - non-specialised	30 to 50 years
Furniture and equipment	4 to 10 years
Plant and equipment	5 to 15 years
Infrastructure - roads	20 to 80 years
Infrastructure - footpaths	20 years
Infrastructure - drainage	80 years
Infrastructure - water supply	30 to 75 years
Infrastructure - parks and ovals	10 to 60 Years
Infrastructure - wharf	
Infrastructure - airports	

AMORTISATION

The depreciable amount of all intangible assets with a finite useful life, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held for use.

The assets residual value of intangible assets is considered to be zero and useful live and amortisation method are reviewed at the end of each financial year.

Amortisation is included within Depreciation on non-current assets in the Statement of Comprehensive Income.

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023

7. INFORMATION ON BORROWINGS

(a) Borrowing repayments

Movement in borrowings and interest between the beginning and the end of the current financial year.

Purpose	Loan Number	Institution	Interest Rate	Budget Principal 1 July 2022	2022/23 Budget New Loans	2022/23 Budget Principal Repayments	Budget Principal outstanding 30 June 2023	2022/23 Budget Interest Repayments	Actual Principal 1 July 2021	2021/22 Actual New Loans	2021/22 Actual Principal Repayments	Actual Principal outstanding 30 June 2022	2021/22 Actual Interest Repayments	Budget Principal 1 July 2021	2021/22 Budget New Loans	2021/22 Budget Principal Repayments	Budget Principal outstanding 30 June 2022	2021/22 Budget Interest Repayments
				\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Housing																		
Staff Housing	136	WATC	3.2%	51,785	0	(25,057)	26,728	(2,947)	75,276	0	(23,491)	51,785	(4,490)	75,276	0	(23,491)	51,785	(4,489)
Staff Housing	146	WATC	3.2%	516,591	0	(51,394)	465,197	(31,900)	564,880	0	(48,289)	516,591	(35,005)	564,880	0	(48,289)	516,591	(35,004)
Staff Housing	148	WATC	2.2%	243,688	0	(19,794)	223,894	(10,722)	262,622	0	(18,934)	243,688	(11,582)	262,622	0	(18,934)	243,688	(11,581)
Staff Housing				0	1,000,000	0	1,000,000	0	0	0	0	0	0	0	0	0	0	0
Transport																		
Wharf Fenders and boa	145	WATC	3.4%	166,351	0	(28,934)	137,417	(10,940)	193,395	0	(27,044)	166,351	(12,830)	193,395	0	(27,044)	166,351	(12,829)
Refinance Derby Airport	152	WATC	1.7%	1,531,820	0	(192,991)	1,338,829	(25,669)	1,721,515	0	(189,695)	1,531,820	(28,964)	1,721,515	0	(189,695)	1,531,820	(28,965)
Derby wharf infrastru	151	WATC	1.5%	251,676	0	(38,867)	212,809	(7,309)	289,395	0	(37,719)	251,676	(8,457)	289,395	0	(37,719)	251,676	(8,457)
Economic services																		
Derby visitors centre	149	WATC	2.2%	304,610	0	(24,742)	279,868	(13,402)	328,278	0	(23,668)	304,610	(14,477)	328,278	0	(23,668)	304,610	(14,476)
				3,066,521	1,000,000	(381,779)	3,684,742	(102,889)	3,435,361	0	(368,840)	3,066,521	(115,805)	3,435,361	0	(368,840)	3,066,521	(115,801)

All borrowing repayments, other than self supporting loans, will be financed by general purpose revenue.
 The self supporting loan(s) repayment will be fully reimbursed.

**SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023**

7. INFORMATION ON BORROWINGS

(b) New borrowings - 2022/23

Particulars/Purpose	Institution	Loan type	Term (years)	Interest rate	Amount borrowed budget	Total interest & charges	Amount used budget	Balance unspent
Staff housing	WATC	Debenture	10	3.9%	\$ 1,000,000	\$ 215,934	\$ 1,000,000	\$ 0
					1,000,000	215,934	1,000,000	0

(c) Unspent borrowings

The Shire had no unspent borrowing funds as at 30th June 2022 nor is it expected to have unspent borrowing funds as at 30th June 2023.

(d) Credit Facilities

	2022/23 Budget	2021/22 Actual	2021/22 Budget
	\$	\$	\$
Undrawn borrowing facilities credit standby arrangements			
Credit card limit	50,000	50,000	50,000
Credit card balance at balance date	0	31,840	0
Total amount of credit unused	50,000	81,840	50,000
Loan facilities			
Loan facilities in use at balance date	3,684,742	3,066,521	3,066,521

SIGNIFICANT ACCOUNTING POLICIES

BORROWING COSTS

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023

8. RESERVE ACCOUNTS

(a) Reserve Accounts - Movement

	2022/23 Budget Opening Balance	2022/23 Budget Transfer to	2022/23 Budget Transfer (from)	2022/23 Budget Closing Balance	2021/22 Actual Opening Balance	2021/22 Actual Transfer to	2021/22 Actual Transfer (from)	2021/22 Actual Closing Balance	2021/22 Budget Opening Balance	2021/22 Budget Transfer to	2021/22 Budget Transfer (from)	2021/22 Budget Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Restricted by council												
(a) Leave reserve	402,441	0	0	402,441	402,441	0	0	402,441	402,441	0	0	402,441
(b) Asset renewal reserve	314,511	0	(314,511)	0	314,511	0	0	314,511	314,511	0	(221,000)	93,511
(c) Plant reserve	28,456	0	0	28,456	28,456	0	0	28,456	28,456	0	0	28,456
(d) Airport reserve	3,721	0	0	3,721	3,721	0	0	3,721	3,721	0	0	3,721
(e) Economic Development reserve	19,936	0	0	19,936	19,936	0	0	19,936	19,936	0	0	19,936
(f) Fitzroy Crossing Recreation Hall reserve	46,771	0	0	46,771	46,771	0	0	46,771	46,771	0	0	46,771
(g) Staff Housing reserve	159,965	0	(159,965)	0	159,965	0	0	159,965	159,965	0	0	159,965
	975,801	0	(474,476)	501,325	975,801	0	0	975,801	975,801	0	(221,000)	754,801

(b) Financially Backed Reserves - Purposes

In accordance with Council resolutions in relation to each reserve account, the purpose for which the reserves are set aside are as follows:

Reserve name	Anticipated date of use	Purpose of the reserve
(a) Leave reserve	Ongoing	To be used to fund annual and long service leave requirements.
(b) Asset renewal reserve	Ongoing	To be used to fund the new Derby administration building
(c) Plant reserve	Ongoing	To be used to fund airport capital works, primarily bitumen resealing
(d) Airport reserve	Ongoing	To be used to carry out wharf maintenance
(e) Economic Development reserve	Ongoing	To promote economic development within the Shire
(f) Fitzroy Crossing Recreation Hall reserve	Ongoing	To be used to quarantine funds received from the lease of the FX Recreation Hall to be utilised for any upgrade works
(g) Staff Housing reserve	Ongoing	To be used for the construction of staff housing

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023

9. REVENUE RECOGNITION

SIGNIFICANT ACCOUNTING POLICIES

Recognition of revenue is dependant on the source of revenue and the associated terms and conditions associated with each source of revenue and recognised as follows:

Revenue Category	Nature of goods and services	When obligations typically satisfied	Payment terms	Returns/Refunds/Warranties	Determination of transaction price	Allocating transaction price	Measuring obligations for returns	Revenue recognition
Grant contracts with customers	Community events, minor facilities, research, design, planning evaluation and services	Over time	Fixed terms transfer of funds based on agreed milestones and reporting	Contract obligation if project not complete	Set by mutual agreement with the customer	Based on the progress of works to match performance obligations	Returns limited to repayment of transaction price of terms breached	Output method based on project milestones and/or completion date matched to performance obligations as inputs are shared
Licences/ Registrations/ Approvals	Building, planning, development and animal management, having the same nature as a licence regardless of naming.	Single point in time	Full payment prior to issue	None	Set by State legislation or limited by legislation to the cost of provision	Based on timing of issue of the associated rights	No refunds	On payment and issue of the licence, registration or approval
Airport landing charges	Permission to use facilities and runway	Single point in time	Monthly in arrears	None	Adopted by council annually	Applied fully on timing of landing/take-off	Not applicable	On landing/departure event
Fees and charges for other goods and services	Cemetery services, library fees, reinstatements and private works	Single point in time	Payment in full in advance	None	Adopted by council annually	Applied fully based on timing of provision	Not applicable	Output method based on provision of service or completion of works
Sale of stock	Aviation fuel, kiosk and visitor centre stock	Single point in time	In full in advance, on 15 day credit	Refund for faulty goods	Adopted by council annually, set by mutual agreement	Applied fully based on timing of provision	Returns limited to repayment of transaction price	Output method based on goods

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023

10. PROGRAM INFORMATION

Income and expenses	2022/23 Budget	2021/22 Actual	2021/22 Budget
Income excluding grants, subsidies and contributions			
	\$	\$	\$
Governance	200	1,112	3,750
General purpose funding	6,840,629	7,809,286	7,923,414
Law, order, public safety	33,001	30,315	74,950
Health	102,500	18,961	45,019
Education and welfare	1,280,600	137	0
Housing	124,000	124,104	108,800
Community amenities	2,830,600	2,548,233	2,185,272
Recreation and culture	1,263,726	139,656	149,500
Transport	1,315,000	1,972,336	1,620,000
Economic services	16,200	85,004	57,000
Other property and services	668,306	39,444	72,504
	14,474,762	12,768,588	12,240,209
Operating grants, subsidies and contributions			
Governance	0	1,023	0
General purpose funding	3,090,759	7,525,338	3,130,711
Law, order, public safety	0	13,668	89,000
Health	636,260	677,887	661,497
Education and welfare	1,280,000	604,327	1,089,770
Housing	0	2,945	0
Community amenities	0	0	10,000
Recreation and culture	558,163	177,805	315,372
Transport	0	1,295,249	665,000
Economic services	0	13,636	0
Other property and services	0	12,907	10,000
	5,565,182	10,324,785	5,971,350
Non-operating grants, subsidies and contributions			
Law, order, public safety	0	66,873	119,896
Education and welfare	0	10,000	50,000
Community amenities	0	800	339,863
Recreation and culture	436,500	388,706	140,000
Transport	19,043,573	4,271,891	21,286,029
Economic services	75,100	507,461	105,000
	19,555,173	5,245,731	22,040,788
Total Income	39,595,117	28,339,104	40,252,347
Expenses			
Governance	(1,903,172)	(1,355,154)	(1,690,237)
General purpose funding	(457,343)	(379,978)	(414,987)
Law, order, public safety	(954,589)	(614,575)	(770,307)
Health	(1,467,484)	(1,155,283)	(1,460,607)
Education and welfare	(1,375,664)	(938,481)	(858,372)
Housing	(810,540)	(304,606)	(597,445)
Community amenities	(4,754,572)	(3,825,688)	(4,082,207)
Recreation and culture	(7,501,358)	(5,551,290)	(6,663,225)
Transport	(11,515,801)	(9,154,957)	(9,934,288)
Economic services	(1,167,231)	(1,145,359)	(1,323,943)
Other property and services	(692,899)	(382,866)	(139,722)
Total expenses	(32,600,653)	(24,808,237)	(27,935,340)
Net result for the period	6,994,464	3,530,867	12,317,007

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023

11. OTHER INFORMATION

	2022/23 Budget	2021/22 Actual	2021/22 Budget
	\$	\$	\$
The net result includes as revenues			
(a) Interest earnings			
Investments			
- Other funds	10,000	12,433	0
Other interest revenue (refer to Note 2(b))	178,912	148,232	225,000
	188,912	160,665	225,000
* The Shire has resolved to charge interest under section 6.13 for the late payment of any amount of money at 5.5%.			
(b) Other revenue			
Reimbursements and recoveries	694,155	443,666	156,254
	694,155	443,666	156,254
The net result includes as expenses			
(c) Auditors remuneration			
Audit services	66,300	65,000	66,300
	66,300	65,000	66,300
(d) Interest expenses (finance costs)			
Borrowings (refer Note 7(a))	102,889	115,805	115,801
Other	100	100	20,000
	102,989	115,905	135,801
(e) Write offs			
General rate	80,000	10,567	500
	80,000	10,567	500

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023

12. ELECTED MEMBERS REMUNERATION

	2022/23 Budget	2021/22 Actual	2021/22 Budget
	\$	\$	\$
Elected member 1			
President's allowance	62,727	62,727	62,727
Meeting attendance fees	23,231	23,231	23,231
Annual allowance for ICT expenses	1,333	1,333	1,333
	87,291	87,291	87,291
Elected member 2			
Deputy President's allowance	15,682	15,682	15,682
Meeting attendance fees	17,325	17,325	17,325
Annual allowance for ICT expenses	1,333	1,333	1,333
	34,340	34,340	34,340
Elected member 3			
Meeting attendance fees	17,325	17,325	17,325
Annual allowance for ICT expenses	1,333	1,333	1,333
	18,658	18,658	18,658
Elected member 4			
Meeting attendance fees	17,325	5,076	17,325
Annual allowance for ICT expenses	1,333	1,333	1,333
	18,658	6,409	18,658
Elected member 5			
Meeting attendance fees	17,325	17,325	17,325
Annual allowance for ICT expenses	1,333	1,333	1,333
	18,658	18,658	18,658
Elected member 6			
Meeting attendance fees	17,325	17,325	17,325
Annual allowance for ICT expenses	1,333	1,333	1,333
	18,658	18,658	18,658
Elected member 7			
Meeting attendance fees	17,325	17,325	17,325
Annual allowance for ICT expenses	1,333	1,333	1,333
	18,658	18,658	18,658
Elected member 8			
Meeting attendance fees	17,325	17,325	17,325
Annual allowance for ICT expenses	1,333	1,333	1,333
	18,658	18,658	18,658
Elected member 9			
Meeting attendance fees	17,325	13,620	17,325
Annual allowance for ICT expenses	1,333	634	1,333
	18,658	14,254	18,658
Total Elected Member Remuneration	252,237	235,584	252,237
President's allowance	62,727	62,727	62,727
Deputy President's allowance	15,682	15,682	15,682
Meeting attendance fees	161,831	145,877	161,831
Annual allowance for ICT expenses	11,997	11,298	11,997
	252,237	235,584	252,237

SHIRE OF DERBY-WEST KIMBERLEY
NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2023

13. FEES AND CHARGES

	2022/23 Budget	2021/22 Actual	2021/22 Budget
	\$	\$	\$
By Program:			
Governance	200	1,557	3,750
General purpose funding	20,200	21,681	19,900
Law, order, public safety	27,258	23,143	43,700
Health	27,500	18,961	45,019
Education and welfare	500	0	0
Housing	124,000	119,045	88,800
Community amenities	2,830,600	2,548,233	2,185,272
Recreation and culture	117,400	103,350	109,500
Transport	1,840,000	1,664,695	1,620,000
Economic services	15,600	23,736	56,000
Other property and services	0	12,916	8,500
	5,003,258	4,537,317	4,180,441

The subsequent pages detail the fees and charges proposed to be imposed by the local government.

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
03 General Purpose Funding						
Rates						
Instalment Charges						
Instalment Plans - Administration Fee per instalment notice. The administration fee does not apply to the first instalment (therefore a total fee of \$45 per year). The fee is only applicable to ratepayers who elect to pay either by the two or four instalments option by the due date	No	Yes	Local Government Financial Management Regulations 1996, Part 5, Section 67	\$15.00	each	\$ 15.00
Interest on Instalment Plan	No	Yes	Local Government Financial Management Regulations 1996, Part 5, Section 68	5.5% pa	annual rate	5.5% pa
Interest Charges						
Penalty interest on overdue rates and service charges - calculated daily on rates and service charges unpaid by due date	No	Yes	Local Government Financial Management Regulations 1996, Part 5, Section 70, 71	7%	annual rate	7%
Rating Charges						
Dishonoured Cheque including administration fee	Yes	No	LG Act 1995	\$55.00	each	\$ 60.00
Rates Reprint - Cost per reprint sent by e-mail	No	No		\$10.00	each	\$ 10.00
Rates Reprint - Cost per reprint sent by post	No	No		\$20.00	each	\$ 20.00
Account Enquiries - Rating Information per request only	No	No		\$60.00	each	\$ 65.00
Account Enquiries - Property Search which includes Building Dept Fee per request	No	No		\$120.00	each	\$ 130.00
Account Enquiries - Combined Rating and Property Search per request	No	No		165.00	each	\$ 178.00
Rate Book - Hard Copy per request *	No	No		\$200.00	each	\$ 216.00
Rate Book - Electronic Copy per request *	No	No		\$25.00	each	\$ 27.00
Electoral Roll per request	No	No		\$190.00	each	\$ 205.00
Rates - Alternative Payment Arrangements per request	No	No		\$50.00	each	\$ 54.00
Rates - Re-imbursement of Search/Legal Fees	No	No		Actual Cost	each	Actual Cost
Debt Recovery Cost: Rates Collection - All legal and court costs	No	No		Actual Cost		Actual Cost
Caveat Lodgement Fee	No	No		Actual Cost		Actual Cost
Caveat Withdrawal Fee	No	No		Actual Cost		Actual Cost
* Rate Book will only be provided on completion of a statutory declaration that the information will not be used for commercial purposes by the purchaser or another person						
04 Governance						
Other Governance						
Administrative Charges						
Debtors						
Debt Recovery Cost: Non-Rate Debt Collection - All legal and court costs	No	No		Actual Cost		Actual Cost
Non Payment Penalty Interest - Sundry Debtors (commences 35 days after date of issue, interest calculated daily)	No	No	LG Act 1995 Section 6.13	7%	annual rate	7%
Dishonoured Cheque including administration fee	No	Yes	LG Act 1995	\$55.00	each	\$ 60.00
* At discretion of the Shire not to levy this charge						
Council Publications						
Minutes and Agendas						
Agenda - per copy per meeting	No	No	LG Act 1995	\$25.00	per copy	\$25.00 (+ 25c/page over 100 pages)
Minutes - per copy per meeting	No	No	LG Act 1995	\$25.00	per copy	\$25.00 (+ 25c/page over 100 pages)
Agenda and Minutes - per copy per meeting	No	No	LG Act 1995	\$45.00	per copy	\$45.00 (+ 25c/page over 100 pages)
Freedom of Information Requests						
Application for personal Information about the Applicant	No	Yes	FOI Reg 1993, Schedule 1	No Charge	each	No Charge
Application Fee under Section 12 (1) (e) for an application for non-personal information*	No	Yes	FOI Reg 1993, Schedule 1	\$30.00	each	\$ 30.00
Charge for time taken dealing with application (per hour or pro rata for a part of an hour)	No	Yes	FOI Reg 1993, Schedule 1	\$30.00	per hour	\$ 30.00
Charge for access time supervised by Staff (per hour or pro rata for a part of an hour)	No	Yes	FOI Reg 1993, Schedule 1	\$30.00	per hour	\$ 30.00
Charge for photocopying – Staff time (per hour or pro rata for a part of an hour)	No	Yes	FOI Reg 1993, Schedule 1	\$30.00	per hour	\$ 30.00
Charge for time taken by staff transcribing information from a tape or other device (per hour or pro rata for a part of an hour)	No	Yes	FOI Reg 1993, Schedule 1	\$30.00	per hour	\$ 30.00
Charge for duplicating a Tape, File or Computer Information	No	Yes	FOI Reg 1993, Schedule 1	Actual Cost		Actual Cost
Charge for delivery, packaging and postage	No	Yes	FOI Reg 1993, Schedule 1	Actual Cost		Actual Cost
Advance deposit may be required by the Shire of the estimated charges under Section 18 (1) of the FOI Act	No	Yes	FOI Reg 1993, Schedule 1	25%	% of cost	25%
Further advance deposit which may be required by the Shire under Section 18 (4) of the FOI Act	No	Yes	FOI Reg 1993, Schedule 1	75%	% of cost	75%
For financially disadvantaged applicants or those issued with a prescribed Pensioner Concession Card, the charge payable is reduced by:	No	No		25%		25%
* Members of the public may request an estimate of charges when lodging an application. If the charges are likely to exceed \$25, the Shire will provide an estimate of charges and enquire whether the application is to proceed. The Shire must be notified within 30 days of an intention to proceed with the application. An advance deposit may be requested						
Shire Special Series Number Plates	Yes	No		\$300.00	each	\$ 323.00
Scanning to Email: 1 to 20 pages	Yes	No		\$3.50	each	\$ 10.00
Printing or Copying:						
A4 Black and White - per side	Yes	No	LG Act 1995	\$0.50	each	\$ 1.00

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
A4 Coloured - per side	Yes	No	LG Act 1995	\$1.00	each	\$ 2.00
A3 Black and White - per Side	Yes	No	LG Act 1995	\$1.00	each	\$ 2.00
A3 Coloured - per Side	Yes	No	LG Act 1995	\$2.50	each	\$ 3.00
Students - Above fees are at a discounted rate of 50%	Yes	No	LG Act 1995	50%	each	50% of above rates
05 Law, Order, Public Safety						
Animal Control						
Animal Microchipping *						
Microchipping of dog or cat - where either 1 dog or 1 cat only	Yes	No	LG Act 1995	\$55.00	each	\$ 55.00
Microchipping of dog or cat - per animal where two or more	Yes	No	LG Act 1995	\$50.00	each	\$ 50.00
Microchipping of dog or cat - Eligible Pensioners where either 1 dog or 1 cat only	Yes	No	LG Act 1995	\$50.00	each	\$ 50.00
Microchipping of dog or cat - Eligible Pensioners per animal where two or more	Yes	No	LG Act 1995	\$45.00	each	\$ 45.00
* This service is a provision for the releasing dogs and cats from the pound - when and where other service providers are not available. It cannot be seen as an expectation from the Public and may not always be readily available. The principal Vet from the Derby Veterinary Clinic unconditionally supports the offer of this service						
Cat Breeders						
Cat Breeders - Application for grant of, or renewal of approval to breed cats	No	Yes	Cat Act 2011	\$200.00	each	\$ 200.00
Cat Registration Fees and Charges *						
Sterilised Cat - 1 year	No	Yes	Cat Reg 2012, Schedule 3	\$20.00	each	\$ 20.00
Sterilised Cat - If application is made after 31st of May until next 31st of October	No	Yes	Cat Reg 2012, Schedule 3	\$10.00	each	\$ 10.00
Sterilised Cat - 3 years	No	Yes	Cat Reg 2012, Schedule 3	\$42.50	each	\$ 42.50
Sterilised Cat - Lifetime Registration	No	Yes	Cat Reg 2012, Schedule 3	\$100.00	each	\$ 100.00
Eligible Pensioners - Amount of above fee payable	No	Yes	Cat Reg 2012, Schedule 3	50%	each	50%
* Cat Registrations are due and payable on 1st November in the year of expiry of the licence						
Replacement Cat Tag	Yes	No	LG Act 1995	6.00	each	\$ 6.00
Cat Seizure Fee - payable in addition to infringement fees	No	No	LG Act 1995	90.00	each	\$ 90.00
Cat maintenance in pound - per cat per day	Yes	No	LG Act 1995			\$ 15.00
Parasite treatment if required	Yes	No	LG Act 1995	0.00		\$ 11.00
Cat Infringements - Fine per Cat Under Cat Regulations 2012, CAT Act 2011						
Boarding Kennels						
Boarding Kennel Registration licence	Yes	Yes	Dog Act 1976	200.00	each	\$ 200.00
Annual kennel Licence (Inspection required before renewal of Licence)	Yes	Yes	Dog Act 1976	200.00	each	\$ 220.00
Variation of Licence	No	Yes	Dog Act 1976			\$ 105.00
Transfer of Licence	No	Yes	Dog Act 1976			\$ 70.00
Dog Registration Fees and Charges *						
Sterilised Dogs - 1 year	No	Yes	Dog Act 1976	\$20.00	each	\$ 20.00
Sterilised Dog - If application is made after 31st of May until next 31st of October	No	Yes	Dog Act 1976	\$10.00	each	\$ 10.00
Sterilised Dogs - 3 years	No	Yes	Dog Act 1976	\$42.50	each	\$ 42.50
Sterilised Dog - Lifetime Registration	No	Yes	Dog Act 1976	\$100.00	each	\$ 100.00
Eligible Concession Card Holders - Amount of above fee payable (except Dangerous Dog)	No	Yes	Dog Act 1976	50%	each	50%
Working Dogs - Bona fide used in droving or tendering stock, Amount of above fee payable	No	Yes	Dog Act 1976	25%	each	25%
Lifetime dog sterilisation cost - only under RSPCA Pet Sterilisation Program	No	Yes	Dog Act 1976			No charge
Unsterilised Dogs - 1 year	No	Yes	Dog Act 1976	\$50.00	each	\$ 50.00
Unsterilised Dog - If application is made after 31st of May until next 31st of October	No	Yes	Dog Act 1976	\$25.00	each	\$ 25.00
Unsterilised Dogs - 3 years	No	Yes	Dog Act 1976	\$120.00	each	\$ 120.00
Unsterilised Dog - Lifetime	No	Yes	Dog Act 1976	\$250.00	each	\$ 250.00
Eligible Concession Card Holders - Amount of above fee payable (except Dangerous Dog)	No	Yes	Dog Act 1976	50%	each	50%
Working Dogs - Bona fide used in droving or tendering stock, Amount of above fee payable	No	Yes	Dog Act 1976	25%	each	25%
* Dog Registrations are due and payable on 1st November in the year of expiry of the licence						
Guide Dogs	No	Yes		No Charge		No Charge
Dangerous Dog - 1 year	No	Yes		\$50.00	each	\$ 50.00
Dangerous Dog initial property inspection	Yes	No	LG Act 1995	200.00	each	\$ 250.00
Dangerous Dog annual inspection	Yes	No	LG Act 1995	200.00	each	\$ 200.00
Dangerous Dog Collar	Yes	No	LG Act 1995	70.00	each	\$ 70.00
Dangerous Dog Sign	Yes	No	LG Act 1995	45.00	each	\$ 45.00
Dangerous Dog Muzzle	Yes	No	LG Act 1995	35.00	each	\$ 35.00
Replacement Dog Tag	Yes	No	LG Act 1995	6.00	each	\$ 6.00
Dog Local Laws and Dog Charges						
Dog Seizure Fee - payable in addition to infringement fees as per Dog Act 1976 and Dog Regulations 1976	Yes	No	LG Act 1995	90.00	each	\$ 90.00
Dog Seizure Fee - Without impound and return of dog	No	No	Dog Act 1976	No charge	each	No charge
Dog Maintenance in Pound - per dog per day	Yes	No	LG Act 1995	15.00	each	\$ 15.00
Parasite treatment if required	Yes	No	LG Act 1995	0.00		\$ 11.00
Destruction and/or Disposal of a Dog - At Owners request	Yes	No	LG Act 1995	100.00	each	\$ 120.00

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
Return Dog after hours	Yes	No	LG Act 1995	100.00	each	\$ 150.00
Application for more than 2 Dogs - Charge per application	Yes	No	LG Act 1995	\$150.00	each	\$ 150.00
Dog Infringements - Fine per Dog Under Dogs Local Law 2003, Dog Act 1976						
Entire horses, mules, asses, camels, bulls or boars per head	Yes	No	Local Government (Miscellaneous Provisions) Act 1960	\$120.00	each	\$ 120.00
Mares, geldings, colts, fillies, foals, oxen, cows, steers, heifers, rams or pigs per head	Yes	No	Local Government (Miscellaneous Provisions) Act 1960	\$120.00	each	\$ 120.00
Wethers, ewes, lambs or goats per head	Yes	No	Local Government (Miscellaneous Provisions) Act 1960	\$60.00	each	\$ 60.00
Impounded after 6pm and before 6am	Yes					
Entire horses, mules, asses, camels, bulls or boars per head	Yes	No	Local Government (Miscellaneous Provisions) Act 1960	\$204.00	each	\$ 204.00
Mares, geldings, colts, fillies, foals, oxen, cows, steers, heifers, rams or pigs per head	Yes	No	Local Government (Miscellaneous Provisions) Act 1960	\$240.00	each	\$ 240.00
Wethers, ewes, lambs or goats per head	Yes	No	Local Government (Miscellaneous Provisions) Act 1960	\$120.00	each	\$ 120.00
Entire horses, mules, asses, camels, bulls or boars per head	Yes	No	Local Government (Miscellaneous Provisions) Act 1960	\$60.00	each	\$ 60.00
Mares, geldings, colts, fillies, foals, oxen, cows, steers, heifers, rams or pigs per head	Yes	No	Local Government (Miscellaneous Provisions) Act 1960	\$60.00	each	\$ 60.00
Wethers, ewes, lambs or goats per head	Yes	No	Local Government (Miscellaneous Provisions) Act 1960	\$30.00	each	\$ 30.00
Subsequent each 24 hours of part thereof						
Entire horses, mules, asses, camels, bulls or boars per head	Yes	No	Local Government (Miscellaneous Provisions) Act 1960	\$30.00	each	\$ 30.00
Mares, geldings, colts, fillies, foals, oxen, cows, steers, heifers, rams or pigs per head	Yes	No	Local Government (Miscellaneous Provisions) Act 1960	\$30.00	each	\$ 30.00
Wethers, ewes, lambs or goats per head	Yes	No	Local Government (Miscellaneous Provisions) Act 1960	\$15.00	each	\$ 15.00
Note: No charge is payable in respect of a suckling animal under the age of six months running with its mother						
Charges for Sustenance of Stock Impounded - Daily per animal						
Entire horses, mules, asses, camels, bulls, mares, geldings, colts, fillies, foals, oxen, cows, steers, heifers or calves per head	Yes	No	Local Government (Miscellaneous Provisions) Act 1960	\$35.00	each	\$ 35.00
Pigs of any description per head	Yes	No	Local Government (Miscellaneous Provisions) Act 1960	\$35.00	each	\$ 35.00
Rams, wethers, ewes, lambs or goats per head	Yes	No	Local Government (Miscellaneous Provisions) Act 1960	\$35.00	each	\$ 35.00
Note: No charge is payable in respect of a suckling animal under the age of six months running with its mother						
Vehicle Impoundment - Per Vehicle						
Animal trap bond - per trap and refundable upon return of trap	No	No				\$ 50.00
NEW Heading "Vehicle/Impounding"						
Towing of Vehicle from Property	No	No		\$250.00	each	\$ 250.00
Impounding of Vehicle	No	No		\$100.00	each	\$ 20.00
Impounded Vehicles - Storage Fee per Day	No	No		\$10.00	each	\$ 10.00
07 Health						
Caravan Park and Camping Ground						
Annual Registration Fee (Minimum)*	No	Yes		\$200.00	per annum	\$ 200.00
Transfer of Caravan Park Licence	No	Yes	Caravan Parks and Camping Ground Regulations 1997	\$100.00	each	\$ 100.00
*OR - The amount calculated by multiplying the relevant amount below per site, by the maximum number of sites (including any sites that may be used in an overflow area) - WHICHEVER IS THE GREATER AMOUNT						
Registration per Long Stay Site	No	Yes	Caravan Parks and Camping Ground Regulations 1997	\$6.00	per annum	\$ 6.00
Registration per Short Stay Site and Sites in Transit Parks	No	Yes	Caravan Parks and Camping Ground Regulations 1997	\$6.00	per annum	\$ 6.00
Registration per Camp Site	No	Yes	Caravan Parks and Camping Ground Regulations 1997	\$3.00	per annum	\$ 3.00
Registration per Overflow Site	No	Yes	Caravan Parks and Camping Ground Regulations 1997	\$1.50	per annum	\$ 1.50
Additional fee for renewal after expiry (Reg 53)	No	Yes	Caravan Parks and Camping Ground Regulations 1997	\$20.00	each	\$ 20.00
Temporary Licence - Refer to Schedule 3. Pro rata amount of the application fee payable for the period of time for which the licence is to be in force	No	Yes	Caravan Parks and Camping Ground Regulations 1997	Minimum of \$100	each	Minimum of \$100
Lodging House						
Annual Registration Fee	No	No	Health (Miscellaneous Provisions Act 1911)	\$180.00	per annum	\$ 180.00
Transfer of Ownership Licence	No	No	LG Act 1995	\$100.00	each	\$ 100.00

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
Public Buildings						
Low Risk - per building	No	No		\$100.00	each	\$ 100.00
Medium Risk - per building	No	No		\$200.00	each	\$ 200.00
High Risk - per building	No	No		\$300.00	each	\$ 300.00
Public Events	No	No		\$100.00	each	\$ 100.00
Reissue of Certificate of Approval	No	No		\$50.00	each	\$ 50.00
Public Event - Not-for-profit entity	No	No		No Charge	each	No Charge
Premises Inspection						
Food Premises Inspection Fee	No	No	LG Act 1995	\$80.00	each	\$ 80.00
Food Premises Re-Inspection Fee - Initial Failure	No	No	LG Act 1995	\$120.00	each	\$ 120.00
Fee for Service of Demand *						
Includes Section 39 Certificate, freezer breakdown, inspection on request, assessment of noise management plans						
1st hour or pro rata for a part of an hour	Yes	No		\$180.00	each	\$ 194.00
Every hour thereafter or pro rata for a part of an hour	Yes	No		\$90.00	each	\$ 97.00
Water Sampling/Analysis *Microbial - per sample on request	Yes	No	LG Act 1995	100.00	each	\$ 77.00
Pool Water Sampling	No	No	LG Act 1995	80.00	each	\$ 57.00
Pool Water Re-Sampling as failed initial test	No	No	LG Act 1995	\$140.00	each	\$ 100.00
Bore Water Sampling	Yes	No	LG Act 1995	\$100.00	each	\$ 77.00
Bore Water Re-Sampling as failed initial test	Yes	No	LG Act 1995	\$130.00	each	\$ 130.00
Reissue of Certificate of Approval - All health related approvals	Yes	No		\$50.00	each	\$ 54.00
Note: Fee for service applies to all Environmental Health Service Delivery and is not limited to food matters only						
Hairdresser/Beauty Therapy/Skin Penetration						
Initial Notification / Application	No	No	LG Act 1995	\$110.00	each	\$ 110.00
Annual Inspection Fee	No	No	LG Act 1995	\$80.00	each	\$ 80.00
Offensive Trades Fees						
Fees for Offensive Trades are as prescribed by the Health (Offensive Trades Fees) Regulations 1976 under the Health Act 1911	No	Yes		Refer to Reg 3	each	Refer to Reg 3
Septic Tank Applications*						
Local Government Application Fee	No	No		\$118.00	each	\$ 118.00
Fee for Grant of Permit (Reg 10(2))	No	No		\$118.00	each	\$ 118.00
Septic Tank Inspection Fee	No	No		\$118.00	each	\$ 118.00
*Other fees apply if building is not a single dwelling and produces more than 540 litres of sewerage per day (ie \$56.00 fee to HDWA)						
Food Act Application Fee						
Construct or establish a food premises (s110 (3)) which includes Notification Fee						
High Risk	No	No		\$400.00	each	\$ 400.00
Medium Risk	No	No		\$300.00	each	\$ 300.00
Low Risk	No	No		\$200.00	each	\$ 200.00
Note: As per Food Act, any Fees and Charges set by statutory regulation take precedence over Council Fee's and Charges						
Food Act Notification Fee						
High, Medium and Low Risk Premises	No	No		\$70.00	each	\$ 70.00
Exempted Food Premises, not-for-profit, community groups and food business' licenced under Activities on Thoroughfares and Trading	No	No		No Charge	each	No Charge
Annual Risk Assessment/Inspection Fees						
High Risk - 4 Assessments per year	No	No		\$500.00	each	\$ 500.00
Medium Risk - 2 Assessments per year	No	No		\$300.00	each	\$ 300.00
Low Risk - 1 Assessment per year	No	No		\$150.00	each	\$ 150.00
2nd and Subsequent Re-Assessment	No	No		\$100.00	each	\$ 100.00
Transfer Fee	No	No		\$100.00	each	\$ 100.00
Stallholders Permit						
Annual Fee	No	No		\$260.00	per annum	\$ 260.00
Monthly Fee	No	No		\$60.00	per month	\$ 60.00
Daily Fee	No	No		\$30.00	each	\$ 30.00
Charitable organisation or community group	No	No		0.00	each	\$ -
Traders Permit						
Annual Fee	No	No		\$1,565.00	per annum	\$ 1,565.00
Monthly Fee	No	No		\$260.00	per month	\$ 260.00
Daily Fee/One off	No	No		\$55.00	each	\$ 55.00
Infringements						
Offences under the Food Act 2008	No	Yes		As prescribed	each	As prescribed
Offences under the Food Regulations 2009	No	Yes		As prescribed	each	As prescribed
08 Education and Welfare						
School Holiday Program: Primary School Sessions						
Individual Session	No	No		\$11.00	per session	\$ 11.00
One Week - All Sessions	No	No		\$30.00	per week	\$ 30.00
Two Weeks - All Sessions	No	No		\$60.00	per two weeks	\$ 60.00
Youth Services						
Derby Youth Centre - Alcohol is not allowed at this venue						
Community and Non-Government Use - per hour	Yes	No		\$15.00	per hour	\$ 15.00
Community and Non-Government Use - half day (up to 5 hours)	Yes	No		\$67.50	per half day	\$ 67.50
Community and Non-Government Use - per day	Yes	No		\$96.00	per day	\$ 96.00
Commercial and Government Use - per hour	Yes	No		\$30.00	per hour	\$ 30.00
Commercial and Government Use - half day (up to 5 hours)				\$135.00	per half day	\$ 135.00
Commercial and Government Use - per day	Yes	No		\$180.00	per day	\$ 180.00
Additional Cleaning Charges per hour (where required)	Yes	No		\$110.00	per hour	Cleaning Contractor Costs + 20%

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
Additional Rubbish Collection by Shire Staff per hour (where required)	Yes	No		\$110.00	per hour	As per labour rates under "14. Other Property and Services"
Staff to attend - Call Out Fee - per hour	Yes	No		\$80.00	per hour	As per labour rates under "14. Other Property and Services"
Bond	No	No		\$500.00	per hire	\$ 50.00
Late key return, Community and Non-Govt Organisations - for keys not returned within hire period as specified above - per day	Yes	No		\$70.00	each	\$ 70.00
Late key return, Government and Commercial Organisations - for keys not returned within hire period as specified above - per day	Yes	No		\$140.00	each	\$ 140.00
Lost key return - for keys not surrendered within 5 business day after the event, in addition to late key return fees charged	Yes	No		\$600.00	each	\$ 600.00
After hours Inspection (Weekends, Public Holidays etc.) - when a post hire inspection by Shire staff or a contractor is required outside of normal Shire business hours (being an additional fee on top of the normal hireage fee as specified above)	Yes	No		\$300.00	each	\$ 300.00
Note: Hire fees may be waived at the discretion of Council for the delivery of Youth Life Skills Programs						
09 Housing						
Housing - Council Staff	No	No				
As per Council Policy AF23 - Provision of Staff Housing						
10 Community Amenities						
Cemeteries:						
The Municipality of the Shire of Derby West Kimberley Local Laws relating to Derby Public Cemetery - Reserve No. 1227 and Fitzroy Crossing Public Cemetery - Reserve No. 29060						
Cemetery Enquiry - Search of Cemetery Records	Yes	No		\$55.00	each	\$ 60.00
Burial - Application for Grant of Right of Burial						
On application for a "Form of Grant of Right of Burial" the following fees shall be payable:						
Grant of Right of Burial	No	No		\$150.00	each	\$ 162.00
Sinking Fees - Ordinary Grave for an adult (1.8 - 2.1m deep)	No	No		\$600.00	each	\$ 646.00
Sinking Fees - Grave for any child under 7 years (1.8 - 2.1m deep)	No	No		\$500.00	each	\$ 538.00
Sinking Fees - Grave for any stillborn child (1.4m deep)	No	No		\$400.00	each	\$ 431.00
Sinking fees - Double Burial Plot (2.4m deep)	No	No		\$650.00	each	\$ 700.00
Sinking fees - Family to Dig Grave	No	No		\$350.00	each	\$ 377.00
Burial - Extra Charges						
For each additional metre or part thereof	No	No		\$150.00	per metre	\$ 162.00
Reopening an ordinary grave for each internment or exhumation - Standard Grave (1.8m deep)	No	No		\$750.00	each	\$ 807.00
Reopening Double Plot for second burial at 1.8m deep	No	No		\$600.00	each	\$ 646.00
Internment without due notice under By-law 6	No	No		\$250.00	each	\$ 269.00
Re-interment after exhumations	No	No		\$250.00	each	\$ 269.00
Weekend or Public Holiday	No	No		0.00	each	\$ 1,000.00
Note: Where removal of kerbing, tiles, grass etc. is necessary, fees will be charged per labour hour incurred				Actual Cost	each	Actual Cost
Miscellaneous Charges						
Plot Reservation/Registration of Right of Burial (25 years)	No	No		\$150.00	each	\$ 162.00
Registration of "Transfer of Form of Grant of Right of Burial"	No	No		\$25.00	each	\$ 27.00
Copy of Right of Burial	No	No		\$25.00	each	\$ 27.00
Funeral Director's Annual Licence Fee	No	No		\$250.00	per annum	\$ 269.00
Monumental Mason's Annual Licence Fee	No	No		\$150.00	per annum	\$ 162.00
Permit to erect Headstone	No	No		\$40.00	each	\$ 150.00
Sanitation Household						
Refuse Collection						
Residential Rubbish - One Collection per bin per week (Two in wet season)	No	No	Waste Avoidance and Resource Recovery Act 2007, Part 6, Div 3, Section 67	\$775.00	per annum	\$ 860.00
Residential Rubbish - Additional Bin Charge for one collection per week (Two in wet season)	No	No	Waste Avoidance and Resource Recovery Act 2007, Part 6, Div 3, Section 67	\$840.00	per annum	\$ 930.00
Commercial Rubbish - One Collection per bin per week (Two in wet season)	No	No	Waste Avoidance and Resource Recovery Act 2007, Part 6, Div 3, Section 67	\$1,210.00	per annum	\$ 1,340.00
Commercial Rubbish - Additional Service per day/week	No	No	Waste Avoidance and Resource Recovery Act 2007, Part 6, Div 3, Section 67	\$550 Should be \$670	per annum	\$ 930.00
Commercial Rubbish - Additional Bin Charge for one collection per week (Two in wet season)	No	No	Waste Avoidance and Resource Recovery Act 2007, Part 6, Div 3, Section 67	\$1,000.00 Should be \$1340	per annum	\$ 1,340.00
Domestic/Commercial Rubbish Bins - Replacement cost per bin	No	No	Waste Avoidance and Resource Recovery Act 2007, Part 6, Div 3, Section 67	230.00	each	\$ 248.00
Derby/Fitzroy Crossing Waste Management Facilities - Disposal Charge						
Domestic Household Refuse - Disposal at Landfill Site Only						
Delivered in trailer or utility loads only, including recyclables	No	No	Waste Avoidance and Resource Recovery Act 2007, Part 6, Div 3, Section 67	No Charge	per m3	No Charge
Note: Any refuse from domestic premises if brought in by a commercial vehicle or operator will be charged at the commercial and industrial rates						
Separated Green Waste Suitable for Mulching						
Domestic	No	No		No Charge	per m3	No Charge
Commercial	No	No		No Charge	per m3	No Charge

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
Refuse from Commercial and Industrial Premises and 'Authorised' Collection of Household Waste, and Demolition Waste						
Compacted - Compactor Vehicles - per cubic metre or part thereof	Yes	No		60.00	per m3	\$ 65.00
Not Compacted - per cubic metre or part thereof	Yes	No		80.00	per m3	\$ 87.00
Airconditioners						
General Public	No	No		No Charge	each	No Charge
Commercial Business - per item	Yes	No		55.00	each	\$ 60.00
Asbestos Disposal						
Asbestos Disposal per cubic metre	Yes	No		125.00	per m3	\$ 135.00
Asbestos Disposal Minimum Charge	Yes	No		300.00	per m3	\$ 323.00
Batteries						
	No	No		No Charge		No Charge
Car Bodies – See Waste Facility Contractors					each each	
	No	No		No Charge		No Charge
Clinical Waste						
Clinical Waste Disposal - per cubic metre or part thereof	Yes	No		\$210.00	per m3	\$ 226.00
Disposal of Animal Carcasses - Large Stock						
Large animals e.g horses, cattle, camels, pigs	Yes	No		\$50.00	each	\$ 53.00
E-Waste						
Empty Plastic 205 Litre Drums	Yes	No		No Charge	each	No charge
Empty Steel 205 Litre Drums	No	No		\$15.00	each	\$ 17.00
Gas Bottles						
	No	No		No Charge	each	No charge
Liquid/Septage/Grease Trap Waste						
Deposited at Council Facility - per 1,000 ltrs or part thereof	Yes	No		180.00	per kilolitre	\$ 194.00
Note: Arrangements to be made with private contractors						
Motor Oil and Cooking Oil						
Contact Shire Officers for disposal information	No	No		No Charge	per litre	No Charge
Refrigerators or Freezers						
General Public	No	No		No Charge	each	No Charge
Commercial Business - per item	Yes	No		55.00	each	\$ 60.00
Truck Bodies – See Waste Facility Contractors						
	No	No		No Charge	each	No Charge
Tyres						
Car Tyres	Yes	No		\$9.00	each	\$ 10.00
Light Truck Tyres	Yes	No		\$15.00	each	\$ 20.00
Truck Tyres	Yes	No		\$40.00	each	\$ 50.00
Tractor and Large Machinery Tyres	Yes	No		\$80.00	each	\$ 100.00
Haul Pack/Dumptruck Tyres	Yes	No		\$1,110.00	each	\$ 1,200.00
Any waste from outside the Shire's boundaries will incur double the stated fees above						
Minimum Charge of \$15 per invoice per month	Yes	No		\$15.00	each	\$ 25.00
Town Planning and Regional Development						
Statutory Planning Applications - In accordance with Planning and Development Regulations 2009, Reg 47 Schedule 2						
Fees are based on the estimated cost of development - Per Application *						
Determination of a Development Application (other than for an Extractive Industry) where the Development has not commenced or been carried out and the estimated cost of the Development is:						
A) Not more than \$50,000	No	Yes	Planning and Development Act 2005	\$147.00	each	\$ 147.00
B) More than \$50,000 but not more than \$500,000	No	Yes	Planning and Development Act 2005	0.32% of the estimated cost of development		0.32% of the estimated cost of development
C) More than \$500,000 but not more than \$2.5 million	No	Yes	Planning and Development Act 2005	\$1,700 plus 0.257% for every \$1 in excess of \$500,000		\$1,700 plus 0.257% for every \$1 in excess of \$500,000
D) More than \$2.5 million but not more than \$5 million	No	Yes	Planning and Development Act 2005	\$7,161 plus 0.206% for every \$1 in excess of \$2.5 million		\$7,161 plus 0.206% for every \$1 in excess of \$2.5 million
E) More than \$5 million but not more than \$21.5 million	No	Yes	Planning and Development Act 2005	\$12,633 plus 0.123% for every \$1 in excess of \$5 million		\$12,633 plus 0.123% for every \$1 in excess of \$5 million
F) More than \$21.5 million	No	Yes	Planning and Development Act 2005	\$34,196.00	each	\$ 34,196.00
* If the Development has commenced or been carried out without approval, an additional amount by way of penalty is payable. This penalty is twice the amount of the fee payable for the determination of the application fees shown above, in addition to the normal application fee. Thus the fee payable is three times the standard fee. This is a statutory fee.						
Advertising Costs (TPS 5) SA/AA as appropriate	No	No		At Cost	each	At Cost
Resubmission of Lapsed Planning Approval	No	No		\$295.00	each	\$ 295.00
Request for Consideration of Amended Plan	No	No		\$295.00	each	\$ 295.00
Request for Extension of Time	No	No		\$295.00	each	\$ 295.00
Determining an application to cancel the development approval	No	No		\$0.00	each	\$ -
Extractive Industry *						
Determination of Development Application	No	Yes	Planning and Development Act 2005	\$739.00	each	\$ 739.00
* If the Development has commenced or been carried out without approval, an additional amount of \$1,478.00 by way of penalty is payable, in addition to the normal application fee. Thus the fee payable is 3 times the standard fee. This is a statutory fee.						
Change of Use and Non Conforming Use Application Only						
Application for change of use or for change of continuation of a non-conforming use where development is not occurring	No	Yes	Planning and Development Act 2005	\$295.00	each	\$ 295.00

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
Alteration, extension or change of non-conforming use where development already commenced or been carried out	No	Yes	Planning and Development Act 2005	\$885.00	each	\$ 885.00
Miscellaneous Fees						
Section 39 and 40 Certificates	No	Yes		\$73.00	each	\$ 73.00
Rural Roads						
Development Bond for Transportable Houses - Refundable	No	No		\$10,000.00	each	\$ 10,000.00
Development Assessment Panel (DAP) - In accordance with Planning and Development Assessment Panels Regulations 2011						
A) \$2 million but less than \$7 million	Yes	Yes	DAP Amendment Regulations 2017	\$5,603.00	each	\$ 5,603.00
B) \$7 million but less than \$10 million	Yes	Yes	DAP Amendment Regulations 2017	\$8,650.00	each	\$ 8,650.00
C) \$10 million but less than \$12.5 million	Yes	Yes	DAP Amendment Regulations 2017	\$9,411.00	each	\$ 9,411.00
D) \$12.5 million but less than \$15 million	Yes	Yes	DAP Amendment Regulations 2017	\$9,680.00	each	\$ 9,680.00
E) \$15 million but less than \$17.5 million	Yes	Yes	DAP Amendment Regulations 2017	\$9,948.00	each	\$ 9,948.00
F) \$17.5 million but less than \$20 million	Yes	Yes	DAP Amendment Regulations 2017	\$10,218.00	each	\$ 10,218.00
G) \$20 million or more	Yes	Yes	DAP Amendment Regulations 2017	\$10,486.00	each	\$ 10,486.00
Amendment or cancellation	Yes	Yes	DAP Amendment Regulations 2017	\$241.00	each	\$ 241.00
Home Occupation - In accordance with Planning and Development Regulations 2009, Reg 47, Schedule 2						
Initial Application for approval of a home occupation where the home occupation has not commenced	No	Yes	Planning and Development Act 2005	\$222.00	each	\$ 222.00
Initial Application for approval of a home occupation where the home occupation has commenced	No	Yes	Planning and Development Act 2005	\$666.00	each	\$ 666.00
Application for the renewal of approval of a home occupation before the approval expires	No	Yes	Planning and Development Act 2005	\$73.00	each	\$ 73.00
Application for the renewal of approval of a home occupation after the approval has expired	No	Yes	Planning and Development Act 2005	\$219.00	each	\$ 219.00
Planning Advice						
Issue of written planning advice	No	Yes	Planning and Development Act 2005	\$73.00	each	\$ 73.00
Replying to a property settlement questionnaire	No	Yes	Planning and Development Act 2005	\$73.00	each	\$ 73.00
Zoning						
Issue of Zoning Certificate	No	Yes	Planning and Development Act 2005	\$73.00	each	\$ 73.00
Written Zoning Enquiries	No	Yes	Planning and Development Act 2005	\$73.00	each	\$ 73.00
Copy of Monthly Statistics						
Per Month	Yes	No		\$20.00	each	\$ 20.00
Per Annum	Yes	No		\$200.00	each	\$ 200.00
Scheme Amendment and Structure Plans						
Calculated for individual applications as per Part 2 and 3 of the Town Planning (Local Government Planning Fees) Regulations 2000						
Planning Scheme Amendment, Structure Plans and Development Plans	No	Yes	Planning and Development Act 2005			
Director/Manager/Planner	No	Yes	Planning and Development Act 2005		per hour	\$ 88.00
Environmental Health Officer or officer with qualifications relevant	No	Yes	Planning and Development Act 2005		per hour	\$ 66.00
Secretary/Administration	No	Yes	Planning and Development Act 2005		per hour	\$ 30.00
Professional Advice (Expert Witness Statement, Audits, Reports etc <i>**Professional advice as a resource of Council may only be provided on agreement of the Chief Executive Officer. Other fees may be incurred if other internal staff is required).</i>	Yes	No			per hour	per hour
Director/Manager/Planner	Yes	No			per hour	\$ 300.00
Environmental Health Officer or officer with qualifications relevant	Yes	No				\$ 200.00
Secretary/Administration	Yes	No				\$ 90.00
Any required amendments or changes to the application undertaken by a Shire Officer will be charged for the time taken - per hour	No	Yes	Planning and Development Regulations 2009	\$175.00	per hour	\$ 175.00
Note: Above fees are based on the completed application being lodged						
Provision of a Sub-Division/Strata Clearance (per lot)						
A) 1 to 5 lots - Charge per lot	No	Yes	Planning and Development Regulations 2009	\$73.00	per lot	\$ 73.00
B) Between 6 and 195 lots - Charge for first 5 lots \$365.00, then \$35.00 per additional lot	No	Yes	Planning and Development Regulations 2009	\$365.00 for the first 5 lots, then \$35.00 per additional lot	per lot	\$365.00 for the first 5 lots, then \$35.00 per additional lot
C) More than 195 lots	No	Yes	Planning and Development Regulations 2009	\$7,393.00	each	\$ 7,393.00
Strata Form 7 Clearance Certificate under section 5B(2), 8A(f) or 9(3) of the Strata Titles Act - Minimum Fee of \$100.00 applies	No	Yes	Strata Titles General Regulations 1996, Schedule 1 (2)	0.20 per sqm of floor area	each	0.20 per sqm of floor area
Application for Certificate of Approval for Strata Plan (Form 24)	No	Yes	Strata Titles General Regulations 1996, Schedule 1 (2)			
a) Up to and including 5 lots - \$656 plus per lot fee	No	Yes	Strata Titles General Regulations 1996, Schedule 1 (2)	\$656 plus \$65 per lot	per lot	\$656 plus \$65 per lot
b) More than 5 and up to 100 lots - \$981 plus per lot fee	No	Yes	Strata Titles General Regulations 1996, Schedule 1 (2)	\$981 plus \$42.50 per lot	per lot	\$981 plus \$42.50 per lot
c) more than 100 lots	No	Yes	Strata Titles General Regulations 1996, Schedule 1 (2)	5,113.50	Per lot	\$ 5,113.50
Planning and building - Professional Services - Per hour	Yes	Yes	Strata Titles General Regulations 1996, Schedule 1 (2)	At cost plus 20% plus	Per Item	At cost plus 20% plus

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
11 Recreation and Culture						
Kimberley Art Prize						
Artist Entry Fee	Yes	No		\$50.00	each	\$ 50.00
Artist Entry Fee - Youth Category	Yes	No		\$16.50	each	\$ 16.50
Artist Entry Fee - Boabnut Category	Yes	No		\$10.00	each	\$ 10.00
Commission on Sale of Works	Yes	No		20%	per item	20%
Artist Entry Fee - Concession	Yes	No		\$44.50	each	\$ 44.50
Kimberley Photographic Awards						
Artist Entry Fee	Yes	No		\$30.00	each	\$ 30.00
Artist Entry Fee - Snap & Send Category	Yes	No		\$0.00	each	\$ -
Artist Entry Fee - Concession	Yes	No		\$25.00	each	\$ 25.00
Artist Entry Fee - Youth Category	Yes	No		\$16.50	each	\$ 16.50
Commission on Sale of Works	Yes	No		20%	per item	20%
Library Services						
Lost or Damaged Membership Card replacement	Yes	No		\$5.00	each	\$ 5.00
Lost and Damaged Books/Items/Stock:						
Administration Fee for lost and damaged items	Yes	No		\$5.50	each	\$ 5.50
Replacement items	Yes	No		At Cost	each	At Cost
DVD Case - Single	Yes	No		\$1.00	each	\$ 1.00
DVD Case - Multi	Yes	No		\$2.50	each	\$ 2.50
CD Case	Yes	No		\$12.00	each	\$ 3.00
Exam Fee invigilation per person including exam room hire (per hour or pro rata for a part of an hour)- University exams	Yes	No	As prescribed by university		per hour	
Exam Fee invigilation per person including exam room hire (per hour or pro rata for a part of an hour)- All other exams	Yes	No		\$110.00	per hour	\$ 110.00
Used Books (Individual book)	Yes	No			per item	\$ 2.00
Book series	Yes	No			per series	\$ 10.00
Used DVD or CD	Yes	No			per item	\$ 2.00
Used audio book	Yes	No			per item	\$ 10.00
Used magazine bundle	Yes	No			per bundle	\$ 5.00
Kids afternoon activities at Derby Library*	Yes	No		20.50	per child per	\$ 2.00
* The full term is to be paid up front at the commencement of the program						
Internet/Email Use:						
First 5 minutes - Once per person per day only, for information search	No	No		No Charge	per day	No Charge
Between 6 and 30 minutes	Yes	No		No Charge	per use	No Charge
Between 31 minutes and 1 hour	Yes	No		No Charge	per use	No Charge
Between 1 and 2 hours	Yes	No		No Charge	per use	No Charge
Between 2 and 3 hours	Yes	No		No Charge	per use	No Charge
Students: Free internet use for study/homework only	No	No		No Charge	each	No Charge
Scanning to Email:						
Scan per page	Yes	No		\$0.20	each	\$ 0.20
Students - Above fees are at a discounted rate of 50%	Yes	No		50% of above rates	each	50% of above rates
Disc Cleaning: per disc						
	Yes	No		\$2.00	each	\$ 2.00
Laminating:						
A4 per page	Yes	No		\$3.00	each	\$ 3.00
A3 per page	Yes	No		\$4.00	each	\$ 3.00
Students - Above fees are at a discounted rate of 50%	Yes	No		50%	each	50% of above rates
Printing or Photocopying:						
A4 Black and White - per side	Yes	No		\$0.50	each	\$ 1.00
A4 Coloured - per side	Yes	No		\$1.00	each	\$ 2.00
A3 Black and White - per side	Yes	No		\$1.00	each	\$ 2.00
A3 Coloured - per side	Yes	No		\$2.50	each	\$ 3.00
Students - Above fees are at a discounted rate of 50%	Yes	No		50%	each	50% of above rates
Aquatic Facilities						
Derby Memorial Swimming Pool						
Spectator - Casual Entry	Yes	No		\$1.00	each	\$ 1.00
Child 0 - 4 - Casual Entry	No	No		No Charge	each	No charge
Child 5 to 15 - Casual Entry	Yes	No		\$3.50	each	\$ 3.50
Child 5 to 15 - 3 Month Pool Membership	Yes	No		\$70.00	each	\$ 73.50
Child 5 to 15 - 6 Month Pool Membership	Yes	No		\$110.00	each	\$ 115.50
Child 5 to 15 - 12 Month Pool Membership	Yes	No		\$180.00	each	\$ 189.00
Adult 16+ - Casual Entry	Yes	No		\$5.50	each	\$ 5.50
Adult 16+ - 3 Month Pool Membership	Yes	No		\$105.00	each	\$ 110.50
Adult 16+ - 6 Month Pool Membership	Yes	No		\$210.00	each	\$ 220.50
Adult 16+ - 12 Month Pool Membership	Yes	No		\$320.00	each	\$ 336.00
Concession - Casual Entry	Yes	No		\$3.50	each	\$ 3.50
Concession - 3 Month Pool Membership	Yes	No		\$70.00	each	\$ 73.50
Concession - 6 Month Pool Membership	Yes	No		\$110.00	each	\$ 115.50
Concession - 12 Month Pool Membership	Yes	No		\$180.00	each	\$ 189.00
School Groups - Per student, pool opening hours only	Yes	No		\$2.00	each	\$ 2.00
Community Pool Party - Pool Entry	Yes	No		2.00	each	\$ 2.00
Family - Casual Entry	Yes	No		\$15.00	each	\$ 15.00
Family - 3 Month Pool Membership	Yes	No		\$265.00	each	\$ 278.50
Family - 6 Month Pool Membership	Yes	No		\$410.00	each	\$ 430.50
Family - 12 Month Pool Membership	Yes	No		\$620.00	each	\$ 651.00
Note: Family consists of 2 Adults and up to 4 Children						
Multi-Pass Swim (10 Entry)						
Adult 10 visit pass	Yes	No		\$49.50	each	\$ 49.50

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
Child 5 to 15 10 visit pass	Yes	No		\$31.50	each	\$ 31.50
Concession 10 visit pass	Yes	No		\$31.50	each	\$ 31.50
Spectator 10 visit pass	Yes	No		\$9.00	each	\$ 9.00
Aquatic Programs						
Adult- Group Fitness Classes	Yes	No		\$10.00	each	\$ 10.00
Junior- Group Fitness Classes	Yes	No		\$5.00	each	\$ 5.00
Concession - seniors, students, healthcare card - Group Fitness Classes	Yes	No		\$8.00	each	\$ 8.00
Dash and Splash Entry	Yes	No		\$15.00	each	\$ 15.00
Derby Swim Classic	Yes	No		\$15.00	each	\$ 15.00
Multi-Pass Aquatic Program (10 entry)						
Adult	Yes	No		\$90.00	each	\$ 90.00
Child 5 to 15	Yes	No		\$45.00	each	\$ 45.00
Concession	Yes	No		\$72.00	each	\$ 72.00
Swimming Lessons and Educational Programs*						
Adult (non-member) - Group	Yes	No		\$15.00	per session	\$ 15.00
Adult (member) - Group	Yes	No		\$12.50	per session	\$ 12.50
Junior (non-member) - Group	Yes	No		\$13.00	per session	\$ 13.00
Junior (member) - Group				\$11.00	per session	\$ 11.00
Adult - 1:1 teaching per 1/2 hour lesson	Yes	No		\$37.00	each	\$ 37.00
Junior - 1:1 teaching per 1/2 hour lesson	Yes	No		\$37.00	each	\$ 37.00
Additional Adult/Junior - 1:1 teaching per 1/2 hour lesson	Yes	No		\$21.00	each	\$ 21.00
Bronze Medallion Qualification - Full Course	Yes	No		\$200.00	each	\$ 200.00
Bronze Medallion Qualification - Requalification	Yes	No		\$100.00	each	\$ 100.00
* The full term is to be paid up front at the commencement of the program						
Aquatic - Other						
Lane Hire per hour - Per Lane	Yes	No		\$15.00	per hour	\$ 15.00
Pool Hire - per hour (Outside of normal opening hours with prior agreement only. Includes 1 Pool Operator qualified staff member)	Yes	No		\$100.00	per hour	\$ 100.00
Pool Hire with Inflatable - per hour (Outside of normal opening hours with prior agreement only. Includes 1 Pool Operator qualified staff member)	Yes	No		\$150.00	per hour	\$ 150.00
Facility Hire - Exclusive use during ordinary opening hours (eg School Carnivals). Includes 1 Pool Operator qualified staff member.	Yes	No		\$450.00	per hire	\$ 450.00
Additional Lifeguard (compulsory for events over 100 attendees)	Yes	No		\$50.00	per hour	\$ 50.00
Bond	No	No		\$300.00	per hire	\$ 300.00
Bonds can not be waived. In ALL cases a bond is to be paid prior to the function, when the booking is made. The bond will be refunded as soon as possible after the function should there be no damage or additional expenses incurred. The bond amount will normally be \$300.00 for hire of the Derby Swimming Pool						
Cancellation of Bookings						
7 Days or more prior to booking				Full Refund		Full Refund
Between 1 and 7 Days prior to booking				50% Refund		50% Refund
Within 24 Hours of booking				No Refund		No Refund
Other Recreation and Sport						
Marquee Hire						
Hire Fee - First day (including labour hire to erect and dismantle)	Yes	No		\$950.00	each	\$ 950.00
Hire Fee - Each additional day	Yes	No		\$200.00	per day	\$ 200.00
Bond	No	No		\$550.00	per hire	\$ 550.00
Note: It is compulsory for the Shire to erect and dismantle the Marquee						
Pop-up Gazebo Hire						
Daily Hire Fee	Yes	No		\$200.00	per day	\$ 200.00
Labour Hire to Erect or Dismantle (optional)	Yes	No		\$375.00	each	\$ 375.00
Bond	No	No		\$550.00	per hire	\$ 550.00
Equipment						
BBQ Trailer Day Hire	Yes	No		\$80.00	per day	\$ 80.00
Note: When hiring the BBQ Trailer the Hirer must obtain a Food Permit, which may incur an additional cost						
Public Address System	Yes	No		\$75.00	per day	\$ 75.00
Projector	Yes	No		\$50.00	per day	\$ 50.00
Screen	Yes	No		\$25.00	per day	\$ 25.00
Bond	No	No		\$250.00	per hire	\$ 250.00
Outdoor Cinema Screen	Yes	No		\$350.00	per day	\$ 350.00
Labour hire	Yes	No		\$100.00	per hour	\$ 100.00
Bond	No	No		\$500.00	per hire	\$ 500.00
Note: At least 1 staff member required when hired						
Gladiator Ring	Yes	No		\$350.00	per day	\$ 350.00
Labour hire per person per hour	Yes	No		\$100.00	per hour	\$ 100.00
Bond	No	No		\$500.00	per hire	\$ 500.00
Note: At least 1 staff member required when hired						
Inflatable Obstacle Course	Yes	No		\$350.00	per day	\$ 350.00
Labour hire per person per hour	Yes	No		\$100.00	per hour	\$ 100.00
Bond	No	No		\$500.00	per hire	\$ 500.00
Note: At least 1 staff member required when hired						
Bonds can not be waived. In ALL cases a bond is to be paid prior to the function, when the booking is made. The bond will be refunded as soon as possible after the function should there be no damage or additional expenses incurred						
Facility Hire						
Derby Wharf Covered Seating Area						
Private/exclusive use opportunity to one of the designated portions (two x 10m ² sites available) of the new jetty eating area site – Any day EXCEPT Weekends/Public Holidays	Yes	No			\$25/hour/site	\$25/hour/site
Private/exclusive use opportunity to one of the designated portions (two x 10m ² sites available) of the new jetty eating area site – Weekends/Public Holidays	Yes	No			\$50/hour/site	\$50/hour/site
Civic Centre - Alcohol is allowed at this venue						
Community and Non-Government Organisations - Daily Hall Hire Sunday to Thursday 10am to 11pm	Yes	No		\$270.00	per day	\$ 270.00
Community and Non-Government Organisations - Daily Hall Hire Friday and Saturday 10am to midnight	Yes	No		\$270.00	per day	\$ 270.00
Community and Non-Government Organisations - Hall Hire per hour	Yes	No		\$45.00	per hour	\$ 45.00

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
Government and Commercial Organisations - Daily Hall Hire Sunday to Thursday 10am to 11pm	Yes	No		\$720.00	per day	\$ 720.00
Government and Commercial Organisations - Daily Hall Hire Friday and Saturday 10am to midnight	Yes	No		\$720.00	per day	\$ 720.00
Government and Commercial Organisations - Hall Hire per hour	Yes	No		\$90.00	per hour	\$ 90.00
Additional Cleaning Charges per hour (where required)	Yes	No		\$110.00	per hour	Cleaning Contractor Costs + 20% As per labour rates under "14. Other Property and Services"
Additional Rubbish Collection by Shire Staff per hour (where required)	Yes	No		\$110.00	per hour	As per labour rates under "14. Other Property and Services"
Staff to attend - Call Out Fee - per hour	Yes	No		\$80.00	per hour	As per labour rates under "14. Other Property and Services"
Additional time using facility outside of user agreement - Charged at facility hourly rate listed above	Yes	No		Facility Hourly Rate	per hour	Facility Hourly Rate
Bond - Without alcohol consumption	No	No		\$500.00	per event	\$ 500.00
Bond - With alcohol consumption	No	No		\$2,000.00	per event	\$ 2,000.00
Late key return, Community and Non-Govt Organisations - for keys not returned within hire period as specified above - per day	Yes	No		\$150.00	each	\$ 150.00
Late key return, Government and Commercial Organisations - for keys not returned within hire period as specified above - per day Sunday to Thursday	Yes	No		\$300.00	each	\$ 300.00
Late key return, Government and Commercial Organisations - for keys not returned within hire period as specified above - per day Friday and Saturday	Yes	No		\$300.00	each	\$ 300.00
Lost key return - for keys not surrendered within 5 business day after the event, in addition to late key return fees charged	Yes	No		\$600.00	each	\$ 600.00
After hours Inspection (Weekends, Public Holidays etc.) - when a post hire inspection by Shire Staff or a contractor is required outside of normal Shire business hours (being an additional fee on top of the normal hireage fee as specified above)	Yes	No		\$300.00	each	\$ 300.00
Charitable / Not for Profit Fundraising Events						
Hall Hire with Alcohol - per hour	Yes	No		\$45.00	per hour	\$ 45.00
Hall Hire with Alcohol - per day	Yes	No		\$270.00	per day	\$ 270.00
Hall Hire without Alcohol - per hour	Yes	No		\$45.00	per hour	\$ 45.00
Hall Hire without Alcohol - per day	Yes	No		\$270.00	per day	\$ 270.00
Hall Hire for funeral service only - per hour	Yes	No		\$45.00	per hour	\$ 45.00
Hall Hire for funeral service only - per day	Yes	No		\$270.00	per day	\$ 270.00
Additional Cleaning Charges per hour (where required)	Yes	No		\$110.00	per hour	\$ 110.00
Additional Rubbish Collection by Shire Staff per hour (where required)	Yes	No		\$110.00	per hour	\$ 110.00
Staff to attend - Call Out Fee - per hour	Yes	No		\$80.00	per hour	\$ 80.00
Additional time using facility outside of user agreement - Charged at facility hourly rate listed above	Yes	No		Facility Hourly Rate	per hour	Facility Hourly Rate
Bond - Without alcohol consumption	No	No		\$500.00	per event	\$ 500.00
Bond - With alcohol consumption	No	No		\$2,000.00		\$ 2,000.00
Late key return, Hall Hire with Alcohol - for keys not returned within hire period as specified above - per day	Yes	No		\$150.00	each	\$ 150.00
Late key return, Hall Hire without Alcohol - for keys not returned within hire period as specified above - per day	Yes	No		\$150.00	each	\$ 150.00
Late key return, Hall Hire for funeral service - for keys not returned within hire period as specified above - per day	Yes	No		\$150.00	each	\$ 150.00
Lost key return - for keys not surrendered within 5 business day after the event, in addition to late key return fees charged	Yes	No		\$600.00	each	\$ 600.00
After hours Inspection (Weekends, Public Holidays etc.) - when a post hire inspection by Shire staff or a contractor is required outside of normal Shire business hours (being an additional fee on top of the normal hireage fee as specified above)	Yes	No		\$300.00	each	\$ 300.00
Per day rate is defined as 8 hours or greater of continual use, otherwise the facility is charged per hour of usage						
Key deposit – Per Key (Maximum of 2 keys per hire at discretion of Shire)	No	No		no charge	each	no charge
Cancellation of Bookings						
14 Days or more prior to booking				Full Refund		Full Refund
Between 8 and 13 Days prior to booking				75% Refund		75% Refund
Between 2 and 7 Days prior to booking				50% Refund		50% Refund
Within 48 Hours of booking				No Refund		No Refund
Equipment						
Chairs and trestle tables are included in the facility booking fee - they will not be hired for use outside of Council facilities						
Bonds can not be waived. In ALL cases a bond is to be paid prior to the function, when the booking is made. The bond will be refunded as soon as possible after the function should there be						
Council Chambers						
Community and Non-Government Use - per hour	Yes	No		\$25.00	per day	\$ 50.00
Community and Non-Government Use - per day	Yes	No		\$150.00	per day	\$ 150.00
Commercial and Government Use - per hour	Yes	No		\$50.00	per hour	\$ 100.00
Commercial and Government Use - per day	Yes	No		\$300.00	per day	\$ 300.00
Additional Cleaning Charges per hour (where required)	Yes	No		\$110.00	per hour	Cleaning Contractor Costs + 20% As per labour rates under "14. Other Property and Services"
Additional Rubbish Collection by Shire Staff per hour (where required)	Yes	No		\$110.00	per hour	As per labour rates under "14. Other Property and Services"

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
Staff to attend - Call Out Fee - per hour	Yes	No		\$80.00	per hour	As per labour rates under "14. Other Property and Services"
Additional time using facility outside of user agreement - Charged at facility hourly rate listed above	Yes	No		Facility Hourly Rate	per hour	Facility Hourly Rate
Bond	No	No		\$300.00	per event	\$ 300.00
Late key return, Community and Non-Govt Organisations - for keys not returned within hire period as specified above - per day	Yes	No		\$150.00	each	\$ 150.00
Late key return, Government and Commercial Organisations - for keys not returned within hire period as specified above - per day Sunday to Thursday	Yes	No		\$300.00	each	\$ 300.00
Late key return, Government and Commercial Organisations - for keys not returned within hire period as specified above - per day Friday and Saturday	Yes	No		\$300.00	each	\$ 300.00
Lost key return - for keys not surrendered within 5 business day after the event, in addition to late key return fees charged	Yes	No		\$600.00	each	\$ 600.00
After hours Inspection (Weekends, Public Holidays etc.) - when a post hire inspection by Shire Staff or a contractor is required outside of normal Shire business hours (being an additional fee on top of the normal hireage fee as specified above)	Yes	No		\$300.00	each	\$ 300.00
Per day rate is defined as 8 hours or greater of continual use, otherwise the facility is charged per hour of usage						
Cancellation of Bookings						
14 Days or more prior to booking				Full Refund		Full Refund
Between 8 and 13 Days prior to booking				75% Refund		75% Refund
Between 2 and 7 Days prior to booking				50% Refund		50% Refund
Within 48 Hours of booking				No Refund		No Refund
Equipment						
Chairs and tables are included in the facility booking fee - they will not be hired for use outside of Council facilities						
Bonds can not be waived. In ALL cases a bond is to be paid prior to the function, when the booking is made. The bond will be refunded as soon as possible after the function should there be no damage, additional expenses incurred and keys are returned .						
Derby Recreation Centre - Alcohol is not allowed at this Venue						
Squash Courts - Charges are per Court						
Per 1/2 hour	Yes	No		\$10.00	per half hour	\$ 10.00
Per hour	Yes	No		\$16.00	per hour	\$ 16.00
Staff to attend - Call Out Fee - per hour	Yes	No		\$80.00	per hour	As per labour rates under "14. Other Property and Services"
Community Room						
Community and Non-Government Use - per hour	Yes	No		\$15.00	per hour	\$ 15.00
Community and Non-Government Use - per day	Yes	No		\$90.00	per day	\$ 90.00
Commercial and Government Use - per hour	Yes	No		\$30.00	per hour	\$ 30.00
Commercial and Government Use - per day	Yes	No		\$180.00	per day	\$ 180.00
Additional Cleaning Charges per hour (where required)	Yes	No		\$110.00	per hour	\$ 110.00
Additional Rubbish Collection by Shire Staff per hour (where required)	Yes	No		\$110.00	per hour	\$ 110.00
Staff to attend - Call Out Fee - per hour	Yes	No		\$80.00	per hour	\$ 80.00
Additional time using facility outside of user agreement - Charged at facility hourly rate listed above	Yes	No		Facility Hourly Rate	per hour	Facility Hourly Rate
Bond	No	No		\$300.00	per event	\$ 300.00
Meeting Room						
Community and Non-Government Use - per hour	Yes	No		\$12.50	per hour	\$ 12.50
Community and Non-Government Use - per day	Yes	No		\$75.00	per day	\$ 75.00
Commercial and Government Use - per hour	Yes	No		\$25.00	per hour	\$ 25.00
Commercial and Government Use - per day	Yes	No		\$165.00	per day	\$ 165.00
Additional Cleaning Charges per hour (where required)	Yes	No		\$110.00	per hour	Cleaning Contractor Costs + 20%
Additional Rubbish Collection by Shire Staff per hour (where required)	Yes	No		\$110.00	per hour	As per labour rates under "14. Other Property and Services"
Staff to attend - Call Out Fee - per hour	Yes	No		\$80.00	per hour	As per labour rates under "14. Other Property and Services"
Additional time using facility outside of user agreement - Charged at facility hourly rate listed above	Yes	No		Facility Hourly Rate	per hour	Facility Hourly Rate
Bond	No	No		\$300.00	per event	\$ 300.00
Late key return, Community and Non-Government Use - for keys not returned within hire period as specified above - per day	Yes	No		\$80.00	each	\$ 80.00
Late key return, Commercial and Government Use - for keys not returned within hire period as specified above - per day	Yes	No		\$300.00	each	\$ 300.00
Lost key return - for keys not surrendered within 5 business day after the event, in addition to late key return fees charged	Yes	No		\$600.00	each	\$ 600.00
After hours Inspection (Weekends, Public Holidays etc.) - when a post hire inspection by Shire staff or a contractor is required outside of normal Shire business hours (being an additional fee on top of the normal hireage fee as specified above)	Yes	No		\$300.00	each	\$ 300.00
Bonds can not be waived. In ALL cases a bond is to be paid prior to the function, when the booking is made. The bond will be refunded as soon as possible after the function should there be no damage or additional expenses incurred						
Derby Courts - Charges are per Court						

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
Community and Non-Government Use - per hour - Without Lighting	Yes	No		\$20.00	per hour	\$ 20.00
Community and Non-Government Use - per hour - With Lighting	Yes	No		\$35.00	per hour	\$ 35.00
Community and Non-Government Use - per day - 6am to 6pm	Yes	No		\$120.00	per day	\$ 120.00
Commercial and Government Use - per hour - Without Lighting	Yes	No		\$40.00	per hour	\$ 40.00
Commercial and Government Use - per hour - With Lighting	Yes	No		\$70.00	per hour	\$ 70.00
Commercial and Government Use - per day - 6am to 6pm	Yes	No		\$240.00	per day	\$ 240.00
Additional Cleaning Charges per hour (where required)	Yes	No		\$110.00	per hour	Cleaning Contractor Costs + 20%
Additional Rubbish Collection by Shire Staff per hour (where required)	Yes	No		\$110.00	per hour	As per labour rates under "14. Other Property and Services"
Staff to attend - Call Out Fee - per hour	Yes	No		\$80.00	per hour	As per labour rates under "14. Other Property and Services"
Additional time using facility outside of user agreement - Charged at facility hourly rate listed above	Yes	No		Facility Hourly Rate	per hour	Facility Hourly Rate
Bond (one off hire by individual user)**	No	No		\$100.00	per event	\$ 100.00
Bond (larger regular user groups, sporting groups)**	No	No		\$300.00	per event	\$ 300.00
Late key return, Community and Non-Government Use - for keys not returned within hire period as specified above - per day	Yes	No		\$150.00	each	\$ 150.00
Late key return, Commercial and Government Use - for keys not returned within hire period as specified above - per day	Yes	No		\$300.00	each	\$ 300.00
Lost key return - for keys not surrendered within 5 business day after the event, in addition to late key return fees charged	Yes	No		\$600.00	each	\$ 600.00
After hours Inspection (Weekends, Public Holidays etc.) - when a post hire inspection by Shire staff or a contractor is required outside of normal Shire business hours (being an additional fee on top of the normal hireage fee as specified above)	Yes	No		\$300.00	each	\$ 300.00
Bonds can not be waived. In ALL cases a bond is to be paid prior to the function, when the booking is made. The bond will be refunded as soon as possible after the function should there be no damage or additional expenses incurred						
Derby Oval						
Community and Non-Government Use - per hour - Without Lighting	Yes	No		\$15.00	per hour	\$ 15.00
Community and Non-Government Use - per hour - With Lighting	Yes	No		\$40.00	per hour	\$ 40.00
Community and Non-Government Use - per day - Without Lighting	Yes	No		\$90.00	per day	\$ 90.00
Commercial and Government Use - per hour - Without Lighting	Yes	No		\$30.00	per hour	\$ 30.00
Commercial and Government Use - per hour - With Lighting	Yes	No		\$80.00	per hour	\$ 80.00
Commercial and Government Use - per day - Without Lighting	Yes	No		180.00	per day	\$ 180.00
Derby Oval Changerooms						
Changeroom Hire - Community and non-government organisations- per day	Yes	No		\$11.00	per hour	\$ 11.00
Changeroom Hire - Community and non-government organisations- per hour	Yes	No		\$66.00	per day	\$ 66.00
Changeroom Hire - Commercial and government - per day	Yes	No		\$22.00	per hour	\$ 22.00
Changeroom Hire - Commercial and government - per hour	Yes	No		\$132.00	per day	\$ 132.00
Additional Cleaning Charges per hour (where required)	Yes	No		\$110.00	per hour	\$ 110.00
Additional Rubbish Collection by Shire Staff per hour (where required)	Yes	No		\$110.00	per hour	\$ 110.00
Staff to attend - Call Out Fee - per hour	Yes	No		\$80.00	per hour	\$ 80.00
Additional time using facility outside of user agreement - Charged at facility hourly rate listed above	Yes	No		Facility Hourly Rate	per hour	Facility Hourly Rate
Bond*	No	No		\$500.00	per event	\$ 500.00
Bonds can not be waived. In ALL cases a bond is to be paid prior to the function, when the booking is made. The bond will be refunded as soon as possible after the function should there be no damage or additional expenses incurred						
Cancellation of Bookings						
14 Days or more prior to booking				Full Refund		Full Refund
Between 8 and 13 Days prior to booking				75% Refund		75% Refund
Between 2 and 7 Days prior to booking				50% Refund		50% Refund
Within 48 Hours of booking				No Refund		No Refund
Bonds						
Bonds can not be waived. In ALL cases a bond is to be paid prior to the function, when the booking is made. The bond will be refunded as soon as possible after the function should there be no damage or additional expenses incurred						
* Council retains the right to charge a higher bond if the hirer has previously caused damage or if the activity is likely to cause damage						
** Council retains the right to retain bond if the hirer breaches any conditions of hire.						
** Council retains the right to refuse bookings where there has been a prior breach of conditions of hire by the hirer for any of the shire venues at any time in the past						
** Where an organisation will be hiring a venue or equipment multiple times throughout the year, one bond can be paid and held by the Shire for the entire year or until a refund of the bond is requested. The bond must be of the bond value applicable to the venue or equipment being hired. If multiple venues or equipment are required on the same day, the person or organisation hiring the facilities or equipment are to pay the additional bond applicable.						
Definitions						
Alcohol - Where alcohol is being served or otherwise provided, including BYO and gratis provision						
Per Day Rates - Per day rate is up to a maximum of 14 hrs eg 10am - 12 midnight, Friday and Saturday only						
Community and Non-Government Organisations - This category covers individuals (eg: birthday parties and weddings except where alcohol is being served), incorporated and non-incorporated community groups where the purpose is not for profit. This includes groups such as Churches, Playgroups, and Aboriginal Community Organisations (eg: Land Council etc)						
Commercial and Government - All state, federal and other local governments including their agencies, or where the purpose is to generate a profit by a business (excludes fairs, circuses, sideshows or other large scale events)						
Fitzroy Crossing Recreation Centre- Alcohol is allowed in this venue (RECOMMEND ALCOHOL IS NOT ALLOWED)						
Community and Non-Government Use - per hour	Yes	No		30.00	per hour	\$ 30.00
Community and Non-Government Use - per day	Yes	No		180.00	per day	\$ 180.00
Commercial and Government Use - per hour	Yes	No		\$60.00	per hour	\$ 60.00
Commercial and Government Use - per day	Yes	No		360.00	per day	\$ 360.00
Additional Cleaning Charges per hour (where required)	Yes	No		\$110.00	per hour	Cleaning Contractor Costs + 20%

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
Additional Rubbish Collection by Shire Staff per hour (where required)	Yes	No		\$110.00	per hour	As per labour rates under "14. Other Property and Services"
Staff to attend - Call Out Fee - per hour	Yes	No		\$80.00	per hour	As per labour rates under "14. Other Property and Services"
Additional time using facility outside of user agreement - Charged at facility hourly rate listed above	Yes	No		Facility Hourly Rate	per hour	Facility Hourly Rate
Bond - Without alcohol consumption	No	No		\$500.00	per event	\$ 500.00
Late key return, Community and Non-Government Use - for keys not returned within hire period as specified above - per day	Yes	No		\$150.00	each	\$ 150.00
Late key return, Commercial and Government Use - for keys not returned within hire period as specified above - per day	Yes	No		\$300.00	each	\$ 300.00
Lost key return - for keys not surrendered within 5 business day after the event, in addition to late key return fees charged	Yes	No		\$600.00	each	\$ 600.00
After hours Inspection (Weekends, Public Holidays etc.) - when a post hire inspection by Shire staff or a contractor is required outside of normal Shire business hours (being an additional fee on top of the normal hireage fee as specified above)	Yes	No		\$300.00	each	\$ 300.00
Bonds can not be waived. In ALL cases a bond is to be paid prior to the function, when the booking is made. The bond will be refunded as soon as possible after the function should there be no damage or additional expenses incurred						
Fitzroy Crossing Courts - Charges are per Court						
Community and Non-Government Use - per hour - Without Lighting	Yes	No		\$20.00	per hour	\$ 20.00
Community and Non-Government Use - per hour - With Lighting	Yes	No		35.00	per hour	\$ 35.00
Community and Non-Government Use - per day - 6am to 6pm	Yes	No		120.00	per day	\$ 120.00
Commercial and Government Use - per hour - Without Lighting	Yes	No		\$40.00	per hour	\$ 40.00
Commercial and Government Use - per hour - With Lighting	Yes	No		\$70.00	per hour	\$ 70.00
Commercial and Government Use - per day - 6am to 6pm	Yes	No		\$240.00	per day	\$ 240.00
Additional Cleaning Charges per hour (where required)	Yes	No		\$110.00	per hour	Cleaning Contractor Costs + 20%
Additional Rubbish Collection by Shire Staff per hour (where required)	Yes	No		\$110.00	per hour	As per labour rates under "14. Other Property and Services"
Staff to attend - Call Out Fee - per hour	Yes	No		\$80.00	per hour	As per labour rates under "14. Other Property and Services"
Additional time using facility outside of user agreement - Charged at facility hourly rate listed above	Yes	No		Facility Hourly Rate	per hour	Facility Hourly Rate
Bond (one off hire by individual user)**	No	No		\$100.00	per event	\$ 100.00
Bond (larger regular user groups, sporting groups)**	No	No		\$300.00	per event	\$ 300.00
Late key return, Community and Non-Government Use - for keys not returned within hire period as specified above - per day	Yes	No		\$150.00	each	\$ 150.00
Late key return, Commercial and Government Use - for keys not returned within hire period as specified above - per day	Yes	No		\$300.00	each	\$ 300.00
Lost key return - for keys not surrendered within 5 business day after the event, in addition to late key return fees charged	Yes	No		\$600.00	each	\$ 600.00
After hours Inspection (Weekends, Public Holidays etc.) - when a post hire inspection by Shire staff or a contractor is required outside of normal Shire business hours (being an additional fee on top of the normal hireage fee as specified above)	Yes	No		\$300.00	each	\$ 300.00
Bonds can not be waived. In ALL cases a bond is to be paid prior to the function, when the booking is made. The bond will be refunded as soon as possible after the function should there be no damage or additional expenses incurred						
Fitzroy Crossing Canteen and Changerooms						
Canteen Hire - Community and non-government organisations- per day	Yes	No		\$15.00	per hour	\$ 15.00
Canteen Hire - Community and non-government organisations- per hour	Yes	No		\$90.00	per day	\$ 90.00
Canteen Hire - Commercial and government - per day	Yes	No		\$30.00	per hour	\$ 30.00
Canteen Hire - Commercial and government - per hour	Yes	No		\$180.00	per day	\$ 180.00
Note- Hirers of the Canteen are required to obtain a food permit prior to the use of the facility. This may incur additional costs.						
Changeroom Hire - Community and non-government organisations- per day	Yes	No		\$11.00	per hour	\$ 11.00
Changeroom Hire - Community and non-government organisations- per hour	Yes	No		\$66.00	per day	\$ 66.00
Changeroom Hire - Commercial and government - per day	Yes	No		\$22.00	per hour	\$ 22.00
Changeroom Hire - Commercial and government - per hour	Yes	No		\$132.00	per day	\$ 132.00
Additional Cleaning Charges per hour (where required)	Yes	No		\$110.00	per hour	\$ 110.00
Additional Rubbish Collection by Shire Staff per hour (where required)	Yes	No		\$110.00	per hour	\$ 110.00
Staff to attend - Call Out Fee - per hour	Yes	No		\$80.00	per hour	\$ 80.00
Additional time using facility outside of user agreement - Charged at facility hourly rate listed above	Yes	No		Facility Hourly Rate	per hour	Facility Hourly Rate
Bond	No	No		\$300.00	per event	\$ 300.00
Late key return -Community group and non-government organisations- for keys not returned within hire period as specified above - per day	Yes	No		\$150.00	each	\$ 150.00
Late key return - Commercial and government agencies - for keys not returned within hire period as specified above - per day	Yes	No		\$300.00	each	\$ 300.00
Lost key return - for keys not surrendered within 5 business day after the event, in addition to late key return fees charged	Yes	No		\$600.00	each	\$ 600.00

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
After hours Inspection (Weekends, Public Holidays etc.) - when a post hire inspection by Shire staff or a contractor is required outside of normal Shire business hours (being an additional fee on top of the normal hireage fee as specified above)	Yes	No		\$300.00	each	\$ 300.00
Fitzroy Crossing Gym (managed by Garnduwa)						
Key Bond	No	No		\$250.00	each	\$ 250.00
Per day rate is defined as 8 hours or greater of continual use, otherwise the facility is charged per hour of usage Bonds can not be waived. In ALL cases a bond is to be paid prior to the function, when the booking is made. The bond will be refunded as soon as possible after the function should there be no damage or additional expenses incurred						
Fitzroy Crossing Oval						
Community and Non-Government Use - per hour - Without Lighting	Yes	No		\$15.00	per hour	\$ 15.00
Community and Non-Government Use - per hour - With Lighting	Yes	No		\$40.00	per hour	\$ 40.00
Community and Non-Government Use - per day - Without Lighting	Yes	No		\$90.00	per day	\$ 90.00
Commercial and Government Use - per hour - Without Lighting	Yes	No		\$30.00	per hour	\$ 30.00
Commercial and Government Use - per hour - With Lighting	Yes	No		\$80.00	per hour	\$ 80.00
Commercial and Government Use - per day - Without Lighting	Yes	No		\$180.00	per day	\$ 180.00
Additional Cleaning Charges per hour (where required)	Yes	No		\$110.00	per hour	Cleaning Contractor Costs + 20% As per labour rates under "14. Other Property and Services"
Additional Rubbish Collection by Shire Staff per hour (where required)	Yes	No		\$110.00	per hour	As per labour rates under "14. Other Property and Services"
Staff to attend - Call Out Fee - per hour	Yes	No		\$80.00	per hour	As per labour rates under "14. Other Property and Services"
Additional time using facility outside of user agreement - Charged at facility hourly rate listed above	Yes	No		Facility Hourly Rate	per hour	Facility Hourly Rate
Bond*	No	No		\$500.00	per event	\$ 500.00
Large Events						
Sideshows/Fairs/Expos/Travelling Shows per night of operation	Yes	No		\$300.00	per night	\$ 300.00
Sideshows/Fairs/Expos/Travelling Shows per night of non operation	Yes	No		\$150.00	per night	\$ 150.00
Circuses per night of operation	Yes	No		\$500.00	per night	\$ 500.00
Circuses per night of non operation	Yes	No		\$250.00	per night	\$ 250.00
Additional Cleaning Charges per hour (where required)	Yes	No		\$110.00	per hour	\$ 110.00
Additional Rubbish Collection by Shire Staff per hour (where required)	Yes	No		\$110.00	per hour	\$ 110.00
Staff to attend - Call Out Fee (outside of user agreement) - per hour	Yes	No		\$80.00	per hour	\$ 80.00
Bond*	No	No		\$1,000.00	per event	\$ 1,000.00
Bond - For Oval	No	No		\$5,000.00	per event	\$ 5,000.00
Late key return -Community group and non-government organisations- for keys not returned within hire period as specified above - per day	Yes	No		150.00	each	\$ 150.00
Late key return - Commercial and government agencies - for keys not returned within hire period as specified above - per day	Yes	No		300.00	each	\$ 300.00
Lost key return - for keys not surrendered within 5 business day after the event, in addition to late key return fees charged	Yes	No		600.00	each	\$ 600.00
After hours Inspection (Weekends, Public Holidays etc.) - when a post hire inspection by Shire staff or a contractor is required outside of normal Shire business hours (being an additional fee on top of the normal hireage fee as specified above)	Yes	No		300.00	each	\$ 300.00
Bonds can not be waived. In ALL cases a bond is to be paid prior to the function, when the booking is made. The bond will be refunded as soon as possible after the function should there be no damage or additional expenses incurred * Council retains the right to charge a higher bond if the event is likely to cause damage						
Recreation Programs						
Adult Sports - per session	Yes	No		\$10.00	per session	\$ 10.00
Children - per session	Yes	No		\$5.00	per session	\$ 5.00
Cancellation of Bookings						
14 Days or more prior to booking				Full Refund		Full Refund
Between 8 and 13 Days prior to booking				75% Refund		75% Refund
Between 2 and 7 Days prior to booking				50% Refund		50% Refund
Within 48 Hours of booking				No Refund		No Refund
Bonds						
Bonds can not be waived. In ALL cases a bond is to be paid prior to the function, when the booking is made. The bond will be refunded as soon as possible after the function should there be no damage or additional expenses incurred * Council retains the right to charge a higher bond if the hirer has previously caused damage or if the activity is likely to cause damage ** Council retains the right to retain bond if the hirer breaches any conditions of hire. ** Council retains the right to refuse bookings where there has been a prior breach of conditions of hire by the hirer for any of the shire venues at any time in the past ** Where an organisation will be hiring a venue or equipment multiple times throughout the year, one bond can be paid and held by the Shire for the entire year or until a refund of the bond is requested. The bond must be of the bond value applicable to the venue or equipment being hired. If multiple venues or equipment are required on the same day, the person or organisation hiring the facilities or equipment are to pay the additional bond applicable.						
Definitions						
Alcohol - Where alcohol is being served or otherwise provided, including BYO and gratis provision						
Per Day Rates - Per day rate is up to a maximum of 14 hrs eg 10am - 12 midnight, Friday and Saturday only						
Community and Non-Government Organisations - This category covers individuals (eg: birthday parties and weddings except where alcohol is being served), incorporated and non-incorporated community groups where the purpose is not for profit. This includes groups such as Churches, Playgroups, and Aboriginal Community Organisations (eg: Land Council etc)						
Commercial and Government - All state, federal and other local governments including their agencies, or where the purpose is to generate a profit by a business (excludes fairs, circuses, sideshows or other large scale events)						
Community Leases						
Annual Community Lease Fee						\$ 100.00
Sport and Recreation User Agreements						

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
Derby						
Derby Oval – No Lights Team/Associations	Yes	No		\$650.00		\$ 650.00
Derby Oval – No Lights Jnr Team/Associations	Yes	No		\$275.00		\$ 275.00
Derby Oval – With Lights Team/Associations	Yes	No		\$1,000.00		\$ 1,000.00
Derby Oval – With Lights Jnr Team/Associations	Yes	No		\$375.00		\$ 375.00
Derby Community Room - Recreation Centre Jnr Team/Associations	Yes	No		\$165.00		\$ 165.00
Derby Community Room - Recreation Centre Team/Associations	Yes	No		\$455.00		\$ 455.00
Derby Covered Courts – No Lights Team/Associations - Per Court	Yes	No		\$350.00		\$ 350.00
Derby Covered Courts – No Lights Jnr Team/Associations - Per Court	Yes	No		\$125.00		\$ 125.00
Derby Covered Courts – With Lights Team/Associations - Per Court	Yes	No		\$700.00		\$ 700.00
Derby Covered Courts – With Lights Jnr Team/Associations - Per Court	Yes	No		\$275.00		\$ 275.00
Derby Outside Courts – No Lights Team/Associations - Per Court	Yes	No		\$175.00		\$ 175.00
Derby Outside Courts – No Lights Jnr Team/Associations - Per Court	Yes	No		\$62.50		\$ 62.50
Derby Outside Courts – With Lights Team/Associations - Per Court	Yes	No		\$350.00		\$ 350.00
Derby Outside Courts – With Lights Jnr Team/Associations - Per Court	Yes	No		\$137.50		\$ 137.50
Additional Cleaning Charges per hour (where required)	Yes	No		\$110.00		Cleaning Contractor Costs + 20%
Additional Rubbish Collection by Shire Staff per hour (where required)	Yes	No		\$110.00		As per labour rates under "14. Other Property and Services"
Staff to attend - Call Out Fee (outside of user agreement) - per hour	Yes	No		\$80.00		As per labour rates under "14. Other Property and Services"
Additional time using facility outside of user agreement - Charged at facility hourly rate listed above	Yes	No		Facility Hourly Rate		Facility Hourly Rate
User Agreement Key Bonds	No	No		\$100.00		\$ 100.00
Fitzroy Crossing						
Fitzroy Crossing Oval – No Lights Team/Associations	Yes	No		\$650.00		\$ 650.00
Fitzroy Crossing Oval – No Lights Jnr Team/Associations	Yes	No		\$275.00		\$ 275.00
Fitzroy Crossing Oval – With Lights Team/Associations	Yes	No		\$1,000.00		\$ 1,000.00
Fitzroy Crossing Oval – With Lights Jnr Team/Associations	Yes	No		\$375.00		\$ 375.00
FX Covered Courts Single Court – No Lights Team/Associations	Yes	No		\$175.00		\$ 175.00
FX Covered Courts Single Court – No Lights Jnr Team/Associations	Yes	No		\$70.00		\$ 70.00
FX Covered Courts Single Court – With Lights Team/Associations	Yes	No		\$385.00		\$ 385.00
FX Covered Courts Single Court – With Lights Jnr Team/Associations	Yes	No		\$155.00		\$ 155.00
FX Covered Courts Two Courts – No Lights Team/Associations	Yes	No		\$350.00		\$ 350.00
FX Covered Courts Two Courts – No Lights Jnr Team/Associations	Yes	No		\$125.00		\$ 125.00
FX Covered Courts Two Courts – With Lights Team/Associations	Yes	No		\$700.00		\$ 700.00
FX Covered Courts Two Courts – With Lights Jnr Team/Associations	Yes	No		\$275.00		\$ 275.00
Additional Cleaning Charges per hour (where required)	Yes	No		\$110.00		Cleaning Contractor Costs + 20%
Additional Rubbish Collection by Shire Staff per hour (where required)	Yes	No		\$110.00		As per labour rates under "14. Other Property and Services"
Staff to attend - Call Out Fee (outside of user agreement) - per hour	Yes	No		\$80.00		As per labour rates under "14. Other Property and Services"
Additional time using facility outside of user agreement - Charged at facility hourly rate listed above	Yes	No		Facility Hourly Rate		
User Agreement Key Bonds	No	No		\$100.00		
Sport and Recreation User Agreements Conditions						
User Agreements entitle teams or associations to use the facility for up to two x 2 hour sessions per week, for the duration of their season This flat fee structure remains the same irrespective of whether teams/organisations use the facility or not Wet Season is from October to March and Dry Season from April to September. Groups who exceed a six (6) month season, may be charged for multiple agreements The duration of each booking is negotiated with Shire staff dependent on demand and availability There may be some requirement for organisations to share venues during periods of peak demand Bookings do not automatically recur each season but must always be renewed						
12 Transport						
Curtin and Derby Airports						
Charging Cycle						
Most airport charges are charged on a Calendar Year basis, which changes endorsed by Council and applicable from 1 January to 31 December annually						
As per aviation regulations, airport landing charges will be invoiced to the registered owner of the aircraft only. This information is gathered from the Civil Aircraft Register supplied by the Australian Government's Civil Aviation Safety Authority. The CEO is authorised to negotiate with RPT or other commercial proponents on the condition that any proposal is presented to the Ports Working Group.						
Aircraft Landing Fees Calculated on Maximum Take-Off Weight of the Aircraft - per tonne						
All regular passenger traffic and charter operators > 10,750kg	Yes	No		\$27.00	per landing	\$ 33.00
Discount may apply to RPT if performed under DPI protected route						
General Aviation	Yes	No		\$20.00	per landing	\$ 33.00

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
Security Officer/Passenger Handling Officer/Ground Handling Officer/Check In Officer/Baggage Handling Officer/Refuelling Officer Charge if passenger handling fee not utilised						
Labour at Ordinary and Overtime Rates	Yes	No		Cost plus 30%	per hour	As per labour rates under "14. Other Property and Services"
Fuel Delivery Charge						
Per litre additional charge to registered fuel price of litres issued into plane - Normal RPT Jet Flight times	Yes	No		\$0.16	per litre	Plus 25% on fuel price
Per litre additional charge to registered fuel price of litres issued into plane - Public holidays and outside of normal working hours	Yes	No		\$0.23	per litre	Plus 50% on fuel price
Emergency Call Out/Out of Hours Work - per hour, minimum charge 3 hours	Yes	No		\$123.00	per hour	As per labour rates under "14. Other Property and Services"
Aircraft Parking Fees						
Itinerant/Non-Regular Aircraft						
For aircraft under 20 tonne - per day	Yes	No		\$15.00	per day	\$ 20.00
For aircraft over 20 tonne - per day	Yes	No		\$30.00	per day	\$ 40.00
Rotary Winged Aircraft (Helicopters)						
Rotary Winged Aircraft - per 1,000kg per landing	Yes	No		\$15.00	per landing	\$ 20.00
Terminal Space						
As per applicable User Agreement	Yes	No		\$290.00	per m2 per annum	As Negotiated
Signage (if no User Agreement) - per square metre, per year	Yes	No		\$290.00	per m2 per annum	\$ 350.00
Minimum Charge - per year	Yes	No		\$290.00	per annum	\$ 400.00
Sandwich Boards - per year	Yes	No		\$355.00	per annum	\$ 400.00
Land Space						
As per applicable Temporary User Agreement - per square metre, per year	Yes	No		\$15.00	per m2 per annum	\$ 20.00
Minimum Charge per year	Yes	No		\$550.00	per annum	\$ 1,000.00
Per Embarking Head	Yes	No		\$13.00	per passenger	\$ 20.00
Per Disembarking Head	Yes	No		\$13.00	per passenger	\$ 20.00
Non Regular Passenger Traffic including Charters						
Weight – KG						
Per 1,000kg per landing (or part thereof)	Yes	No		\$30/tonne, with a mininum charge of \$50.	per landing	\$33/tonne, with a mininum charge of \$55.
Manually Required Landing Charge/Fee	Yes	No			per landing	
Single Engine (same aircraft) - per annum	Yes	No		\$1,100.00	per annum	\$ 1,500.00
Twin Engine (same aircraft) - per annum	Yes	No		\$1,290.00	per annum	\$ 2,000.00
Parking Fees - Charter Aircraft						
Single Engine (same aircraft) - per annum	Yes	No		\$2,000.00	per annum	\$ 2,500.00
Single Engine (alternating aircraft) - per quarter	Yes	No		\$850.00	per quarter	\$ 1,000.00
Twin Engine (same aircraft) - per annum	Yes	No		\$3,700.00	per annum	\$ 5,000.00
Twin Engine (alternating aircraft) - per quarter	Yes	No		\$1,300.00	per quarter	\$ 2,000.00
Rotary Winged Aircraft (Helicopters)						
Aircraft - Doesn't operate from an airport based hanger - per 1,000kg per landing	Yes	No		\$15.00/tonne, with a mininum charge of \$25.	per landing	\$16.50/tonne, with a mininum charge of \$27.50.
Manually Required Landing Charge/Fee	Yes	No			per landing	
Terminal Space						
Land Space						
Head Tax Derby						
Regular Passenger Traffic and Charter Operations with a seating capacity exceeding 30 passengers - per embarking head	Yes	No		\$12.00	per passenger	\$ 20.00
Aircraft Parking Fees						

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
For aircraft under 20 tonne - per day	Yes	No		\$15.00	per day	\$ 150.00
For aircraft over 20 tonne - per day	Yes	No		\$30.00	per day	\$ 30.00
Water Rates and Charges						
Annual Rate					\$446.63/servicable lease area/year	As per applicable Water Corporation charge
Consumption Charge					\$5.396c/1000 lts	As per applicable Water Corporation charge
Minimum Charges						
Minimum Invoice Charge per month	Yes	No		\$14.00	per invoice	\$ 25.00
Fitzroy Airport						
Charging Cycle						
Most airport charges are charged on a Calendar Year basis, which changes endorsed by Council and applicable from 1 January to 31 December annually						
Weight – KG						
Per 1,000kg per landing (or part thereof)	Yes	No		\$30/tonne, with a minimum charge of \$50.	per landing	\$33/tonne, with a minimum charge of \$55.
Manually Required Landing Charge/Fee	Yes	No			per landing	
Parking Fees - Private Aircraft						
Single Engine (same aircraft) - per annum	Yes	No		\$1,100.00	per annum	\$ 1,500.00
Twin Engine (same aircraft) - per annum	Yes	No		\$1,290.00	per annum	\$ 2,000.00
Parking Fees - Charter Aircraft						
Single Engine (same aircraft) - per annum	Yes	No		\$2,000.00	per annum	\$ 2,500.00
Single Engine (alternating aircraft) - per quarter	Yes	No		\$850.00	per quarter	\$ 1,000.00
Twin Engine (same aircraft) - per annum	Yes	No		\$3,700.00	per annum	\$ 5,000.00
Twin Engine (alternating aircraft) - per quarter	Yes	No		\$1,300.00	per quarter	\$ 2,000.00
Rotary Winged Aircraft (Helicopters)						
Aircraft - Doesn't operate from an airport based hanger - per 1,000kg per landing	Yes	No		\$15/tonne, with a minimum charge of \$25.	per landing	\$16.50/tonne, with a minimum charge of \$27.50.
Manually Required Landing Charge/Fee	Yes	No			per landing	
As per applicable Temporary User Agreement - per square metre, per year	Yes	No		\$15.00	per m2 per annum	\$ 16.50
Minimum Charge per year	Yes	No		\$555.00	per annum	\$ 1,000.00
Head Tax Fitzroy Crossing						
Regular Passenger Traffic and Charter Operations with a seating capacity exceeding 30 passengers - per embarking head	Yes	No		\$7.50	per passenger	\$ 10.00
Aircraft Parking Fees						
For aircraft under 20 tonne - per day	Yes	No		\$15.00	per day	\$ 20.00
For aircraft over 20 tonne - per day	Yes	No		\$30.00	per day	\$ 40.00
Water Rates and Charges						
Annual Rate					\$446.63/servicable lease area/year	As per applicable Water Corporation charge
Consumption Charge					\$5.396c/1000 lts	As per applicable Water Corporation charge
Minimum Charges						
Minimum Invoice Charge per month	Yes	No		\$14.00	per invoice	\$ 25.00
Derby Wharf						
The CEO is authorised to negotiate with commercial proponents on the condition that any proposal is presented to the Ports Working Group						
Wharfage Rates						
General Cargo - per tonne or m3 whichever is greater	Yes	No		\$9.75	Greater of per tonne or m3	\$ 10.00

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
Feed - Primary Producer - per tonne or m3 whichever is greater	Yes	No		\$3.50	Greater of per tonne or m3	\$ 350.00
Fish including ice - Primary Producer - per tonne or m3 whichever is greater	Yes	No		\$7.00	Greater of per tonne or m3	\$ 7.00
Bulk fuel by Road Tanker - per kilolitre	Yes	No		\$13.85	per kilolitre	\$ 15.00
Bulk Minerals - per tonne	Yes	No		\$6.75	per tonne	\$ 6.75
20-30 Foot Empty Containers - per TEU * - roll on ramp charge (per tonne or m3 whichever is greater)	Yes	No		\$60.00	per TEU	\$ 65.00
20-30 Foot Loaded Containers - per TEU * - roll on ramp charge (per tonne or m3 whichever is greater)	Yes	No		\$210.00	per TEU	\$ 220.00
40-45 Foot Empty Containers - per TEU * - roll on ramp charge (per tonne or m3 whichever is greater)	Yes	No		\$120.00	per TEU	\$ 130.00
40-45 Foot Loaded Containers - per TEU * - roll on ramp charge (per tonne or m3 whichever is greater)	Yes	No		\$415.00	per TEU	\$ 425.00
Livestock (Cattle)	Yes	No		\$2.70	each	\$ 2.85
Change of booking < 24hrs notice	Yes	No		\$265.00	each	\$ 265.00
* TEU = twenty-foot equivalent units. A twenty-foot equivalent unit is a measure of containerised cargo. In metric units this is 6.10 m (length) x 2.44 m (width) / (per tonne or m3 whichever is greater) x 2.59 m (height), or approximately 39m³						
Berthage Dues						
Vessels over 200 GRT (Max 3hr period) - per tonne or Lm	Yes	No		\$1.20	per tonne or lineal metre	\$ 2.00
Vessels over 200 GRT (Max 3hr period) - minimum charge	Yes	No		\$255.00	each	\$ 270.00
Vessels under 200GRT (Max 3hr period) - per tonne or Lm	Yes	No		\$1.20	per tonne or lineal metre	\$ 2.00
Vessels under 200GRT (Max 3hr period) - minimum charge	Yes	No		\$130.00	each	\$ 140.00
Passenger/Charter Vessels (Max 3hr period) - per metre	Yes	No		\$6.50	per metre	\$ 7.00
Passenger/Charter Vessels (Max 3hr period) - minimum charge	Yes	No		\$130.00	each	\$ 140.00
Barging Vessels - per berthage	Yes	No		\$160.00	each	\$ 170.00
Storage Fees						
Cargo Storage: 1-3 Days - rate greater of per tonne or per m3 per day	Yes	No		\$0.60	Greater of per tonne or m3	\$ 0.65
Cargo Storage: 4-10 Days - rate greater of per tonne or per m3 per day	Yes	No		\$1.60	Greater of per tonne or m3	\$ 1.70
Cargo Storage: >10 Days - rate greater of per tonne or per m3 per day	Yes	No		\$4.50	Greater of per tonne or m3	\$ 4.75
It is the responsibility of the transporters of goods, to notify the Council of shipping/barging movements and quantities						
Security Officer - Minimum Charge of 2 hours						
Labour/Security Officer per hour *	Yes	No		125.00	per hour	\$ 135.00
Labour/Security Officer per hour at time and a half *	Yes	No		185.00	per hour	\$ 200.00
Labour/Security Officer per hour at Double time *	Yes	No		250.00	per hour	\$ 269.00
Labour/Security Officer per hour at Double time and a half *					per hour	
* minimum per half hour increments						
Water Sales						
Water per litre - Caravans, Campers Etc FX	YES	No		\$0.10	per litre	\$ 0.10
Water Delivery						
Water per 1,000Lt - sourced from tanks onsite	Yes	No		\$19.80	per kilolitre	\$ 21.00
Includes Admin Fee, Water Cost and Headworks/Infrastructure Charge						
Delivery of Water to Barge at Wharf - Delivered by Truck	Yes	No		Cost plus 10%	per litre	Cost plus 10%
Minimum Charge of \$14.00 per invoice per month	Yes	No		\$14.00	each	\$ 14.50
Land Space						
As per applicable Temporary User Agreement - per square metre, per year (< 1,000m2)	Yes	No		\$15.75	per m2 per annum	\$ 32.00
As per applicable Temporary User Agreement - per square metre, per year (=/> 1,000m2)	Yes	No		\$15.75	per m2 per annum	\$32,000 + \$16/m2 for the area over 1,000m2
As per applicable Temporary User Agreement - per square metre, per year (Boat Trailer Storage Area Only)	Yes	No		15.75	per m2 per annum	\$ 16.00
Minimum Charge per year	Yes	No		\$555.00	per annum	\$ 2,500.00
13 Economic Services						
Fitzroy Crossing Visitor Centre						
Souvenirs - At Manufacturer Recommended Retail Price	Yes	No		RRP	each	RRP
Commissionable Souvenirs and Art Work	Yes	No		12.5% - 20%	% of sales	12.5% - 20%
All tours and bus ticket prices as per tour and bus companies pricing structure						
Tours and Accommodation Commission where applicable	Yes	No		10% - 20%	% of sales	10% - 20%
Greyhound Bus Ticket Sales Commission	Yes	No		5% - 20%	% of sales	5% - 20%
Greyhound Freight Commission	Yes	No		20%	% of freight value	20%
Greyhound Freight Handling Fee - Per Item	Yes	No		\$1.10	each	\$ 110.00
Integrity Bus Ticket Sales Commission	Yes	No		15%	% of sales	15%
Booking Fee - Non-Commissionable product	Yes	No		\$5.50	each	\$ 550.00
Building Control						
Applications for Building and or Demolition Permits - In accordance with Building Act 2011 (s. 16(1))						
Certified Application for a Building Permit (s. 16(1))						
Minimum Fee	No	Yes	Building Regulations 2012 Schedule 2	\$105.00	each	\$ 110.00

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
(a) For building work for a Class 1 or Class 10 building or incidental structure - * Value of the building work as determined by the relevant permit authority	No	Yes	Building Regulations 2012 Schedule 2	0.19 % of the estimated value of the building work but not less than \$105		0.19 % of the estimated value of the building work but not less than \$110
(b) For building work for a Class 2 to Class 9 building or incidental structure - * Value of the building work as determined by the relevant permit authority	No	Yes	Building Regulations 2012 Schedule 2	0.09 % of the estimated value of the building work but not less than \$105		0.09 % of the estimated value of the building work but not less than \$110
Uncertified Application for a Building Permit (s. 16(1))						
Minimum Fee	No	Yes	Building Regulations 2012 Schedule 2	0.32 % of the estimated value of the building work but not less than \$105	each	0.32 % of the estimated value of the building work but not less than \$110
Application for a Certificate of Design Compliance (CDC) for Class 2-9 building works (commercial) in the Shire	No	Yes	Building Regulations 2012 Schedule 2	\$450 plus 0.1% of the estimated value of works		\$450 plus 0.1% of the estimated value of works
Application for a Building Approval Certificate for a building in respect of which unauthorised work has been done.	No	Yes	Building Regulations 2012 Schedule 2	0.38 % estimated (inclusive of GST) value of the building work but not less than \$105		0.38 % estimated (inclusive of GST) value of the building work but not less than \$110
Amendment to existing Building Permit - Minor amendments	No	Yes	Building Regulations 2012 Schedule 2	\$91.12		\$ 91.12
Amendment to existing Building Permit - Major amendment :subject to additional hourly rate depending upon extent of changes (MPBS to confirm)	No	Yes	Building Regulations 2012 Schedule 2	\$238.70 but subject to additional hourly rate depending upon extent of changes (MPBS to confirm)		\$238.70 but subject to additional hourly rate depending upon extent of changes (MPBS to confirm)
Building and Construction Industry Training Levy if over \$20,000	No	Yes	Building Regulations 2012 Schedule 2	0.2% of the estimated value (incl of GST) of the proposed construction, minimum \$20,000 value		0.2% of the estimated value (incl of GST) of the proposed construction, minimum \$20,000 value
Application for a Demolition Permit (s. 16(1))						
(a) For demolition work in respect of a Class 1 or Class 10 building or incidental structure	No	Yes	Building Regulations 2012 Schedule 2	\$105.00	each	\$ 110.00
(b) For demolition work in respect of a Class 2 to Class 9 building	No	Yes	Building Regulations 2012 Schedule 2	\$105.00 for each storey of the building		\$110.00 for each storey of the building
Application to Extend the time during which a Building or Demolition Permit has effect (s. 32(3)(f))	No	Yes	Building Regulations 2012 Schedule 2	\$105.00	each	\$ 110.00
Application for Occupancy Permits and Building Approval Certificate						
Application for an Occupancy Permit for a completed building (s. 46)	No	Yes	Building Regulations 2012 Schedule 2	\$105.00	each	\$ 110.00
Application for a Temporary Occupancy Permit for an incomplete building (s. 47)	No	Yes	Building Regulations 2012 Schedule 2	\$105.00	each	\$ 110.00
Application for modification of an Occupancy Permit for additional use of a building on a temporary basis (s. 48)	No	Yes	Building Regulations 2012 Schedule 2	\$105.00	each	\$ 110.00
Application for a Replacement Occupancy Permit for Permanent Change of the building's use, classification (s. 49)	No	Yes	Building Regulations 2012 Schedule 2	\$105.00	each	\$ 110.00
Application for an Occupancy Permit or Building Approval Certificate for registration of strata scheme or plan of re- subdivision (s. 50(1) and (2))	No	Yes	Building Regulations 2012 Schedule 2	\$11.60 for each strata unit covered by the application, but not less than \$115.00		\$11.60 for each strata unit covered by the application, but not less than \$110.00
Application for an Occupancy Permit for a building in respect of which unauthorised work has been done (s. 51(2))						
Minimum Fee	No	Yes	Building Regulations 2012 Schedule 2	\$105.00	each	\$ 105.00
* Estimated value of the unauthorised work as determined by the relevant permit authority.	No	Yes	Building Regulations 2012 Schedule 2	0.18% of the estimated value of the unauthorised work* but not less than \$105.00		0.18% of the estimated value of the unauthorised work* but not less than \$110.00
Application for a Building Approval Certificate for a building or an incidental structure in respect of which unauthorised work has been done (s. 51(3))						
Minimum Fee	No	Yes	Building Regulations 2012 Schedule 2	\$105.00	each	\$ 110.00
Application to replace an Occupancy Permit for an existing building (s. 52(1))	No	Yes	Building Regulations 2012 Schedule 2	\$105.00	each	\$ 110.00
Application for a Building Approval Certificate for an existing building or an incidental structure where unauthorised work has not been done (s. 52 (2))	No	Yes	Building Regulations 2012 Schedule 2	\$105.00	each	\$ 110.00
Application to extend the time during which an Occupancy Permit or Building Approval Certificate has effect (s. 65(3){a})	No	Yes	Building Regulations 2012 Schedule 2	\$105.00	each	\$ 110.00

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
Application for Variation/Modification of Building Standards in which declaration is sought from Building Commissioner as defined in Regulation 31 (for each Building Standard in respect of which a Declaration is sought)	No	Yes	Building Regulations 2012, Part 9, Division 3	\$2,160.15	per standard variation	\$ 2,160.15
Inspections of Swimming Pool Enclosures \$57.45, as defined in Regulation 53 (2), Division 2 of the Building Regulations Act 2012. This fee will be charged pro-rata on the Rates Notice for all properties with private swimming pools	No	Yes	Building Regulations 2012, Part 8, Division 2, reg 53 (2)	\$14.36	per annum	\$ 14.36
Swimming Pool re-inspection(s) and per request outside of normal inspection programs (Pursuant to S6.162 of the Local Government Act 1995)	No	No	LG Act 1995	\$220.00	each	\$ 220.00
Application for approval of Battery Powered Smoke Alarms	No	Yes	Building Regulations 2012, Part 8, Division 3, reg 61 (3) (b)	\$179.40	each	\$ 179.40
Application to search a property for Plans (plus photo copying charges)	Yes	No		52.00	each property	\$ 72.00
Building Services Levy \$45,000 or Less - Set by Building Services Commission						
Building Permit	No	Yes	Building Services Act 2011	\$61.65	each	\$ 61.65
Demolition Permit	No	Yes	Building Services Act 2011	\$61.65	each	\$ 61.65
Occupancy Permit for approved building work under Sub-Section 47, 49, 50 or 52 of the Building Act 2011	No	Yes	Building Services Act 2011	\$61.65	each	\$ 61.65
Building Approval Certificate for approved building work under Sub-Section 47, 49, 50 or 52 of the Building Act 2011	No	Yes	Building Services Act 2011	\$61.65	each	\$ 61.65
Occupancy Permit for unauthorised building work under Section 51 of the Building Act 2011	No	Yes	Building Services Act 2011	\$123.30	each	\$ 123.30
Building Approval Certificate for unauthorised building work under Section 51 of the Building Act 2011	No	Yes	Building Services Act 2011	\$123.30	each	\$ 123.30
Building Services Levy Over \$45,000 - Set by Building Services Commission						
Building Permit	No	Yes	Building Services Act 2011	0.137% of the value of the work	each	0.137% of the value of the work
Demolition Permit	No	Yes	Building Services Act 2011	0.137% of the value of the work	each	0.137% of the value of the work
Occupancy Permit for approved building work under Sub-Section 47, 49, 50 or 52 of the Building Act 2011	No	Yes	Building Services Act 2011	\$61.65	each	\$ 61.65
Building Approval Certificate for approved building work under Sub-Section 47, 49, 50 or 52 of the Building Act 2011	No	Yes	Building Services Act 2011	\$61.65	each	\$ 61.65
Occupancy Permit for unauthorised building work under Section 51 of the Building Act 2011	No	Yes	Building Services Act 2011	0.274% of the value of the work	each	0.274% of the value of the work
Building Approval Certificate for unauthorised building work under Section 51 of the Building Act 2011	No	Yes	Building Services Act 2011	0.274% of the value of the work	each	0.274% of the value of the work
Private Swimming Pool Inspection Fees						
Swimming Pool Inspection Fees and Follow Up Inspection Fees. Includes the following: Final Inspection of newly completed pools and pool fencing. Mandatory compliance inspection every four years (to be charged over 4 years); and any subsequent follow up inspections	No	Yes	Building Regulations 2012	58.45	Per Annum	\$ 58.45
14 Other Property and Services						
Plant and Labour Charge Out Rates						
Please note for plant items not specifically listed below, the CEO has the ability to approve hire and set rates on a per request basis						
Council Policy						
Plant Item						
Loader Kubota	Yes	No		\$70.00	per hour	\$ 76.00
Tractor - 4000kg - 6000kg	Yes	No		\$70.00	per hour	\$ 76.00
John Deere Tractor 6630	Yes	No		\$100.00	per hour	\$ 108.00
Tip Truck - up to 4T	Yes	No		\$95.00	per hour	\$ 103.00
Road Broom (Tractor Drawn)	Yes	No		\$120.00	per hour	\$ 130.00
Road Sweeper (Kubota Loader)	Yes	No		\$100.00	per hour	\$ 108.00
Tractor and Slasher	Yes	No		\$120.00	per hour	\$ 130.00
Plate Compactor	Yes	No		\$35.00	per hour	\$ 38.00
Litter Vacuum	Yes	No		\$55.00	per hour	\$ 60.00
Ute	Yes	No		\$40.00	per hour	\$ 44.00
Backhoe	Yes	No		\$80.00	per hour	\$ 87.00
12 Seater Bus	Yes	No		\$40.00	per hour	\$ 44.00
Truck 13T	Yes	No		\$135.00	per hour	\$ 146.00
Mower - Kubota Ride-On	Yes	No		\$55.00	per hour	\$ 60.00
All Plant items are charged per hour of usage, Plus Day Labour Charge Materials						
Staff Charge Out Rates - A minimum of one hour applies (with charges per hour, or part thereof)	Yes	No		Cost plus 30%	per hour	Cost plus 30%
Staff Charge Out Rates: 6am to 6pm Monday to Friday - Per Hour (if not otherwise stated in this Fees & Charegs Schedule)						
Labour - Operator/Administration	Yes	No		\$105.00	per hour	\$ 111.00
Labour - Leading Hand/Supervisor/Technical Officer	Yes	No		\$132.00	per hour	\$ 139.00
Manager (e.g. Works and Services)	Yes	No		\$180.00	per hour	\$ 189.00
Executive (e.g. Director Technical & Development Services)	Yes	No		\$205.00	per hour	\$ 216.00
Labour - Leading Hand/Supervisor/Technical Officer	Yes	No		\$264.00	per hour	\$ 278.00

Fee Description	GST	Statutory Fee	Legislation	Fee 2021/22	Fee Unit	Fee 2022/23
Manager (e.g. Works and Services)	Yes	No		\$360.00	per hour	\$ 378.00
Executive (e.g. Director Technical & Development Services)	Yes	No		\$410.00	per hour	\$ 431.00
Standpipe Water						
Water taken from Standpipe at Shire Depot - per kilolitre	No	No		\$3.50	per kilolitre	\$ 3.50

13 TECHNICAL SERVICES**13.1 AWARDING OF TENDER T4-2022 PROJECT MANAGEMENT FOR EVENT AGRN 951****File Number: 0481****Author: Wayne Neate, Director Technical and Development Services****Responsible Officer: Amanda Dexter, Chief Executive Officer****Authority/Discretion: Executive****SUMMARY**

This item is for Council to consider the awarding of tender T04-2022 being for the Project management of the reinstatement of roads following event AGRN 951. It is proposed that the tender be awarded to Greenfield Technical Services.

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

On the 28th January to the 2nd February 2021 a Tropical Low passed across the Shire of Derby/West Kimberley (the Shire). During this period high rainfall numbers were received across the Shire in most locations and damage to the road network was being reported on a constant basis. Some areas receiving in excess of 400mm of rainfall over a few days with peaks of daily falls over 200mm.

Event AGRN 951 Ex-TC Esther was declared on the 10th February 2021 for flooding damage caused by the Tropical Low on the 28th January to the 2nd February 2021. The Shire then sought the services of a suitably qualified engineering firm to undertake a damage pick up of the road network to ascertain the damage and work up a claim as per the Disaster Recovery Funding Arrangements of Western Australia (DRFAWA), Greenfields Technical Services (GTS) were selected to undertake the pickup and manage the opening up works. As soon as the roads were able to be driven on without causing further damage the Shire's Grading contractors at the time undertook repairs of the network to make it "trafficable" for vehicles.

The final report of the damage was submitted to the Department of Fire and Emergency Services (DFES) mid 2021 for their assessment. The new process as per the DRFAWA guidelines is that this report is then referred from DFES to the local office of Main Roads Western Australia (MRWA) as they are the subject matter experts before DFES make a definitive repose to the Shire. The Shire's initial claim was for in excess of 4 million dollars.

MRWA then hired an external consultant to carry out an investigation of our claim during July and August. Shire staff and GTS then corresponded with the MRWA staff and consultant several times during the latter half of 2021.

There were then many discussions over standards and treatment methods first with the consultant who then was removed from the project. Numerous discussions were held between GTS, MRWA and DFES staff over the next few months which then culminated in an unofficial revised cost estimate being provided to the Shire on the 24th February 2022.

By the time this initial estimate was given to the Shire, it had already been impacted by another event AGRN 1013 which occurred earlier this year. This tender has been worked up and put to the

market. This tender is designed to provide company rates to project manage the reinstatement works across the various work sites to get the best outcome for the Shire from event AGRN 951.

STATUTORY ENVIRONMENT

- Local Government Act 1995–3.57 Tenders for the provision goods or services; and
- Local Government (Functions and General) Regulations 1996 part 4: tenders for the provision of goods or services.

POLICY IMPLICATIONS

- AF1–Procurement of Goods and Services
- AF33–Regional Price Preference Policy – two tenderers qualified for application of this policy.

FINANCIAL IMPLICATIONS

The proposed budget and current budget made allowances for the reinstatement work to occur across the Shires road networks. The project management cost are included as part of the flood damage reinstatement works across the road network from event 951. The Shire is liable for the first \$154,300 of the work which is estimated to be around the \$4.5 million with an approximate \$400,000 contingency amount.

All costs in excess of the \$154,300 of reinstatement works are claimable back from the State Government through the DRFAWA process.

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
3. Economy	3.2 Strong economy	3.2.2 Endeavour to increase visitor numbers, length of stay, spend and return

RISK MANAGEMENT CONSIDERATIONS

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

CONSULTATION

This tender was advertised using the list of pre-qualified Western Australian Local Government Association (WALGA) panel tenderers available to the Shire of Derby/West Kimberley. It was advertised on the panel for the minimum 14 day period required by the legislation and closed on the 24th June 2022 at 5.00pm. The documents were circulated to the 8 companies listed on the panel tender in the WALGA portal. Four companies responded to the tender.

COMMENT

For the purposes of ensuring that reinstatement work is completed in an acceptable timeframe, the scope of works was separated into two (2) separate areas as follows:

Flood Damage Reinstatement Package 1

- Beefwood Park Road
- Calwynyardah Noonkanbah Road
- Camballin Myroodah Road
- Camballin Noonkanbah Road
- Camballin Road
- Cherrabun Road
- Dampier Downs Road
- Fossil Downs Road
- Galvans Way
- GNH Gee Gully Road
- Mowla Bluff Road
- Gogo Road
- Kalyeeda Road
- Langey Crossing Road
- Leopold Downs Road
- Mangkurla (Cemetery) Road
- Manguel Creek Udialla Road
- Milligiddee Access Road
- Manning Road
- Mt Anderson Road
- Nerrima Road
- Qumabun Downs Road
- Savannah Way

Flood Damage Reinstatement Package 2

- Beverley Springs Road
- Birdwood Downs Road

- Blina Road
- Bungarun Road
- Fairfield Leopold Road
- Kimberley Downs Road
- Marion Downs Road
- Meda Access Road
- Milliewindie Road
- Mornington Road
- Mt Hart Road
- Napier Downs Road
- Silent Grove and Bell Gorge Road
- Sutherland Street
- Tablelands Road
- Windjana Access Road

The project managers can bid on all or selected areas for project management. It is recommended that the tender for each Area be awarded to the contractor that provides the best value for money, using the Approved Tender Scoring Criteria. The Regional Price Preference Policy AF33 was applied to the prices submitted by the Derby based Contractors as detailed in the table below.

The criteria and weighting for this tender were as follows:

Criteria	Weighting
Relevant Experience	15%
Key Personnel Skills and Experience	15%
Tender Resources	20%
Demonstrated Understanding	15%
Local Supplier Details	10%
Quality Management System	15%
Risk	10%

The three companies that provided a submission are as per the table below:

Contractor Name	Contractor N ^o .
Greenfields Technical Services	C1
Core Business Australia	C2
Talis Consultants	C3
GHD Pty Ltd	C4

The scores for the various companies are located in the confidential attachments. All of the companies are able to adequately undertake the work and have sufficient resources to complete this work across the Shire.

The scoring for the companies was undertaken by a panel of three staff members and averaged across those three staff. Based on the scores for the various companies it will be recommended that the tender be awarded to Greenfields Technical Services to undertake the project management work for event AGRN 951 due to it gaining the highest score from the panel. All companies nominated that they would undertake the entire management of the event.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

1. Confidential scoring - Confidential

RESOLUTION 95/22

Moved: Cr Geoff Haerewa

Seconded: Cr Geoff Davis

That Council award Tender T2022-04 Project Management of Flood damage reinstatement works for event AGRN 951 to Greenfields Technical Services.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 7/0 BY ABSOLUTE MAJORITY

13.2 NORMALISATION OF ROAD ACCESS TO REMOTE ABORIGINAL COMMUNITIES (NORA) PROGRAM

File Number: 8158

Author: Wayne Neate, Director Technical and Development Services

Responsible Officer: Amanda Dexter, Chief Executive Officer

Authority/Discretion: Advocacy

SUMMARY

This item is for Council to consider to apply for funds under the Normalisation of Road Access to Remote Aboriginal Communities (NoRA) Program from the State government for the 22/23 financial year. It will be recommended that Council not take up the offer of applying for any funding.

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

The issue of “orphan roads” has been ongoing for a number of years with the responsibility of these roads being passed from the Federal government to the State government. In turn state government is now trying to pass that responsibility of these roads to Local government.

The McGowan Government is committed to improving health, social, and economic outcomes for residents of remote Aboriginal communities. Well maintained access roads provide remote Aboriginal communities with access to vital supplies and critical services including healthcare, education, and employment.

The State government is inviting Local government to apply for funding under Normalisation of Road Access to Remote Aboriginal Communities (NoRA) Program, which forms part of the State Road Funds to Local Government Agreement (2018-19 to 2022-23).

Under the NoRA program, up to \$3 million will be available for local governments in 2022-23 to assist in routine asset preservation works (maintenance grading) and significant improvements to remote community access roads not currently managed by a public entity i.e. ‘orphan roads’. To be eligible, the local government applying for funding must agree to add the relevant road to their asset register and commit to the ongoing management of the road.

In addition to available State Government funding, remote community access roads listed on a local government asset register may also be eligible for additional Commonwealth funding opportunities, including through natural disaster recovery arrangements.

The State Government has requested submissions be made by the 31st July 2022 and will be considered by the Local Government Grant Commission’s Aboriginal Roads Committee.

Local Governments are encouraged to undertake their own due diligence to determine the implications associated with adding additional roads to their asset register. Local Government is also under no obligation to add these roads to our asset registers, as under the Local Government Act 1995 we are to provide road access to any rate paying property within the Shire of Derby/West Kimberley, there is no requirement to provide access to any other properties.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire would inherit potentially 400-500kms of road network with the following observations being made;

- Annual increase of approximately \$1,100/km or road for maintenance grading (plus CPI moving forward)
- No additional rates income
- Funding provided for the maintenance grading and upgrade works for 22/23
- No guarantee that the funding will continue beyond 22/23
- Potential for an increase in Remote Aboriginal Access Road funding on an annual basis
- Potential for an increase in Financial Assistance Grant
- Increase in the Road network with no increase in the Staff to manage that risk and asset
- Can claim damage to roads under the Disaster Recovery Funding Arrangements Western Australia (DRFAWA)

There are too many risks and not enough certainty moving for the Shire of Derby/West Kimberley to accept the proposal in its current format.

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
Financial: Too many unknowns in financial burden to Council in future years. Costs will increase for Maintenance and upkeep of roads in future years	Almost Certain	Severe	Extreme	Decline offer of program

CONSULTATION

No consultation has been undertaken as part of this process

COMMENT

The Shire of Derby/West Kimberley has the greatest number of “orphan Roads” of any Local government in Western Australia. Some of these roads or communities where orphan roads exist would include and is not limited to;

- Yakanarra Road
- Biridu
- Djugerari
- Yarri Yarri
- Windjingayre
- Balginjirr

Some of these roads are in various states of disrepair due to being “orphaned” and only sporadic amounts of money being spent on them. The Shire if committing long term to undertake maintenance and upgrades of these roads will over time wear the cost burden for the maintenance of the roads due to the funding only being for a limited timeframe.

As stated in the background the Shire if including them on the shires road asset inventory they may be eligible for some increase in Remote Aboriginal Access Road (RAAR) funding. Currently the Shire gets anywhere between \$400K and \$500K per annum to undertake improvements across its network that are RAAR funded coming from a combination of Commonwealth and State funds. It would be an assumption only this funding would increase with the increase of the network.

The shire could potentially get an increase in its Federal Assistance grant (FAGS) however this is also only assumption and would only work in our favour if the cap on the grant is removed as per Neil Hartley’s, Director of strategic business previous proposal which is being put forward to the Grants commission.

The officer generally feels that there is a certain degree of uncertainty surrounding the funding and liability to Council moving forward that would place additional burden on an already financially constrained budget. It does not provide any financial advantage to Council and would also put an increase burden on existing staff who find it difficult to manage the existing network. It will therefore be recommended not to accept the offer of the Normalisation of Road Access to Remote Aboriginal Communities (NoRA) Program.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. NoRA - Summary of Funding agreement  
2. NoRA - Application Form  

RESOLUTION 96/22**Moved: Cr Paul White****Seconded: Cr Rowena Mouda****That Council:**

- 1. Not accept the offer to partake in the Normalisation of Road Access to Remote Aboriginal Communities (NoRA) Program; and**
- 2. Direct the Chief Executive Officer to write to the State government advising them of this decision.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 7/0

ENDORSED BY STATE ADVISORY COMMITTEE

PROGRAM SUMMARY

Normalisation of Road Access to Remote Aboriginal Communities (NoRA) Program

A State Initiative on Local Roads

Introduction

There are communities in Western Australia whose access roads are not managed by any public entity. Maintenance is rare and ad hoc, condition is often poor, and the opportunity for Commonwealth funding is lost. When significant damage or deterioration occurs, there is no government agency who is responsible for repair. This situation endangers community safety, produces economic inefficiencies for State government and hinders socio-economic development in remote communities.

Under the State Roads Funds to Local Government Agreement (2018/19-2022/23) up to \$3 million per annum from the State Initiatives on Local Roads Program is available via this program to local governments to normalise road access to State-serviced remote Aboriginal communities.

The funding will be delivered through the Normalisation of Road Access to Remote Aboriginal Communities Roads (NoRA) Program.

This document sets out the objective and structure of the program. It will be subject to periodic review.

Background

There are approximately 56 Aboriginal communities receiving State-funded services where the primary access road to those communities is not under the care and maintenance of a local government.

Some local governments have been reluctant to bring these roads under their care and control for two main reasons:

- 1) These roads are currently in poor condition and will require additional funding, beyond normal maintenance levels, to bring them to an expected warrant (required service) level; and
- 2) The relevant local government collects no rates from the communities and as such would be under additional financial pressure to spread their limited resources even further.

As an outcome of the Department of the Premier and Cabinet's work on this issue, it was agreed, with the Western Australian Local Government Association (WALGA) to make available an annual amount of up to \$3m to assist in the normalisation of the road network pertaining to State-serviced remote Aboriginal communities.

This Program Objective and Structure has been developed with the collaborative input of the Department of the Premier and Cabinet (DPC), Main Roads WA, the Department of Communities, the Department of Local Government, Sport and Cultural Industries, and WALGA.

Currently the Local Government Grants Commission, under the Department of Local Government, Sport and Cultural Industries, chairs the Aboriginal Roads Committee. This Committee makes funding recommendations under the Remote Aboriginal Community Access Roads program, which covers roads currently under the care and maintenance of the relevant local government. The Committee is best placed to consider proposals under the NoRA program.

ENDORSED BY STATE ADVISORY COMMITTEE

Program Objective

To normalise the management and maintenance of access roads to all State-serviced remote Aboriginal communities by the appropriate local government.

Program Structure

Scope of support available

Funding under this program must be used for improvements (whether routine asset preservation or significant improvements) to road formation, condition and/or surface. Examples include the construction of a formed (unsealed) road where there currently exists an unformed track, or improvements to the formation, drainage and surface of an existing formed road, or the re-sheeting of an existing gravel road.

Funds must be used as detailed within the application.

Payment of funds will be made in accordance with normal processes for Road Project grants under the State Road Funds to Local Government Agreement.

Eligibility criteria

1. An application may be made only:
 - a. by a local government; and
 - b. in respect of an eligible road located within the local government's district.
2. An **eligible road** is a road that:
 - a. facilitates:
 - i. the delivery of supplies or services (including emergency services); or
 - ii. educational or economic opportunities;to the benefit of residents of a remote Aboriginal community; and
 - b. The road was not listed on the applicant's road asset register as at 1 January 2020.
3. The local government must agree that, if it has not already listed the road on its road asset register, it will do so immediately after receiving advice that its funding application is successful, or – if initial significant improvements to the road are to be funded through this program – immediately after those improvements are complete.
4. The local government must give written confirmation of its intention to maintain the road as part of its normal course of business.

Application requirements

The funding application must include, among other details:

- written evidence of endorsement by the relevant community's council or corporation or other appropriate representatives; and
- a statement by the applicant of the matters described in Eligibility Criteria #3 and #4, signed by the legal signatory and Council-minuted.
- a budget outlining proposed expenditure on the road.

ENDORSED BY STATE ADVISORY COMMITTEE

Governance and Assessment process

Up to \$3 million of funding has been made available for this program under the State Roads Funds to Local Government Agreement, in accordance with State Roads Funds to Local Government Procedures.

For any given funding round, Communities, on behalf of DPC, will receive applications, prepare an assessment of each, and provide a schedule of applications to the Aboriginal Roads Committee for consideration. Applications will be prioritised by reference to the following factors:

- Population serviced by the road;
- Proportion of road traffic attributable to Aboriginal communities;
- Distance to a sealed road;
- Current road type (sealed, gravel sheeted, formed or track);
- Wet weather accessibility;
- Whether alternative route exists; and
- Degree of benefit or impact to Aboriginal communities.

This reflects an adaptation of the methodology used for administering the Remote Aboriginal Community Access Roads program.

For any particular application, the Aboriginal Roads Committee will make a determination as to whether an application should be awarded the entire amount sought or a lower amount, based on both:

- a consideration of the total amount of funding sought by all applications currently under consideration, with attention to the relative merits of each application as determined by the weighted ranking; and
- an assessment of the value for money represented by the cost estimates included in the individual application against the expected benefit.

Discretion is reserved to refuse an application, or to award a lower amount, based on an assessment of the applicant's past performance.

Should an application be successful, the applicant must provide evidence of expenditure after the initial 40% payment from Main Roads WA within a reasonable time in accordance with normal processes for Road Project Grants.

Unallocated Funds

From the 2020-21 financial year, any portion of the \$3m provision that is not allocated under this NoRA Program in a given year will be made accessible in the same financial year via the Remote Aboriginal Community Access Roads Program under the State Road Funds to Local Government Agreement.

Complaints and disputes

A party aggrieved by a decision under this program may approach the State Road Funds to Local Government Advisory Committee (SAC) to request a review.

ENDORSED BY STATE ADVISORY COMMITTEE

PROGRAM SUMMARY

Normalisation of Road Access to Remote Aboriginal Communities (NoRA) Program

A State Initiative on Local Roads

Introduction

There are communities in Western Australia whose access roads are not managed by any public entity. Maintenance is rare and ad hoc, condition is often poor, and the opportunity for Commonwealth funding is lost. When significant damage or deterioration occurs, there is no government agency who is responsible for repair. This situation endangers community safety, produces economic inefficiencies for State government and hinders socio-economic development in remote communities.

Under the State Roads Funds to Local Government Agreement (2018/19-2022/23) up to \$3 million per annum from the State Initiatives on Local Roads Program is available via this program to local governments to normalise road access to State-serviced remote Aboriginal communities.

The funding will be delivered through the Normalisation of Road Access to Remote Aboriginal Communities Roads (NoRA) Program.

This document sets out the objective and structure of the program. It will be subject to periodic review.

Background

There are approximately 56 Aboriginal communities receiving State-funded services where the primary access road to those communities is not under the care and maintenance of a local government.

Some local governments have been reluctant to bring these roads under their care and control for two main reasons:

- 1) These roads are currently in poor condition and will require additional funding, beyond normal maintenance levels, to bring them to an expected warrant (required service) level; and
- 2) The relevant local government collects no rates from the communities and as such would be under additional financial pressure to spread their limited resources even further.

As an outcome of the Department of the Premier and Cabinet's work on this issue, it was agreed, with the Western Australian Local Government Association (WALGA) to make available an annual amount of up to \$3m to assist in the normalisation of the road network pertaining to State-serviced remote Aboriginal communities.

This Program Objective and Structure has been developed with the collaborative input of the Department of the Premier and Cabinet (DPC), Main Roads WA, the Department of Communities, the Department of Local Government, Sport and Cultural Industries, and WALGA.

Currently the Local Government Grants Commission, under the Department of Local Government, Sport and Cultural Industries, chairs the Aboriginal Roads Committee. This Committee makes funding recommendations under the Remote Aboriginal Community Access Roads program, which covers roads currently under the care and maintenance of the relevant local government. The Committee is best placed to consider proposals under the NoRA program.

ENDORSED BY STATE ADVISORY COMMITTEE

Program Objective

To normalise the management and maintenance of access roads to all State-serviced remote Aboriginal communities by the appropriate local government.

Program Structure

Scope of support available

Funding under this program must be used for improvements (whether routine asset preservation or significant improvements) to road formation, condition and/or surface. Examples include the construction of a formed (unsealed) road where there currently exists an unformed track, or improvements to the formation, drainage and surface of an existing formed road, or the re-sheeting of an existing gravel road.

Funds must be used as detailed within the application.

Payment of funds will be made in accordance with normal processes for Road Project grants under the State Road Funds to Local Government Agreement.

Eligibility criteria

1. An application may be made only:
 - a. by a local government; and
 - b. in respect of an eligible road located within the local government's district.
2. An **eligible road** is a road that:
 - a. facilitates:
 - i. the delivery of supplies or services (including emergency services); or
 - ii. educational or economic opportunities;to the benefit of residents of a remote Aboriginal community; and
 - b. The road was not listed on the applicant's road asset register as at 1 January 2020.
3. The local government must agree that, if it has not already listed the road on its road asset register, it will do so immediately after receiving advice that its funding application is successful, or – if initial significant improvements to the road are to be funded through this program – immediately after those improvements are complete.
4. The local government must give written confirmation of its intention to maintain the road as part of its normal course of business.

Application requirements

The funding application must include, among other details:

- written evidence of endorsement by the relevant community's council or corporation or other appropriate representatives; and
- a statement by the applicant of the matters described in Eligibility Criteria #3 and #4, signed by the legal signatory and Council-minuted.
- a budget outlining proposed expenditure on the road.

ENDORSED BY STATE ADVISORY COMMITTEE

Governance and Assessment process

Up to \$3 million of funding has been made available for this program under the State Roads Funds to Local Government Agreement, in accordance with State Roads Funds to Local Government Procedures.

For any given funding round, Communities, on behalf of DPC, will receive applications, prepare an assessment of each, and provide a schedule of applications to the Aboriginal Roads Committee for consideration. Applications will be prioritised by reference to the following factors:

- Population serviced by the road;
- Proportion of road traffic attributable to Aboriginal communities;
- Distance to a sealed road;
- Current road type (sealed, gravel sheeted, formed or track);
- Wet weather accessibility;
- Whether alternative route exists; and
- Degree of benefit or impact to Aboriginal communities.

This reflects an adaptation of the methodology used for administering the Remote Aboriginal Community Access Roads program.

For any particular application, the Aboriginal Roads Committee will make a determination as to whether an application should be awarded the entire amount sought or a lower amount, based on both:

- a consideration of the total amount of funding sought by all applications currently under consideration, with attention to the relative merits of each application as determined by the weighted ranking; and
- an assessment of the value for money represented by the cost estimates included in the individual application against the expected benefit.

Discretion is reserved to refuse an application, or to award a lower amount, based on an assessment of the applicant's past performance.

Should an application be successful, the applicant must provide evidence of expenditure after the initial 40% payment from Main Roads WA within a reasonable time in accordance with normal processes for Road Project Grants.

Unallocated Funds

From the 2020-21 financial year, any portion of the \$3m provision that is not allocated under this NoRA Program in a given year will be made accessible in the same financial year via the Remote Aboriginal Community Access Roads Program under the State Road Funds to Local Government Agreement.

Complaints and disputes

A party aggrieved by a decision under this program may approach the State Road Funds to Local Government Advisory Committee (SAC) to request a review.

14 DEVELOPMENT SERVICES**14.1 PLANNING APPLICATION FOR OVERSIZED SHED (440M2) AND REDUCED SETBACK AT LOT 27 (NO. 51) FITZROY STREET, DERBY**

File Number: A102940; 05/22
Author: Robert Paull, Manager Development Services
Responsible Officer: Amanda Dexter, Chief Executive Officer
Applicant: P. Bickerton
Owner: P. Bickerton
Proposal: To reduce the setback for a 440m2 shed to 3m
Location: Lot 27 (No. 51) Fitzroy Street, Derby
Authority/Discretion: Legislative

SUMMARY

Council is requested to consider an application to erect an oversized shed (440m² and wall height of 5.8m) with a reduced (side) setback to Knutsford Road (from 10m to 3m). Whilst the size of the shed is not necessarily opposed, reduction of the setback is not supported due to the industrial nature of the shed and precedent a reduced setback will establish in the Rural Residential zone. As an alternative to refusing the Application, the applicant be invited to review the proposal and to locate the shed at least 10m from the Knutsford Road.

Should the application not be amended, the CEO be authorised to refuse the application.

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

The subject property is zoned "Rural Residential" under the Shire of Derby/West Kimberley Local Planning Scheme No.5 (LPS No.5) and has an overall area of 4.43ha with frontage to:

- Derby Highway;
- Fitzroy Street; and
- Knutsford Road (unsealed).

The property is developed with an existing single storey dwelling along with numerous sheds and sea containers located on site. The land is well vegetated with 2 access points from Fitzroy Street and one from Knutsford Road. The Applicant is seeking to erect a 440m² shed and wall height of 5.8m) with a reduced (side) setback to Knutsford Road from 10m to 3m. The Applicant has advised as follows:

"The proposed development on lot 27 Fitzroy Street Derby is for the private use only for private boat, equipment and storage. The purpose for this letter is to seek your support and approval to allow the setback for the shed on the boundary Knutsford Street to be set at 3m. This set back is required to achieve the saving of boob trees and minimal trimming of other trees. Also this is required for the usage and turn around circle for my private boat (photo attached) and personal equipment."

This size shed is required for personal items and equipment to eliminate most sea containers which are housing the equipment now. The removal of the sea containers would meet shire requirements and enhance the appearance of my property. With the shed in this position would also be within the required boundary setbacks for future development or subdivision. For any further information I would be happy to meet with all parties concerned with this application. I am in anticipation and favourable response to this application. This structure will be built to approve plan..."

The Applicant has provided a Fire Management Plan and plans (not to scale) of the Shed and location (**Attachment 1**).



STATUTORY ENVIRONMENT

Planning and Development Act 2005 (Act)

Development (Local Planning Schemes) Regulations 2015

Other Matters to be considered – Clause 67 Planning

- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality, including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*

- (n) *the amenity of the locality including the following:*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development.*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environmental or the water resource.*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk.*
- (s) *the adequacy of –*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles.*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.*
- (u) *the availability and adequacy for the development of the following:*
 - (i) *public transport services;*
 - (ii) *public utility services;*
 - (iii) *storage, management and collection of waste;*
 - (iv) *access for pedestrians and cyclists;*
 - (v) *access by older people and people with disability.*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses.*

Shire of Derby / West Kimberley Local Planning Scheme No. 5 (LPS5)

The subject site is zoned “Rural Residential” under the provisions of LPS5. Under the provisions of LPS5, the objective and policy of the “Rural Residential” zone is as follows:

“Zone Objective

- a) *To provide for development of closer rural settlement on land suitable for such a purpose in a form that protects the rural character and environmental values of the area, provides a high level of residential amenity and encourages continued productive agricultural use.*

Zone Policies

- i. *To ensure that proposed land uses and lots sizes will not be detrimental to the amenity and rural character of an area;*
- ii. *To discourage development of a scale or nature more appropriately located within the urban zones;*
- iii. *To provide for the protection of any areas of environmental value in the design of a development or subdivision;*
- iv. *When considering applications for re-subdivision of rural residential lots to have regard for the original subdivision plan and only support subdivisions where the rural and residential character is protected or enhanced;*

- v. *To ensure the adequate provision of required services and community facilities to all rural residential development”.*

Building Setbacks

The building setbacks for the development as provided in the Scheme are as follows:

4.5 BUILDING SETBACKS			
The minimum setbacks for buildings within the Scheme area are as set out in Table 3 below. Scheme requirements for building setbacks shall exclude garden walls, swimming pools, and advertising signs. Other structures and trade displays will be at the discretion of Local government.			
TABLE 3 : MINIMUM SETBACKS FROM BOUNDARIES			
ZONE	STREET	REAR	SIDE
Town Centre	Nil	*	*
Commercial	7.5m	*	*
Port Industry	7.5 m	*	*
Light Industry	7.5m*	7.5m	5.0m one side, Nil on Other
Service Industry	7.5m*	7.5m	5.0m one side, Nil on Other
General Industry	10.0m	10.0m	5.0m
Rural Residential	10.0m**	10.0m	10.0m
Rural	15.0m	15.0m	10.0m
Special Use	As per Appendix 3 or at local government discretion		
Settlement	As per endorsed Layout Plan		
Community Purposes	7.5m	6.0m	*

* In the Service and Light Industry Zone where a development includes a proposed shop front, the local government may approve a front setback of zero to the Primary Street.

* In the Service and Light Industry Zone the local government may approve the construction of a car port or pergola or like structure between the building line and the front boundary providing:

(a) that any such structure remains open sided and not in-filled with any material which would ordinarily prevent the free passage of light and air, but may include lattice battens or mesh as approved by local government;

(b) that any activity beneath such structure does not include any industrial use and is only used for car parking, landscaping, display purposes or any other uses the local government may deem fit.

** Where a Rural Residential Lot has a common boundary with Derby Hwy a minimum setback of 20.0m to that boundary will apply.

* At local government's discretion.

Accordingly, unless otherwise approved by Council, building setbacks required for Lot 27 (No. 51) Fitzroy Street, Derby are as follows:

- 20m to Derby Highway;
- 10m to Fitzroy Street;
- 10m to Knutsford Road;
- 10m to northern lot boundary.

Development Standards

Clause 4.4 of LPS No. 5 provides discretion for Council to 4 modify development standards (including setbacks) where:

“.... a development, other than a residential development, the subject of an application for development approval, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Local government may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Local government thinks fit.

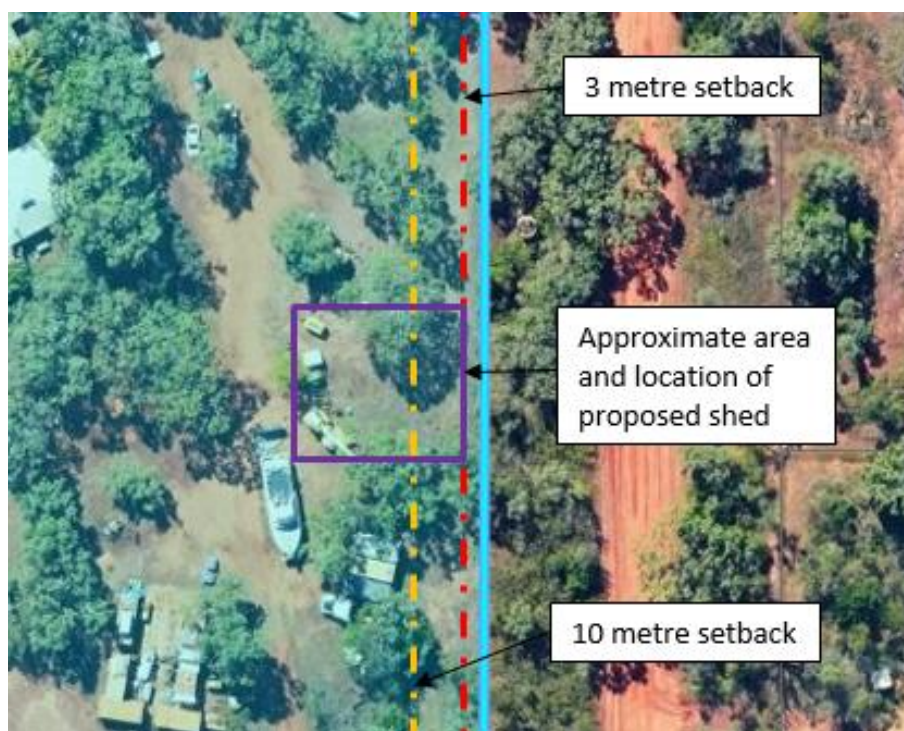
The power conferred by this clause may only be exercised if the Local government is satisfied that:

- a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- c) the spirit and purpose of the Scheme Objectives, requirements or standards will not be unreasonably departed from thereby”.*

Clause 5.6.6 of LPS No. 5 provides that planning approval is required for all development except for a shed where it is 60m² or less. As the proposed shed has an area of 440m² and is intended to be sited within 3m of the Knutsford Road boundary, planning consent for Council is required.

In the absence of scaled plans, the following estimates:

- the location and area of the proposed shed; and
- indicate the distance between a 3m setback and a 10m set back as per cl 4.5 of LPS No. 5



POLICY IMPLICATIONS

Apart from the policies prescribed in LPS No. 5, there are no other known policy implications for the application.

FINANCIAL IMPLICATIONS

The required development application fee has been paid to consider the application including the setback variation.

Should Council refuse the application or subject to conditions opposed by the applicant or should Council refuse the application, the applicant may exercise a right of review (i.e. appeal) with the State Administrative Tribunal, additional staff time and potential legal costs are likely to be incurred.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
Priority 1: Leadership and Governance	1.1 Collaboration and Partnerships 1.2 Capable, inclusive and effective organisation 1.3 Effective Communication	1.1.1 Maximise local opportunities 1.2.4 Attract and effectively use resources to meet community needs 1.3.3 Listen to and respond to the needs of our communities

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance:	Possible	Moderate	Medium	Council is obligated to consider the application in light of statutory planning provisions. The decision of Council can be 'appealed' by the applicant to the State Administrative Tribunal

CONSULTATION

Advertising under LPS No. 5 is not required. Whilst it is open for Council to advertise the application, it is considered that given the size of the subject land and distance from neighbouring properties, consultation would not directly benefit Council's consideration.

COMMENT

It is open to Council to refuse the application or if it believes that the size of the shed and the reduced setback is in keeping with LPS No. 5 objective and policy, can issue a conditional planning consent.

A shed with a floor area of 440m² and wall height of 5.8m is more akin to an industrial or broad-acre farming scale of development. Such a shed would not normally be expected to be sited in a Rural Residential area. The Shire's position is that because Lot 27 (No. 51) Fitzroy Street, Derby has a lot size of 4.43ha and is extensively vegetated, it could be possible to locate the shed on the land without necessarily impacting the objective and policy of the "Rural Residential" zone.

However, a reduced set back as sought (to 3m) does not afford scope to provide any landscaping to 'soften' the development. It is fortunate that Knutsford Road has suitable landscape buffering available, however it is considered that this would still not be enough to screen the shed with a 3m setback. Accordingly, a reduction of the setback is not supported due to the industrial nature of the shed and precedent a reduced setback will establish for the zone.

An alternative to refusing the oversized shed and reduced setback would be to invite the applicant to review the proposal and to locate the shed within the setback provision of LPS No.5 (this should be undertaken within 14 days). Should this be undertaken and the application be amended appropriately, the CEO could be authorised to issue planning consent with conditions considered appropriate by the CEO.

Should the Applicant not amend the proposal as referred above, then the CEO would need to be authorised to refuse the application on grounds considered by the CEO to be appropriate.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. **Attachment 1 - Plans, Fire Management Plan and Applicant's submission**  

RESOLUTION 97/22

Moved: Cr Rowena Mouda

Seconded: Cr Geoff Davis

That with respect to Planning Application for oversized shed (440m2) and reduced setback at Lot 27 (No. 51) Fitzroy Street, Derby, that Council:

1. **Note the Shire Report;**
2. **Resolve that the Application in its current form is not supported due to the industrial nature of the shed and precedent a reduced setback will establish in the Rural Residential zone;**
3. **Invite the Applicant to review the proposal and to locate the oversized shed within the setback provisions of the Shire of Derby/West Kimberley Local Planning Scheme No.5 (this should be undertaken within 14 days from Council's consideration); and**
4. **Should the Application be amended reflecting 3. above, the Chief Executive Officer (CEO) be authorised to issue planning consent with conditions considered appropriate by the CEO; or**
5. **Where the Applicant does not amend the proposal as referred in 3. above, the CEO be authorised to refuse the application on grounds considered appropriate by the CEO.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 7/0



Derby Office & Engineering Workshop
22 Wells Street, Derby WA 6728
PO Box 582, Derby WA 6728
Phone: 08 9191 1310 Fax: 08 9191 2310
Email: accounts@dwaindustrial.com.au
Website: www.dwaindustrial.com.au

Shire of Derby West Kimberley

To Chief Executive Officer

The proposed development on lot 27 Fitzroy Street Derby is for the private use only for private boat, equipment and storage.

The purpose for this letter is to seek your support and approval to allow the set back for the shed on the boundary Knutsford Street to be set at 3m.

This set back is required to achieve the saving of boob trees and minimal trimming of other trees.

Also this is required for the usage and turn around circle for my private boat (photo attached) and personal equipment. This size shed is required for personal items and equipment to eliminate most sea containers which are housing the equipment now. The removal of the sea containers would meet shire requirements and enhance the appearance of my property.

With the shed in this position would also be within the required boundary set backs for future development or subdivision.

For any further information I would be happy to meet with all parties concerned with this application.

I am in anticipation and favourable response to this application.

This structure will be built to approved plan attached.

Thank you for your time.

Regards

A handwritten signature in black ink, appearing to read 'PAB', with a long horizontal stroke extending to the right.

Paul Bickerton | MANAGING DIRECTOR

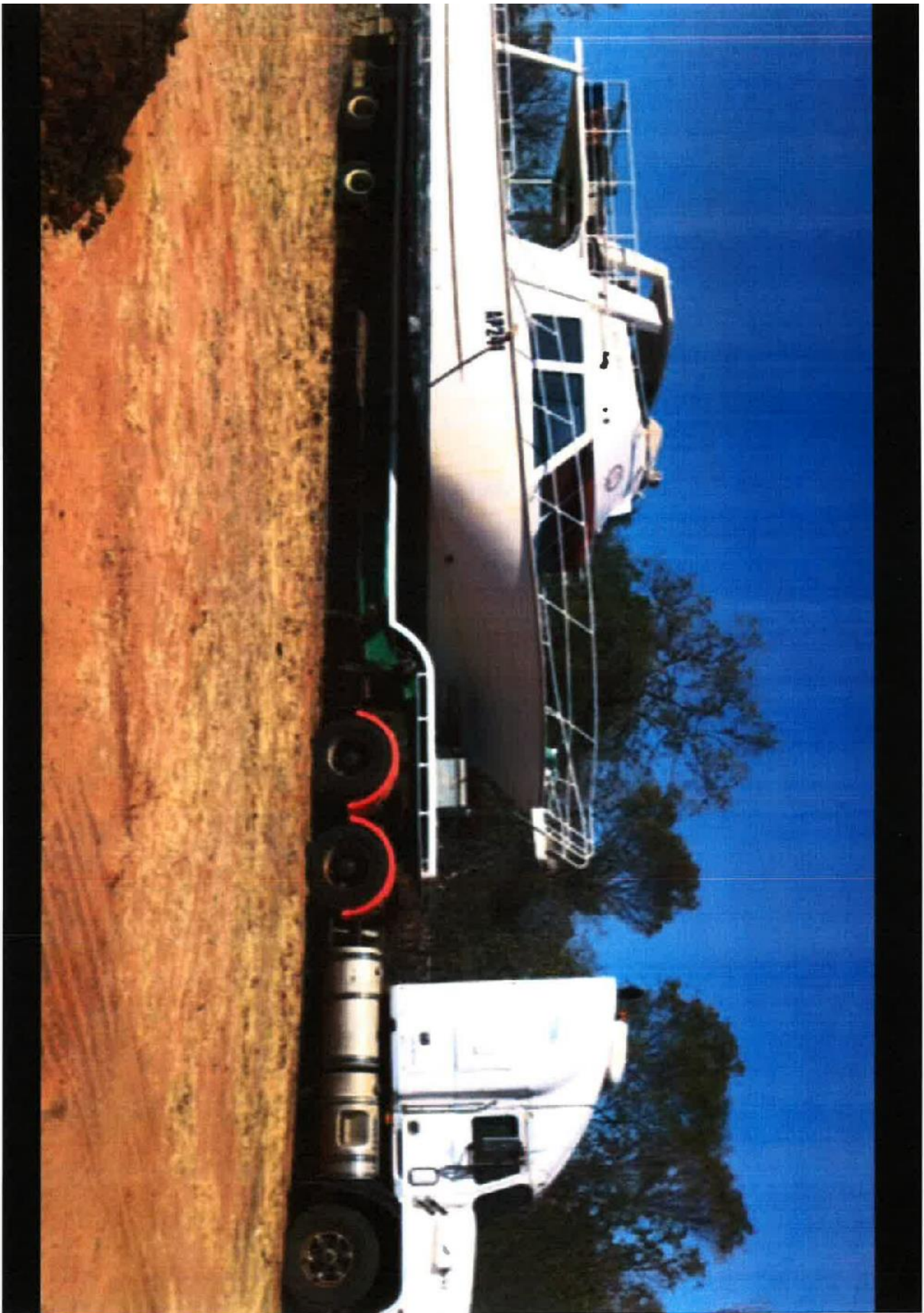
Phone: 08 9191 1310 | **Mobile:** 0427 474 579

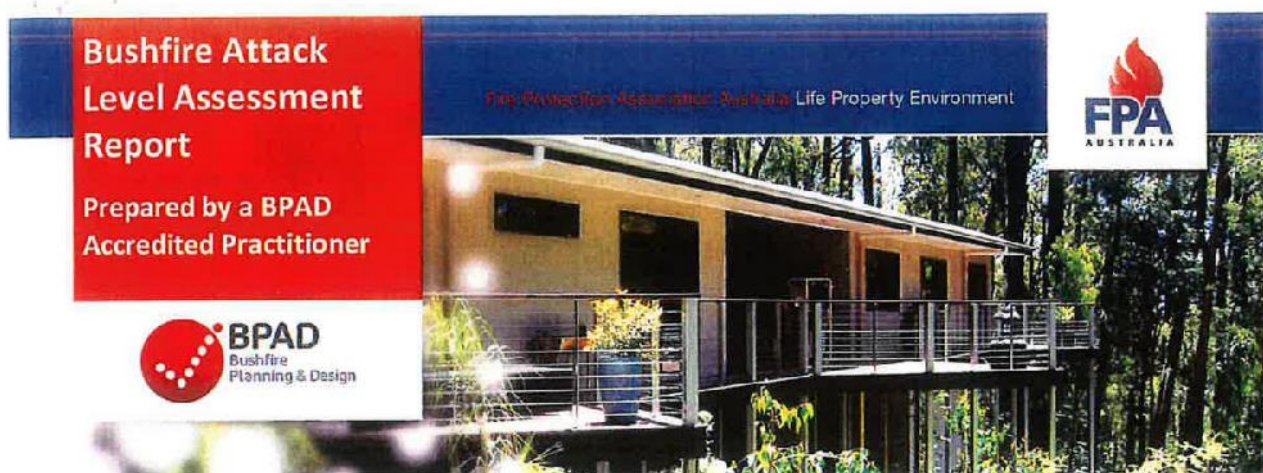
22 Well St, Derby WA 6728
PO Box 582, Derby WA 6728

Email: Paul.Bickerton@dwaindustrial.com.au
Website: www.dwaindustrial.com.au

Achieving in the Kimberley

ABN: 24 120 218 804
ACN: 120 218 804





**BAL Assessments, Bushfire Management Plans, Vulnerable Use,
Bushfire Emergency Evacuation Plans.**

Phone:	08 9555 9444
Email:	BAL@bushfiresmart.com.au
Address:	71 Allnutt Street, Mandurah, 6210
Postal:	PO Box 4160, Mandurah North, WA, 6210

BAL Assessment Report

Fire Protection Association Australia Life Property Environment

Site Assessment & Site Plans

The assessment of this site/development was undertaken on 16 August 2020 by a BPAD Accredited Practitioner for the purpose of determining the Bushfire Attack Level in accordance with AS 3959–2018 Simplified Procedure (Method 1).





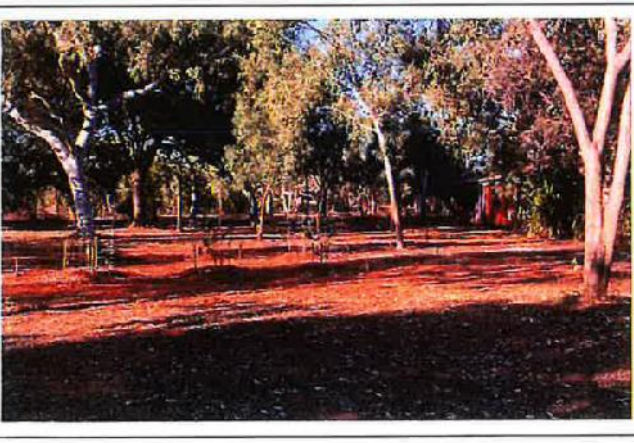
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Page | 3

BAL Assessment Report

Fire Protection Association Australia Life Property Environment

<p>Photo ID: 3 Plot: 2</p> <p>Vegetation Classification or Exclusion Clause</p> <p>Excludable - 2.2.3.2(f) Low Threat Vegetation</p> <p>Description / Justification for Classification</p> <p>Managed vegetation</p>	
<p>Photo ID: 4 Plot: 2</p> <p>Vegetation Classification or Exclusion Clause</p> <p>Excludable - 2.2.3.2(f) Low Threat Vegetation</p> <p>Description / Justification for Classification</p> <p>Managed vegetation</p>	
<p>Photo ID: 5 Plot: 2</p> <p>Vegetation Classification or Exclusion Clause</p> <p>Excludable - 2.2.3.2(f) Low Threat Vegetation</p> <p>Description / Justification for Classification</p> <p>Managed vegetation</p>	

BAL Assessment Report

Fire Protection Association Australia Life Property Environment

Relevant Fire Danger Index

The fire danger index for this site has been determined in accordance with Table 2.1 or otherwise determined in accordance with a jurisdictional variation applicable to the site.

Fire Danger Index

FDI 40 ☐

Table 2.7

FDI 50 ☐

Table 2.6

FDI 80 ☒

Table 2.5

FDI 100 ☐

Table 2.4

Potential Bushfire Impacts

The potential bushfire impact to the site / proposed development from each of the identified vegetation plots are identified below.

Plot	Vegetation Classification	Effective Slope	Separation (m)	BAL
1	Class B Woodland	Flat/Upslope	31.2m	BAL – 12.5
2	Excludable – Clause 2.2.3.2(f)	N/A	N/A	BAL – LOW

Table 1: BAL Analysis

Determined Bushfire Attack Level (BAL)

The Determined Bushfire Attack Level (highest BAL) for the site / proposed development has been determined in accordance with clause 2.2.6 of AS 3959 – 2018 using the above analysis.

Determined Bushfire Attack Level

BAL – 12.5

Please note: the proposed boat port will be more than 6m from the habitable building, therefore it is not required to comply with AS3959.



Bushfire Attack Level (BAL) Certificate

Determined in accordance with AS 3959-2018

This Certificate has been issued by a person accredited by Fire Protection Association Australia under the Bushfire Planning and Design (BPAD) Accreditation Scheme. The certificate details the conclusions of the full Bushfire Attack Level Assessment Report (full report) prepared by the Accredited Practitioner.


Property Details and Description of Works

Address Details	Unit no	Street no 51	Lot no	Street name / Plan Reference FITZROY STREET		
	Suburb DERBY			State WA	Postcode 6728	
Local government area	SHIRE OF DERBY-WEST KIMBERLEY			Date 16/08/2020		
Main BCA class of the building	1A	Use(s) of the building	RESIDENTIAL			
Description of the building or works	PROPOSED ADDITION					

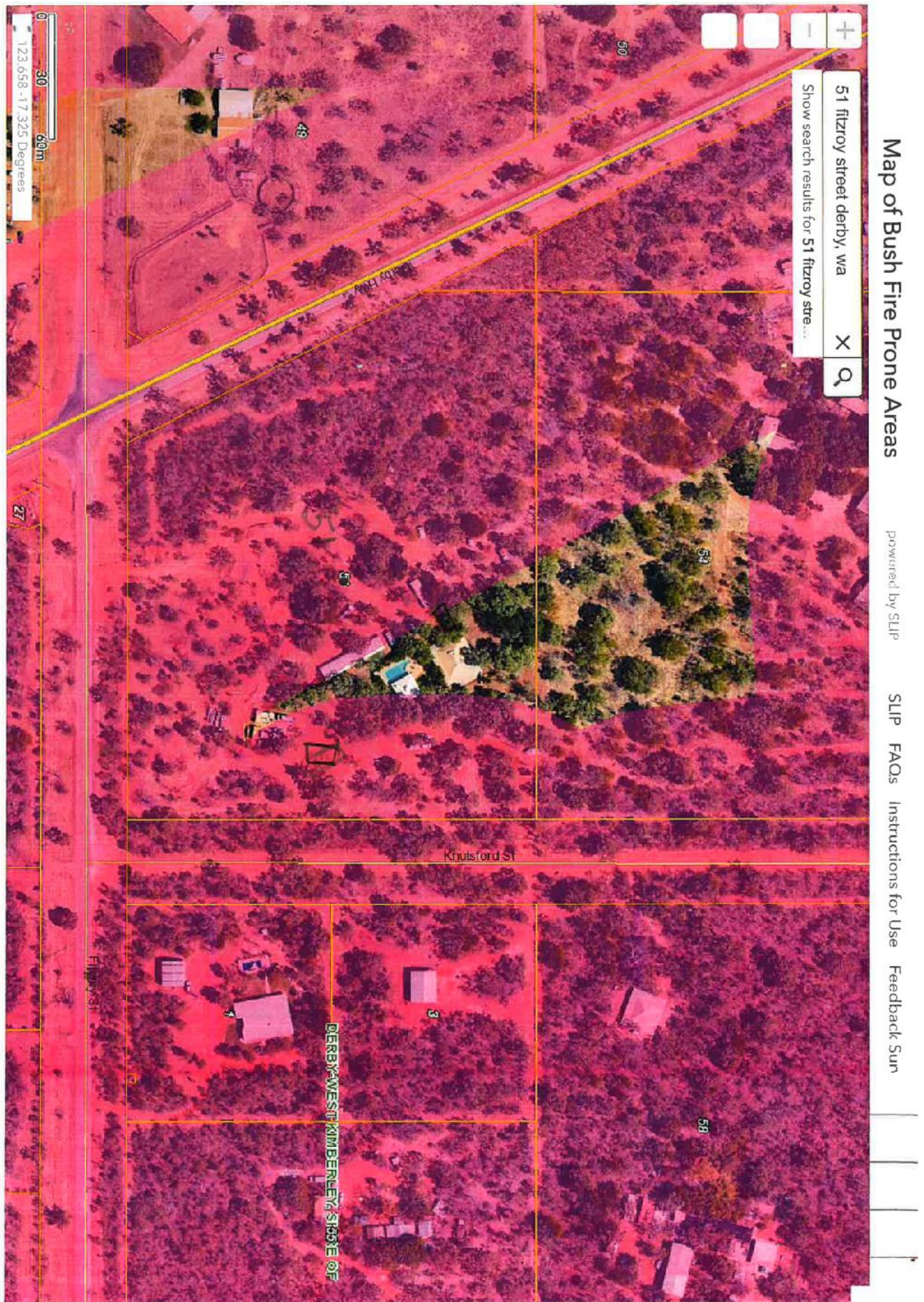
Determination of Highest Bushfire Attack Level

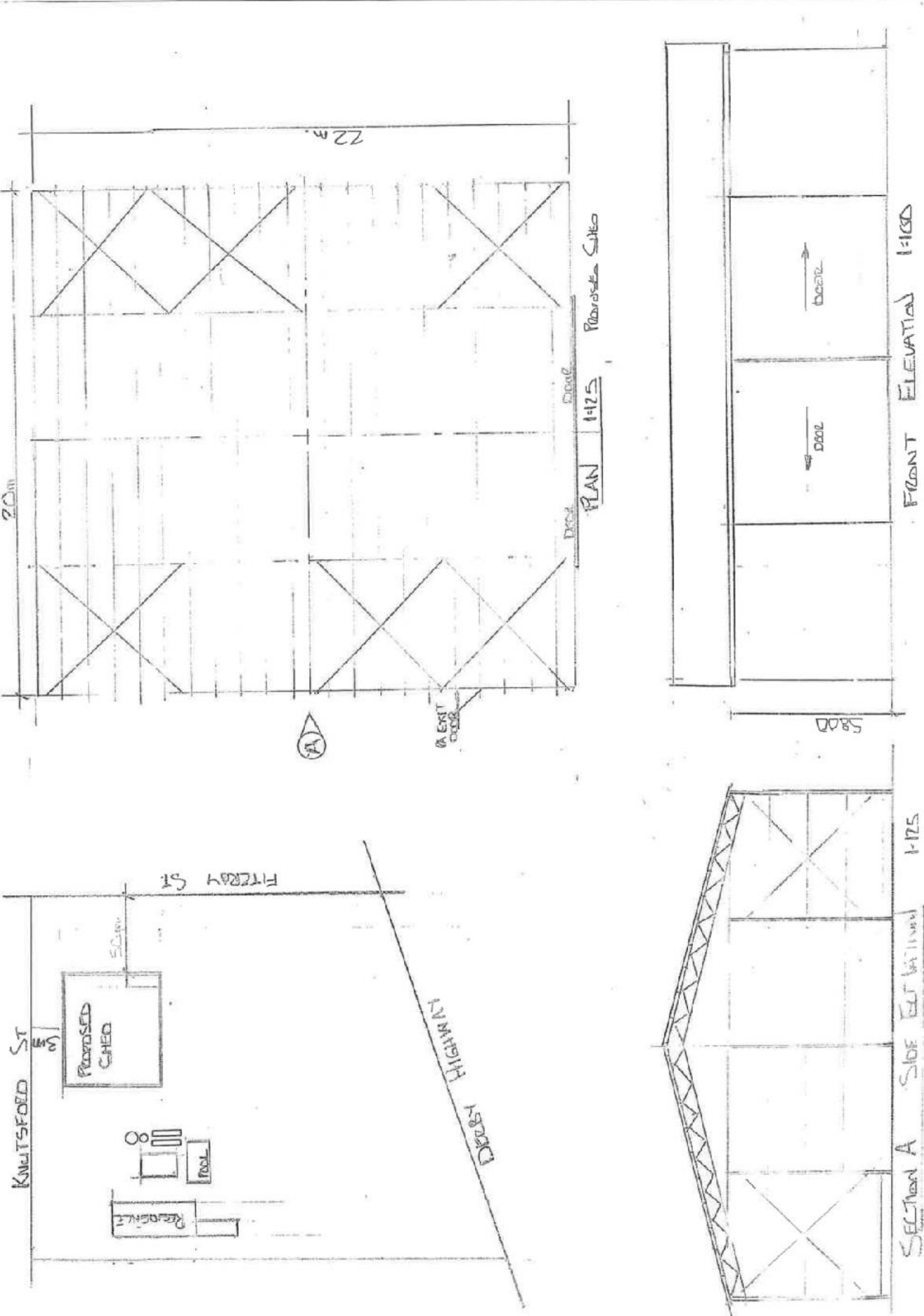
AS 3959 Assessment Procedure	Vegetation Classification	Effective Slope	Separation Distance	BAL
METHOD 1	CLASS B WOODLAND	FLAT	31.2M	12.5

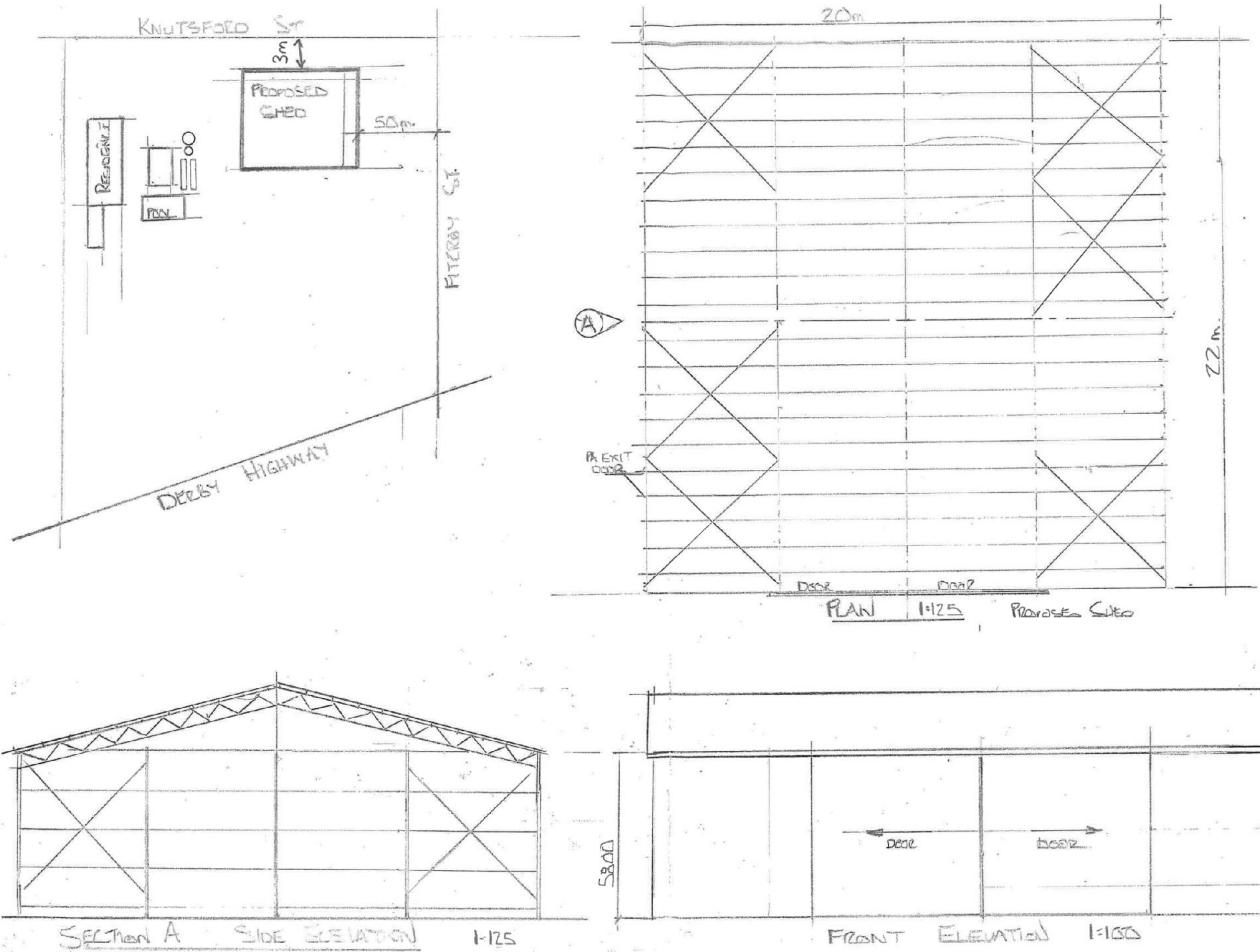
BPAD Accredited Practitioner Details

Name	<p>Nathan Peart Level 2 BPAD Accredited Assessor Accreditation No.: BPAD 38808</p>  <p>Authorised Practitioner Stamp</p>
Company Details	
<p>Bushfire Smart</p> <p>I hereby certify that I have undertaken the assessment of the above site and determined the Bushfire Attack Level stated above in accordance with the requirements of AS 3959-2018.</p>	

Reliance on the assessment and determination of the Bushfire Attack Level contained in this certificate should not extend beyond a period of 12 months from the date of issue of the certificate. If this certificate was issued more than 12 months ago, it is recommended that the validity of the determination be confirmed with the Accredited Practitioner and where required an updated certificate issued.







15 COMMUNITY AND RECREATION SERVICES**15.1 DERBY BOXING CLUB 2022-2023 USER AGREEMENT**

File Number: CP/095/3

Author: Shane Edwards, Manager Community Development

Responsible Officer: Christie Mildenhall, Acting Director of Community Services

Authority/Discretion: Executive

SUMMARY

This report is to seek endorsement of a draft 2022/23 user agreement between the SDWK and the Derby Boxing Club.

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

The Derby Boxing Club became incorporated in July 2018. The objectives of the club are to establish a community boxing club to encourage adults, children and young people to participate in structured healthy community sporting activities in a safe and supportive environment whilst providing opportunities to participate in sanctioned boxing tournaments in the surrounding region.

In 2020 the operation of the boxing club ceased with key members leaving Derby and due to COVID-19 pandemic restrictions in place at the time which required sporting activities and venue to close.

The Department of Local Government, Sport and Cultural Industries and Shire Officers have been working with the club since mid to late 2021 to re-establish the Club.

A facility user agreement had previously been developed and ran until 2021. The current user agreement has expired and needs to be renewed.

STATUTORY ENVIRONMENT

The *Associations Incorporation Act (WA) 2015* applies to the operation of DASC.

Part 6, division 5 of the *Local Government Act 1995* deals with financing local government activities. Subdivision 2 deals specifically with setting fees and charges.

POLICY IMPLICATIONS

No applicable policies have been identified.

FINANCIAL IMPLICATIONS

User agreements provide the opportunity for community based sporting groups to obtain regular facility bookings at a discounted rate. It is proposed that the associated fees for the boxing area within the Derby Recreation Centre are as follows;

- \$1,815.00 per annum hire fee;
- \$1,000.00 refundable facility bond; and

- \$100.00 refundable key bond (per key issued).

Additional usage outside of the times stipulated within the agreement will be charged at the hourly or daily rate (whichever is applicable) identified in the Schedule of Fees and Charges.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
2. Community	2.2 Healthy Communities	2.2.1 Build, maintain and maximise the use of community facilities
2. Community	2.2 Healthy Communities	2.2.2 Facilitate a range of accessible sporting and recreational activities
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
Community: Failure to approve or support this report may be contrary to Council's approach to local club development in the Sport and Rec field	Possible	Moderate	Medium	Approve a realistic/workable User Agreement that allows the swimming club to operate effectively and to grow.

CONSULTATION

A meeting was conducted with the Derby Boxing Club representatives in May 2022 to gather information to develop a facility User Agreement for the next 12 months. The club identified that any new agreement would be highly reflective of previous agreements in terms of content and roles/responsibilities of both parties.

COMMENT

The SDWK is seeking to establish a 12 month User Agreement with the Derby Boxing Club for access and usage of a designated section within the Derby Recreation Centre. The draft agreement, provided as Attachment 1, has been negotiated with club representatives.

The user agreement specifies the current fees and charges applied to the club for use of the facility. The agreement also provides for access to one (1) storage cage to be provided to the club for the safe storage of equipment.

Whilst the previous user agreement was for a two (2) year period, in an effort to be consistent and provide regular review of all user agreements, this user agreement will be negotiated for a 12 month (1 year) period. All other terms of the agreement are the same as previous years.

It is recommended that the fee associated with the boxing club user agreement be added to the Shire's Schedule of Fees and Charges. This will mean that any changes to the fee rate will be dealt

with through the normal budgeting process, negating the need for Council to approve the user agreement every 12 months.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

1. User Agreement - Derby Boxing Club  

RESOLUTION 98/22

Moved: Cr Paul White

Seconded: Cr Geoff Haerewa

That Council:

1. Endorses the 2022/23 Derby Boxing Club User Agreement as provided in Attachment 1;
2. Approves the user agreement fees for the Boxing area of the Derby Recreation Centre to be included into the Schedule of Fees and Charges; and
3. Approves the advertisement of the intention to impose the fee as required in Section 6.19 to the *Local Government Act 1995*.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 7/0

The agreement is between the:

Owner of the property being the: Shire of Derby/West Kimberley of
Loch Street, Derby Western Australia.
Postal Address PO Box 94 Derby WA 6728
ABN: 99 934 203 062

And the

User being: Derby Boxing Club Incorporated
Postal Address:
ABN: Incorporation Number: A1025600R

For the use of: Facility: Derby Recreation Centre Squash Court (as per site map – appendix 1)
For the purpose of: Permitted use –
Senior Boxing Session
Junior Boxing Session
Interclub Boxing events

The User agrees to the following terms and conditions:

1. Term of User Agreement: 12 months
Commencement Date: 30 June 2022
Termination Date: 30 June 2023

If agreeable to all parties and on negotiation Council and the User may consider an ongoing lease or extend the agreement as appropriate.

2. Fees and Charges –
As per Councils Resolution (Insert Minute Details) fees and charges are as follows;

Derby Squash Courts (as they stand) - \$1815.00 per annum inclusive of 30% indoor utility fee

- a. One court set up permanently for boxing
- b. Access to the main corridor for the purpose of hanging boxing bags etc. *Safe thoroughfare for all other users must be maintained outside of the below hour of use.*
- c. One court shared for community members to utilise as a squash court
- d. Tuesday – 3.00pm to 9.00pm
- e. Wednesday – 3.00pm to 9.00pm
- f. Thursday – 3.00pm to 9.00pm
- g. Saturday – 8.00am – 10.00pm

Bond

Facility \$1,000.00
Key Bond \$100.00 per key

Further usage outside this user agreement will incur further costs at the hourly rate or daily rate as listed in the scheduled fees and charges, unless a change to the agreement is made in writing. No further Bond will be required

Bonds

The owner of the property currently holds an amount of \$0.00 for facility bond, the bond will be returned to the user at the end of the agreement as long as all of the terms and conditions have been adhered to.

The owner of the property currently holds an amount of \$0.00 towards a key bond, the bond will be returned to the user once all keys have been returned at the end of the agreement.

Total Fees

Hire fee: \$1,815.00 + \$1,000.00 + \$200.00 = \$3 015.00

Equation for charges - Sport and recreation User agreement total + any extra hire + bond to be paid = Total

Terms and Conditions – User Agreement

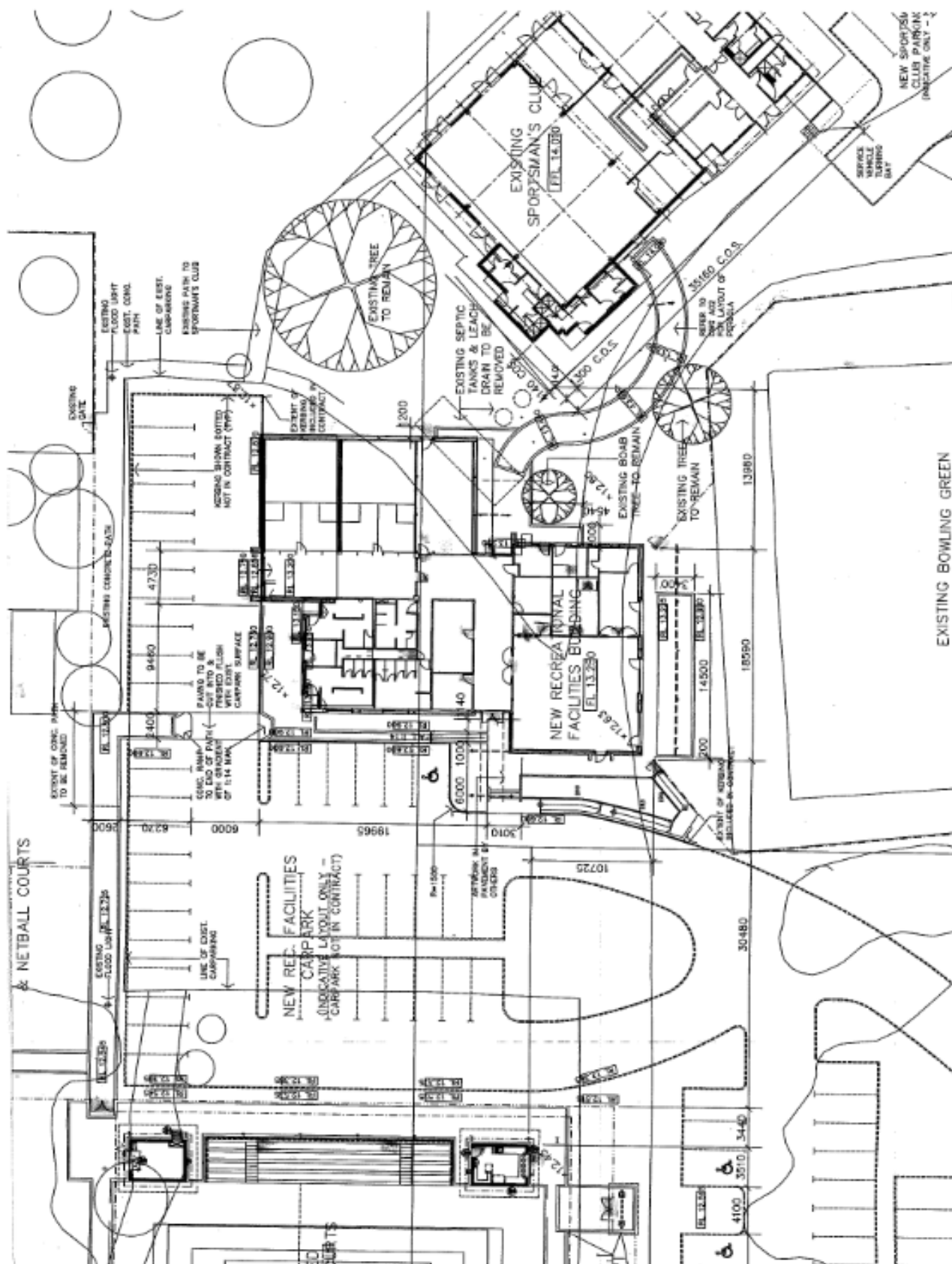
1. The Owner of the Property representative for this agreement will be the Aquatic and Recreation Manager.
2. **Public Liability Insurance** - The User must have in place public liability insurance to the value of \$10,000,000 which covers alterations to the building. A copy of the certificate of currency must be submitted to the Owner of the Property prior to the commencement of this user agreement. The public liability insurance is to remain valid and current for the term of this agreement.
3. This agreement is to be read in conjunction with the Shire of Derby/ West Kimberley facility use Terms and Conditions. (Appendix one(2))
4. **Payment of money** - The owner of the property will invoice the user facility hire fees in two sums bi-annually to the total sum of the annual facility hire fee. These payments must be paid in full by the user
 - 4.1. The user must pay all bonds in full prior to the commencement date. The user must ensure the owner always has a bond at the agreed amount for the term of this agreement.
 - 4.2. Any amounts payable to the owner under this user agreement must be paid to the owner at the address of the owner referred to in the user agreement or as otherwise directed by the owner by Notice from time to time.
5. **Property** - To preserve the integrity of the facility surfaces the User is responsible for ensuring there is no use of bikes, scooters, skateboards, vehicle or any other items that may cause harm and/or damage the facility, other users and/or playing surfaces.
 - 5.1. The User must report any damage or faults to the facility and surrounding areas to the Owner as soon as possible.
 - 5.2. Any damage deemed by the Owner of the Property to be caused by negligence to the facility by the User will be charged to the User and the Users facility bond may be forfeited.
 - 5.3. The Owner of the Property will not be liable for loss, damage or injury to any person or property in or about the premises however occurring.
 - 5.4. The user must not without prior written consent from the owner or any other person from whom consents required under the user agreement or required under statute in force from time to time, including but not limited to the planning approval of the owner under a local or town planning scheme of the owner
 - 5.4.1 Make or allow to be made any alternation, addition or improvements to or demolish any part of the facility
 - 5.5. If the owner and any other person whose consent is required under the user agreement at law consent to any matters referred to in clause 5.4 the owner may –

- 5.5.1 Give such consent subject to conditions; and
 - 5.5.2 Require that the works be carried out in accordance with plans and specifications approved by the owner or any other person giving consent; and
 - 5.5.3 Require that any works be carried out to the satisfaction of the owner under the supervisor of an engineer or other consultant.
 - 5.5.4 The User is responsible for all costs involved with any alterations, additions or improvements to or demolish any part of the facility.
 - 5.5.5 The Owner will conduct monthly inspections of the facility and cleanliness of the facility for the term of this agreement.
 - 5.5.6 The User will be obligated to rectify any issues that arise from the inspection prior to the next inspection unless written correspondence is provided and approved by the Owner stating how long it will take to resolve the issue.
6. **Storage** - This agreement allows for storage in allocated storage cage at the users own risk. This is to ensure the users does not impede other users of the facility or use of the facility.
7. **Restrictions** - The User is to ensure that they comply with Occupational Health and Safety Laws at all time when utilising the facility, this includes any/ all licences if necessary.
8. The Owner of the Property expects all club and/or association members working with junior members and are not exempt hold a current working with Children Declaration, Copy of the Users working with children record sheet must be submitted to the Owner of the Property prior to the commencement of this user agreement. (Sample of record sheet attached – Appendix three (3))
9. The Owner will notify the users of other bookings that request to use the are highlighted in the site plan- appendix 1 that is permanently set up by the User.
10. **Access** – Two keys will be issued to the User for access to the facility. If the key is lost, and requires replacement the User will forfeit their current bond and need to pay another bond for a new key.
 - 10.1. The User is to ensure that the facility is locked when leaving; close up checklist to be completed after every use (Appendix two (4)).
11. **Cleaning** - The User is responsible for ensuring the facility is kept in a tidy, clean and sanitary condition. On completion of use the amenities will be swept, wiped down and rubbish placed in bins.
 - 11.1. Toilets are to be left in a clean state and locked after use. Should the facilities require further cleaning the cost of cleaning will be charged to the user.
 - 11.2. Wheelie Bins will be provide for the Users, the user is responsible for retrieving and returning bins back in the location for bin collection and this will be the responsibility of the User at the end of each session.
 - 11.3. The owner of the property engages contract cleaners that are commissioned to clean the Derby Recreation Centre ancillary rooms throughout the year. The User is responsible for cleaning of the change rooms, toilets and showers areas.
12. **Dispute Resolution** – in the event that this agreement requires further interpretation/clarification.
 - Firstly both parties are to discuss the issue with a view to resolution.
 - Secondly, if unable to resolve between the owners of the property representative and the User the dispute will be arbitrated by a mutually acceptable third party with the costs split equally between the User and the

Owner of the Property.

13. **Termination of user agreement** - This User agreement can be terminated by either party providing notice is given in writing with six months' notice.
14. **Obligation on expiry or termination of user agreement** – prior to Termination, the user at the users' expense must restore the premises to a condition consistent with the performance by the user of the user obligation under this user agreement fair wear and tear excepted.
 - 14.1. The user must remove from the facility all property of the users including users' signs, fixtures, fittings, plant, equipment and other articles upon the premise sin the nature of trade or tenants fixtures brought upon the facility by the users and promptly make good, to the ratification of the owner, any damage caused by the removal.
 - 14.2. On re-entry the owner will have the right to remove from the facility any property of the users and the users indemnifies the owner against all damage caused by the removal of and the cost of sorting such property.
15. **Renewing user agreement** - If the User requires renewing of the user agreement for a further term, they must provide the Owner of the Property notice in writing within 6 month prior to the expiration of the term of this user agreement.
 - 15.1 If no written advice is received the user agreement will terminate on the expiration date of this agreement, and all items loaned.
16. Special requests the owner of the property approves;
 - 16.1 One Storage cage located in the Derby Recreation Centre storage area.

Appendix 1 – Site plan



Appendix 2 – Shire of Derby/ West Kimberley Facility terms and conditions

Appendix 3 – Working with Children Check – Example Sheet

[illegible]

Appendix 4 – Close up Checklist

Derby Recreation Centre**Lock up procedure**

Name/ Organisation	
AREA	TASK TO BE COMPLETED
Change Room/ Toilets	All Benches must be wiped clean and free of dirt
	All taps must be turned off in the shower and hand basins
	All toilets must be flushed and lids are closed
	The floor must be swept and rubbish is picked up and put into the wheelie bins located outside the change rooms
	All lights are turned off, all power points are turned off and change room doors are locked
Recreation Centre	All wheelie bins must be placed outside in the designated area located on the site map
	All doors must be locked – Please find below a site map with all areas marked needing to be locked
Equipment	All Shire equipment must be placed back into the storage room in a neat and tidy manner and the storage room door locked
	All of the users equipment must be removed from the premises (unless a written permission is obtained from the Shire of Derby/ West Kimberley prior)
	All Cleaning equipment must be cleaned and placed back on the hooks provided in the cleaning closet
Sign:	Date:

Derby Recreation Centre Lock up site map



Location	Item	Check	Location	Item	Check
	Entrance door is locked			3 x External Toilets located at the Recreation Centre	
	Internal door is locked				

Signed

Shire of Derby/ West Kimberley Representative

Please Print Name

Please Print Position

Signature

Derby Boxing Club Incorporated Representative

Please Print Name

Please Print Position

Signature

15.2 DERBY SWIMMING CLUB 2022-2023 USER AGREEMENT**File Number:** CP/095/3**Author:** Shane Edwards, Manager Community Development**Responsible Officer:** Christie Mildenhall, Acting Director of Community Services**Authority/Discretion:** Executive**SUMMARY**

This report is to seek endorsement of a draft 2022/23 user agreement between the Shire of Derby/West Kimberley (SDWK) and the Derby Amateur Swimming Club Inc. (DASC).

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

DASC has been established for a number of years. Recently, due to an injection of volunteers, coaches and participants the Club has begun to strengthen itself as a sporting club within Derby. The Club had previously been utilising the pool on an ad-hoc basis and had not been charged for lane hire.

It was identified that a standard, structured user agreement should be put in place, specifically to identify the days, times and space being utilised. However, in order to enable this DASC needed to undertake a number of governance tasks, such as forming a committee, taking memberships and endorsing a new constitution to ensure compliance with the *Associations Incorporation Act 2015*. The Club also needed to undertake a number of other activities to allow affiliation with the Western Australian Swimming Associations, as well as training coaches and other administration to support the activities of the Club.

In supporting the Club's development over the past twelve months the Shire agreed to waive hire fees whilst the committee worked through the tasks required to get the Club to an operational capacity.

At the May 2021 Audit Committee and Ordinary Council Meeting Council endorsed the following recommendation;

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 AC55/21

That the Audit Committee recommends that Council by Absolute Majority:

1. Note that the Derby Amateur Swimming Club is going through a process of change and needs assistance as an interim measure. Also that despite encountering a number of issues, the Club has been able to significantly increase participation rates.
2. Donate to the Derby Amateur Swimming Club the estimated value of Derby Memorial Swimming Pool lane hire fees from 1 October 2019 to 30 November 2021. The estimated value being \$4,320.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

At the October 2021 Ordinary Council Meeting Council agreed to extend the fee waiver for an additional six months as per the resolution below;

RESOLUTION 133/21

Moved: Cr Linda Evans
Seconded: Cr Rowena Mouda

That Council by Absolute Majority;

1. Notes the progress made by the Derby Amateur Swimming Club Inc. in improving and meeting the governance and legislative requirements associated with conducting an incorporated sporting club.
2. Donates to the Derby Amateur Swimming Club Inc. the estimated value of lane hire fees at the Derby Memorial Swimming Pool from 1 December 2021 until 2 June 2022. The estimated value of this additional waiver being \$1,620.00.

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

Against: Nil

Carried 9/0 BY ABSOLUTE MAJORITY

The Club is now in a position to enter into a user agreement.

STATUTORY ENVIRONMENT

The *Associations Incorporation Act (WA) 2015* applies to the operation of DASC.

Part 6, division 5 of the *Local Government Act 1995* deals with financing local government activities. Subdivision 2 deals specifically with setting fees and charges.

POLICY IMPLICATIONS

No applicable policies were identified.

FINANCIAL IMPLICATIONS

User agreements provide the opportunity for community based sporting groups to obtain regular facility bookings at a discounted rate. It is proposed that the associated fees for the swimming club at the Derby Memorial Swimming Club are as follows;

- \$1,200.00 per annum hire fee; and
- \$500.00 refundable facility bond.

Additional usage outside of the times stipulated within the agreement will be charged at the hourly or daily rate (whichever is applicable) identified in the Schedule of Fees and Charges.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
2. Community	2.2 Healthy Communities	2.2.1 Build, maintain and maximise the use of community facilities
2. Community	2.2 Healthy Communities	2.2.2 Facilitate a range of accessible sporting and recreational activities
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
Reputation: Providing excessive use of pool facilities to one group may alienate community members who utilise the pool for recreation purposes	Almost Certain	Moderate	High	Ensure there is an even balance of space utilised for swimming club use and general public
Community: Failure to approve or support this report may be contrary to Council's approach to local club development in the Sport and Rec field	Possible	Moderate	Medium	Approve a realistic/workable User Agreement that allows the swimming club to operate effectively and to grow.

CONSULTATION

A meeting was conducted with Swimming Club representatives on 7/4/22 to gather information from them to develop a facility User Agreement for the next 12 months. Ongoing consultation

with the club has also taken place during the past few months whilst they trial the use of additional lanes.

COMMENT

SDWK is seeking to establish a 12 month User Agreement with DASC for access and usage of the Derby Memorial Swimming Pool. A copy of the draft agreement has been provided as Attachment 1.

This agreement attempts to balance lane usage and availability for the swimming club and the general public usage. The Club is requesting the following lane access;

Date Range	Provision
1 Jul-14 Aug 2022	Provision of 4 lanes each Thursday (4:30pm-5:30pm)
15 Aug 2022 – 4 Jun 2023 (Except School Holidays)	Provision of 4 lanes each Tuesday and Thursday in Term 1 and 4 (3:30pm-5:30pm) Provision of 4 lanes each Tuesday and Thursday in Term 2 and 3 (3:00pm-5:00pm) Provision of 2 lanes each Wednesday (6:15am-7:15am)
Oct 2022 – Apr 2023	Dates for Friday race nights (to be negotiated)
5 Jun-30 Jun 2023	Provision of 4 lanes each Thursday (4:30pm-5:30pm)
Storage	Storage of club equipment within designated and negotiated space.

Being an older pool there are issues which impact the complimentary use of the pool by distinct user groups that cannot be easily rectified without a major renovation on the pool.

Whilst there are six lanes within the pool these lanes are not the standard width of competition pools. This makes passing other swimmers, particularly for adults and larger children, quite difficult. It is not uncommon for people to accidentally clash body parts with each other in the process which can result in minor injury.

To allow egress and exit to the pool for young children or people with mobility issues steps are located in lane one. These steps are the width of the lane, meaning this lane can only be practically used by walkers or for leisure purposes (e.g.: children playing around).

The pool also has a very steep and deep drop off. At the 12.5m mark the pool is 1.5 metres deep which means effectively only half of the pool can be used for walking or exercise unless a floatation belt is being worn.

At the commencement of the 2021/22 season DASC requested access to three lanes, which was accommodated by the Shire. As the clubs size increased DASC petitioned for increased lane access. As such, a six week trial was approved to allow the Swimming Club access to four lanes of the pool for training purposes. Due to the pool design issues outlined above this left only two lanes for general community use; one walking / leisure lane and one lane for general public lap swimming.

During the trial period Officers monitored lane usage during this time and the associated implications. A risk assessment was also undertaken to attempt to mitigate any risk management

which would arise through the usage of the pool during this time. The pool usage and issues encountered are provided as Attachment 2. During this time it was noted there was a number of general public lap swimmers who left once the squad commenced due to crowded lane spaces. Additionally a number of people also didn't enter the facility once they saw the squad in progress. A number of written and verbal complaints have been received due to the swimming club's usage of the pool (particularly around lane usage).

Some of the trial period coincided with the introduction of wet season hours (11 am to 5pm opening hours). Following complaints from the general public about the lack of lane space available to them after work times the pool remained open until 6pm on Squad days to attempt to better accommodate these swimmers.

The Shire is investigating the option of allowing DASC to operate outside of standard operating hours, as happens at many other regional pools. Discussions with the Club has indicated this is not their preference.

It is acknowledged that the swimming club has worked hard to establish themselves as a viable and operational entity. The training provided by the swimming club provides valuable opportunities for another stream of physical activity for young people in Derby. This program attracts a different target market from other after-school programs and should be supported. Whilst not formally engaging with the swimming club the activities of the club also attracts siblings and parents who will often also utilise the pool during the club training times. However, the current pool is designed and operated as a community swimming pool and should therefore also allow access to community members.

As noted, the Club has requested Council allow four lanes of the pool for exclusive use by its members. This would leave only two lanes (one walking / leisure and one lap) for public use while the Club was accessing the pool. The Shire's conclusion is that this this would unreasonably limit public access to those swimmers that are not members of the Club, yet like to swim laps. The Shire recommends that the user agreement allows for access to three lanes for each of the afternoon session. It is open for Council to allow the Club exclusive access to 4 (or more) lanes should it believe that the Club be prioritised over public access.

The agreement will also allow for the introduction of a Wednesday morning session. This potentially may have some impact for the morning lap swimmers, who are normally only able to access the pool three mornings a week, however it is believed it can be accommodated.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. **Draft User Agreement - Derby Amateur Swimming Club**  
2. **Outcomes - Six week trial with additional lane space**  

RESOLUTION 99/22**Moved: Cr Paul White****Seconded: Cr Rowena Mouda****That Council:**

- 1. Endorses the draft 2022/23 Derby Swimming Club User Agreement as outlined in Attachment 1 with the lane provision amended from four lanes to three lanes for all afternoon sessions; and**
- 2. Acknowledges the need for the current swimming facility to cater for both the Swimming Club operation but also to provide an appropriate amount of access to the wider community.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 7/0



Shire of Derby/West Kimberley User Agreement Derby Memorial Swimming Pool

The agreement is between the

Owner of the property being the: Shire of Derby/West Kimberley (SDWK) of
Loch Street, Derby, Western Australia.
Postal Address – PO Box 94 Derby WA 6728
ABN:99 934 203 062

and the

User being: Derby Amateur Swimming Club
Postal Address: PO Box 1219, Derby WA 6728
ABN: 85 172 349 544

For the use of the: Derby Memorial Swimming Pool.

For the purpose of: Permitted use – Club training and development including
storage of equipment

The User agrees to the following terms and conditions:

1. Term of User Agreement: 12 Months
Commencement Date: 1 August 2022
Termination Date: 1 August 2023
2. Fees and Charges –
Derby Memorial Swimming Pool User Agreement Fee \$1,200 + \$500.00 bond = \$1,700

Note further usage outside the agreed times/days will incur further costs at the hourly rate as listed in the fees and charges, unless a change to the agreement is made.

3. Public Liability Insurance - the User must have in place public liability insurance to the value of \$10,000,000. A copy of the certificate of currency will be required by the Shire prior to the commencement of this user agreement. The public liability insurance is to remain valid and current for the term of this agreement.
4. This agreement is to be read in conjunction with facility terms and condition.
5. Unless specified the fee does not allow for storage of items at the venue. The user is to remove items from the venue as not to impede other users of the facility.
6. Restrictions - The User is to ensure that in their use of the facility they comply with work health and safety laws and comply with the Working with Children standard.
7. At all times the User is to keep the area in a tidy, clean and sanitary condition. On completion of use the amenities will be checked and the toilets etc are to left in a clean state as you found them.
8. Any damage deemed by a Shire Representative to be caused by negligence to the facility by the User will be charged to the User.

9. The Shire of Derby/West Kimberley takes no responsibility for damage/theft etc to any of the Users property.
10. The User is responsible for insuring the Users property if the agreement allows for storage.
11. No Glass items allowed within facility
12. The Shire representative for this agreement will be the Team Leader Aquatic and Recreation and/or nominated shire representatives.
13. Dispute Resolution – in the event that this agreement requires further interpretation/clarification, firstly both parties are to discuss the issue with a view to resolution. Secondly, if unable to resolve between a Shire representative and the User the dispute will be arbitrated by a mutually acceptable third party, with the costs borne equally between the User and the Shire.
14. As part of this agreement, the User will provide a 12 month club plan to the Shire outlining upcoming events and their relevant information to ensure the facility....
15. Termination of User Agreement – this user agreement can be terminated by either party providing notice is given in writing with four (4) weeks' notice.
16. If the User requires renewing of the user agreement for a further term, they must provide Shire of Derby/West Kimberley notice in writing within 1 month prior to the expiration of the term of this user agreement.

If no written advice is received the user agreement will terminate on the expiration date of this agreement, and all items loaned.
17. Any maintenance and cleaning issues are to be reported to Shire of Derby/ West Kimberley representative via email with photo evidence.
18. Facility usage covered under this agreement is specified below:

Date Range	Provision
1 Jul-14 Aug 2022	Provision of 4 lanes each Thursday (4:30pm-5:30pm)
15 Aug 2022 – 4 Jun 2023 (Except School Holidays)	Provision of 4 lanes each Tuesday and Thursday in Term 1 and 4 (3:30pm-5:30pm) Provision of 4 lanes each Tuesday and Thursday in Term 2 and 3 (3:00pm-5:00pm) Provision of 2 lanes each Wednesday (6:15am-7:15am)
Oct 2022 – Apr 2023	Dates for Friday race nights (to be negotiated)
5 Jun-30 Jun 2023	Provision of 4 lanes each Thursday (4:30pm-5:30pm)
Storage	Storage of club equipment within designated and negotiated space.

19. User is aware that the Swimming Pool will be closed for all activities from 27/7/2022 to 25/9/2022 for minor refurbishment and maintenance.

Signed

Shire of Derby/ West Kimberley Representative

Please Print Name

Please Print Position

Signature

Date

Derby Amateur Swimming Club

Please Print Name

Please Print Position

Signature

Date

Tuesday 22/02/2022

2pm- 4pm (Before swim club)

General Entry – 26 total

Lap Swimmers – 6

Learn to swim – 18

Spectators – 14

Issues - 2 lap swimmers walked out when they found out swim club would be using 4 lanes

Two of the general public jumped into the lap swimmers lanes

4pm-5pm (just before and During Swim Club)

General Entry – 18 total

Lap Swimmers – 5

Learn to swim – 4 in main and 3 in toddler pool

Spectators - 8

Squad lanes – 3, 3, 3, 4 members across 4 lanes

Issues- 3 lap swimmers left as they were unable to do laps to many general public.

Thursday 24/02/2022

2pm- 4pm (Before swim club)

General Entry – 6

Lap Swimmers – 3

Learn to swim – no LTS

Spectators – 3

Issues -

4pm-5pm (just before and During Swim Club)

General Entry – 6

Lap Swimmers – left as soon as the squad started up (2 were in for only 15 mins)

Spectators – 5

Squad lanes – took over 5 lanes only had 13 total

Issues- 2 lap and 4 general public turned away when they saw squad.

Tuesday 01/03/2022

4pm-5:30pm (just before and During Swim Club)

General Entry – 8

Lap Swimmers –

Learn to swim – lessons cancelled due to weather

Spectators - 4

Squad lanes – 10 swimmers in 3 lanes, 3 coaches

Issues- wet weather

Thursday 03/03/2022

4pm-5:30pm (just before and During Swim Club)

General Entry – 10} shared two lanes

Lap Swimmers – 5} shared two lanes

Spectators - 8

Squad lanes – 16 across 4 lanes, 4 coaches

Issues- large amounts of laps and general public in 2 lanes (OSH risk)

Tuesday 08/03/2022

4pm-5:30pm (just before and During Swim Club)

General Entry – 18 in 2 lanes

Lap Swimmers – 1

LTS - 4

Spectators -6 (8 spec are squad)

Squad lanes – 16 across 4 lanes 4 coaches

Issues- 3 lap swimmers turned away due to lack of lap lanes

Thursday 10/03/2022

4pm-5:30pm (just before and During Swim Club)

General Entry –12

Lap Swimmers – 0

Spectators -6 Squad

Squad lanes – 14 swimmers and 4 coaches (4 trial kids)

Issues- 3 lap swimmers turned away due to lack of lap lanes

Tuesday 15/03/2022

4pm-5:30pm (just before and During Swim Club)

General Entry – 7

Lap Swimmers – 4 (2 left when squad started)

LTS – 6 main – 5 toddler pool

Spectators -6

Squad lanes – 16 across 4 lanes, 3 coaches

Issues- 1 lap swimmers turned away due to lack of lap lanes, one family turned away due to lack of space.

Thursday 17/03/2022

4:30pm – 5:30pm

General entry – 21

Lap swimmers – 0

LTS – 0

Spectators – 8

Squad lanes – 16 swimmers, 4 lanes, 2 coaches.

Issues – squad remained at Centre after close of use to general public to perform their committee meeting. Meeting was held while the programmed youth night was taking place. Meeting finished at 6:30pm.

Tuesday 22/03/2022

3:00pm

2 lanes set up for general public – 11 swimmers, 9 spectators

2 lanes for lappers – 1 swimmer.

2 lanes for LTS – 6 swimmers + 2 teachers.

3:30pm

General public – 2 lanes, 14 swimmers, 10 spectators.

4:00pm

2 lanes general public – 6 swimmers, 4 club coaches, 10 club swimmers, 12 spectators.

4:30pm

Swim club – 4 lanes, 4 coaches, 18 swimmers.

General public – 2 lanes, 12 swimmers, 14 spectators.

Thursday 24/03/2022

4:00pm

2 lanes, 16 general public.

4:30pm

General public – 2 lanes, 16 swimmers

Squad – 4 lanes, 4 coaches, 15 swimmers

Spectators – 8

5:00pm

General public members left due to lack of pool space.

Tuesday 29/03/2022

2:30pm

General public – 4 lanes, 4 swimmers, 1 spectator.

3:00pm

General public – 4 lanes, 2 swimmers, 3 spectators.

LTS – 2 lanes, 3 teachers, 7 swimmers.

3:30pm

General public – 6 swimmers, 4 spectators.

LTS – 9 students, 1 lane.

4:00pm

General public – 8 swimmers, 3 spectators.

Lappers – 4 swimmers, 2 lanes.

LTS – 2 students, 1 lane, 2 teachers.

4:30pm

General public – 5 swimmers, 2 lanes.

Lappers – 4 swimmers, shared with public.

Spectators – 6.

Squad – 19 swimmers, 4 lanes, 4 coaches.

Issues:

Squad entered the water early (2 minutes), forcing the learn to swim program to finish their session early, this was also during an assessment session for a new upcoming swim instructor affecting their full delivery of a planned session.

3 lap swimmers were also forced out of their lanes due to this action prior to their last lap, these public then approached the staff of the pool to voice their frustration.

Shire staff were also not happy with the early entry, as it interrupted both assessment of a new teacher, and delivery of a shire program.

Tuesday 3/5/2022

Squad – 4 lanes, 2 coaches, 15 swimmers.

General public – 8 swimmers in 2 lanes, 3 lappers.

Thursday 5/5/2022

Squad – 4 lanes, 2 coaches, 14 swimmers.

General public – 10 swimmers in 2 lanes, 2 lappers.

Tuesday 10/05/2022

Squad – 4 lanes, 2 coaches, 12 swimmers.

General Public – 10 swimmers in 2 lanes, 2 lappers.

Thursday 12/05/2022

Squad – 4 lanes, 2 coaches, 15 swimmers.

General public – 2 swimmers in 2 lanes, no lappers.

Tuesday 17/05/2022

Squad – 4 lanes, 2 coaches, 16 swimmers.

General public – 10 swimmers in 2 lanes, 2 lappers.

Thursday 19/05/2022

Squad – 4 lanes, 2 coaches, 15 swimmers.

General public – 8 swimmers in 2 lanes, 2 lappers.

Tuesday 24/05/2022

Squad – 4 lanes, 3 coaches, 16 swimmers.

General public – 6 swimmers in 2 lanes and toddler pool.

Note: Hours of operation have recently been extended to facilitate lap swimmers on afternoons where squad sessions are run.

Tuesday 31/05/2022

Squad – 4 lanes, 8 swimmers, 4 coaches.

General public – 0 in 2 lanes.

Issues: X1 lapper opted not to enter the facility due to the lack of available lap lanes.

Thursday 02/6/2022

Squad – 4 lanes, 16 swimmers, 5 spec & 3 coaches (moved into lane 2,3,4,5 because of the diving blocks)

General public – 15 children and 3 adults - using little pool and lane 6 & 1

Lap swimmer- finished session early once squad started

Issues – squad were conducting time trials and refusing to do in water starts in lane 6

16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

- Nil.

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

Shire Councillors have requested to attend numerous regional conferences over the coming months that require the authorisation of Council.

- Cr Linda Evans and Cr Andrew Twaddle - Pastoralists and Graziers Association of WA (Inc) 2022 Convention **“The Future of Agriculture - Capitalising on Global Trends”** - 7 September 2022.
- Cr Patricia Reilly and Cr Peter McCumstie - Town Team Movement Conference 'Together We Can' - 18-19 August 2022
- Cr Geoff Haerewa - Office of Defence Industries in Karratha - 19 August 2022 and the Indian Ocean Defence & Security Conference in Perth - 25-26 August 2022.

DISCLOSURE OF ANY INTEREST

Nil by Author.

BACKGROUND**Pastoralists and Graziers Association of WA (Inc) 2022 Convention “The Future of Agriculture - Capitalising on Global Trends” 7 September 2022 at Crown Perth**

By the year 2050, the global demand for agricultural commodities, including for use as food, feed, fuel, and industrial outputs, will require Western Australian growers and livestock producers to reach impressive levels of production to help feed a growing world population.

However, ensuring global food security and healthy diets remains a challenge for our industry, especially as the world emerges from the previous two-year disruption in trade, supply, production, and access to labour, caused by the COVID-19 pandemic.

In addition, traditional production and marketing methods are no longer the keys to increasing productivity, and neither is relying on traditional trading partners like China - identifying and capitalising on future global trends is.

So much has changed since our last Convention, and with Western Australia having opened up its borders, for the first time in two years producers, industry professionals and policy makers from across Australia, and internationally, will have the opportunity to come together in Perth and discuss first-hand the latest developments, trends, and technological advancement in agriculture. With experts in:

- shipping,
- transport,
- processing,

- technology,
- finance and
- commodity trading
- discussing the future global trends that will assist producers in future proofing their businesses, and agriculture in Western Australia.

Town Team Movement Conference 'Together We Can' – 18 & 19th August 2022 – Port Hedland

Topics include:

- With two keynote speakers Krista Nightengale from Better Block, USA and David Engwicht from Creative Communities International, Brisbane, plus Hon. John Carey MLA.
- Kick Starting community – led leadership
- Building community resilience and place management models
- Street prototyping and hands on creative engagement techniques
- Community challenges, collaboration and the future role of government
- Activating in the heat and cooling the streets
- Business activation to grow and thrive post COVID
- Connecting Country and place through the arts and cultural practices

The Conference Aims to:

- Explore the benefit of the place leadership approach to activating communities;
- Rediscover the power of working together as a collective to create positive change;
- Show how to create a cultural shift and shape communities through a 'can do' approach;
- Inspire, engage and empower communities to form their own local town team;
- Provide attendees with an action kit of new ideas, resources and strategies;
- Present how local councils and businesses can work collaboratively with local citizen groups
- to develop town and suburban centres that are economically vibrant, sustainable and resilient places; and
- Strengthen the networks between communities and town teams to enable regular ongoing
- Dialogue and sharing of resources, knowledge and learnings.

Councillor Haerewa Deputy Chair of the North West Defence Alliance & Cr Peter Long (Chair of the North West Defence Alliance) plan to attend the Office of Defence Industries on the 19th August in Karratha. It is their intent to then attend the Indian Ocean Defence & Security Conference 25-26 August 2022, Perth as a good opportunity to promote the North West to any stakeholders at the conference, in particular, Industry Stakeholders. This conference is a follow on from the Indo Pacific 2022 International Maritime Exposition in Sydney (10 - 12 May 2022), which Councillor Haerewa attended.

The Indian Ocean Defence & Security Conference 25-26 August Perth, Under the theme '**Beyond Transits – the emerging security relevance of the Indian Ocean**', the 2022 conference will serve as a platform to highlight Western Australia's unique geostrategic location and world-class capabilities, knowledge and innovations which serve the national interest.

First held in 2018 under the previous title of WA Indo-Pacific Defence conference, the event offers defence industry experts and opportunity to connect and discuss the latest research, technologies and security issues from a unique Indian Ocean facing perspective.

The 2022 Conference will be held at Optus Stadium in Perth on 25 and 26 August, a series of Western Australia defence capabilities will be on showcase throughout the 2 days.

Defence West is delivering the event in partnership with Perth USAsia Centre and the University of Western Australia's Defence and Security Institute.

The Western Australian Government, through Defence West, is committed to growing our defence industry and ensuring the state harnesses its competitive advantages to maximise business opportunities and create more local jobs in the sector.

** It is anticipated that Northern Defence Alliance will reimburse Council the Cost of Attendance, however if there was not to be the case the Conference is considered to be of strategic importance to the Shire of Derby West Kimberley.

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 Councillor Conference attendance and training expenses budget provides for attendance at conferences by Councillors – it currently has sufficient funds to accommodate the conference attendance and general disbursement requests of Councillor Evans, Councillor Twaddle, Councillor McCumstie, Councillor Reilly and Councillor Haerewa. Any additional councillors that wish to attend the mentioned conferences can nominate at the council meeting.

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Reputation: That attendance will not be seen by the community as representing “good value for money”.	Possible	Moderate	Medium	Provide a report following the event of the value considered to be gained by attendance.

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 the Town Team Movement Conference 'Together We Can' and The Indian Ocean Defence & Security Conference '**Beyond Transits – the emerging security relevance of the Indian Ocean**', both are key Strategic Priorities for the Shire and there may be good value to be gained by the exposure of attendance.

The PGA Conference is a key portfolio of Council, and ongoing engagement and membership has been of significant importance to Council. Councillors have been attending the conference to better understand industry issues and represent the Shire for many years.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

Nil

RESOLUTION 100/22

Moved: Cr Paul White

Seconded: Cr Rowena Mouda

That Council:

1. Endorse Cr Evans and Twaddle's attendance at the Pastoralists and Graziers Association 2022 Convention in Perth (7 September 2022)
2. Endorse Cr Riley and Cr McCumstie's attendance at Town Team Movement Conference in Port Hedland (18-19 August 2022)
3. Endorse Cr Haerewa's attendance at the Office of Defence Industries in Karratha (19 August 2022) and the Indian Ocean Defence & Security Conference in Perth (25-26 August 2022); and
4. Request that Councillors attending the above conferences provide a detailed report with observations, items of importance and trends to the next Council meeting post attendance.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 7/0

18 MATTERS FOR WHICH THE MEETING MAY BE CLOSED (CONFIDENTIAL MATTERS)**RESOLUTION 101/22****Moved: Cr Paul White****Seconded: Cr Rowena Mouda**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 7/0

At 6:16 pm, Cr Paul White left the meeting.

18.1 Derby Airport - Lease to Frontier Helicopters (Area #18)

This matter is considered to be confidential under Section 5.23(2) - e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

RESOLUTION 102/22

Moved: Cr Geoff Davis

Seconded: Cr Geoff Haerewa

That Council takes the following position in regard to the Frontier Helicopter (Derby Airport Area #18) lease:

- 1. Endorse the establishment of a new lease over Derby Airport Lease Area #18 on the following general conditions:**
 - a. Lessee to be Frontier Helicopters Pty Ltd (under new ownership);**
 - b. 10+10 year term;**
 - c. Subject to #2 below, a commencing annual rental of \$15,304.68 (+GST and adjusted annually by CPI/market review),**
 - d. The lease area to be in full compliance with all relevant legislate (e.g. planning permit and building licences);**
 - e. All fuel storage be removed from the site or be in accordance with lease conditions;**
 - f. May include the temporary assignment of the existing lease until the new lease is in position and may require that the existing lease to remain in place in "holding over" mode, until the new lease takes effect; and**
 - g. The Lessee being required to meet the legal and other costs of the preparation of the Deed of Lease Extension, including the lodgement of a deposit on these costs of \$8,000;**
- 2. Notes that through S. 3.58 (4)(c)(ii) of the Local Government Act, Council has thus far utilised a 11 October 2021 valuation, which was carried out more than 6 months before the proposed disposition, and whilst it believes it to still be a true indicator of the rental value, if the new (July/August 2022) valuation sought does provide for a higher rental sum, then that new valuation figure is to be utilised as the commencing lease fee referred to in (1c) above;**
- 3. Notes that the public advertising process for S. 3.58 has occurred, with no objections received;**
- 4. Authorises the President and Chief Executive Officer to execute the necessary documentation and apply the Shire's Common Seal (if required); and**
- 5. The CEO be required to manage (1d) and (1e) above, including progressing the voiding of the lease if the lessee fails to comply with these requirements within a reasonable period of time as determined by the CEO.**

<u>In Favour:</u>	Crs Geoff Haerewa, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford
<u>Against:</u>	Nil
CARRIED 6/0	

At 6:20 pm, Cr Paul White returned to the meeting.

18.2 Derby Port - Kimberley Mineral Sands Lease Modifications (Major Land Transaction) - Proceed with Transaction and Agreement Endorsement

This matter is considered to be confidential under Section 5.23(2) - c and d of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting and legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

RESOLUTION 103/22

Moved: Cr Rowena Mouda

Seconded: Cr Geoff Haerewa

That Council by Absolute Majority:

1. Notes that the Business Case was advertised in accordance with S. 3.59 of the Local Government Act, but that no submissions were received by the 31 January 2022 closing date;
2. Notes the numerous modified positions from the positions taken at the 9 December 2021 Council Meeting;
3. Accepts the changes as referred to in #2 and in particular, to Jetty Road refurbishment/maintenance responsibilities (vis. that the Shire will retain responsibility for this infrastructure) and considers this change to be “not significantly different” from the position taken at the 9 December 2021 Council Meeting, or as conditionally outlined in the advertised Business Case;
4. Notes and supports the extended area of the Koolan Iron Ore Licence (as per the attachment) and considers this change to be “not significantly different” from the position taken at the 9 December 2021 Council Meeting, or as conditionally outlined in the advertised Business Case;
5. Notes that the Shire has already applied to have Jetty Road transferred to Main Roads WA, and that this application is under consideration by it;
6. Resolves to proceed with the transaction as modified;
7. Confirms its support for the attached Agreements and authorises the President and the CEO to execute the documents on the Shire’s behalf, and apply the Common Seal if required;
8. As a courtesy, provide a copy of the Agreements to Kimberley Ports Authority for its information;
9. Notwithstanding #6, authorises the CEO to act expeditiously, in consultation with the Shire’s legal advisors, to make any final minor modification to the attached legal

documentation to finalise execution by all relevant parties;

10. Notes that the matter of transitioning the insurance for the Derby Jetty from “replacement” to “removal of debris only” remains an option open to the Shire, but that until circumstances warrant, the Derby Jetty remain insured for replacement value; and

11. Notes that a draft Derby Port Masterplan can now be finalised for presentation to a Councillors’ Forum, to facilitate Councillor input on the document’s strategic direction.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 7/0 BY ABSOLUTE MAJORITY

18.3 Request for Extension of Memorandum of Understanding with Warburton Group Pty Ltd

This matter is considered to be confidential under Section 5.23(2) - c and e(ii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government.

RESOLUTION 104/22

Moved: Cr Rowena Mouda

Seconded: Cr Geoff Davis

That Council,

- 1. Authorises a twelve month extension of the Memorandum of Understanding with the Warburton Group Pty Ltd (from 30 June 2022 to 30 June 2023) to facilitate the continuation of its proposed economic development investigations relating to the Derby Airport; and**
- 2. Authorise the Chief Executive Officer and Shire President to sign and execute a Deed of Extension and affix the common seal of the Shire of Derby/West Kimberley (if required).**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 7/0

RESOLUTION 105/22

Moved: Cr Rowena Mouda

Seconded: Cr Paul White

That Council moves out of Closed Council into Open Council.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 7/0

19 CLOSURE**19.1 Date of Next Meeting**

The next ordinary meeting of Council will be held Thursday, 25 August 2022 in the Fitzroy Crossing.

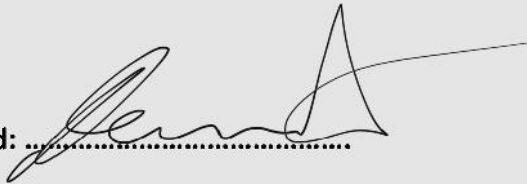
19.2 Closure of Meeting

The Presiding Member closed the meeting at 6:29pm.

These minutes were confirmed at a meeting on

25 August 2022
.....

Signed:



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

Date: 30 August 2022
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