



**Shire of Derby /
West Kimberley**

CONFIRMED MINUTES

**Ordinary Council Meeting
Thursday, 30 November 2023**

Date: Thursday, 30 November 2023

Time: 11:00am

Location: Fitzroy Crossing



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**MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY
ORDINARY COUNCIL MEETING
HELD AT THE FITZROY CROSSING
ON THURSDAY, 30 NOVEMBER 2023 AT 11:00AM**

PRESENT: Mr Peter McCumstie (President), Cr Andrew Twaddle, Cr Wayne Foley, Cr Brian Ellison, Cr Brett Angwin, Cr Paul Bickerton, Cr Geoff Davis. and Cr Kerrissa O'Meara (via telephone).

IN ATTENDANCE: Amanda Dexter (Chief Executive Officer), Tamara Clarkson (Deputy Chief Executive Officer), Wayne Neate (Director Technical and Development Services), Mark Davis (Executive Services Project Director), Neil Hartley (Director of Strategic Business – via telephone), Christie Mildenhall (Acting Director of Community Services – via telephone), Sarah Smith (Executive Services Coordinator) and Noelene Bain (Executive Services Project Officer).

VISITORS: Nil

GALLERY: Nil

APOLOGIES: Nil

APPROVED LEAVE OF ABSENCE: Cr Geoff Haerewa (Deputy President)

ABSENT: Nil

1 DECLARATION OF OPENING, ANNOUNCEMENTS OF VISITORS

The meeting was opened at 11:09am by Peter McCumstie.

Cr Geoff Davis entered the room at 11:12am.

2 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

A Council Member may attend council or committee meetings by electronic means if the member is authorised to do so by the President or the Council. Electronic means attendance can only be authorised for up to half of the Shire's in-person meetings they have attended in total, in any rolling 12 months prior period. Authorisation can only be provided if the location and the equipment to be used by the Councillor are suitable to enable effective, and where necessary confidential, engagement in the meeting's deliberations and communications.

- Cr Kerrissa O'Meara.

3 DISCLOSURE OF INTERESTS

3.1 Declaration of Financial Interests

- Peter McCumstie
Item 11.2 – Council Policy Review - C12 Elected Member and President's Allowances
Nature: Item impacts timing of payment and amounts for his position as Shire President.

3.2 Declaration of Proximity Interests

- Mr Peter McCumstie
Item 15.1 – Request for Sponsorship - Derby Speedway Club National Representation
Nature: Active member of The Derby Speedway Club.
- Mr Peter McCumstie
Item 18.1 – Nominations - Community Citizen of the Year Awards 2024
Nature: Relationship with nominee for the awards.

3.3 Declaration of Impartiality Interests

- Nil

4 APPLICATIONS FOR LEAVE OF ABSENCE

- Nil

5 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- Nil

6 PUBLIC TIME

6.1 Public Question Time

- Nil

6.2 Public Statements

- Nil

7 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

- Nil

8 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

President's Report – Mr Peter McCumstie

- 18th October; attended a Teams meeting held by the Kimberley Development Commission at which the CEO for KDC gave a briefing and summary of the almost completed "Kimberley Housing Assessment" compiled by the KDC over the past six months. This report/ assessment covers current housing status including available rental and for sale housing stocks across the region and covers private, government and social housing. It is a comprehensive current view of where housing is currently but further looks at some of the known factors in the individual shires that are seen as causing the current housing situation while also looking at what the future housing situation may look like if there are no changes.

The full report is yet to be released, (awaiting sign off from various government departments), and we are keen to receive it as it will i think provide valuable information particular to our own shire housing status.

- Along with the Neil Hartley, Acting CEO, met with Neil Thomson, Member for Mining and Pastoral for Kimberley. Discussion with Neil was around;
 - Local boat ramp/s funding via the Buccaneer Archipelago Marine Parks compensation process. Pushed the case for the bulk of boat ramp funding allocation to Derby where the majority of the boating public launch to access the Marine Park/s.
 - Neil outlined and provided background to the issue of our FAGs/ State grants not meeting the real need and the concern that if no change we will continue to struggle to meet basic services and needs for our Shire and no clear outcome other than continuing deterioration for our communities.
 - general discussion in relation to Fitzroy Crossing Flooding and recovery to date.
- Representatives of the Derby Chamber of Commerce joined us and further discussion was held with Neil Thomson in regard to;
 - Issues with the Federal Government Immigration Employment Scheme (DARMA?) time and process issues.
 - Building costs escalating for a growing range of reasons.
 - Massive increases to insurance for housing.
 - difficulty in obtains housing loans.
- Met with staff of Aviair who were in town getting feedback on their service and outlining plans for potential development of services between Derby and Kalumburu.

Note: the Department for Aviation is currently assessing Tenders for the ongoing Derby Broome air service connections.

- Met with Kylie and Darryl form DWER with Wayne Neate and Mark Chadwick. Discussed current Draft Derby Groundwater Plan and recently released WA Government 10 point policy for future management of the Fitzroy River/ Martuwarra covering existing and all future water off take. (Copy of these documents previously sent to Councillors for information and consideration)
- Attended the Martuwarra Forum at the invitation of the Martuwarra Rive Alliance and the KLC in Fitzroy Crossing. Also attending was Minister Simone McGurk MLA Minister for Water, Training and Youth. The Minister spoke to the WA Governments 10 point policy in relation to current and future uses of the Fitzroy River waters, including ground and run off waters. The Forum included representation from all the Traditional Owners along the Martuwarra and had a number of meetings and sessions discussing the government's policy.

- Upon receiving a call from Shirley Quarasimin, concerned about damage to head stone of her deceased partner caused (we think) by vehicle movement on a track close to the gravesite in the Pioneer Cemetery. Staff following up.
- The CEO and I had a Teams meeting with senior staff from Department of housing and discussed opportunities for future shire and other agency housing development in Derby and Fitzroy Crossing. Ongoing and potential for partnerships across the board.
- Neil Hartley, Acting CEO and myself met with Michelle Pucci and Leslie from the Kimberley Development Commission.
 - Discussion with Michele was around the yet to be released Housing Assessment undertaken by the KDC. No release date yet but will be a useful tool for all Kimberley Shire going forward we think.
 - Neil again outlined our efforts to get changes to the FAGs funding process and concerns about where we are going.
 - I again raised our concerns about the KDC continuing to advertise employment/ positions only in Broome and Kununurra. Also the need to replace/ place a staff/ officer in Derby again to work with the Shire, Chamber of Commerce and the Community to progress our Shire/ Towns.
- Along with Cr Bickerton (also DCC Rep), Acting CEO Neil Hartley, met with Tianee Dohnt and Matt from Northern Australia Infrastructure Fund who asked to meet to advise changes to office and staff servicing our region. General discussion about major project funding and improving access. We also discussed the need for future development of our Port, particularly in relation to the proposal for a Loch and or a Duck Pond to provide all weather and extended access for larger craft and improved safety.
- Provided a Derby Alcohol Accord update and background briefing with Christie Mildenhall for Cr's Ellison and O'Meara on the 15th November.
 - Met with and chaired meeting of the Derby Liquor Accord on the 16th November.
 - Introduced Cr's Ellison and O'Meara to the membership of the DLA.
 - Christie Mildenhall outlined the draft terms of reference for the DLA and all in favour of continuing process. Also had Jennifer " from Department of Racing, Gaming and Liquor in attendance with Brett Snell from Department Local Government who briefed the Accord Members in relation to the recent new legislation regarding the BDR.
 - Sought Members nominations for the position of Chairperson for the DLA, myself nominated and agreed to act in the position for the foreseeable future.
- Attended Councillor Workshops with Steve Tweedie on 16th November and Presidents Meeting procedures Workshop along with the Deputy CEO Tamara Clarkson.

- I officiated at the Citizenship Ceremony for Mr Andrew Murphy on the 16th of November.
- I did a brief media (ABC), interview in relation to our Shire being successful in applying for and receiving a grant of \$20,000.00 for renovation and upgrade to the (Boab Tree) Heritage Trail signage. Thank you and congratulations to our Staff in achieving this for our community. On the 17th November.
- Also further interviews in relation to ongoing works at Fitzroy Crossing and looking for continuity of employment opportunities and business development.
- 27th November undertook a KJS survey interview in relation to our Shires current funded programs, outlined success of these programs and need for ongoing funding and increase to funding time frames and amounts to improve further.
- With the Deputy Shire President and CEO attended the Kimberley Zone and Kimberley Regional Group meeting on the 23rd November. Councillors please take the time to read through the agenda and minutes of these meetings to keep abreast of how we work within these frameworks to maintain and improve our Shire capability as part of the region. Key points/ policy positions to be provided to Councillors at a later date by CEO and Staff.

A highlight of note is that we were advised by WALGA that our Shire has been recognised and identified by the National Emergency Management Agency as the best example in responding to a natural disaster emergency and in the follow up work in our response to the Fitzroy River floods.

I have been working with other shires to raise the level of concerns in regard to the ever increasing incidents of bushfire in our region and am intending to continue to liaise with them and others to put in place a forum to allow everyone to work together to find better solutions to deal with this growing issue.

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RESOLUTION 132/23

Moved: Cr Brett Angwin

Seconded: Cr Brian Ellison

That the Minutes of the Ordinary Meeting of the Shire of Derby/West Kimberley held at the Council Chambers, Clarendon Street, Derby, on 26 October 2023 be CONFIRMED.

In Favour: Crs Geoff Davis, Andrew Twaddle, Peter McCumstie, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton

Against: Nil

CARRIED 8/0

10 RECOMMENDATIONS AND REPORTS OF COMMITTEES

- Nil

REPORTS

11 CORPORATE SERVICES

11.1 POLICY - F1 PROCUREMENT OF GOODS AND SERVICES (LOCAL EMPLOYMENT AND BUSINESS OPPORTUNITIES)

File Number: 4160

Author: Tamara Clarkson, Acting Director of Corporate Services

Responsible Officer: Amanda Dexter, Chief Executive Officer

Authority/Discretion: Administrative

SUMMARY

At the Special Council Meeting held 17 August 2023, Council Members reinforced the importance of enhancing local employment and businesses opportunities across the district through the Shire's procurement practices.

This report provides a background of the requirements currently in place, and outlines policy change suggestions and additional options that are available for Council to consider.

DISCLOSURE OF ANY INTEREST

Nil applicable.

BACKGROUND

The Shire's Procurement Policy was developed using the WALGA model as its base and includes requirements around "Sustainable Procurement". Discussions at the 17 August 2023 Special Council Meeting when considering the tender on the Fitzroy Crossing Workers Camp highlighted the need for ensuring that the Shire had practical local employment and local business sustainability opportunities suitably built in to its procurement protocols.

Procurement is a regulated process, with requirements outlined in the *Local Government Act*. For example, there are compulsory requirements around tenders, policies (purchasing, and local procurement), and separation of roles. Outside of the compulsory requirements, there is opportunity for Council to set additional requirements within its (compulsory) Procurement of Goods and Service Policy, like providing practical support opportunities for local employment and local business sustainability.

The Council's current policy (F1) Procurement of Goods and Services includes the following as it relates to opportunities for local employment and local business sustainability:

2. SUSTAINABLE PROCUREMENT

*The Shire is committed to implementing sustainable procurement by providing a preference to suppliers that demonstrate sustainable business practices (**social advancement, environmental protection and local economic benefits**).*

*The Shire will embrace Sustainable Procurement by applying the **value for money assessment to ensure that wherever possible our suppliers demonstrate outcomes which contribute to improved environmental, social and local economic outcomes**. Sustainable Procurement can be demonstrated as being internally focused (i.e.*

operational environmental efficiencies or **employment opportunities** and benefits relating to special needs), or externally focused (i.e. initiatives such as corporate philanthropy).

Requests for Quotation and Tenders will include a **request for information from Suppliers regarding their sustainable practices** and/or demonstrate that their product or service offers enhanced sustainable benefits.

2.1 Local Economic Benefit

The Shire encourages the development of competitive local businesses within its boundary first, and second within its broader region. As much as practicable, the Shire will:

- Where appropriate, consider buying practices, procedures and specifications that **do not unfairly disadvantage local businesses**;
- Consider indirect benefits that have **flow on benefits for local suppliers** (i.e. servicing and support);
- Ensure that procurement plans address **local business capability and local content**;
- Explore the **capability of local businesses** to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- Avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to **encourage local businesses to bid**; and
- Provide adequate and consistent information to local suppliers.

To this extent, **a qualitative weighting will be included in the evaluation criteria for quotes and Tenders where suppliers are located within the boundaries of the Shire**, or substantially demonstrate a benefit or contribution to the local economy. This criteria will relate to local economic benefits that result from Tender processes.

The Shire has adopted F7 Regional Price Preference Policy, which will be applied when undertaking purchasing activities

2.3 Purchasing from Aboriginal Businesses

A business registered in the current Aboriginal Business Directory WA (produced by the Small Business Development Corporation) may be contracted directly without the need to comply with the Threshold and Purchasing Practices requirements of this policy, only where:

- The contract value is or is worth \$250,000 or less, and
- A best and sustainable value assessment demonstrates benefits for the Shire's achievement of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and tenders to provide advantages to businesses registered in the current Aboriginal Business Directory WA, in instances where not directly contracted.

The Council’s current policy (F7) Regional Price Preference Policy outlines that Council supports purchasing locally and the policy provides the criteria around how, and how much, the Shire is willing to financially support its district’s local businesses. In the Shire’s case, the policy mirrors the maximum financial preference amounts as set out in Local Government (Functions and General) Regulations 1996, namely:

<i>Tender Type</i>	<i>Regional Price Preference Amount</i>
<i>Contract for goods or services.</i>	<i>Up to 10% (to a maximum price reduction of \$50,000).</i>
<i>Contract for construction (building) services.</i>	<i>Up to 5% (to a maximum price reduction of \$50,000).</i>
<i>Contract for goods or services (including construction (building) services), if the Shire is seeking tenders for the provision of these goods or services, as those goods or services having been, until then, undertaken by the Shire.</i>	<i>Up to 10% (to a maximum price reduction of \$500,000).</i>

*The Policy defines a local business as being as **a business that has a physical presence (office or depot*)** within the Shire’s boundary (*but it should also be noted that the Local Government (Functions and General) Regulations 1996 also requires “that supplier has been operating a business continuously out of premises in the appropriate region for at least 6 months before the time after which further tenders cannot be submitted; or, some or all of the goods or services are to be supplied from regional sources.”*

When assessing larger contracts (\$250,000+) like Tenders and Requests for Quotations, a criteria and weighting system is used (see example below) to ensure that the assessment is consistent with the Policy’s “value for money” requirement:

Criteria	Weighting
Relevant Experience	30%
Key Personnel Skills and Experience	5%
Tender Resources	10%
Demonstrated Understanding	15%
Local Supplier Details	10%*
Quality Management System	20%
Risk	10%

The above weightings will change for different types of purchases (e.g. a purchase of a truck versus a purchase of accounting support services) but the *Local Supplier Details* have a legislated maximum of 10%, so it is not possible to increase this particular percentage assessment criteria.

Whilst the 17 August 2023 meeting discussed both local employment and local business sustainability opportunities, there is no specific reference to “local employment opportunities” within Council’s policies. It is understood that these opportunities would flow from employment with “Local Business”, when local businesses expanded as a result of winning Shire business.

The Shire also maintains a Local Purchasing Website Portal, where many of its purchases are advertised. This portal only has local businesses listed.

STATUTORY ENVIRONMENT

Local Government (Functions and General) Regulations 1996 Clause 11A requires Council to adopt and implement a Purchasing Policy, including setting the minimum number of oral quotations and written quotations that must be obtained for a purchase.

Local Government (Functions and General) Regulations 1996 at Part 4A (Regional Price Preference) outlines how a local government can financially support its local businesses.

POLICY IMPLICATIONS

Amendment to Policy F1 Procurement of Goods and Services

FINANCIAL IMPLICATIONS

Amendments to this policy will maintain suitable controls around purchasing, while improving the operational efficiencies of the purchasing process.

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: Procurement is not undertaken in accordance with legislative requirements	Possible	Moderate	Medium	Continue to review process, provide training and review authorisations of Officers regularly

CONSULTATION

Nil.

COMMENT

In regard to policy (F7) Regional Price Preference Policy, its definition of a “local business” is ***a business that has a physical presence (office or depot) within the Shire’s boundary***. Whilst in most cases this principle works acceptably, there is nothing to stop a business renting a small office, but employing no-one from the district, or taking all of the business profits outside the district.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS**1. Review F1 Procurement of Goods and Services****RESOLUTION 133/23**

Moved: Cr Geoff Davis

Seconded: Cr Andrew Twaddle

That Council:

1. Direct the CEO to workshop with Council further options for district workforce development that can be considered as part of the Shire's procurement policy to then provide Council with a report; and

2. Adopt Policy F1 Procurement of Goods and Services (noting administrative changes only).

In Favour: Crs Geoff Davis, Andrew Twaddle, Peter McCumstie, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton

Against: Nil

CARRIED 8/0



(F1) PROCUREMENT OF GOODS AND SERVICES

1. PURCHASING

The Shire of Derby/West Kimberley (the “Shire”) is committed to delivering the objectives, principles and practices outlined in this Policy, when purchasing goods, services or works to achieve the Shire’s strategic and operational objectives.

This policy complies with the *Local Government (Functions and General) Regulations 1996* (The Regulations).

1.1 Objectives

The Shire’s purchasing activities will achieve:

- The attainment of best value for money;
- Sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment;
- Consistent, efficient and accountable processes and decision-making;
- Fair and equitable competitive processes that engage potential suppliers impartially, honestly and consistently;
- Probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest;
- Compliance with the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996*, as well as any relevant legislation, Codes of Practice, Standards and the Shire’s policies and procedures;
- Risks identified and managed within the Shire’s Risk Management framework;
- Records created and maintained to evidence purchasing activities in accordance with the *State Records Act 2000* and the Shire’s Record Keeping Plan; and
- Confidentiality protocols that protect commercial-in-confidence information and only release information where appropriately approved.

1.2 Ethics & Integrity

The Shire’s *Code of Conduct (Employees)* applies when undertaking purchasing activities and decision making. Elected Members and employees must observe the highest standards of ethics and integrity and act in an honest and professional manner at all times.

1.3 Value for Money

Value for money is achieved through the critical assessment of price, risk, timeliness, environmental, social, economic and qualitative factors to determine the most advantageous supply outcome that contributes to the Shire achieving its strategic and operational objectives.

The Shire will apply value for money principles when assessing purchasing decisions and acknowledges that the lowest price may not always be the most advantageous.

1.3.1 Assessing Value for Money

Assessment of value for money will consider:

- (a) All relevant Total Costs of Ownership (TCO) and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, training, maintenance and disposal;



Shire of Derby / West Kimberley

- (b) The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality. This includes but is not limited to an assessment of compliances, tenderers resources available, capacity and capability, value-adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc.
- (c) Financial viability and capacity to supply without the risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- (d) A strong element of competition by obtaining a sufficient number of competitive quotations wherever practicable and consistent with this policy;
- (e) The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from the supply, operation and maintenance;
- (f) The environmental, economic and social benefits arising from the goods, services or works required, including consideration of these benefits in regard to the supplier's operations, in accordance with this Policy and any other relevant Shire Policy; and
- (g) Providing opportunities for businesses within the Shire's boundaries to quote wherever possible.

1.4 **Purchasing Thresholds and Practices**

The Shire must comply with all requirements, including purchasing thresholds and processes, as prescribed within the Regulations, this policy and associated purchasing procedures in effect at the Shire.

1.4.1 **Policy Purchasing Value Definition**

Purchasing value for a specified category of goods, services or works is to be determined upon the following considerations:

- (a) Exclusive of Goods and Services Tax (GST); and
- (b) Where a contract is in place, the actual or expected value of expenditure over the full contract period, including all options to extend specific to a particular category of goods, services or works.
OR
- (c) Where there is no existing contract arrangement, the Purchasing Value will be the estimated total expenditure for a category of goods, services or works over a minimum three year period. This period may be extended to a maximum of 3 years only where the supply category has a high risk of change i.e. to technology, specification, availability or the Shire's requirements (Regulation 12).

The calculated estimated Purchasing Value will be used to determine the applicable threshold and purchasing practice to be undertaken.

1.4.2 **Purchasing from Existing Contracts**

The Shire will ensure that any goods, services or works required that are within the scope of an existing contract will be purchased under that contract.

1.4.3 **Table of Purchasing Thresholds and Practices**

This table prescribes Purchasing Value Thresholds and the applicable purchasing practices which apply to the Shire's purchasing activities:



Purchase Value Threshold (excluding GST)	Purchasing Practice Required
Up to \$2,500	<p>Request Consult as to whether an existing Term Contract or Panel of Pre-Qualified Suppliers exists and use as prescribed.</p> <p>If no Contract or Panel exists, seek obtain at least one verbal or written quotation (preferably a written quotation if a new supplier is involved) from a suitable supplier:</p> <ul style="list-style-type: none"> • a Local Supplier (direct or via Vendor Panel Marketplace). <p>Evaluate The rationale for the procurement decision is to be documented within the Record and Evaluation of Quotes form and attached to the requisition.</p>
\$2,501 to \$10,000	<p>Request Consult as to whether an existing Term Contract or Panel of Pre-Qualified Suppliers exists and use as prescribed.</p> <p>If no Contract or Panel exists, seek at least one written quotation from a suitable supplier:</p> <ul style="list-style-type: none"> • a Local Supplier (direct or via <i>Vendor Panel Marketplace</i>); • a prequalified supplier on the WALGA Preferred Supplier Program (via <i>eQuotes</i>); • a WA Disability Enterprise; and/or • an Aboriginal Owned Business. <p>Where it can be demonstrated that a suitable supplier is not available, seek at least one written quotation from:</p> <ul style="list-style-type: none"> • other Suppliers that are accessible under another tender exempt arrangement; and/or • the open market. <p>The reason for not using a suitable supplier must be documented within the Record and Evaluation of Quotes form and written approval must be given by the relevant Director or the CEO.</p> <p>Evaluate The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> • a brief outline of the specified requirement for the goods; services or works required; and • value for Money criteria, not necessarily the lowest quote.



Purchase Value Threshold (excluding GST)	Purchasing Practice Required
	<p>The rationale for the procurement decision is to be documented within the Record and Evaluation of Quotes form and attached to the requisition.</p>
\$10,001 to \$50,000	<p>Request Consult as to whether an existing Term Contract or Panel of Pre-Qualified Suppliers exists and use as prescribed.</p> <p>If no Contract or Panel exists, seek at least two written quotations from suitable suppliers:</p> <ul style="list-style-type: none"> • a prequalified supplier on the WALGA Preferred Supplier Program (via <i>eQuotes</i>); • a Local Supplier (direct or via <i>Vendor Panel Marketplace</i>); • a WA Disability Enterprise; and/or • an Aboriginal Owned Business. <p>Where it can be demonstrated that a suitable supplier is not available, seek at least two written quotations from:</p> <ul style="list-style-type: none"> • other Suppliers that are accessible under another tender exempt arrangement; and/or • the open market. <p>The reason for not using a suitable supplier must be documented within the Record and Evaluation of Quotes form and written approval must be given by the Director or CEO.</p> <p>Where it can be demonstrated that the required number of quotes cannot be sourced, the reason will be documented within the Record and Evaluation of Quotes form and written approval must be given by the Director or CEO.</p> <p>Evaluate The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest quote. <p>The rationale for the procurement decision is to be documented within the Record and Evaluation of Quotes form and attached to the requisition.</p>
\$50,001 to \$250,000	<p>Request Consult as to whether an existing Term Contract or Panel of Pre-Qualified Suppliers relevant to the required purchasing category exists and seek at least three written quotations by invitation under a formal Request for Quotation.</p>



Purchase Value Threshold (excluding GST)	Purchasing Practice Required
	<p>If no Contract or Panel exists for the required purchasing category, seek at least three written quotations, from a suitable supplier:</p> <ul style="list-style-type: none"> • a prequalified supplier on the WALGA Preferred Supplier Program (via <i>eQuotes</i>); • a Local Supplier (direct or via <i>Vendor Panel Marketplace</i>); • a WA Disability Enterprise; and/or • an Aboriginal Owned Business. <p>Where it can be demonstrated that a suitable supplier is not available, seek at least three written quotations, from:</p> <ul style="list-style-type: none"> • other Suppliers that are accessible under another tender exempt arrangement; and/or • the open market. <p>The reason for not using a suitable supplier must be documented within the Record and Evaluation of Quotes form and written approval must be given by the Director or CEO.</p> <p>Where it can be demonstrated that the required number of quotes cannot be sourced, the reason will be documented within the Record and Evaluation of Quotes form and written approval must be given by the relevant Director or the CEO.</p> <p>Evaluate The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest quote. <p>The rationale for the procurement decision is to be documented and recorded in accordance with the Shire Operational Procedure – Procurement of Goods and Services.</p>
Over \$250,000	<p>Request Consult as to whether an existing Term Contract or Panel of Pre-Qualified Suppliers relevant to the required purchasing category exists and use in accordance with the procedures prescribed Section 3.</p> <p>If no Contract or Panel exists for the required purchasing category:</p> <ul style="list-style-type: none"> • Seek at least three written quotations from suppliers included in the relevant WALGA Preferred Supplier Arrangement and / or another tender exempt arrangement; or



Purchase Value Threshold (excluding GST)	Purchasing Practice Required
	<ul style="list-style-type: none"> Conduct a Public Request for Tender process in accordance with the Local Government Act 1995 and relevant Shire Policy requirements. <p>Evaluate The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> a specification of the goods, services or works (for a tender exempt process including the WALGA Preferred Supplier Arrangement); or a detailed specification for the open tender process; and pre-determined evaluation criteria that assess all best and sustainable value considerations <p>The rationale for the procurement decision is to be documented and recorded in accordance with the Shire Operational Procedure – Procurement of Goods and Services.</p>
<p>Emergency Purchases</p> <p><i>(Not Included in Budget)</i></p>	<p>Only applicable where, authorised in advance by the Mayor/ President in accordance with s.6.8 of the <i>Local Government Act 1995</i> and reported to the next available Council Meeting.</p> <p>Where the Shire has an established Panel of Pre-Qualified Suppliers relevant to the required purchasing category, the emergency supply must be obtained from the Panel suppliers.</p> <p>If, however, no member of the Panel of Pre-qualified Suppliers or a suitable supplier from WALGA Preferred Supplier Arrangement is available, then the supply may be obtained from any supplier capable of providing the emergency purchasing requirement, and to the extent that it is reasonable in context of the emergency requirements, with due consideration of best and sustainable consideration.</p> <p>The rationale for the procurement decision should be documented and recorded in accordance with the Shire Operational Procedure – Procurement of Goods and Services.</p>

1.4.4 Exemptions

An exemption from the requirement to publicly invite tenders may apply when the purchase is:

- obtained from a pre-qualified supplier under the WALGA Preferred Supplier Arrangement or other suppliers that are accessible under another tender exempt arrangement.
- from a pre-qualified supplier under a Panel established by the Shire;
- from a Regional Local Government or another Local Government;
- acquired from a person/organisation registered on the WA Aboriginal Business Directory, as published by the Small Business Development Corporation, where the consideration under contract is worth \$250,000 or less (excluding GST) and represents value for money;



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- acquired from an Australian Disability Enterprise and represents value for money;
- the purchase is authorised under action by Council under delegated authority;
- within 6 months of no tender being accepted;
- where the contract is for petrol, oil, or other liquid or gas used for internal combustion engines; or
- the purchase is covered by any of the other exclusions under Regulation 11 of The Regulations.

1.4.5 Other Purchasing Exemptions

In addition to the regulatory Tender exemptions for purchasing as set out in Regulation 11.2 of The Regulations and section 1.4.4 of this policy, it may at times be necessary to vary from the requirements of this policy for a number of reasons, including but not limited to, the following further exemptions where the Shire is not required to undertake a competitive purchasing process (but these only apply where the total value of the purchase does not exceed \$250,000 (excluding GST) over three years):

- Services, supplies, and/or equipment directly related to an impacting epidemic or a pandemic (e.g., COVID-19);
- Services of industry organisations (e.g., WALGA, and Local Government Professionals);
- Advance / Prior Payment of Services (for example: accommodation, travel services, entertainment, conferences, seminars, Memberships, Subscriptions, training courses);
- Advertising – Newspaper (e.g., public notices and statutory advertising);
- Advertising – State Government Gazette (e.g., statutory advertising);
- Annual Memberships/Subscriptions (e.g., WALGA, and Library stocks);
- Annual Service/Software annual licencing and Maintenance/Support Fees;
- Reimbursements (TAFE, training course fees, accommodation / meal costs, telephone and internet);
- Employment of temporary staff through temporary personnel service agencies (CEO approval required for any contract exceeding or extended beyond three months);
- Motor vehicle licensing and registration;
- Postage;
- Talent acts for community events;
- Pre-employment medicals and staff medical services (e.g. annual flu immunisation program);
- Provision of utility services (where only sole provider – e.g. Western Power);
- Purchases from Original Equipment Manufacturer (OEMs) and where warranty provisions may be voided; and
- Local Government Insurance Service (e.g. premiums and insurance excesses) – note: not subject to the \$250,000 limit); and
- Purchasing as required and determined by the CEO and Directors providing that the approval is provided in writing prior to the purchase and the details are recorded against the requisition.

1.4.6 Inviting Tenders Under the Tender Threshold

The Shire may determine to invite Public Tenders, despite the estimated Purchase Value being less than the \$250,000 threshold.

This decision will be made after considering:



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- Whether the purchasing requirement can be met through the WALGA Preferred Supplier Program or any other tender exemption arrangement; and
- Any value for money benefits, timeliness, risks; and
- Compliance requirements.

A decision to invite Tenders, though not required to do so, may occur where an assessment has been undertaken and it is considered that there is benefit from conducting a publicly accountable and more rigorous process. In such cases, the Shire's tendering procedures must be followed in full.

1.4.7 Other Procurement Processes

Expressions of Interest

Expressions of Interest (EOI) are typically considered in situations where the project is of a significant value, or contains significant complexity of project delivery that may solicit responses from a considerable range of industry providers.

In these cases, the Shire may consider conducting an EOI process, preliminary to any Request for Tender process, where the purchasing requirement is:

- Unable to be sufficiently scoped or specified;
- Open to multiple options for how the purchasing requirement may be obtained, specified, created or delivered;
- Subject to a creative element; or
- To establish a procurement methodology that allows for an assessment of a significant number of tenders leading to a shortlisting process based on non-price assessment.

All EOI processes are conducted as a public process and similar rules to a Request for Tender apply. However, the EOI should not seek price information from respondents, seeking qualitative and other non-price information only. All EOI processes should be subsequently followed by a Request for Tender through an invited process of those shortlisted under the EOI.

Request for Proposal

As an alternative to a Request for Tender, the Shire may consider conducting a Request for Proposal where the requirements are less known, or less prescriptive and detailed. In this situation, the Request for Proposal would still be conducted under the same rules as for a Request for Tender but would seek responses from the market that are outcomes based or that outline solutions to meet the requirements of the Shire.

1.4.8 Emergency Purchases

An emergency purchase is defined as an unanticipated purchase which is required in response to an emergency situation as provided for in the Act. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken.

Time constraints are not a justification for an emergency purchase. Every effort must be made to anticipate purchases in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

1.4.9 Sole Source of Supply

A sole source of supply arrangement may only be approved where the:



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- purchasing value is estimated to be over \$5,000; and
- purchasing requirement has been documented in a detailed specification; and
- specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and
- market testing process and outcomes of supplier assessments have been documented, inclusive of a rationale for why the supply is determined as unique and cannot be sourced through more than one supplier.

A sole source of supply arrangement will only be approved for a period not exceeding three (3) years. For any continuing purchasing requirement, the approval must be reassessed before expiry to evidence that a Sole Source of Supply still genuinely exists.

1.4.10 Anti-Avoidance

The Shire will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of "splitting" the purchase value or the contract value, avoiding a particular purchasing threshold or the need to call a Public Tender. This includes the creation of two or more contracts or creating multiple purchase order transactions of a similar nature.

Utilising rolling contract extensions at the end of a contract term without properly testing the market or using a tender exempt arrangement will not be adopted as this would place this Local Government in breach of The Regulations (Regulation 12).

The Shire will conduct regular periodic analysis of purchasing activities within supply categories and aggregating expenditure values in order to identify purchasing activities which can be more appropriately undertaken within the Purchasing Threshold practices detailed in clause 1.4.3 above.

1.4.11 Contract Variations

Authorises the CEO to approve minor variations to contracts entered by Council, subject to the funds required meeting the cost of the variations been contained within the amounts set aside in the budget.

2. SUSTAINABLE PROCUREMENT

The Shire is committed to implementing sustainable procurement by providing a preference to suppliers that *demonstrate* sustainable business practices (social advancement, environmental protection and local economic benefits).

The Shire will embrace Sustainable Procurement by applying the value for money assessment to ensure that wherever possible our suppliers demonstrate outcomes which contribute to improved environmental, social and local economic outcomes. Sustainable Procurement can be demonstrated as being internally focused (i.e. operational environmental efficiencies or employment opportunities and benefits relating to special needs), or externally focused (i.e. initiatives such as corporate philanthropy).

Requests for Quotation and Tenders will include a request for information from Suppliers regarding their sustainable practices and/or demonstrate that their product or service offers enhanced sustainable benefits.

2.1 Local Economic Benefit



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The Shire encourages the development of competitive local businesses within its boundary first, and second within its broader region. As much as practicable, the Shire will:

- Where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- Consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- Ensure that procurement plans address local business capability and local content;
- Explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- Avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid; and
- Provide adequate and consistent information to local suppliers.

To this extent, a qualitative weighting will be included in the evaluation criteria for quotes and Tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy. This criteria will relate to local economic benefits that result from Tender processes.

The Shire has adopted F7 Regional Price Preference Policy, which will be applied when undertaking purchasing activities.

2.2 Purchasing from Disability Enterprises

An Australian Disability Enterprise may be contracted directly without the need to comply with the Threshold and Purchasing Practices requirements of this policy, where a value for money assessment demonstrates benefits for the Shire's achievement of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and Tenders to provide advantages to Australian Disability Enterprises, in instances where not directly contracted.

2.3 Purchasing from Aboriginal Businesses

A business registered in the current Aboriginal Business Directory WA (produced by the Small Business Development Corporation) may be contracted directly without the need to comply with the Threshold and Purchasing Practices requirements of this policy, only where:

- The contract value is or is worth \$250,000 or less, and
- A best and sustainable value assessment demonstrates benefits for the Shire's achievement of its strategic and operational objectives.

A qualitative weighting will be used in the evaluation of quotes and tenders to provide advantages to businesses registered in the current Aboriginal Business Directory WA, in instances where not directly contracted.

2.4 Purchasing from Environmentally Sustainable Business

The Shire will support the purchasing of recycled and environmentally sustainable products whenever a value for money assessment demonstrates benefits for the Shire's achievement of its strategic and operational objectives.



A qualitative weighting will be used in the evaluation of quotes and tenders to provide advantages to suppliers which:

- Demonstrate policies and practices that have been implemented by the business as part of its operations;
- Generate less waste material by reviewing how supplies, materials and equipment are manufactured, purchased, packaged, delivered, used, and disposed; and
- Encourage waste prevention, recycling, market development and use of recycled/recyclable materials.

3. PANELS OF PRE-QUALIFIED SUPPLIERS

3.1 Objectives

The Shire will consider creating a Panel of Pre-qualified Suppliers ("Panel") when a range of similar goods and services are required to be purchased on a continuing and regular basis.

Part of the consideration of establishing a panel includes:

- There are numerous potential suppliers in the local and regional procurement related market sector(s) that satisfy the test of 'value for money';
- The purchasing activity under the intended Panel is assessed as being of a low to medium risk;
- The Panel will streamline and will improve procurement processes; and
- The Shire has the capability to establish a Panel, and manage the risks and achieve the benefits expected of the proposed Panel through a Contract Management Plan.

3.2 Establishing and Managing a Panel

If the Shire decides that a Panel is to be created, it will establish the panel in accordance with the Regulations.

Panels will be established for one supply requirement, or a number of similar supply requirements under defined categories. This will be undertaken through an invitation procurement process advertised via a state-wide notice.

Panels may be established for a maximum of three (3) years. The length of time of a Local Panel is decided with the approval of the CEO/ Executive Director.

Evaluation criteria will be determined and communicated in the application process by which applications will be assessed and accepted.

In each invitation to apply to become a pre-qualified supplier, the Shire will state the expected number of suppliers it intends to put on the panel.

If a Panel member leaves the Panel, the Shire will consider replacing that organisation with the next ranked supplier that meets/exceeds the requirements in the value for money assessment – subject to that supplier agreeing. The Shire will disclose this approach in the detailed information when establishing the Panel.

A Panel contract arrangement needs to be managed to ensure that the performance of the Panel Contract and the Panel members under the contract are monitored and managed. This will ensure



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that risks are managed and expected benefits are achieved. A Contract Management Plan should be established that outlines the requirements for the Panel Contract and how it will be managed.

3.3 Distributing Work Amongst Panel Members

To satisfy Regulation 24AD(5) of The Regulations, when establishing a Panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the Panel will prescribe one of the following as to whether the Shire intends to:

- Obtain quotations from each pre-qualified supplier on the Panel with respect to all discreet purchases; or
- Purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or
- Develop a ranking system for selection to the Panel, with work awarded in accordance with the Regulations.

In considering the distribution of work among Panel members, the detailed information will also prescribe whether:

- Each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or
- Work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under Regulation 24AD(5)(f) when establishing the Panel. The Shire will invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a contract. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the Shire may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in section 1.4.3 of this policy. When a ranking system is established, the Panel will not operate for a period exceeding 12 months.

In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which includes options to extend the contract.

3.4 Purchasing from the Panel

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

Each quotation process, including the invitation to quote, communications with Panel members, quotations received, evaluation of quotes and notification of award communications must all be made through eQuotes (or other nominated electronic quotation facility).

Each quotation process, including the invitation to quote, communications with Panel members, quotations received, evaluation of quotes and notification of award communications must all be captured on the Shire's electronic records system. A separate file is to be maintained for each



quotation process made under each Panel that captures all communications between the Shire and Panel members.

4. PURCHASING POLICY NON-COMPLIANCE

Purchasing Activities are subject to financial and performance audits, which review compliance with legislative requirements and also compliance with the Shire's policies and procedures.

A failure to comply with the requirements of this policy will be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is substantiated, it may be treated as:

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

5. AUTHORISED OFFICERS

The following employees have delegated authority to make payment on behalf of Council:

OFFICER
Chief Executive Officer
Deputy Chief Executive Officer
Director Technical and Development Services
Director Community Services
Director Strategic Business

The following employees are authorised to approve sign-official purchase orders and requisition of goods and services on behalf of Council:

LIMIT*	OFFICER
\$600,000	Chief Executive Officer (for purchases relevant to Ex-Tropical Cyclone Ellie only)
\$250,000	Chief Executive Officer
\$125,000	Deputy Chief Executive Officer
\$125,000	Director Technical and Development Services
\$125,000	Director Corporate and Community (note: currently two separate roles)
\$125,000	Director Community Services
\$125,000	Director Strategic Business
\$125,000	Executive Services Project Director
\$60,000	Manager Infrastructure
\$60,000	Manager Engineering
\$60,000	Manager Finance
\$60,000	Manager Operations
<\$50,000 (vis. below the lower limit of being classified as "Key Management Personnel").	To ensure operational efficiency, the Chief Executive Officer is authorised to select employee roles and purchasing limits and manage operationally, for purchases <\$50,000. These are



	detailed in the CEO Directive D-CP3 Procurement Purchasing Limits.
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**Note: Employees with authority ≥\$50,000 need to also be classified as “Key Management Personnel” and be include in the Related Party Transaction Register.*

6. RECORD KEEPING

All purchasing activity, communications and transactions must be evidenced and retained as local government records in accordance with the *State Records Act 2000* and the Shire’s Record Keeping Plan. This includes those with organisations involved in a tender or quotation process, including suppliers.

7. AGRN 1044 – Ex-Tropical Cyclone Ellie (2023 Fitzroy Crossing Floods)

Procurement for goods or services under \$250,000 which are required as a result of Ex-Tropical Cyclone Ellie (AGRN1044) may be exempt from relevant quotation requirements where it can be demonstrated via the Shire’s Requisition Form that:

The district’s commercial and its Aboriginal businesses can provide the quotation, and the goods or services:

1. As a registered business;
2. Within the agreed timeframe and to the required standard;
3. At an acceptable and reasonable cost;
4. With a suitably high level of community engagement and employment;
5. That businesses local to firstly Fitzroy Crossing, then secondly Derby, have been given the opportunity to provide a quotation;
6. Where there is more than one local supplier, the procurement of goods and/or services must be shared amongst those suppliers, conditional on each provider supplying the goods/services:
 - Within the agreed timeframe and to the standard required;
 - At an acceptable and reasonable cost; and
 - With a suitably high level of community engagement and employment.

At least one quote must be obtained, but where adequate time is available to do so, two is preferable. Suitable levels of specification for the purchase must also be supplied by Shire, or obtained from the provider. Purchasing authority limits apply as for *business as usual* procurement.

This provision is intended to be in place for the period of dealing with the impacts of ex Tropical Cyclone Ellie, or until otherwise modified by Council decision.



Policy Details			
Original Adoption date:	27 August 1997	Review Frequency (Annual/Bi-ennial):	Bi-ennial Annual
		Next Review Due:	June 2024
Policy Implementing Officer or Team:	Manager Finance Corporate Services	Policy Reviewer:	Deputy CEO Director Corporate Services
Legislative Head of Power (Act, Regulation, or Local Law):	s.3.57 of the Local Government Act 1995 Part 4 of the Local Government (Functions and General) Regulations 1996		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Policy F7 Regional Price Preference Policy F8 Transaction Cards Policy F18 Portable and Attractive Items Policy CEO Directive D-CP3 Procurements Purchasing Limits Delegation 1.1.16 Expressions of Interest for Goods and Services Delegation 1.1.17 Tenders for Goods and Services - Call Tenders Delegation 1.1.18 Tenders for Goods and Services - Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options Delegation 1.1.19 Tenders for Goods and Services - Exempt Procurement Delegation 1.1.20 Application of Regional Price Preference Delegation 1.1.21 Payments from the Municipal or Trust Funds Delegation 1.1.31 Renewal or Extension of Contracts during a State Emergency Delegation 1.1.32 Procurement of Goods or Services required to address a State of Emergency Delegation 1.2.10 Financial Management Systems and Procedures Code of Conduct (Employee) Risk Management Framework Operational Procedure – Procurement of Goods and Services		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	28 February 2019	Item 10.1.2 Res. 012/19	
2.	12 December 2019	Item 10.7 Res. 159/19	
3.	30 September 2020	Item 11.3 Res. 159/20	
4.	24 June 2021	Item 11.2 Res. 57/21	
5.	24 February 2022	Item 11.5 Res. 07/22	
6.	30 March 2023	Item 10.1 Res. 15/23	
7.	Xx August 2023	Item xx Res. Xx/23	

MOTION**RESOLUTION 134/23****Moved: Cr Brett Angwin****Seconded: Cr Wayne Foley**

President nominated Cr Twaddle to act as presiding person.

Cr Twaddle accepted.

Cr Twaddle took the position of the Chair at 11:36am.

In Favour: Crs Geoff Davis, Andrew Twaddle, Peter McCumstie, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton**Against:** Nil**CARRIED 8/0 BY ABSOLUTE MAJORITY***Mr McCumstie – Financial interest declared**Mr Peter McCumstie left the meeting at 11:36pm.***11.2 COUNCIL POLICY REVIEW - C12 ELECTED MEMBER AND PRESIDENT'S ALLOWANCES****File Number: 4160****Author: Janyce Smith, Governance Administration Officer****Responsible Officer: Tamara Clarkson, Deputy Chief Executive Officer****Authority/Discretion: Legislative****SUMMARY**

The Council Policy C12 Elected Member and President's Allowances was endorsed by Council at the Ordinary Meeting of Council on 25 May 2023 (Resolution 48/23).

A review of the policy has been undertaken to provide clarity on payment amounts following an Election and for Council to consider a higher allowance for the President after a period of at least three months has elapsed from the original election date of the President.

This report recommends that the policy updates/modifications proposed by this review, be adopted.

DISCLOSURE OF ANY INTEREST

Nil by author.

BACKGROUND

Local governments must pay its President and Council Members minimum fees and reimburse expenses. In addition, local governments may expand the level of those fees/allowances up to the legislated maximums set by the Salaries and Allowances Tribunal (the Tribunal). The Salaries and

Allowances Tribunal determines the ranges of remuneration a local government can provide to its Elected Members.

In determining the allowances, the Tribunal considers a range of factors including:

- the leadership role of the mayor, president or chair;
- the statutory functions for which the mayor, president or chair is accountable;
- the ceremonial and civic duties required of the mayor, president or chair, including local government business related entertainment; and
- the relative “size” of the local government as reflected in the Tribunal’s local government banding model.

This review has been undertaken at a request from the Audit Committee Meeting held on 19 October 2023, New and Emerging Items for Discussion:

The Audit Committee requested, as part of the upcoming November 2023 policy report, to review the capacity for Council to consider the following change to the President’s allowance maximum:

- modify the sentence in the table from “(at Council’s discretion after six months)” to “(at Council’s discretion after three months)”.

Attached is a copy of the proposed policy modifications. There are two (2) outcome types:

Yellow highlights	Minor changes - including terminology, typographical, formatting, pronunciation improvements and linkage to legislation and other related documents.
Green highlights	Changes warranting Council’s specific consideration.

STATUTORY ENVIRONMENT

Local Government Act 1995 S5.98 Fees etc for council members – provides for a council member who attends a council meeting to be paid the fee set by the local government within the allowable range, and **S5.99 (Annual fee for council members in lieu of fees for attending meetings)** provides that a local government may decide by absolute majority that instead of paying council members an attendance fee per meeting, it will pay all council members an annual fee (within the allowable range).

S5.98 also entitles every council member who incurs an expense of a kind prescribed, to be reimbursed for that expense, and **S5.99A** provides that a local government may decide by absolute majority that instead of paying council some expenses as they occur, that they will pay all council members an annual fee (within the allowable range).

S5.98 in addition, enables the local government to pay the president, in addition to a sitting fee, an annual allowance (within the allowable range).

Western Australia Salaries and Allowances Act 1975, Determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members Part 7

Annual Allowance for Mayor, President, Chair, Deputy Mayor, Deputy President, and Deputy Chair – outlines the annual allowances payable to mayors, presidents, chair and their deputies in addition to any entitlement to meeting attendance fees or the reimbursement of expenses.

POLICY IMPLICATIONS

As detailed in the policy.

FINANCIAL IMPLICATIONS

The current budget provides sufficient funds to accommodate the existing levels of fees/allowances. Future budgets will need to maintain those levels, or any increases agreed to by Council.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.1 Provide strong civic leadership

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Organisation's Operations: Publishing the policy might attract negative media attention and community complaint.	Possible	Minor	Medium	Provide details of legislated minimum/maximum payment requirements and Elected Member performance expectations.

CONSULTATION

It is not considered that community consultation is required in this instance as suggested policy modifications are not significant.

COMMENT

The Shire has a newly appointed President and Deputy President following the recent local government election held in October 2023. This policy amendment reflects the experience and leadership role and for Council to consider a higher allowance for the President and the Deputy President within three months of being appointed to those positions.

In reviewing the President’s allowance, Council will consider a range of factors including the following:

- The leadership role taken by the Shire President, and its effectiveness;
- The contemporary challenges of the Shire and the President’s endorsed role in addressing those challenges;

- The number of Shire and other Council endorsed meetings requiring the attendance by the President, and the outcome benefits of those attendances;
- The ceremonial and other civic duties required of the Shire President, and the community's appreciation of those engagements; and
- The frequency that the Deputy President is required to deputise.

When the Annual Budget was developed, and adopted in August 2023, the annual President Allowance of \$62,727.00 (75% of the maximum allowance) did not provide for a pro rata calculation. The actual allowance will be reflected by the outcome of this policy.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

1. Draft C12 Elected Member and President's Allowances

RESOLUTION 135/23

Moved: Cr Geoff Davis

Seconded: Cr Paul Bickerton

That Council by ABSOLUTE MAJORITY:

1. Adopts the policy C12 Elected Member Fees and President's Allowances.

In Favour: Crs Geoff Davis, Andrew Twaddle, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton

Against: Nil

CARRIED 7/0

Cr McCumstie entered the meeting at 11:56am.

Cr McCumstie resumed the chair at 11:57am.



(C12) ELECTED MEMBER FEES AND PRESIDENT'S ALLOWANCES

1. POLICY OBJECTIVE

To ensure that all Elected Members are suitably compensated and reimbursed for their contributions to the Shire of Derby/West Kimberley and its community.

2. POLICY STATEMENT

The *Local Government Act 1995* (the Act) outlines the provisions within which a local government must operate when setting elected member meeting/allowance and other fees. The Act provides that:

1. S5.98 (Fees etc. for council members) and S5.99 (Annual fee for council members in lieu of fees for attending meetings) provides for local governments to pay elected members either a meeting attendance fee (for attending each council or designated committee meeting) or alternatively, to pay an annual fee within the range for annual fees determined by that Salaries and Allowances Tribunal.
2. S5.98 (Fees etc. for council members) and S5.98A (Allowance for deputy mayor or deputy president) also provides the **entitlement** for the president of a local government to be paid an additional annual allowance, within the range determined by that Salaries and Allowances Tribunal, and for the deputy president to be entitled to be paid up to 25% of the president's additional entitlement.

The Council holds the view that in light of the consistent level of workload and expectation of individual elected members, that there should also be a consistent sitting fee provided to all Elected Members. In light however of the significant additional workload, and the significant financial allowance that can apply for the President, that a different approach should be taken.

President: This policy provides the ability for Council to consider a higher allowance for the President, but that consideration cannot be given until a period of at least **six-three** months has elapsed from the original election date of the President **(noting that following a Local Government Election, but only where there is a newly elected President, allowance fees for the President will revert as required by this policy to the minimum amount until the review is conducted)**. Council can review that additional allowance at any time, but if it does not, the allowance will continue until a new President is elected. The **additional 25% allowance** fee for the Deputy President **is directly impacted by the level of the fee provided to the President. has similarly considerations.**

In reviewing the President's allowance, Council will take into account a range of factors including the following:

- The leadership role taken by the President, and its effectiveness;
- The contemporary challenges of the Shire and the President's Council endorsed role in addressing those challenges;
- The number of Shire and other Council endorsed meetings requiring the attendance by the President, and the outcome benefits of those attendances;
- The ceremonial and other civic duties required of the President, and the community's appreciation of those engagements; and
- The frequency that the Deputy President is required to deputise.



The below table reflects the policy position for allowances and attendance sitting fees:

President's Allowance	
Base President's Allowance* (% of Salaries & Allowances Tribunal maximum Section 7. Table 10) (* to be applied from initial appointment until otherwise reviewed following an Election)	50%
President's Allowance maximum, as confirmed by Council decision (% of Salaries & Allowances Tribunal maximum Section 7. Table 10)	Up to 100% of the maximum SAT range allowance (at Council's discretion after three-six months)
Travelling Allowance/Motor Vehicle for President	Regulated rate (or a Motor Vehicle at Council's discretion after three months).

()Level can be reviewed by Council as part of any future policy review, or the annual budget's adoption.*

Note. The President's Allowance (following the replacement or resignation of the existing President) will revert to the base amount outlined above following a Local Government Election until review is conducted.

Deputy President's Allowance	
Base Deputy President's Allowance (% of Salaries & Allowances Tribunal maximum Section 7. Table 10)	25% of President's Allowance
Deputy President's Allowance maximum, as confirmed by Council decision (% of Salaries & Allowances Tribunal maximum Section 7. Table 10)	Up to 25% of President's Additional-Allowance

Elected Members (including President) Attendance Fees	
Base Annual Meeting Attendance Fee Allowance (% of Salaries & Allowances Tribunal maximum Section 6. Table 8)	75%*

ICT and Communications Allowance: The Shire will provide a suitable laptop/tablet to each Elected Member, and digital connectivity to the Telstra network. In addition, a communications allowance of \$1,500pa (to meet telephone and service provider costs) will be paid to the President and Elected Members Councillors.

Elected Members and President's Travel Allowance/Motor Vehicle: All Council Elected Members are entitled to be reimbursed travel at the legislated rate, ~~as is the President~~. For Council endorsed meetings attended by Elected Members, the **Chief Executive Officer** may choose (if a vehicle is available) to allocated an existing Shire vehicle for the Elected Member's use, in lieu of payment of a travel allowance **following provision of valid drivers licence and completion of necessary form.**

Council may consider allocating a suitable motor vehicle to the President if the travel requirements at the legislated rate is more costly that the provision of a dedicated motor vehicle, or it otherwise considers that option to be warranted. In order to develop the necessary costing data and build up a knowledge of the expected ongoing commitments of the President, consideration of this option cannot be given until a period of at least **six three** months has elapsed from the original election date of the President.





Policy Details			
Original Adoption Date:	25 May 2023 (Item 10.1, Res.48/23)	Review Frequency (Annual/Bi-ennial):	Bi-ennially
		Next Review Due:	June 2025
Policy Implementing Officer or Team:	Executive Services Coordinator	Policy Reviewer:	Director Corporate Services of Acting Director Corporate Services Deputy Chief Executive Officer
Legislative Head of Power (Act, Regulation, or Local Law):	Local Government Act s5.98, s5.98A and S5.99		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Elected Member Fees, Expenses and Allowances Register		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	Xx November 2023	Item xx Res. Xx/23	

REVIEW



12 EXECUTIVE SERVICES

Nil

13 TECHNICAL SERVICES

Nil

14 DEVELOPMENT SERVICES**14.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING MINUTES****File Number: 4212****Author: Mark Chadwick, Manager of Development Services****Responsible Officer: Wayne Neate, Director Technical and Development Services****Authority/Discretion: Executive****SUMMARY**

This item is for Council to consider the adoption of the Local Emergency Management Committee (LEMC) Minutes for the previous meeting held October 10, 2023.

DISCLOSURE OF ANY INTEREST

Nil for Author and Responsible Officer.

BACKGROUND

Council previously adopted at the Ordinary Council Meeting held on Thursday, 26 October 2023 the Shire of Derby/West Kimberley Local Emergency Management Terms of Reference and for future LEMC Minutes to be presented to Council for endorsement. The previous resolution is as follows;

RESOLUTION 130/23**Moved: Cr Brett Angwin****Seconded: Cr Paul Bickerton****That Council:**

- 1. Adopt the Shire of Derby/West Kimberley Local Emergency Management Terms of Reference with amendments, (as per attachment 1); and**
- 2. Adopt the Minutes of the LEMC meeting held on August 15, 2023 (as per attachment 2).**

In Favour: President Peter McCumstie, Crs Geoff Haerewa, Geoff Davis, Andrew Twaddle, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton

Against: Nil

CARRIED 9/0

STATUTORY ENVIRONMENT

Local Government Act 2005

Emergency Management Act 2005

POLICY IMPLICATIONS

None known

FINANCIAL IMPLICATIONS

The responsibilities for funding of emergency response activities is outlined in the State Emergency Management Policy 5.12 – Funding for Emergency Response and State Emergency Management Plan 5.4 - Funding for Emergency Response.

The LEMA states that the Shire is committed to expending such necessary funds within its current budgetary constraints as required to ensure the safety of its residents and visitors. It achieves this through scheduling regular meetings and bringing an awareness of the relevant discussions and any issues to Council.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.1 Collaboration and partnership	1.1.2 Maximise local opportunities
	1.2 Capable, inclusive and effective organisation	1.2.4 Attract and effectively use resources to meet community needs
	1.3 Effective Communication	1.3.3 Use multiple channels to distribute information about services, programs, places and spaces

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance: Council is unaware of issues discussed at the Local Emergency Management Committee and need for attention.	Almost Certain	Moderate	Medium	Endorsement of future Minutes of Meetings for Council increased awareness.

CONSULTATION

LEMC has recommended that all future meeting minutes be adopted by Council.

COMMENT

To ensure that Council is adequately informed of the issues discussed and for transparency the Minutes of each LEMC meetings is presented to Council.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. October Minutes

RESOLUTION 136/23

Moved: Cr Andrew Twaddle

Seconded: Cr Brian Ellison

That Council:

- 1. Adopt the Minutes of the LEMC meeting held on October 10, 2023 (as per attachment 1).**

In Favour: Crs Geoff Davis, Andrew Twaddle, Peter McCumstie, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton

Against: Nil

CARRIED 8/0



Shire of Derby / West Kimberley

SHIRE OF WEST KIMBERLEY DERBY LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING

Minutes – Tuesday 10th October, 2023

Council Chambers, Derby

Commenced at 9.34am

 www.sdwk.wa.gov.au

1.0 DECLARATION OF OPENING

The meeting opened by President Geoff Haerewa at 9.34am. Mark took over from Geoff at 10:00am

2.0 RECORD OF ATTENDANCE

2.1 Attendance

Name	Agency
Geoff Haerewa	Shire of Derby/West Kimberley (SDWK) – President
Mark Chadwick	Shire of Derby/West Kimberley (SDWK) – Manager Development Services
Rowan Scott	Shire of Derby/West Kimberley (SDWK) - Ranger Coordinator
Eliot Money	Derby District High School
Belinda Storer	Juniper (MS Teams Online)
Dave Serafini	Main Roads WA (MS Teams Online)
Daniel Mahony	WA Country Health Service (WACHS) - West Kimberley Operations Manager
Renee Flaxman	Department of Communities (DoC) (MS Teams Online)
Andrew Boyle	National Indigenous Australians Agency (NIAA) (MS Teams Online)
Tasha Fernando	Juniper (MS Teams Online)
Chris Hart	6BY Larrkardi Radio (MS Teams Online)
Ben Burton	Emama Gnuda (MS Teams Online)
Tahni Van Gasteren	Juniper (MS Teams Online)
Kirk Mitchell	West Australian Police (WAPOL)
Breanna Harrington	Shire of Derby West Kimberley (SDWK) – Technical Services Administration

2.2 Apologies

Name	Agency
Andrew Twaddle	Shire of Derby/West Kimberley - Councilor
Wayne Neate	Shire of Derby/West Kimberley (SDWK) Director of Technical & Development Services
Beatrice Ronoh	Shire of Derby/West Kimberley (SDWK) Environmental Health Officer
Jane Salt	WA Education Department
Gareth Cornish	Department of Fire & Emergency Services (DFES)
Luke Lawrence	Shire of Derby/West Kimberley – Senior Ranger
Jacob Charters	Shire of Derby/West Kimberley - Ranger
Colleen Boldison	Shire of Derby/West Kimberley – Executive Admin
Belinda Parks	(MS Teams Online)
Matt Reimer	Department of Fire & Emergency Services (DFES)
Chris Manu	Juniper

LEMC MINUTES: 10 October 2023

COMMITTEE DECISION:

3.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS
 Moved: Eliot Money Seconded: Mark Chadwick

That the Minutes of the Local Emergency Management Committee Meeting held on Tuesday 13th June December 2023 be confirmed.

Carried – all in favor 15/0

4.0 Disaster Ready Funding: DRF2024 - Expression of Interest - Department of Fire and Emergency Services, Western Australia (smartygrants.com.au)

These grants are closing on the 15th of November and the Shire of Derby West Kimberley is looking at putting in a grant for the next year's applications for the evacuation center in Fitzroy Crossing.

5.0 All West Australians Reducing Emergencies (AWARE) Funding for next year June 2024 – Mark Chadwick

The AWARE is funding that usually is reserved for this committee to do training and also for exercise development to practice desktop scenarios. So, for this year that grant round has closed but we've got time to start thinking about the next round. There are training courses available mainly for local government offices but if you've identified or you're aware that there might be some training that your organization would like to do then these are the sorts of things we can put in for the AWARE grants.

6.0 Emergency Evacuation Centre – Department of Communities

Two evacuation centers nominated in our plan. One being the main one at the Derby Civic Centre and the second one being at the Derby Recreation Center in Ashley St. An audit was done on both the centers. The Civic Centre was done earlier and was deemed bigger than the Rec Center which is better situated with more facilities. It has got more space for different community members to perhaps stay if needed. We have got the basketball courts which are under undercover but probably not ideal in a cyclone scenario. But if needed for bushfires or if we had to evacuate people for other reasons.

Eliot Money advised that the High School upgrades could provide an additional venue for evacuation Centre. It was agreed to have the venue inspected for its suitability and for the revised plan in the future. EM will let the committee know when it will be available for inspection.

7.0 Standing Items

7.1 Incident Review

A serious fire occurred near the Mowanjum Community and the Shire was on standby for evacuations with Department of Communities. Both Derby Civic Centre and Derby Recreation Centre were stood up in case DFES required them. The Derby District High School was effective in ensuring the Civic Centre was prepared in case it was needed. The

LEMC MINUTES: 10 October 2023

Shire met DoCs on both sites and the Recreation Centre was preferred the venue until the emergency was stood down by DFES.

7.2 Review of LEMC Contact List

Contact list– please update by sending through to Colleen and Breanna.

7.3 Review of Resource List

Please send updated through to sdwk@sdwk.wa.gov.au Same as above, needs updating with Ambulances etc.

7.4 Document Updates

Nil

8.0 REPORTS FROM MEMBERS

8.1 State Emergency Services (SES)

Nil

8.2 West Australian Police (WAPOL)

Nil

8.3 WA Country Health Service (WACHS)

Submitted our health plan to Defence for the Kimberley severe weather plan.

Continuing the paramedic trial in our ambulances. Hopefully we'll get to the point of evaluating that and determining the outgoingness of that soon.

Also continuing the rollout of some new ambulances, which some have been received in Fitzroy in Derby.

Awaiting our Chief Executive Officer to sign off on getting two of the ambulances, one in Derby and one in Fitzroy, fitted with electric stretchers as well.

Slight increase in ambulance callouts, particularly over August and September.

8.4 Department of Communities

2090 calls that we've responded to

Audit evac center. Evac center coordinator training.

In the process of changing over our old local emergency welfare plans to what will now be called the Local Emergency Relief and Support Plan.

8.4 Horizon Power

We are heavily focused on Fitzroy Crossing at this stage. All the Horizon Power resources are currently out there.

Combination of flood recovery work and the layups for the new bridge for high voltage low voltage cabling.

Replacement of some other damaged overhead equipment, Cyclone prep and wet season preparation meeting commences next week for all N East and West Kimberley.

8.6 WATER CORPORATION

Nil

8.7 Royal Australia Air force (RAAF)

Nil

LEMC MINUTES: 10 October 2023

8.8 MAIN ROADS

Wet season prep. Fitzroy Crossing is tracking well. The Willare section should be complete by the end of the year.

8.9 Derby Volunteer Fire Service (DVFS)

Nil

8.10 Department of Fire and Emergency services (DFES)

This week – October 9-13 is the DFES / BoM Wet Season Preparedness Tour in both the Kimberley and Pilbara regions

The DFES Kimberley office have just completed drafting a Kimberley Severe Weather Plan that includes critical areas like transport, resupply, aviation facilities and resources, fuel availability and health service delivery

The DFES State Recovery Team is continuing to work alongside recovery stakeholders to support the Fitzroy Valley community, including getting prepared for the next wet season
The 2023 AWARE Funding Program mentioned in the meeting invite email closed on September 20, 2023

8.11 Shire of Derby West Kimberley (SDWK)

Discussions with the Fitzroy Fire Forum about how we deal with arson situations and how we can educate people. We've got some information that we've been trying to push out to communities in reporting those sorts of incidents.

Notices sent out about non-compliant fire breaks.

Minutes from Local Emergency Management Committee (LEMC) meetings will go to Council for more awareness of these committees

8.12 Derby Aboriginal Health Service (DAHS)

Bushfire plans have been submitted through to the department. Evacuation in lockdown drills probably in the next three to five weeks.

8.13 National Indigenous Australians Agency (NIAA)

Nil

8.14 Department of Education

Nil

8.15 Emama Gnuda Aboriginal Corporation

Nil

8.16 Juniper

Working on Bush Fire preparedness, our evacuation plans and upcoming wet season plans
Requested information regarding the Bunuba Heights Road - Airport to Hospital Connection access to Fitzroy Crossing Airport. Mark Chadwick advised this has been raised by James Blitz, Planning Consultant working on behalf of Bunuba and a funding application submitted in August 2023 to consider works for the access road. Awaiting funding outcome.

8.17 Kimberley Renal Unit

Nil

9.0 GENERAL BUSINESS

9.1 Any other Business

Nil

10.0 CLOSURE

10.1 Date of Next Meeting

The next meeting is Tuesday 12th December 2023 at 10:30am in the Council Chambers, Derby.

10.2 Closure of Meeting

The Chair (Geoff Haerewa) left at 9:59am

Mark Chadwick took over as chair at 10:00am

The Chair closed the meeting at 10:08am.

Next Meeting

Unless determined otherwise by the Committee Chairman, the next meeting date will be Tuesday 12th December, 2023.

LEMC MINUTES: 10 October 2023

15 COMMUNITY AND RECREATION SERVICES

Mr McCumstie – Proximity interest declared.

15.1 REQUEST FOR SPONSORSHIP - DERBY SPEEDWAY CLUB NATIONAL REPRESENTATION

File Number: GS/010/1

Author: Paris Millar, Team Leader Community Development Derby

Responsible Officer: Christie Mildenhall, Acting Director of Community Services

Authority/Discretion: Executive

SUMMARY

This report is for Council to consider a sponsorship request from the Derby Speedway Club for \$7,630 (ex GST) to support member Jake Hoath to attend the Australian Championships of Street Stock Racing. The event is being held in Victoria from the 8 to 11 March 2024.

DISCLOSURE OF ANY INTEREST

Nil by Author or Responsible Officer.

BACKGROUND

On June 25th 2023 Derby Speedway Club member, Jake Hoath competed in a state speedway event held in Port Headland, where he was successful in securing the WA State Title for Street Stock Racing. As part of this title, he is expected to attend the annual Australian National Street Stock Championships held from 8th – 11th March 2024 in Hamilton, Victoria. This competition is held by the national peak body for speedway, Speedway Sedans Australia.

The Shire currently provides the Derby Speedway Club Inc. with a peppercorn lease of the Derby Speedway Track.

STATUTORY ENVIRONMENT

Part 6 – Financial Management of the *Local Government Act 1995* applies to this report in that each year Council allocates an annual budget to donate to community organisations through the Community Funding Scheme (6.2).

POLICY IMPLICATIONS

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

Funding is generally distributed through the Community Development Grants program, where grants of up to \$5,000 can be awarded to Community groups. However, this sponsorship was deemed ineligible for the Community Grants Program due to the nature of the intended expenses that would be covered by the grant and the requested amount exceeding that of the guidelines. The policy stipulates that funding request received which are not eligible for the grants programs are to be presented to Council for consideration.

FINANCIAL IMPLICATIONS

A budget of \$75,000 has been allocated to the Community Development Grants and other specified community events for the 2023/34 financial year budget. There is currently \$42,500 available for distribution, with three funding rounds of the Community Development Grants remaining for the financial year. Derby Speedway Club is requesting \$7,630 (ex GST) and can therefore be allocated within the current financial years’ budget.

If the Shire is to accept the offer of Shire acknowledgement on the vehicle this would be at the Shire’s expense. This cost is unconfirmed but likely to be minimal.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.1 Collaboration and partnership	1.1.2 Maximise local opportunities
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: Public perception of Shire if sponsorship is to be denied.	Possible	Moderate	Medium	Council to approve funding as requested.
Financial: Potential for the misuse of funding.	Unlikely	Minor	Low	Requirements of acquittal will be applied to this funding.

CONSULTATION

Consultation occurred between Relevant Officer and executive members of the Derby Speedway Club, including the individual whom this sponsorship request is associated with.

COMMENT

The Derby Speedway Club Inc. has submitted a request for \$7,630.00 (ex GST) funding to provide financial assistance for their member Jake Hoath to participate in the Speedway Sedans Australia National Titles. The event provides a unique and exciting opportunity for a local member of the community the showcase their talents to a national audience.

Testimonials of Jake’s achievements reflect on his commitment to and inspiration shared with the Derby Speedway community.

The estimated minimum cost to attend this event is \$7,630.00 (ex GST). This will cover 8 days of travel expenses such as fuel, and accommodation and living expenses for 12 days. Derby Speedway Club is seeking support for the full amount. While there are currently other sponsors contributing to the individual’s racing experience, these contributions are allocated to essential mechanical requirements and repairs.

Derby Speedway Club have proposed that recognition of the Shire's contributions would include decals (if made available by the Shire) to be placed on the race car and travelling vehicle. This recognition would be viewed by a national audience. There is also opportunity for the Shire's contributions to be recognised locally, for example via social media and word of mouth.

This request sponsorship falls outside of the eligible project requirements for the Community Grants Program. The guidelines state an individual's personally living, medical, education or travel expenses (except where that person is being engaged to facilitate a project / program). If it was deemed eligible for the Community Development Grants Program the Derby Speedway Club would be eligible for a \$5,000 (ex GST) grant.

The Shire does not currently have a position on providing sponsorships for individuals who are attending representative level events or activities. However, at the September 2023 Ordinary Council Meeting Council approved sponsorship of \$7,330.00 to Derby District High School to support students attending the YOH festival in Perth. This sponsorship equated to \$1,466.00 per student, with the Shire sponsoring five students.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

1. Letter - Derby Speedway Club Sponsorship Request

RESOLUTION 137/23

Moved: Cr Geoff Davis

Seconded: Cr Wayne Foley

That Council;

- 1. Approves a partial sponsorship of \$5,000.00 (ex GST) to the Derby Speedway Club as a sponsorship towards Jake Hoath's attendance at the Speedway Sedans Australia National Street Stock Title subject to:
 - (a) Submission of an acquittal at the conclusion of the event;**
 - (b) Suitable promotional recognition of the Shire's contribution; and****
- 2. Request Officers investigate and establish guidelines to govern the donation of financial support for individual community members at representative events and provide a report to Council outlining the recommendations.**

In Favour: Crs Geoff Davis, Andrew Twaddle, Peter McCumstie, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton

Against: Nil

CARRIED 8/0 BY ABSOLUTE MAJORITY



20th September 2023

Chief Executive Officer
Ms Amanda Dexter
Shire of Derby / West Kimberley
PO Box 94, DERBY WA 6728

REQUEST FOR SPONSORSHIP BY THE SHIRE OF DERBY / WEST KIMBERLEY TO ASSIST JAKE HOATH TO ATTEND AUSTRALIAN CHAMPIONSHIPS OF STREET STOCK CLASS TO BE HELD IN HAMILTON VICTORIA IN MARCH 2024

Dear Amanda,

The Derby Speedway Club would like to request sponsorship assistance from the Shire of Derby/West Kimberley for Jake Hoath's attendance at the Australian National Street Stock Championships in Hamilton, Victoria to be held from the 08th - 11th March 2024.

BACKGROUND

Jake Hoath has been a member of the Derby Speedway Club since 2018 and was born and raised in Derby. Jake owns and operates a private air-conditioning and refrigeration business in Derby.

SPONSORSHIP REQUEST

The sponsorship is for the provision of diesel fuel, accommodation and living expenses for return travel from Derby to Hamilton in Victoria via road at a distance of 4647 km one way.

Breakdown of requested sponsorship

- Diesel fuel to travel 9294km is approximately = \$3430.00
- Accommodation and living expenses (8 days travel/4 days racing) at \$350.00 per day = \$4200.00
- Total amount requested for sponsorship = \$7630.00

This will assist Jake to participate at the highest level of Street Stock racing in Australia and will present the Shire of Derby/West Kimberley with the additional opportunity of being showcased to an Australian audience. The Shire of Derby/West Kimberley will be promoted accordingly with decals (if made available) to be placed on the race car and the travelling vehicle.

TESTIMONIALS

(Commenting on Jakes achievements outlining a positive spin off for the entire community.)

- From SDWK 03/09/2023, Derby's speedway legend Jake Hoath talked to SDWK Community Development about his win back in June 2023 at the State Street Stock Championships in Port Headland and became the WA State Street Stock Champion. Jake shared his experience of the speedway community in Derby and what it was like to compete in the championships. Well done, Jake!
- A special shoutout to Jake Hoath from Derby Speedway who recently won the State Street Stock Championships in Port Headland and became the new WA State Street Stock Champion!
- Derby Speedway Club is so proud of your achievements and your humble quiet no big deal nature. It is a big deal, Well done! You worked hard and give future drivers something to aspire too

- As an ex-Derby speedway member, like so many, this is a pretty big deal for a small but strong club tucked away in the Kimberley's, well done Jake
- You finally did it, awesome stuff Jake, congratulations you and the boys definitely put Derby on the map after that race
- Derby crew definitely well represented in night one of the State Titles. Super proud of Aaron and Jakob's first run in a street stock title. Both of you smashed it last night. Brinley and Jake with a heat win and the rest of the Derby crew had their names up there in their heats battling it out. Derby's name was definitely the main town that everyone heard about last night, you all made a big impression.
- Great effort to the drivers that have travelled away and a huge congratulations to Jake Hoath for being number one WA a lot of hard work but I think DSC appreciate your commitment.

MAJOR ACHIEVEMENTS, see photographs below.

Jake Hoath's recent achievements in Street Stock Racing include;

- 02nd September 2023, 2023 Shinju Matsuri Festival Race Meeting, Street Stocks, Broome Speedway.
- 25th June 2023, Street Stock State Championships, Port Hedland Speedway, successful in winning and being named as WA State Street Stock Champion
- 05th March 2023, Heat Winner Australian Nationals Championship - Bunbury Speedway
- 12 September 2022, Winner Street Stocks Feature Race - Broome Speedway
- 05 September 2021, Winner Street Stocks Feature Race - Broome Speedway

CURRENT SPONSORSHIP

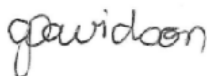
Derby being a relatively small remote town, the current sponsorship for Jake covers mechanical requirements, repairs, car body issues and is inclusive of tyres for his racing car.

To achieve a national award requires a major and sustained input of all sponsorship entities - car racing is an expensive but rewarding sport.

As outlined above, a Derby person like Jake Hoath winning a state championship has positive outcomes for the entire community encouraging others to achieve the best in their chosen sport.

If you require further information, please do not hesitate to contact me via email secretaryderbyspeedway@gmail.com or Jake Hoath direct on 0407 114 470.

Regards,



Carla Davidson
Secretary - Derby Speedway

Photographs of Major Achievements

- 02 September 2023, 2023 Shinju Matsuri Festival Race Meeting, Winner - Street Stocks, Broome Speedway



- 25th June 2023 – State Street Stock Championships Port Hedland Speedway, successful in winning and being named as WA State Street Stock Champion

Press Release by Speedway Sedans Western Australia.

He may have only led one lap in the entire race, but it was the one that counted as Derby's Jake Hoath tonight grabbed his first WA Title win in the 2023 Total Safety and Tools SSA Street Stock WA Title at the Port Hedland Speedway Club!





- 05th March 2023, National Street Stock Championship, Bunbury, Heat Winner Jake Hoath



- 12th September 2022, Winner Street Stocks Feature Race – Broome Speedway



- 05th September 2021 - Winner Street Stocks Feature Race – Broome Speedway



15.2 FITNESS PASSPORT PROPOSAL FOR ACCESS TO DERBY MEMORIAL SWIMMING POOL**File Number:** RC/060/7**Author:** Sian Edwards, Team Leader Aquatics and Recreation**Responsible Officer:** Christie Mildenhall, Acting Director of Community Services**Authority/Discretion:** Executive**SUMMARY**

This report is to seek endorsement for a new fee to be established in the current 2023/2024 Shire of Derby/West Kimberley schedule of Fee and Charges. This fee is to allow participants in an external employee health and welfare programs to utilise our Derby Memorial Swimming Pool as part of the program.

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

WA Country Health Service (WACHS) has engaged Fitness Passport to set up the health and wellness program for their employees and family. This program is designed to assist support employees and their families on their health and fitness journey.

Fitness Passport operates Australia-wide (excluding the Northern Territory), with over 330,000 active members, 960 employer partners, and more than 1750 fitness facility partners. Partners include national chains, independent clubs and government operated pools and leisure centres.

To participate in the Fitness Passport program a WACHS staff member will join the WACHS wellbeing program with a fee coming out of their wages fortnightly. The staff member and their families are then able to access any of the identified partners (if approved this would include the Derby Memorial Swimming Pool) at no further expense to the staff member. Upon attending the partner facility (Derby Memorial Swimming Pool) the WACHS employee will scan their card on a tablet provided to the facility by Fitness Passport, registering their visit. At the end of the month Fitness Passport pays the facility for all of the staff visits that have been utilised that month.

Employees are only eligible for the membership for the duration of their employment with WACHS. Once they are no longer employed their membership will be made inactive and if to continue to use the facility they would be required to purchase their own membership or pay for casual entry.

Currently neighbouring councils, including the Shires of Broome, East Pilbara, Port Headland and Wyndham / East Kimberley, have also been approached to participate in the program.

STATUTORY ENVIRONMENT

Under Section 6.16(1) of the *Local Government Act 1995* Council may impose and recover a fee or charge for any goods or services it provides;

s 6.16 Imposition of fees and charges

(1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

(2) A fee or charge may be imposed for the following –

- a) Providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
- b) Supplying a service or carrying out work at the request of a person;
- c) Subject to section 5.94, providing information from local government records;
- d) Receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
- e) Supplying goods;
- f) Such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be –

- g) (a) Imposed* during a financial year; and
- h) (b) Amended* from time to time during the financial year.

*Absolute majority required.

Section 6.19 requires the advertisement of fees and charges;

s.6.19 Local government to give notice of fees

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of –

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Should the Shire participate in this initiative the rate being offered by Fitness Passport is \$4.95 per pool entry. This is the same as the per visit rate of a ten entry multi-pass for the pool. This rate would be paid regardless of if the swimmer is an adult, child or concession card holder.

It is expected the impact of charging the slightly lower rate for an adult would be negligible, as it will be offset by children and concession card holders attracting a higher rate than would normally be paid. A number of the people likely to participate in the program are already holders of a pool multi-pass so this would result in no net loss of income.

Additionally, this initiative has the potential to attract new users to utilise the pool and therefore increasing the revenue from the pool.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
2. Community	2.2 Healthy Communities	2.2.4 Conduct and/or promote healthy lifestyle initiatives and living standards
3. Economy	2.2 Healthy Communities	1.2.4 Attract and effectively use

		resources to meet community needs
2. Community	3.1 Industry and business development and growth	3.1.1 Encourage and support appropriate and sustainable investment

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: Potential impact on income from the pool.	Unlikely	Insignificant	Low	Monitor changes to income levels if and when the program is implemented to identify if there is a negative impact on income. .
Reputation: Failure to support this program may be viewed by the community as not supporting an opportunity to meet community objectives as identified in the Strategic Community Plan.	Possible	Insignificant	Low	Participate in the Fitness Passport program.

CONSULTATION

Upon being engaged by WACHS Fitness Passport undertook consultation with the Derby based staff to understand their expectation and desires for the health and wellness program. This was completed by a survey issued to the WACHS workforce. Amongst the questions asked was one around which health and wellbeing facilities individuals would like to access. A high level of interest for Derby Memorial Swimming Pool was identified with 40 employees noting the pool as a facility of interest.

The Shire has not taken any direct consultation on this program as it was not deemed necessary.

COMMENT

Fitness Passport utilises a ‘pay per visit’ model. For pools and aquatic centres, the per visit price is derived from facility’s 10 entry adult multi pass price. In the case of the Derby Memorial Swimming Pool a ten entry pass costs users \$49.50, so each visit is valued at \$4.95. Fitness Passport will therefore pay \$4.95 per visitor regardless of whether they are an adult, child or concessions card holder. If a family of four Fitness Passport members visit the facility, each member’s card would be swiped individually, totalling four (4) visits registered.

Whilst this would represent a reduction in income on an entry fee for an adult, normally priced at \$5.50 per visit, there would be an increase in the income on child and concession entries which are normally charged at \$3.50 per visit. Additionally where a family (two adults and up to three children) would normally enter on a \$15.00 family pass under this scheme the Shire will receive

\$24.75 (for a family of five). Pool staff have also noted that a number of the WACHS staff who regularly use the pool at the moment have purchased multi passes therefore it is likely to be minimal income lost by participating in the scheme.

Fitness Passport members is for lap or casual swimming only. Members will be unable to use their memberships to subsidise swimming lessons, squad swimming or aquatic fitness programs and have been advised that members have to pay facilities directly for these additional services.

There is likely to be very little operational impact for the Shire by participating in the scheme, beyond invoicing Fitness Passport each month.

Participation in the program is expected to be beneficial for the Shire. It is anticipated that the program will result in increased attendances at the pool, particularly as the program extends to the staff members family. Increased exposure to the pool may also increase participation in other activities, such as swimming lessons and aqua fitness, which are not covered by the scheme.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

RESOLUTION 138/23

Moved: Cr Brett Angwin

Seconded: Cr Paul Bickerton

That Council by Absolute Majority:

- 1. Endorses for the Shire of Derby / West Kimberley to engage with Fitness Passport to support facilitation of the WA Country Health, health and wellbeing program.**
- 2. Adopts a fee of \$4.95 for 'Pool Entry – External Employee Wellbeing Programs' to be incorporated in to the 2023/2024 Shire of Derby / West Kimberley Schedule of Fees and Charges.**
- 3. Authorises the CEO to advertise by Local Public Notice the proposed Fees and Charges as required by the s.6.19 of the *Local Government Act 1995*.**

In Favour: Crs Geoff Davis, Andrew Twaddle, Peter McCumstie, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton

Against: Nil

CARRIED 8/0 BY ABSOLUTE MAJORITY

Derby Memorial Pool Proposal

Introduction

WA Country Health Service has engaged Fitness Passport to set up the health and wellness program for their employees and family. Commencing in 2006, we assist our employer partners with supporting their employees and their families on their health and fitness journey. We are passionate about getting more people into the gym and improving the health of the community.

Fitness Passport is currently active Australia-wide (excluding NT), with over 330,000 active members, 960+ employer partners, and more than 1750 fitness facility partners, including national chains, independent clubs, government run pools and leisure centres as well as managed facilities.

Members are only eligible for the membership while they work for the FP employer partner. Once they are no longer employed, they are no longer eligible, and their membership will be made inactive. At this point, you get the lead to convert them to a direct member.

Currently, Fitness Passport are in the process of setting up a health and wellness program for WA Country Health Service. The first stage of the implementation process is an expression of interest survey that issued to each Employer Partner's complete workforce. Survey results indicated a high amount of interest for Derby Memorial Pool.

Fitness Passport uses this information to develop a tailored health and fitness program and, once finalised, the Employer Partner progresses to a sign-up phase where participating facilities on the Program are promoted to all staff.

This will occur for an agreed duration with the Employer Partner committed to marketing strategies to advertise Fitness Passport and facilities in the network. This boosts interest in the Program, particularly for those employees who nominated Derby Memorial Pool as their preferred facility.

Process Overview

There are a few stages to our employer and facility onboarding process:

1. Survey employees to find out their favourite facilities near work and home
2. We review the survey results and talk to existing and potential facility partners
3. We develop a tailored health and fitness program for employees and their families
4. The employer partner goes through a 3-5 week sign-up process where we market our facility partners and ensure we are getting more new faces signed up to attend your facility
5. Members start coming to your facility, you record the visits (with our help), and we pay you for those visits.



Payment Model Option

Pay Per Visit Model

The per visit (PV) model is a simple calculation where Fitness Passport pays a set price for every visit to the facility by a Fitness Passport member.

Our payment to you is uncapped which means we pay you that amount for each individual visit, irrespective of how many members visit your facility. For example:

- a) If one member attended your facility 4 times in one month, Fitness Passport would pay for each visit of that member (4 visits) at the applicable visit rate.
- b) If 5 different members attended your facility twice per week each, totaling 40 visits in one month, Fitness Passport would pay for 40 visits at the applicable per visit rate.

For **pools and aquatic centres**, the per visit price is derived from your facility's 10x visit adult multi pass price. We pay this same rate for all members (whether adult or child visit). If a family of four (4) Fitness Passport members visited your facility, each member's card would be swiped individually, totalling four (4) visits.

At Derby Memorial Pool, the 10x visit multi pass price is \$49.50. The rate payable by Fitness Passport for access to the Aquatic Centre is **\$4.95per visit**.

Please note, Fitness Passport members may record a visit for lap or casual swimming only. Members are unable to record visits to subsidise swimming lessons or squad, and we advise members they have to pay you directly for these additional services.

Visit Capture

Each Fitness Passport member, including their family, is provided with a membership card. Upon attending a facility for the first time, or as requested, the member must show their Fitness Passport card as proof of membership.

There are a couple of visit capture options available to you with the options best suited to you listed below.

Fitness Passport Scanner

If all entry points of the facility are staffed and 24/7 access is not applicable, we recommend a Fitness Passport scanner. The facility is provided with an iPad in an enclosed unit, with all required applications preinstalled allowing members to scan their Fitness Passport card upon arrival.

Alternatively, the scanner can be installed behind the desk and staff members may request the member's card to scan and record the visit.

In addition, Fitness Passport can provide access to our Portal for nominated facility staff. This allows facilities to view member live visit feeds, emergency contact information, member status, etc.

Reporting and Payment - This capture method provides the facility with the option to enable 'Autopay'. If this payment method is preferred, Fitness Passport will pay the facility automatically at the beginning of each month based on the registered member visits scanned for the previous calendar month. As a result, there is no reporting requirement from the facility.



Alternatively, at the beginning of each month Fitness Passport will send the facility a report of the visits registered in the previous calendar month. This can be used to prepare a tax invoice made out to 'Fitness Passport Pty Ltd' to submit to accounts@fitnesspassport.com.au for processing of payment within 7 days.

Sign In Sheets

Using this method, Fitness Passport members are required to present their membership card to reception each time they visit a facility. The member should complete the sign-in sheet supplied by Fitness Passport for each entry.

Reporting and Payment - On the 16th of each month, scan all completed sign-in sheets for the previous month (eg 16th April to 15th May). Emailed the scanned sheets along with an invoice made out to 'Fitness Passport Pty Ltd' to accounts@fitnesspassport.com.au for processing of payment within 7 days.

Fitness Passport Facility Portal

Our facility partners receive access to the Fitness Passport system via our facility portal. Upon commencement with Fitness Passport, you can nominate which of your staff members gets access to the portal.

The portal allows you, or your staff member, to:

- View your facility summary information
- Undertake member status checks (to check if FP members are active or not)
- Contact your facility support team
- Report on FP members who are no longer active with FP, who have attended your facility and are your leads for direct membership conversions
- View member emergency contacts and pre-exercise screening questionnaire responses

Further information on accessing the Fitness Passport Facility Portal will be provided as part of your onboarding journey.

Facility Support

Fitness Passport provides support to facilities through the entire onboarding process. From our first discussion, to promoting your facility, to your first payment and beyond. You will be guided through the journey by our specialist team.

Following that initial onboarding period, you have a dedicated facility support team who can assist you with anything you need. You can always contact the team via email at fitness@fitnesspassport.com.au and on our facility support phone line 02 9145 3737 (please don't provide this to members as it's your dedicated support line for facilities only).



Next Steps

The employer sign-up phase is an optimal time for new facilities to join as it allows facilities to capitalise on marketing strategies with reach to the complete WA Country Health Service workforce.

The Health and Wellbeing program for WA Country Health Service is due to be launched into the sign-up phase in November/December 2023. Marketing strategies will be initiated prior to this to engage members, and in turn, increase the prospect of visits at your facility.

For Derby Memorial Pool to pursue this opportunity, Fitness Passport requests the following information:

- Confirmation of interest
- ABN details
- Bank account details
- Entity name
- Preferred Visit capture method

All you need to do is reply via email or give us a call to discuss. We are looking forward to working with you!

16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

- Nil

17 NEW BUSINESS OF AN URGENT NATURE

- Mr Peter McCumstie
On behalf of the Shire of Derby/West Kimberley, President, Council Members and Staff offer our deepest condolences to the Brown Family and Friends in Fitzroy Crossing – Mr Brown was a much respected elder of the community.
Cr Andrew Twaddle and Cr Geoff Davis will be attending on the Shires behalf.

18 MATTERS FOR WHICH THE MEETING MAY BE CLOSED (CONFIDENTIAL MATTERS)**RESOLUTION 139/23****Moved: Cr Andrew Twaddle****Seconded: Cr Paul Bickerton**

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.

Council moved into Closed Council at 12:09pm.

In Favour: Crs Geoff Davis, Andrew Twaddle, Peter McCumstie, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton

Against: Nil

CARRIED 8/0

Mr McCumstie – Proximity interest declared

18.1 Nominations - Community Citizen of the Year Awards 2024

This matter is considered to be confidential under Section 5.23(2) - h 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 such other matters as may be prescribed (consider regulations).

RESOLUTION 140/23**Moved: Cr Andrew Twaddle****Seconded: Cr Brian Ellison****That Council**

- 1. Determines Nominee B as the recipient of the 2024 Community Citizen of the Year for the Shire of Derby / West Kimberley.**
- 2. Determines Nominee A as the recipient of the 2024 Senior Community Citizen of the Year for the Shire of Derby / West Kimberley.**
- 3. Determines Nominee B as the recipient of the 2024 Youth Community Citizen of the Year for the Shire of Derby / West Kimberley.**
- 4. Determines Nominee A as the recipient of the 2024 Active Citizenship Award for the Shire of Derby / West Kimberley.**

In Favour: Crs Geoff Davis, Andrew Twaddle, Peter McCumstie, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton

Against: Nil

CARRIED 8/0

18.2 Alleged Unauthorised Structures on no. 8 Lot 12 DP 67084 Wells Street Derby

This matter is considered to be confidential under Section 5.23(2) - 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 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 141/23

Moved: Cr Brett Angwin

Seconded: Cr Andrew Twaddle

That Council authorise the Shire's Chief Executive Officer to initiate prosecution action against Norbuilt Pty Ltd pursuant to Part 13 of the *Planning and Development Act 2005* for the construction and use of a number of unauthorised structures on Lot 12 (No.8) Wells Street, Derby for workforce accommodation and general storage purposes (due to the Norbuilt Pty Ltd's failure to comply with a Directions Notice issued by the Shire on 6 September 2023 to cease the unauthorised use of the property until all necessary approvals have been sought and obtained).

That in doing so, the CEO ensure, where appropriate, the expenses incurred by the Shire are the subject of a claim.

In Favour: Crs Geoff Davis, Andrew Twaddle, Peter McCumstie, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton

Against: Nil

CARRIED 8/0

18.3 Demolition of Fire Damaged Asbestos Property at 26 Barnett Street

This matter is considered to be confidential under Section 5.23(2) - 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 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 142/23

Moved: Cr Geoff Davis

Seconded: Cr Brett Angwin

That Council

- 1. Authorises the enforcement, including the commencement of appropriate legal action, where necessary of the building order issued for the demolition of 26 Barnett Street Derby WA 6728 and;**
 - (a) In order to cover the cost of demolition and inclusion of Caveat on Title for Lot 745, No 26 Barnett Way Derby reflecting the Shire's interest in the land, following the demolition of the property as per option 3 in this report.**
 - (b) Once demolition and inclusion of a Caveat on the Title for Lot 745, No 26 Barnett Way Derby has been undertaken, the Chief Executive Officer be requested to actively seek reimbursement of Shire's costs from the estate.**

In Favour: Crs Geoff Davis, Andrew Twaddle, Peter McCumstie, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton

Against: Nil

CARRIED 8/0

RESOLUTION 143/23

Moved: Cr Geoff Davis

Seconded: Cr Brett Angwin

That Council moves out of Closed Council into Open Council at 12:27pm.

In Favour: Crs Geoff Davis, Andrew Twaddle, Peter McCumstie, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton

Against: Nil

CARRIED 8/0

19 CLOSURE

19.1 Date of Next Meeting


The next ordinary meeting of Council will be held Friday, 15 December 2023 at 5:30pm in the Council Chambers, Clarendon Street, Derby.

19.2 Closure of Meeting

The Presiding Member closed the meeting at 12:37pm.

These minutes were confirmed at a meeting on

15 December 2023
.....

Signed: 

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

Date: 15 December 2023
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