



**Shire of Derby /
West Kimberley**

MINUTES

Ordinary Council Meeting Thursday, 25 March 2021

Date: Thursday, 25 March 2021

Time: 1:00pm

Location: Derby - Council Chambers



Order Of Business

1	Declaration of Opening, Announcements of Visitors	4
2	Attendance via Telephone/Instantaneous Communications.....	4
3	Disclosure of Interests	4
3.1	Declaration of Financial Interests	5
3.2	Declaration of Proximity Interests	5
3.3	Declaration of Impartiality Interests.....	5
4	Applications for Leave of Absence	5
5	Responses to Previous Public Questions taken on Notice	5
6	Public Time.....	5
6.1	Public Question Time	5
6.2	Public Statements	5
7	Petitions, Deputations, Presentations and Submissions	5
8	Announcements by Presiding Person without Discussion	6
9	Confirmation of Minutes of Previous Meetings	6
10	Recommendations and Reports of Committees	6
	Nil	
	Reports	7
11	Executive Services	7
11.1	Minutes of the Audit Committee Meeting Held on 11 March 2021.....	7
11.2	Wharf Cafe/Restaurant Revitalisation - Re-Development Options	99
11.3	Model Code of Conduct for Council Members, Committee Members and Candidates.....	107
11.4	Local Roads and Community Infrastructure Program.....	144
12	Corporate Services	149
	Nil	
13	Technical Services.....	150
13.1	Carparking and Verge Control.....	150
14	Development Services	154
14.1	Policy H2 - Traders and Stall Holders Permits (revised).....	154
	<i>Cr Rowena Mouda left the meeting at 1:29pm</i>	<i>168</i>
14.2	Proposed marine parks and draft management plans in the Buccaneer Archipelago and surrounds - request for extended and improved period of community consultation	168
15	Community and Recreation Services	180

Nil.

16	Motions of which Previous Notice has been Given	180
17	New Business of an Urgent Nature	180
18	Matters for which the Meeting may be Closed (Confidential Matters).....	181
18.1	Rating Review - Lot 503 Gibb River Road (Kimberley Wilderness Adventure)	181
19	Closure.....	183
19.1	Date of Next Meeting.....	183
19.2	Closure of Meeting.....	183

**MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY
ORDINARY COUNCIL MEETING
HELD AT THE DERBY COUNCIL CHAMBERS
ON THURSDAY, 25 MARCH 2021 AT 1:00PM**

- PRESENT:** Cr Geoff Haerewa (Shire President), Cr Paul White (Deputy Shire President), Cr Geoff Davis (phone) from 1:13om, Cr Chris Kloss, Cr Andrew Twaddle, Cr Rowena Mouda from 1:05pm, Cr Pat Riley, Cr Keith Bedford (phone) from 1:15pm.
- IN ATTENDANCE:** Amanda O'Halloran (Chief Executive Officer), Neil Hartley (Director of Strategic Business), Wayne Neate (Director Technical and Development Services), Sarah Smith (Executive Services Coordinator)
- VISITORS:** Nil
- GALLERY:** Terri Buckley, Kylie Hartley
- APOLOGIES:** Nil
- APPROVED LEAVE OF ABSENCE:** Cr Steve Ross
- ABSENT:** Nil

1 DECLARATION OF OPENING, ANNOUNCEMENTS OF VISITORS

The meeting was opened at 1:00pm by Geoff Haerewa.

Cr Rowena Mouda entered the meeting at 1:05pm.

2 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

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

- Cr Keith Bedford
- Cr Geoff Davis

3 DISCLOSURE OF INTERESTS

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

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

3.1 Declaration of Financial Interests

- Cr Rowena Mouda
Item 14.2 – Proposed marine parks and draft management plans in the Buccaneer Archipelago and surrounds - request for extended and improved period of community consultation.
Nature– Chairperson Mayala Inninalang AC – ILUA. Chairperson and interim JMB member – Mayala. Traditional owner member – Dambimangari.

3.2 Declaration of Proximity Interests

Nil.

3.3 Declaration of Impartiality Interests

Nil.

4 APPLICATIONS FOR LEAVE OF ABSENCE

RESOLUTION 16/21

Moved: Cr Paul White

Seconded: Cr Chris Kloss

That the Leave of Absence received from Cr Twaddle for the Ordinary Council Meeting on 29 April 2021 be accepted and leave of absence granted.

Favour: Crs Geoff Haerewa, Paul White, Chris Kloss, Andrew Twaddle, Rowena Mouda and Pat Riley

Against: Nil

CARRIED 6/0

5 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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 Geoff Haerewa – Great to be back, looking forward to working hard and doing the best for the Council in future.

Cr Geoff Davis entered the meeting at 1:13pm.

Cr Keith Bedford entered the meeting at 1:15pm.

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**RESOLUTION 17/21**

Moved: Cr Andrew Twaddle

Seconded: Cr Rowena Mouda

That the Minutes of the Ordinary Meeting of the Shire of Derby/West Kimberley held at the Council Chambers, Clarendon Street, Derby, on 25 February 2021 be CONFIRMED.

Against: Nil

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

CARRIED 8/0

10 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Nil

REPORTS

11 EXECUTIVE SERVICES

11.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 11 MARCH 2021

File Number: 4110

Author: Sarah Smith, Executive Services Coordinator

Responsible Officer: Amanda O'Halloran, Chief Executive Officer

Authority/Discretion: Executive

HEADING

For Council to RECEIVE the Audit Committee Minutes.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

- Minutes of the Audit Committee Meeting held on 11 March 2021**  

RESOLUTION 18/21

Moved: Cr Chris Kloss

Seconded: Cr Paul White

- That the Minutes of the Audit Committee Meeting held on 11 February 2021 be received and the recommendations therein be adopted.**

COMMITTEE RESOLUTION AC16/21

That the Audit Committee recommends that Council notes the list of accounts for February 2021 paid under Delegated Authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 attached to this report, totalling \$1,060,164.96.

COMMITTEE RESOLUTION AC17/21

That the Audit Committee recommends Council RECEIVES the Monthly Financial Management Report incorporating the Statement of Financial Activity for the period ending 28 February 2021.

COMMITTEE RESOLUTION AC22/21

That the Audit Committee:

- Recommends that Council RECEIVES the information contained in the report detailing Sundry Debtors as at 28 February 2021.**

RESOLUTION 19/21

COMMITTEE RESOLUTION AC23/21

That the Audit Committee recommends that Council:

- 1. Reviews the report on outstanding rate and service charge debt by financial year to the end of February 2021.**
- 2. Notes the intention to more actively pursue debt collection in accordance with Council policies AF19 – OUTSTANDING RATES COLLECTION POLICY and COVID-19 FINANCIAL HARDSHIP POLICY – As adopted Resolution 56/20 30 April, 2020.**
- 3. Receives the report on outstanding rate and service charge debt by financial year to the end of February 2021.**

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

Against: Nil

CARRIED 8/0



**Shire of Derby /
West Kimberley**

UNCONFIRMED MINUTES

Audit Committee Meeting Thursday, 11 March 2021

Date: Thursday, 11 March 2021

Time: 4:00pm

Location: Council Chambers
Clarendon Street
Derby



Order Of Business

1	Declaration of Opening, Announcement of Visitors.....	3
2	Attendance via Telephone/Instantaneous Communications.....	3
3	Announcements by Presiding Person without Discussion	3
4	Disclosure of Interests	3
4.1	Declaration of Financial Interests	4
4.2	Declaration of Proximity Interests	4
4.3	Declaration of Impartiality Interests.....	4
5	Petitions, Deputations, Presentations and Submissions	4
6	Confirmation of Minutes of Previous Meetings	4
7	Reports	5
7.1	Accounts for Payment - February 2021.....	5
7.2	Statement of Financial activity for the period ending 28 February 2021.....	25
7.3	Compliance Reports - Councillor Meeting Attendance.....	62
7.4	Compliance Reports - Council Minute Management.....	65
8	New Business of an Urgent Nature	88
9	New and Emerging Items for Discussion.....	88
10	Matters for which the Meeting may Be Closed (Confidential Matters).....	89
10.1	Sundry Debtors Outstanding February 2021	89
10.2	Rates Outstanding February 2021.....	89
11	Date of Next Meeting	90
12	Closure of Meeting	90

**MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY
AUDIT COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBERS, CLARENDON STREET, DERBY
ON THURSDAY, 11 MARCH 2021 AT 4:00PM**

PRESENT: Cr Chris Kloss (Deputy Chair), Cr Paul White (Deputy Shire President), Cr Geoff Davis (telephone), Cr Rowena Mouda (Chair – arrived: 4:31pm)

IN ATTENDANCE: Wayne Neate (Acting Chief Executive Officer), Neil Hartley (Director – Strategic Business – from 4:34pm), Alan Lamb (Director – Corporate and Community), Sarah Smith (Executive Services Coordinator)

VISITORS: Cr Twaddle, Cr Riley

GALLERY: Nil

APOLOGIES: Steve Ross, Amanda O’Halloran (Chief Executive Officer),

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

ABSENT: Cr Keith Bedford

1 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 4:20pm by Chris Kloss (Deputy Chair).

2 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

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

- Cr Geoff Davis

3 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil.

4 DISCLOSURE OF INTERESTS

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

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

Audit Committee Meeting Minutes

11 March 2021

4.1 Declaration of Financial Interests

Nil.

4.2 Declaration of Proximity Interests

Nil.

4.3 Declaration of Impartiality Interests

Nil.

5 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

Nil.

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COMMITTEE RESOLUTION AC15/21

Moved: Cr Paul White
Seconded: Cr Geoff Davis

That the Minutes of the Audit Committee Meeting held at the Council Chambers, Clarendon Street, Derby, on 11 February 2021 be CONFIRMED.

In Favour: Crs Chris Kloss, Paul White and Geoff Davis

Against: Nil

CARRIED 3/0

7 REPORTS**7.1 ACCOUNTS FOR PAYMENT - FEBRUARY 2021****File Number:** 5110 - Accounts Payable**Author:** Linda Atkinson, Finance Officer**Responsible Officer:** Alan Lamb, Director Corporate Services**Authority/Discretion:** Information**SUMMARY**

For the Audit Committee to note the list of accounts paid under delegated authority during the month of February 2021.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the Shire's municipal and trust funds. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Office is to be provided to Council.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

12. Payments from municipal fund or trust fund, restrictions on making

12(1) A payment may only be made from the municipal fund or a trust fund –

- (a) if the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from those funds – by the CEO: or
- (b) otherwise, if the payment is authorised in advance by a resolution of the Council.

The Chief Executive Officer has delegated authority to make payments from the municipal and trust funds.

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –

- (a) the payee's name; and
- (b) the amount of the payment; and

- (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) for each account which requires Council authorisation in that month —
 - (i) the payee’s name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the Council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

All expenditure from the municipal fund was included in the annual budget as adopted or revised by Council.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
4: Good governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	4.4: Financial sustainability and accountability for performance	4.4.4: Provide resources to support the Shire’s operations and to meet planning, reporting and accountability requirements

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance: In accordance with section 6.8 of the <i>Local Government Act 1995</i> ,	Rare	Minor	Low	Expenditure to only be incurred in accordance with budget parameters, which have been

a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council			structured on financial viability and sustainability principles
---	--	--	---

CONSULTATION

Internal consultation within the Corporate Services Department.

COMMENT

All municipal fund expenditure included in the list of payments is incurred in accordance with the 2020-21 Annual Budget as adopted by Council at its meeting held 31 July 2020 (Minute No. 125/20 refers) and subsequently revised or has been authorised in advance by the President or by resolution of Council as applicable.

The table below summarises the payments drawn on the funds during the month. Lists detailing the payments made are appended as an attachment.

REPORT TO COUNCIL

February 2021

FUND	DETAILS	AMOUNT
MUNICIPAL ACCOUNT		
EFT Payments	EFT 50185 - 50328	\$406,966.14
Municipal Cheques	CHQ 54831	\$36,672.50
Direct Debits	Fees & Charges, Credit Card Payments, Payroll, Payroll Liabilities	\$616,526.32
Manual Cheque		
TRUST ACCOUNT		
EFT Payments		
Trust Cheques		
TOTAL		\$1,060,164.96

Creditors Outstanding as at 24/02/2021

\$407,187.95



Audit Committee Meeting Minutes

11 March 2021

VOTING REQUIREMENT

Simple majority

Attachments

1. **Creditors List of Accounts Paid - February 2021** [↓](#) 
2. **Credit Card Reconciliation Paid - February 2021** [↓](#) 

COMMITTEE RESOLUTION AC16/21**Moved: Cr Paul White****Seconded: Cr Geoff Davis**

That the Audit Committee recommends that Council notes the list of accounts for February 2021 paid under Delegated Authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 attached to this report, totalling \$1,060,164.96.

In Favour: Crs Chris Kloss, Paul White and Geoff Davis

Against: Nil

CARRIED 3/0

REPORT TO COUNCIL – FEBRUARY 2020

EFT PAYMENTS – MUNI ACCOUNT

PAYMENT ID	DATE	CREDITOR / INVOICE DETAILS	AMOUNT
EFT50185	03/02/2021	AMANDA O'HALLORAN	\$1,484.67
INV REIMB2701	27/01/2021	FENCING EXTENSIONS, PLUMBING REPAIRS & LEAVING GIFT	\$1,484.67
EFT50186	03/02/2021	AUSTRALIAN SERVICES UNION	\$336.70
INV DEDUCTION	05/01/2021	PAYROLL DEDUCTIONS	\$336.70
EFT50187	03/02/2021	OFFICE NATIONAL BROOME (THE BOSS SHOP)	\$356.71
INV 994016	27/11/2020	COPIER SERVICE CONTRACTS	\$356.71
EFT50188	03/02/2021	DERBY WESTERN & WORKWEAR	\$490.00
INV D-1079	31/07/2020	UNIFORM PURCHASE	\$490.00
EFT50189	03/02/2021	DEPUTY CHILD SUPPORT REGISTRAR	\$325.08
INV DEDUCTION	05/01/2021	PAYROLL DEDUCTIONS	\$325.08
EFT50190	03/02/2021	CAPTIVATE CONNECT	\$656.70
INV 11969	15/01/2021	MESSAGES ON HOLD	\$656.70
EFT50191	03/02/2021	CATALYST IT AUSTRALIA PTY LTD	\$792.00
INV KOHA-INV5/0104	01/01/2021	KOHA HOSTING	\$792.00
EFT50192	03/02/2021	DERBY PLUMBING AND GAS	\$1,619.20
INV 16153	13/01/2021	INSTALL REFURBISHED PUMP AT DERBY POOL	\$1,619.20
EFT50193	03/02/2021	DERBY STOCK SUPPLIES	\$495.00
INV 13066432	04/01/2021	REMOVAL OF ABANDONED CARS	\$495.00
EFT50194	03/02/2021	EVENT & CONFERENCE CO. PTY LTD	\$1,560.00
INV WACOSS-102	18/01/2021	ACCOMMODATION PACKAGE WACOSS CONFERENCE	\$780.00
INV WACOSS-100	18/01/2021	ACCOMMODATION PACKAGE WACOSS CONFERENCE	\$780.00
EFT50195	03/02/2021	HARDMAN ENTERPRISES PTY LTD T/A DERBY PLUMBING & GAS	\$2,530.00
INV 16228	22/01/2021	PROFESSIONAL HR SERVICES	\$1,265.00
INV 16227	22/01/2021	PROFESSIONAL HR SERVICES	\$1,265.00
EFT50196	03/02/2021	HORIZON POWER - ACCOUNT PAYMENTS	\$145.66
INV 340889	22/01/2021	55 CLARENDON STREET DERBY	\$145.66
EFT50197	03/02/2021	MICHELE ILLY	\$308.39
INV REIMB2201	22/01/2021	UTILITY REIMBURSEMENT	\$308.39
EFT50198	03/02/2021	CONNECT CALL CENTRE SERVICES	\$678.54
INV 104858	15/01/2021	CALL CENTRE AFTER HOURS SERVICE	\$678.54
EFT50199	03/02/2021	JANINE MILLER	\$63.74
INV REIMB0102	01/02/2021	UTILITY REIMBURSEMENT	\$63.74
EFT50200	03/02/2021	JOHN CAREY	\$226.55
INV REIMB2701	27/01/2021	UTILITY REIMBURSEMENT	\$226.55
EFT50201	03/02/2021	KYLIE HARTLEY	\$147.00
INV REIMB2901	29/01/2021	COMMUNICATION REIMBURSEMENT	\$147.00
EFT50202	03/02/2021	LINDSAY GREEN	\$300.00
INV REIMB0701	22/01/2021	REFUND OF BOND	\$300.00
EFT50203	03/02/2021	MCLEODS BARRISTERS & SOLICITORS	\$129.13
INV 116939	23/12/2020	LEGAL ADVICE - THUNDERBIRD OPERATIONS	\$129.13
EFT50204	03/02/2021	NEIL HARTLEY	\$365.50
INV REIMB2901	29/01/2021	COMMUNICATION REIMBURSEMENT	\$365.50
EFT50205	03/02/2021	TOWNES TRADING PTY LTD	\$300.00
INV KC18452	16/12/2020	CHRISTMAS LIGHT COMPETITION VOUCHERS	\$300.00
EFT50206	03/02/2021	SKIPPERS CLEANING SERVICES	\$12,952.50

REPORT TO COUNCIL – FEBRUARY 2020

INV 1261	31/12/2020	CLEANING CONTRACT JUNE 2021	\$12,072.50
INV 1262	31/12/2020	CARRYOUT TWICE WEEKLY CLEAN OF TOURISM LOUNGE	\$880.00
EFT50207	03/02/2021	CHRISTIE MILDENHALL	\$62.84
INV REIMB2701	27/01/2021	AUSTRALIA DAY REIMBURSEMENTS	\$62.84
EFT50208	03/02/2021	WOOLWORTHS PTY LIMITED	\$1,104.97
INV 3989175	09/10/2020	COMMUNITY POOL PARTY SUPPLIES	\$88.00
INV 3991475	13/12/2020	CONSUMABLES CAROLS BY CANDLELIGHT	\$250.64
INV 3991206	17/01/2021	CONSUMABLES JUNIOR SCHOOL HOLIDAY PROGRAM	\$132.81
INV 3991227	19/01/2021	SWIM NAPPIES	\$358.80
INV 3991250	20/01/2021	CONSUMABLES SCHOOL HOLIDAY PROGRAM	\$125.50
INV 3991264	24/01/2021	CONSUMABLES SCHOOL HOLIDAY PROGRAM	\$149.22
EFT50209	12/02/2021	A & B TYRES	\$590.00
INV 36960	06/01/2021	1BSR-168 TYRES & TUBES	\$590.00
EFT50210	12/02/2021	AFRODROME MANAGEMENT SERVICES PTY LTD	\$18,641.70
INV AMSINV-04074	23/12/2020	ATI FOR DERBY & FITZROY CROSSING	\$18,641.70
EFT50211	12/02/2021	ALFORD CONTRACTING	\$3,641.00
INV 6566	21/12/2020	FX VISITOR CENTRE DOOR LOCK REPAIRS & TOILET REPAIRS	\$3,641.00
EFT50212	12/02/2021	AUSTRALIA POST	\$36.88
INV 1010292806	03/02/2021	POSTAGE	\$36.88
EFT50213	12/02/2021	ARAC REFRIGERATION & AIR CONDITIONING	\$1,612.10
INV 4224	23/12/2020	FAN MOTOR REPLACEMENT	\$293.80
INV 4223	23/12/2020	NEW CONTROL SYSIEM	\$360.80
INV 4194	12/01/2021	NEW UNIT FOR DONGA SHORT STAYS	\$820.00
INV 4318	02/02/2021	INVESTIGATE CEILING LEAK	\$137.50
EFT50214	12/02/2021	G BISHOPS TRANSPORT SERVICES PTY LTD	\$267.33
INV B121511	12/01/2021	FREIGHT	\$89.11
INV B121900	15/01/2021	FREIGHT	\$178.22
EFT50215	12/02/2021	KIMBERLEY PHARMACY SERVICES (DERBY)	\$56.99
INV QRX102000102-858	03/12/2020	SMALL FIRST AID KIT	\$56.99
EFT50216	12/02/2021	GLASS CO KIMBERLEY	\$447.70
INV 91311	12/01/2021	WINDOW REPLACEMENT	\$447.70
EFT50217	12/02/2021	BOC LIMITED	\$227.40
INV 5005257998	31/01/2021	JANUARY GAS CYLINDER CHARGES	\$227.40
EFT50218	12/02/2021	DERBY WESTERN & WORKWEAR	\$1,370.40
INV D 1509	15/01/2021	UNIFORM PURCHASE	\$799.00
INV D-1510	15/01/2021	UNIFORM PURCHASE	\$276.40
INV D-1489	15/01/2021	UNIFORM PURCHASE	\$295.00
EFT50219	12/02/2021	DERBY BUILDING SUPPLIES	\$2,579.21
INV 475404	15/01/2021	STIHL TRIM HEADS	\$107.21
INV 475403	15/01/2021	WORK LAMP AND WIRING	\$72.00
INV 475435	15/01/2021	ASPHALT	\$2,400.00
EFT50220	12/02/2021	DERBY 4X4 & MARINE	\$2,078.13
INV 2497746047	16/12/2020	REPAIRS TO JOHN DEERE 6630 AIRPORT TRACTOR	\$2,078.13
EFT50221	12/02/2021	DERBY FUELS	\$3,210.00
INV 763901	30/11/2020	CATERING	\$1,110.00
INV 769211	20/12/2020	CATERING	\$990.00
INV 769210	20/12/2020	CATERING	\$1,110.00
EFT50222	12/02/2021	DERBY PLUMBING & GAS	\$1,507.00
INV 16169	14/01/2021	EXHAUST FAN REPAIR	\$1,507.00

REPORT TO COUNCIL – FEBRUARY 2020

EFT50223	12/02/2021	DERBY STOCK SUPPLIES	\$330.00
INV 13066433	22/01/2021	REMOVAL OF ABANDONED CAR	\$330.00
EFT50224	12/02/2021	DERBY TREE SERVICES	\$935.00
INV 5404	04/01/2021	TREE TRIMMING	\$198.00
INV 5430	27/01/2021	TREE REMOVAL	\$616.00
INV 5433	28/01/2021	APEX PARK- REMOVAL OF SHADE SAIL	\$121.00
EFT50225	12/02/2021	DERBY HARDWARE MITRE10	\$123.86
INV 10530794	01/12/2020	MULTIPLE HOSE CONNECTOR	\$28.00
INV 10531348	11/12/2020	CLEANING PRODUCTS AND EQUIPMENT FOR POUND FACILITY	\$95.86
EFT50226	12/02/2021	ELDERS LIMITED (DERBY BRANCH)	\$142.25
INV IY 71407	27/10/2020	TWO BULK BAGS OF DOG FOOD AND TWO DOG MUZZLES	\$142.25
EFT50227	12/02/2021	GJ JOHNSON ELECTRICAL FITZROY CROSSING	\$4,790.50
INV 197	28/10/2020	UPGRADE TO SWITCHBOARD	\$4,790.50
EFT50228	12/02/2021	HORIZON POWER - ACCOUNT PAYMENTS	\$2,275.80
INV 438190	22/01/2021	UNIT 3/20 CLARENDON STREET DERBY	\$184.36
INV 415996	22/01/2021	UNIT 2/20 CLARENDON STREET DERBY	\$99.92
INV 415999	22/01/2021	UNIT 5/20 CLARENDON STREET DERBY	\$753.63
INV 150216	26/01/2021	4 LOCH STREET DERBY	\$389.10
INV 320398	26/01/2021	LOT 293 WHARF ROAD DERBY	\$477.68
INV 530861	02/02/2021	14B BLOODWOOD CRESCENT	\$269.86
INV 527282	02/02/2021	14A BLOODWOOD CRESCENT	\$101.25
EFT50229	12/02/2021	INTEGRITY COACHLINES (AUST) PTY LTD	\$719.44
INV 12726	31/01/2021	BUS TICKETS	\$719.44
EFT50230	12/02/2021	IML LOGISTICS (QUBE LOGISTICS)	\$659.74
INV TS190735	18/01/2021	CHLORINE GAS CYLINDERS	\$659.74
EFT50231	12/02/2021	JASON SIGNSMAKERS	\$233.42
INV 215114	24/12/2020	AUTHORISED VEHICLE ONLY SIGNS	\$233.42
EFT50232	12/02/2021	KW TILT & TOW	\$1,705.00
INV #T45	02/11/2020	REMOVAL OF ABANDONED VEHICLE	\$165.00
INV SW032.1	27/01/2021	FIRE HAZARD REDUCTION	\$1,540.00
EFT50233	12/02/2021	MCLEODS BARRISTERS & SOLICITORS	\$176.00
INV 116334	04/11/2020	ANNUAL AUDIT	\$176.00
EFT50234	12/02/2021	TOPCAT CLEANING	\$14,057.73
INV INV-0224	18/01/2021	FACILITIES CLEANING	\$13,881.73
INV INV 0228	22/01/2021	CLEANING DERBY REC CENTRE	\$176.00
EFT50235	12/02/2021	PAUL BETAMBEAU	\$1,733.80
INV 1446	17/12/2020	REPAIRS TO DOORS WHARFINGER HOUSE	\$198.00
INV 1427	17/12/2020	DOOR REPAIRS YOUTH CENTRE	\$1,362.00
INV 1460	02/02/2021	DOOR REPAIRS YOUTH CENTRE	\$173.80
EFT50236	12/02/2021	R D A KIMBERLEY (REGIONAL DEVELOPMENT AUSTRALIA)	\$2,200.00
INV INV-0142	01/07/2020	1 YEAR SUBSCRIPTION FOR ID ECONOMIC PLATFORM 2020-21	\$2,200.00
EFT50237	12/02/2021	E & MJ ROSHER PTY LTD	\$175.96
INV 1424056	20/01/2021	SPLIT RIM BEARINGS, CIRCLIP EXTERNAL INC FREIGHT	\$175.96
EFT50238	12/02/2021	CORSIGN WA PTY LTD	\$973.50
INV 53098	15/01/2021	NEW TEXTS FOR ROAD CONDITION SIGN	\$973.50
EFT50239	12/02/2021	OPTIC SECURITY GROUP NORWEST	\$5,658.22
INV 155151	23/12/2020	REPLACEMENT & INSTALLATION OF CAMERA AT RODEO GROUNDS	\$5,658.22
EFT50240	12/02/2021	H & M TRACEY CONSTRUCTION PTY LTD	\$8,308.83
INV 36079	13/01/2021	DERBY ADMINISTRATION OFFICE MODIFICATION - CLAIM 1	\$8,308.83

REPORT TO COUNCIL – FEBRUARY 2020

EFT50241	12/02/2021	TENNANT AUSTRALIA	\$436.17
INV 917599242	15/01/2021	2 X REAR WHEEL RIMS FOR TENNANT ATLV 4300	\$436.17
EFT50242	12/02/2021	VISION POWER PTY LTD	\$2,330.13
INV INV-10833	16/12/2020	INSPECT ALL ELECTRICAL OUTLETS AND LIGHTS	\$1,226.50
INV INV-10832	16/12/2020	RESTORE POWER TO DONGA	\$126.50
INV INV-10844	17/12/2020	FULL ELECTRICAL INSPECTION INCLUDING REPAIRS	\$270.93
INV INV 10841	17/12/2020	REPLACE LIGHTING IN ADMIN OFFICE & REPAIR SPOTLIGHT	\$139.37
INV INV-10839	17/12/2020	REPLACE EXHAUST FAN TO 13 B HOLMAN ST	\$163.68
INV INV-10847	17/12/2020	REPLACE LIGHTING AT THE ADMIN OFFICE	\$403.15
EFT50243	12/02/2021	WA CONTRACT RANGER SERVICES PTY LTD	\$12,952.50
INV 3090	29/12/2020	CONTRACT RANGER SERVICES	\$5,486.25
INV 03136	24/01/2021	CONTRACT RANGER SERVICES	\$7,466.25
EFT50244	12/02/2021	WEST KIMBERLEY AUTO ELECTRICAL	\$713.20
INV 4476	25/01/2021	1TOH-628 SPRAY TRAILER WIRE REPAIRS	\$135.00
INV 4507	25/01/2021	BEACONS	\$578.20
EFT50245	12/02/2021	WATTNOW ELECTRICAL	\$413.60
INV 8707	16/12/2020	SUPPLY & INSTALL SMOKE ALARM AND VANDA LIGHT	\$413.60
EFT50246	12/02/2021	WOOLWORTHS PTY LIMITED	\$1,454.86
INV 4104931	04/11/2020	WATER	\$90.00
INV 3991151	07/01/2021	GROCERY ITEMS YOUTH CENTRE	\$497.72
INV 3991232	19/01/2021	GROCERY ITEMS YOUTH CENTRE	\$499.15
INV 3991276	25/01/2021	GROCERY ITEMS	\$107.92
INV 3991280	27/01/2021	GROCERY ITEMS SCHOOL HOLIDAY PROGRAM	\$125.95
INV 3991294	29/01/2021	GROCERY ITEMS COMMUNITY POOL PARTY	\$134.12
EFT50247	22/02/2021	A & B TYRES	\$140.00
INV 37085	19/01/2021	NEW TYRE & FIT TO RIM SPRAY UNIT TRAILER ITOH 628	\$140.00
EFT50248	22/02/2021	ALTHAM PLUMBING CONTRACTORS	\$3,296.15
INV 11293	08/02/2021	FIRE HOSE REPLACEMENT	\$3,296.15
EFT50249	22/02/2021	AUSTRALIAN SERVICES UNION	\$673.40
INV DEDUCTION	19/01/2021	PAYROLL DEDUCTION	\$336.70
INV DEDUCTION	02/02/2021	PAYROLL DEDUCTION	\$336.70
EFT50250	22/02/2021	BOAB FESTIVAL DERBY INC	\$8,250.00
INV 16	12/02/2021	SPONSORSHIP BOAB FESTIVAL	\$8,250.00
EFT50251	22/02/2021	G BISHOPS TRANSPORT SERVICES PTY LTD	\$295.40
INV B122117	19/01/2021	FREIGHT	\$201.23
INV B122507	22/01/2021	FREIGHT	\$94.17
EFT50252	22/02/2021	BUILDING AND ENERGY	\$283.25
INV PERMIT1702	17/02/2021	BUILDING SERVICES LEVY	\$283.25
EFT50253	22/02/2021	OFFICE NATIONAL BROOME (THE BOSS SHOP)	\$186.80
INV 998626	21/01/2021	COPIER SERVICE CONTRACT	\$186.80
EFT50254	22/02/2021	BROOME MOTORS	\$496.50
INV 1413367	13/01/2021	1ECP-142 FORD RANGER REPAIRS	\$496.50
EFT50255	22/02/2021	BUNUBA DAWANGARRI ABORIGINAL CORPORATION	\$48.00
INV CSALE3101	18/02/2021	COMMISSION SALES	\$48.00
EFT50256	22/02/2021	GLASS CO KIMBERLEY	\$4,620.61
INV 91373	21/01/2021	GLASS DOOR REPAIRS	\$886.60
INV 91416	27/01/2021	TRANSLUCENT GLAZING	\$3,734.01
EFT50257	22/02/2021	DERBY WESTERN & WORKWEAR	\$1,802.00
INV D 1515	22/01/2021	UNIFORM PURCHASE	\$781.00

REPORT TO COUNCIL – FEBRUARY 2020

INV D-1514	22/01/2021	UNIFORM PURCHASE	\$699.00
INV D-1528	22/01/2021	MASKS & SAFETY GLASSES	\$319.00
EFT50258	22/02/2021	CMT BUILDING (WA)	\$227.70
INV INV-0322	22/01/2021	REPAIR LEAKING ROOF	\$227.70
EFT50259	22/02/2021	CHERRY SMILER	\$12.00
INV CSALE3101	18/02/2021	COMMISSION SALES	\$12.00
EFT50260	22/02/2021	DEPUTY CHILD SUPPORT REGISTRAR	\$650.16
INV DEDUCTION	19/01/2021	PAYROLL DEDUCTION	\$325.08
INV DEDUCTION	02/02/2021	PAYROLL DEDUCTION	\$325.08
EFT50261	22/02/2021	DERBY BUILDING SUPPLIES	\$761.10
INV 475598	19/01/2021	NARVA INLINE FUSE HOLDERS	\$29.73
INV 475856	22/01/2021	STIHL TRIM LINE & FITTINGS	\$687.11
INV 476071	27/01/2021	CHAIN QUICK LINK	\$44.26
EFT50262	22/02/2021	DERBY 4X4 & MARINE	\$785.39
INV 24953/46222	28/01/2021	REPLACE BROKEN TRAILER WIRE SOCKET ON VEHICLE	\$206.92
INV 24954/46200	28/01/2021	1DDK827 ELECTRICAL REPAIRS & AMBER LIGHT	\$578.47
EFT50263	22/02/2021	DIGGA WEST & EARTH PARTS WA	\$1,478.40
INV 55072	19/01/2021	POLY BROOM FOR SWEEPER	\$1,478.40
EFT50264	22/02/2021	DAIMLER TRUCKS	\$1,523.40
INV 6212431D	19/01/2021	FUSO CANTER SERVICE KITS	\$694.89
INV 6212430D	19/01/2021	FUSO FV51 - 40,000KM SERVICE KIT	\$828.51
EFT50265	22/02/2021	DIANE CHUNGALL (WALIBIRI)	\$68.00
INV CSALE3101	18/02/2021	COMMISSION SALES	\$68.00
EFT50266	22/02/2021	DERBY SPORTSMENS CLUB INC	\$13,750.00
INV 1212	28/01/2021	GOLF COURSE MAINTENANCE CONTRIBUTION	\$13,750.00
EFT50267	22/02/2021	DERBY PROGRESSIVE SUPPLIES	\$1,548.98
INV 013438	22/01/2021	CLEANING SUPPLIES	\$893.71
INV 013552	27/01/2021	CONDIMENT BOTTLES	\$46.20
INV 013553	27/01/2021	CONDIMENT BOTTLES WITH LIDS	\$46.20
INV 013643	28/01/2021	CLEANING PRODUCTS	\$562.87
EFT50268	22/02/2021	DERBY HARDWARE MITRE10	\$55.96
INV 10533149	27/01/2021	QUICK LINK & SHACKLE	\$55.96
EFT50269	22/02/2021	DWA INDUSTRIAL RESOURCES PTY LTD	\$396.00
INV 02020453	08/02/2021	ROLLER DOOR REPAIR	\$396.00
EFT50270	22/02/2021	FIEN KELLY	\$300.00
INV REIMB1401-1	11/02/2021	BOND REFUND	\$300.00
EFT50271	22/02/2021	MOODS OF THE KIMBERLEY	\$90.34
INV CSALE3101	18/02/2021	COMMISSION SALES	\$90.34
EFT50272	22/02/2021	FITZROY VALLEY DISTRICT HIGH SCHOOL	\$80.00
INV CSALE3101	18/02/2021	COMMISSION SALES	\$80.00
EFT50273	22/02/2021	JANICE PETERSEN	\$55.20
INV CSALE3101	18/02/2021	COMMISSION SALES	\$55.20
EFT50274	22/02/2021	JANET HERBERT	\$20.00
INV CSALE3101	18/02/2021	COMMISSION SALES	\$20.00
EFT50275	22/02/2021	KIMBERLEY FIRE SYSTEMS	\$850.21
INV 12464	28/01/2021	FIRE FIGHTING SYSTEM & PUMP SET SERVICE	\$850.21
EFT50276	22/02/2021	KIMBERLEY INDUSTRIAL SERVICES	\$5,112.97
INV INV-0493	25/01/2021	HYDRAULIC PUMP REPAIR	\$5,112.97
EFT50277	22/02/2021	KIMBERLEY HIRE	\$2,313.12

REPORT TO COUNCIL – FEBRUARY 2020

INV KH5560	31/07/2020	PORTALOO HIRE	\$389.71
INV KH5584	31/08/2020	PORTALOO HIRE	\$389.71
INV KH5605	30/09/2020	PORTALOO HIRE	\$377.14
INV KH5621	31/10/2020	PORTALOO HIRE	\$389.71
INV KH5640	30/11/2020	PORTALOO HIRE	\$377.14
INV KH5663	31/01/2021	PORTALOO HIRE	\$389.71
EFT50278	22/02/2021	KW REFRIGERATION & A/C	\$9,424.00
INV INV-0540	22/12/2020	INSTALL NEW AC UNIT	\$2,192.00
INV INV-0700	11/02/2021	INSTALL NEW AC UNIT	\$7,232.00
EFT50279	22/02/2021	TUFFY'S PTY LTD T/A KIMBERLEY WASHROOM SERVICES	\$360.00
INV INV-6435	18/12/2020	SUPPLY & SERVICE OF SANITARY UNITS	\$360.00
EFT50280	22/02/2021	KENNEDY INVESTMENTS WA P/L (LANCELLIN BOBCAT HIRE)	\$2,640.00
INV 368	10/02/2021	FOOTPATH REPAIRS	\$2,640.00
EFT50281	22/02/2021	MANGKAJA ARTS RESOURCE AGENCY	\$144.00
INV CSALE3101	18/02/2021	COMMISSION SALES	\$144.00
EFT50282	22/02/2021	MANAGED IT PTY LTD	\$24,205.03
INV 113166	01/02/2021	MONTHLY INTERNET SUPPORT PACKAGE	\$24,205.03
EFT50283	22/02/2021	OUTBACK ELECTRICAL & AIRCON SERVICES	\$407.00
INV 3914	04/01/2021	INVESTIGATE RCD TRIPPING	\$407.00
EFT50284	22/02/2021	MARNINWARNTIKURA FITZROY WOMEN'S RESOURCE CENTRE (ABORIGINAL CORP)	\$88.00
INV CSALE3101	18/02/2021	COMMISSION SALES	\$88.00
EFT50285	22/02/2021	NGIYALI ROADHOUSE	\$269.87
INV 1134491	02/02/2021	UNLEADED FUEL FOR SMALL PLANT	\$269.87
EFT50286	22/02/2021	NICHOLAS HARRINGTON	\$165.00
INV 1	14/02/2021	INSTALL NEW LOCK TO FUEL BOWSER CONTROLLER	\$165.00
EFT50287	22/02/2021	NANDI CHINNA	\$20.00
INV CSALE3101	18/02/2021	COMMISSION SALES	\$20.00
EFT50288	22/02/2021	TOPCAT CLEANING	\$3,300.00
INV INV-0237	08/02/2021	CLEANING CONTRACT	\$3,300.00
EFT50289	22/02/2021	PAUL BETAMBEAU	\$318.00
INV 1469	09/02/2021	EMERGENCY REPAIRS FOLLOWING BREAK IN	\$318.00
EFT50290	22/02/2021	RECHARGE PETROLEUM	\$12,522.50
INV 391258	02/02/2021	10,002L DIESEL FUEL	\$12,522.50
EFT50291	22/02/2021	JENKINS EARTHMOVING & TRANSPORT	\$3,850.00
INV 146	19/01/2021	FIRE BREAK AT CURTIN	\$3,850.00
EFT50292	22/02/2021	SIGMA CHEMICALS	\$1,111.00
INV 145278/01	25/01/2021	CHEMICALS FOR DERBY POOL	\$1,111.00
EFT50293	22/02/2021	SKIPPERS CLEANING SERVICES	\$10,725.00
INV 1270	31/01/2021	CLEANING CONTRACT JAN 2021	\$10,725.00
INV 1277	14/02/2021	CLEAN 6/20 CLARENDON STREET	\$165.00
EFT50294	22/02/2021	CRAIG SNELL	\$120.00
INV CSALE3101	18/02/2021	COMMISSION SALES	\$120.00
EFT50295	22/02/2021	SCANDALOUS SCENTS	\$27.20
INV CSALE3101	18/02/2021	COMMISSION SALES	\$27.20
EFT50296	22/02/2021	CLEANAWAY CO PTY LTD	\$88,423.07
INV 18916400	08/05/2020	REALLOCATION OF COSTS	\$841.50
INV 18975407	05/01/2021	WET SEASON DOMESTIC & COMMERCIAL COLLECTIONS	\$87,581.57
EFT50297	22/02/2021	TARUNDA SUPERMARKET	\$158.52

REPORT TO COUNCIL – FEBRUARY 2020

INV 10178693	27/01/2021	GAS CYLINDERS	\$158.52
EFT50298	22/02/2021	VISION POWER PTY LTD	\$253.00
INV INV-10845	17/12/2020	LOCAL AND ACCESS ELECTRICAL INFRASTRUCTURE	\$253.00
EFT50299	22/02/2021	WA CONTRACT RANGER SERVICES PTY LTD	\$6,847.50
INV 03140	30/01/2021	CONTRACT RANGER SERVICES	\$6,847.50
EFT50300	22/02/2021	WEST KIMBERLEY AUTO ELECTRICAL	\$472.05
INV 4578	02/02/2021	SUPPLY & FIT STROBE LIGHT	\$212.05
INV 4682	13/02/2021	1EQ598 REPAIR HOIST	\$260.00
EFT50301	22/02/2021	WATTNOW ELECTRICAL	\$396.00
INV 8856	04/02/2021	SCOPE WHARF LIGHTING FOR REPLACEMENT OF ALL LIGHTING	\$396.00
EFT50302	23/02/2021	ALPERSTEIN DESIGNS	\$2,311.32
INV 60984	19/11/2020	VARIOUS STOCK ITEMS PLUS FREIGHT	\$2,311.32
EFT50303	23/02/2021	AUSTRALIAN SERVICES UNION	\$336.70
INV DEDUCTION	16/02/2021	PAYROLL DEDUCTION	\$336.70
EFT50304	23/02/2021	BOOEASY PTY LTD	\$438.90
INV 19061	04/02/2021	JANUARY BOOKING FEE	\$438.90
EFT50305	23/02/2021	GLASS CO KIMBERLEY	\$4,128.30
INV 91254	05/01/2021	FITTING OF EXTRA SCREENS	\$4,128.30
EFT50306	23/02/2021	CHRIS KLOSS	\$1,375.00
INV ALLOW3101	31/01/2021	JANUARY 2021 COUNCILLOR SITTING FEES	\$1,375.00
EFT50307	23/02/2021	DERBY WESTERN & WORKWEAR	\$676.00
INV D-1563	29/01/2021	UNIFORM PURCHASE	\$676.00
EFT50308	23/02/2021	DEPUTY CHILD SUPPORT REGISTRAR	\$325.08
INV DEDUCTION	16/02/2021	PAYROLL DEDUCTION	\$325.08
EFT50309	23/02/2021	CLARENDON UNIT TRUST (DERBY LODGE & BACKPACKERS)	\$1,140.00
INV 15006	04/12/2020	ACCOMMODATION	\$760.00
INV 15054	10/12/2020	ACCOMMODATION - STRATEGIC PLANNING	\$380.00
EFT50310	23/02/2021	LANDGATE (WA LAND INFORMATION AUTHORITY)	\$283.81
INV 362150-10000938	27/01/2021	GRV ESTIMATE FOR BELL GORGE WILDERNESS CAMP	\$150.81
INV 1072824	02/02/2021	DOCUMENT & TITLE PROPERTY SEARCHES	\$133.50
EFT50311	23/02/2021	GEOFFREY ANDREW DAVIS	\$1,745.08
INV ALLOW3101	31/01/2021	JANUARY 2021 COUNCILLOR SITTING FEES & TRAVEL	\$1,745.08
EFT50312	23/02/2021	GJ JOHNSON ELECTRICAL FITZROY CROSSING	\$3,820.85
INV 572	29/01/2021	EMERGENCY ELECTRICAL WORKS	\$3,820.85
EFT50313	23/02/2021	GEOFFREY CHARLES HAEREWA	\$7,071.00
INV ALLOW3101	31/01/2021	JANUARY 2021 PRESIDENT SITTING FEES & ALLOWANCE	\$7,071.00
EFT50314	23/02/2021	ITVISION	\$8,630.60
INV 34562	15/12/2020	SYNERGY WORKGROUP LICENCES	\$4,985.20
INV 34695	29/01/2021	PAYROLL MONTHLY SERVICE FEE	\$3,645.40
EFT50315	23/02/2021	KEITH BEDFORD	\$1,745.08
INV ALLOW3101	31/01/2021	JANUARY 2021 COUNCILLOR SITTING FEES & TRAVEL	\$1,745.08
EFT50316	23/02/2021	KIMBERLEY HIRE	\$389.71
INV KHS656	31/12/2020	PORTALOO HIRE	\$389.71
EFT50317	23/02/2021	MARKETFORCE	\$382.54
INV 36900	27/01/2021	ADVERTISING	\$382.54
EFT50318	23/02/2021	MCLEODS BARRISTERS & SOLICITORS	\$11,465.41
INV 117250	28/01/2021	LEGAL ADVICE LEASE OF AREA 4 FITZROY CROSSING AIRPORT	\$857.94
INV 117249	28/01/2021	LEGAL ADVICE AIRPORT LEASE: CHOPPER DOC HANGARS PTY LTD	\$1,104.37
INV 117545	29/01/2021	PRELIMINARY LEGAL WORK ACQUISITION AND SALE OF LAND	\$3,229.73

REPORT TO COUNCIL – FEBRUARY 2020

INV 117544	29/01/2021	LEGAL WORK FOR RATES DEBT RECOVERY	\$2,473.37
INV 117529	29/01/2021	SUBLEASES OF DERBY WHARF	\$3,800.00
EFT50319	23/02/2021	PATRICK GREEN	\$80.00
INV REIMB1702	17/02/2021	REFUND OF 2017 COUNCIL NOMINATION FEE	\$80.00
EFT50320	23/02/2021	PATRICIA LISA RILEY	\$1,375.00
INV ALLOW3101	31/01/2021	JANUARY 2021 COUNCILLOR SITTING FEES	\$1,375.00
EFT50321	23/02/2021	PAUL LESLIE WHITE	\$2,681.81
INV ALLOW3101	31/01/2021	JANUARY 2021 COUNCILLOR SITTING FEES & ALLOWANCE	\$2,681.81
EFT50322	23/02/2021	ROWENA MOUDA	\$1,375.00
INV ALLOW3101	31/01/2021	JANUARY 2021 COUNCILLOR SITTING FEES	\$1,375.00
EFT50323	23/02/2021	STEVE ROSS	\$1,375.00
INV ALLOW3101	31/01/2021	JANUARY 2021 COUNCILLOR SITTING FEES	\$1,375.00
EFT50324	23/02/2021	TELSTRA CORPORATION	\$74.94
INV 1718873800	27/01/2021	SERVICES AND EQUIPMENT RENTAL TO 11/02/2021	\$74.94
EFT50325	23/02/2021	ANDREW JAMES TWADDLE	\$1,375.00
INV ALLOW3101	31/01/2021	JANUARY 2021 COUNCILLOR SITTING FEES	\$1,375.00
EFT50326	23/02/2021	LEAVILLE HOLDINGS PTY LTD (WILLARE BRIDGE ROADHOUSE)	\$1,320.00
INV 7728	01/10/2020	WASTE COLLECTION AND DISPOSAL FROM WILLARE PICNIC AREA	\$660.00
INV 7827	01/12/2020	WASTE COLLECTION AND DISPOSAL FROM WILLARE PICNIC AREA	\$660.00
EFT50327	23/02/2021	WA CONTRACT RANGER SERVICES PTY LTD	\$6,930.00
INV 03147	15/02/2021	CONTRACT RANGER SERVICES	\$6,930.00
EFT50328	23/02/2021	WILINGGIN ABORIGINAL CORPORATION	\$500.00
INV REIMB1702	17/02/2021	BOND REFUND	\$500.00
		TOTAL	\$406,966.14

CHQ PAYMENTS – MUNI ACCOUNT

PAYMENT ID	DATE	CREDITOR / INVOICE DETAILS	AMOUNT
54831	10/02/2021	WATER CORPORATION	\$36,672.50
INV 9006973840	19/01/2021	OFFICE AT 24 LOCH ST DERBY	\$950.93
INV 9021175396	19/01/2021	HOME UNIT AT UNIT 5 / 20 CLARENDON ST for 16/11/2020 - 18/01/2021	\$280.35
INV 9021175417	19/01/2021	UNIT 3 / 20 CLARENDON ST DERBY for 16/11/2020 - 18/01/2021	\$330.99
INV 9006973891	19/01/2021	INFANT HEALTH CENTRE AT 36 LOCH ST	\$64.08
INV 9021175329	19/01/2021	UNIT 6 / 20 CLARENDON ST DERBY	\$302.31
INV 9021175433	19/01/2021	UNIT 2 / 20 CLARENDON ST DERBY	\$314.98
INV 9006985841	19/01/2021	GARDEN AT 1 CLARENDON ST DERBY	\$343.01
INV 9006973736	19/01/2021	CLUB AT 12 ELDER ST DERBY	\$359.13
INV 9006973883	19/01/2021	SWIMMING POOL AT 11 JOHNSTON ST DERBY	\$2,542.72
INV 9006972290	19/01/2021	TOILETS AT JETTY RD DERBY	\$435.55
INV 9021175409	19/01/2021	UNIT 1 / 20 CLARENDON ST DERBY LOT 324 for 16/11/2020 - 18/01/2021	\$263.92
INV 9006973947	19/01/2021	YOUTH CENTRE AT HARDMAN ST DERBY	\$1,431.17
INV 9006973875	19/01/2021	OFFICES AT 30 LOCH ST DERBY	\$2,203.22
INV 9006975053	19/01/2021	TOILETS AT 49-55 CLARENDON ST DERBY LOT 296-297	\$93.62
INV 9006973699	19/01/2021	MUSEUM AT 3 LOCH ST DERBY for 18/11/2020 - 18/01/2021	\$316.18
INV 9006973904	19/01/2021	LIBRARY AT 30 34 LOCH ST DERBY for 16/11/2020 - 18/01/2021	\$90.70
INV 9017886750	19/01/2021	AMENITIES AT JETTY RD DERBY for 16/11/2020 - 18/01/2021	\$18.63
INV 9022168905	19/01/2021	SERVICE RES AT 20 CLARENDON ST	\$82.92
INV 9021175425	19/01/2021	HOME UNIT AT UNIT 4 / 20 CLARENDON ST DERBY	\$292.95
INV 9006985833	19/01/2021	ROAD VERGE AT 1 CLARENDON ST MEDIUM STRIP	\$23.96
INV 9006973744	19/01/2021	RESTAURANT AT JETTY RD DERBY	\$2,014.45

REPORT TO COUNCIL – FEBRUARY 2020

INV 9009765422	20/01/2021	DUPLEX UNIT AT 4 B ROWELL CT DERBY	\$241.99
INV 9009765414	20/01/2021	DUPLEX UNIT AT 4 A ROWELL CT DERBY	\$236.51
INV 9012556357	20/01/2021	CENTRE AT 24 ROWAN ST DERBY	\$635.41
INV 9006978422	20/01/2021	HOUSE AT 11 HANSON ST DERBY	\$873.21
INV 9020549317	21/01/2021	DUPLEX UNIT AT 19 WOOLLYBUTT CNR DERBY	\$296.80
INV 9012616911	21/01/2021	DUPLEX UNIT AT 14 B BLOODWOOD CR DERBY	\$388.15
INV 9008757703	21/01/2021	HOUSE AT 4 WOOLLYBUTT CNR DERBY	\$406.42
INV 9008757359	21/01/2021	HOUSE AT 8 KURRAJONG LOOP DERBY	\$364.40
INV 9018685299	21/01/2021	RESERVE AT CORKWOOD CT DERBY	\$1,024.87
INV 9012616903	21/01/2021	DUPLEX UNIT AT 14 A BLOODWOOD CR DERBY	\$764.47
INV 9006986481	22/01/2021	TOILETS AT FLYNN DR FITZROY CROSSING	\$1,625.59
INV 9006986051	22/01/2021	DUPLEX UNIT AT UNIT A / 20 MACDONALD WAY FITZROY CROSSING	\$241.99
INV 9015670665	22/01/2021	DUPLEX UNIT AT UNIT B / 20 MACDONALD WAY FITZROY CROSSING	\$240.16
INV 9006986414	22/01/2021	CENTRE AT 101 FALLON RD FITZROY CROSSING	\$2,338.14
INV 9017391467	22/01/2021	TRIPLEX UNIT AT UNIT 2 / 74 FALLON RD FITZROY CROSSING	\$238.34
INV 9017391475	22/01/2021	TRIPLEX UNIT AT UNIT 3 / 74 FALLON RD FITZROY CROSSING	\$1,474.96
INV 9017391459	22/01/2021	TRIPLEX UNIT AT UNIT 1 / 74 FALLON RD FITZROY CROSSING	\$263.68
INV 9011212376	22/01/2021	RESERVE AT STEEL ST DERBY	\$636.22
INV 9011140114	22/01/2021	TRICKLE IRRIGATION AT FORREST RD FITZROY CROSSING	\$45.07
INV 9006987783	22/01/2021	TOURIST BUREAU AT FLYNN DR FITZROY CROSSING	\$244.90
INV 9006984507	22/01/2021	COMMUNITY STANDPIPE AT DERBY HWY DERBY	\$271.34
INV 9006986908	22/01/2021	WORKSHOP, RESIDENCE AT 175L EMANUEL WAY FITZROY CROSSING	\$21.30
INV 9006983547	25/01/2021	CENTRE AT 63-65 ASHLEY ST DERBY	\$3,592.62
INV 9006978123	25/01/2021	CEMETERY AT 27017 WODEHOUSE ST DERBY	\$534.13
INV 9006983598	25/01/2021	CENTRE AT 53 ASHLEY ST DERBY	\$71.69
INV 9006980581	25/01/2021	DAYCARE CENTRE AT 40-42 ASHLEY ST DERBY	\$798.25
INV 9009945968	27/01/2021	DUPLEX UNIT AT UNIT A / 13 HOLMAN ST DERBY	\$505.08
INV 9006981541	27/01/2021	HOUSE AT 2 WODEHOUSE ST DERBY	\$241.99
INV 9006981445	27/01/2021	HOUSE AT 7 TOWER PL DERBY	\$655.49
INV 9006974376	27/01/2021	SPORTS COMPLEX AT 153 LOCH ST DERBY	\$156.11
INV 9009945976	27/01/2021	DUPLEX UNIT AT UNIT B / 13 HOLMAN ST DERBY	\$413.73
INV 9006984048	27/01/2021	DEPOT AT 1 7 MILLARD ST DERBY	\$109.14
INV 9006981517	27/01/2021	HOUSE AT 6 TOWER PL DERBY	\$1,478.32
INV 9006974368	29/01/2021	TOILETS AT 153 LOCH ST DERBY	\$45.45
INV 9018007711	11/02/2021	RESERVE AT PANDANAS WAY DERBY	\$521.75
INV 9016645795	11/02/2021	RESERVE AT 8 COOLBAH WAY DERBY	\$1,919.06
		TOTAL	\$36,672.50

FEE PAYMENTS

PAYMENT ID	DATE	CREDITOR / INVOICE DETAILS	AMOUNT
917	01/02/2021	MER - MERCHANT FEES	\$31.26
917	01/02/2021	EXC - EXCESS TRANSACTIONS FEE	\$15.40
917	01/02/2021	EXC - EXCESS TRANSACTIONS FEE	\$0.60
917	02/02/2021	DOT - DOT PAYMENT	\$1,345.50
917	03/02/2021	EXC - EXCESS TRANSACTIONS FEE	\$77.00
917	03/02/2021	BEX - BPOINT FEES	\$90.86
917	03/02/2021	MER - MERCHANT FEES	\$259.27
917	03/02/2021	MER - MERCHANT FEES	\$307.45
917	03/02/2021	DOT - DOT PAYMENT	\$2,391.85
917	04/02/2021	GHA - GREYHOUND AUSTRALIA	\$1,133.89
917	04/02/2021	GHAC - GREYHOUND AUST. COMMISSION	-\$60.58

REPORT TO COUNCIL – FEBRUARY 2020

917	01/02/2021	MER - MERCHANT FEES	\$81.90
917	04/02/2021	DOT - DOT PAYMENT	\$2,191.35
917	04/02/2021	BAS4 - ATO - BAS PAYMENT - PAYG WITHHOLDING	\$96,915.00
917	05/02/2021	DOT - DOT PAYMENT	\$3,023.00
917	08/02/2021	IINET - IINET 225211599 (\$109.99)	\$109.99
917	08/02/2021	DOT - DOT PAYMENT	\$2,929.90
917	09/02/2021	DOT - DOT PAYMENT	\$1,460.75
917	10/02/2021	DOT - DOT PAYMENT	\$2,367.85
917	11/02/2021	GHA - GREYHOUND AUSTRALIA	\$933.61
917	11/02/2021	GHAC - GREYHOUND AUST. COMMISSION	-\$50.22
917	11/02/2021	DOT - DOT PAYMENT	\$1,181.80
917	01/02/2021	MER - MERCHANT FEES	\$184.85
917	12/02/2021	DOT - DOT PAYMENT	\$2,426.45
917	15/02/2021	BEX - BPOINT FEES	\$37.58
917	15/02/2021	DOT - DOT PAYMENT	\$3,165.45
917	16/02/2021	DOT - DOT PAYMENT	\$4,776.50
917	17/02/2021	DOT - DOT PAYMENT	\$1,595.60
917	18/02/2021	DOT - DOT PAYMENT	\$894.20
917	18/02/2021	GHA - GREYHOUND AUSTRALIA	\$1,505.76
917	01/02/2021	DOT - DOT PAYMENT	\$1,120.50
917	18/02/2021	GHAC - GREYHOUND AUST. COMMISSION	-\$85.07
917	19/02/2021	DOT - DOT PAYMENT	\$1,709.20
917	22/02/2021	DOT - DOT PAYMENT	\$2,668.25
917	23/02/2021	DOT - DOT PAYMENT	\$1,103.95
917	23/02/2021	BAS4 - ATO - BAS PAYMENT - PAYG WITHHOLDING	\$97,404.00
917	01/02/2021	CMD - CHEQUE OR MERCHANT DEPOSITS FEE	\$9.60
917	01/02/2021	EXC - EXCESS TRANSACTIONS FEE	\$38.95
917	01/02/2021	EXC - EXCESS TRANSACTIONS FEE	\$0.60
917	01/02/2021	EXC - EXCESS TRANSACTIONS FEE	\$57.00
DD19093.1	02/02/2021	AWARE SUPER	\$25,082.35
INV SUPER	2/02/2021	SUPERANNUATION	\$18,733.24
INV DEDUCTION	2/02/2021	PAYROLL DEDUCTION	\$6,349.11
DD19093.2	02/02/2021	HESTA	\$210.94
INV SUPER	02/02/2021	SUPERANNUATION	\$210.94
DD19093.3	02/02/2021	IOOF PORTOFOLIO SERVICE SUPERANNUATION FUND	\$761.53
INV SUPER	02/02/2021	SUPERANNUATION	\$481.69
INV DEDUCTION	02/02/2021	PAYROLL DEDUCTION	\$279.84
DD19093.4	02/02/2021	REST SUPERANNUATION	\$1,227.07
INV SUPER	02/02/2021	SUPERANNUATION	\$1,227.07
DD19093.5	02/02/2021	SUNSUPER SUPERANNUATION FUND	\$550.83
INV SUPER	02/02/2021	SUPERANNUATION	\$550.83
DD19093.6	02/02/2021	AUSTRALIAN SUPER	\$1,215.82
INV SUPER	02/02/2021	SUPERANNUATION	\$1,034.35
INV DEDUCTION	02/02/2021	PAYROLL DEDUCTION	\$181.47
DD19093.7	02/02/2021	VISION SUPER	\$646.44
INV SUPER	02/02/2021	SUPERANNUATION	\$646.44
DD19093.8	02/02/2021	M.L.C NOMINEES PTY LTD	\$241.34
INV SUPER	02/02/2021	SUPERANNUATION	\$241.34
DD19093.9	02/02/2021	HOST PLUS SUPERANNUATION FUND	\$1,088.41

REPORT TO COUNCIL – FEBRUARY 2020

INV SUPER	02/02/2021	SUPERANNUATION	\$1,088.41
DD19110.1	16/02/2021	AWARE SUPER	\$26,638.48
INV SUPER	16/02/2021	SUPERANNUATION	\$19,919.46
INV SUPER	16/02/2021	PAYROLL DEDUCTION	\$6,719.02
DD19110.2	16/02/2021	HESTA	\$257.54
INV SUPER	16/02/2021	SUPERANNUATION	\$257.54
DD19110.3	16/02/2021	IOOF PORTOFOLIO SERVICE SUPERANNUATION FUND	\$845.82
INV SUPER	16/02/2021	SUPERANNUATION	\$508.83
INV DEDUCTION	16/02/2021	PAYROLL DEDUCTION	\$336.99
DD19110.4	16/02/2021	REST SUPERANNUATION	\$974.75
INV SUPER	16/02/2021	SUPERANNUATION	\$974.75
DD19110.5	16/02/2021	SUNSUPER SUPERANNUATION FUND	\$497.40
INV SUPER	16/02/2021	SUPERANNUATION	\$497.40
DD19110.6	16/02/2021	AUSTRALIAN SUPER	\$1,449.17
INV SUPER	16/02/2021	SUPERANNUATION	\$1,267.69
INV DEDUCTION	16/02/2021	PAYROLL DEDUCTION	\$181.48
DD19110.7	16/02/2021	VISION SUPER	\$361.43
INV SUPER	16/02/2021	SUPERANNUATION	\$361.43
DD19110.8	16/02/2021	MLC NOMINEES PTY LTD	\$241.34
INV SUPER	16/02/2021	SUPERANNUATION	\$241.34
DD19110.9	16/02/2021	HOST PLUS SUPERANNUATION FUND	\$1,131.87
INV SUPER	16/02/2021	SUPERANNUATION	\$1,131.87
DD19123.1	19/02/2021	THE SHELL COMPANY OF AUSTRALIA LIMITED	\$3,638.53
INV FUEL - FEB21	19/02/2021	JANUARY FUEL	\$3,638.53
DD19093.10	02/02/2021	MLC MASTERKEY SUPER	\$289.98
INV SUPER	02/02/2021	SUPERANNUATION	\$289.98
DD19110.10	16/02/2021	MLC MASTERKEY SUPER	\$326.20
INV SUPER	16/02/2021	SUPERANNUATION	\$326.20
DD19128.1	24/02/2021	ANZ COMMERCIAL CARD SERVICES CENTRE	-
INV AOH CC	24/02/2021	CREDIT CARD PURCHASES AOH	-
PAYROLL	2/02/2021	NET PAYROLL	\$154,181.48
PAYROLL	16/02/2021	NET PAYROLL	\$159,316.80
TOTAL			\$616,526.32

EFT PAYMENTS – TRUST ACCOUNT

PAYMENT ID	DATE	CREDITOR / INVOICE DETAILS	AMOUNT
TOTAL			

CHQ PAYMENTS – TRUST ACCOUNT

PAYMENT ID	DATE	CREDITOR / INVOICE DETAILS	AMOUNT
TOTAL			

Australia and New Zealand Banking Group Limited (ANZ) ABN 11 005 537 522. Australian Credit Licence No. 234527.



ANZ BUSINESS ONE

STATEMENT PERIOD: 14/12/20 to 12/01/21

ACCOUNT NUMBER:

📞 Cards Enquiries: **13 10 06** Lost/Stolen Cards: **1800 033 844**

SHIRE OF DERBY WEST KIMBERLEY
 SHIRE OF DERBY
 THE DIRECTOR
 C/O SHIRE OF DERBY
 PO BOX 94
 DERBY WA 6728




PAYMENT SUMMARY	
Monthly Payment	\$39.00
Due Date	08/02/2021
Minimum Amount Due	\$39.00

YOUR ANZ ACCOUNT SUMMARY

Opening Balance	\$11,586.43
Purchases, Cash Advances & Other Debits	\$1,921.26
Interest Charges	\$0.00
Payments & Other Credits	\$11,586.43
Closing balance	\$1,921.26

Facility Limit	\$50,000.00
Available Account Credit at Statement Date	\$48,078.74

YOUR PAYMENT OPTIONS

-  **ANZ Internet Banking**
 www.anz.com Payments made after 10pm (EST) will be processed the next business day.
-  **BPAY Payments - Biller Code 6007**
 BPAY payments from ANZ accounts made after 6pm (EST) will be processed the next business day. Check with your institution for cut-off times. Your bill reference number is your ANZ account number.
-  **ANZ Phone Banking**
 13 22 73 Payments made after 10pm (EST) will be processed the next business day.

-  **By Mail**
 Tear off this slip and mail to PO BOX 607, Melbourne, VIC 3001
-  **CardPay Direct**
 To ask about setting up a convenient direct debt payment please call **13 22 73**.
-  **Direct Credit via EFT**
 Payments to your Account can be made via Electronic Funds Transfer (EFT) from your nominated account.

Account Number	
Account Name	SHIRE OF DERBY
Amount Paid	
Due Date	08/02/2021

CY: BEL UOL E 1100070465X
 2006040305 11000011

ANZ BUSINESS ONE

ACCOUNT NUMBER:

Interest Rates

Purchases	Interest Rate 17.74% p.a (0.0486% daily)
Cash Advances	Interest Rate 19.24% p.a (0.0527% daily)

Opening Account Balance **\$11,586.43**

Cardholder Name: AMANDA O'HALLORAN
 Cardholder Number:
 Spend Cap: \$0.00

Date	Description	Amount	Default GST*
10/12/2020	NEAPS/BISTRO DERBY	648.80	58.98
10/12/2020	VISTAPRINT B.V. VENLO INCL OVERSEAS TXN FEE 3.22 AUD	110.66	10.06
Sub-total		759.46	69.04

Cardholder Name: AMANDA O'HALLORAN
 Cardholder Number:
 Spend Cap: \$20,000.00

Date	Description	Amount	Default GST*
18/12/2020	DERBY 1X1 AND MARINE DERBY	231.00	21.00
23/12/2020	WOOLWORTHS 4600 DERBY	34.80	3.16
07/01/2021	SP * AUSTRALIA DAY SA ADELAIDE	896.00	81.45
Sub-total		1,161.80	105.61

Account Number:

11,586.43CR

* The calculation is an estimate amount only and is not to be relied upon as an actual GST calculation.

Cheque Particulars: Proceeds not available until cleared. Please make cheques payable to ANZ. Do not staple, pin or fold your payment.

Drawer	Bank	Branch	Amount
			\$
			\$
			\$
Teller Stamp	Signature		Subtotal \$
			Notes \$
			Coins \$
			Total \$

ANZ BUSINESS ONE

ACCOUNT NUMBER:

Date	Description	Amount	Default GST*
	Sub total	11,586.43CR	
	Total GST payable this statement*		\$174.65
	Closing Account Balance	\$1,921.26	

IMPORTANT MESSAGES

YOUR AGREED PAYMENT WILL BE DEBITED FROM YOUR ACCOUNT 08/02/21
 FOR ADVICE ON YOUR TAX AFFAIRS, INCLUDING PREVIOUS REWARDS FEES CHARGED TO YOUR ACCOUNT, PLEASE CONSULT YOUR TAX
 ADVISER.
 ANY QUESTIONS: PLEASE CALL 1800 032 481, MONDAY TO FRIDAY, 8AM TO 8PM(AET)

*The calculation is an estimate amount only and is not to be relied upon as an actual GST calculation.

7.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 28 FEBRUARY 2021**File Number:** 5152**Author:** Mark Willis, Accountant**Responsible Officer:** Alan Lamb, Director Corporate Services**Authority/Discretion:** Information**SUMMARY**

This report has been compiled to fulfil the statutory reporting requirements of the *Local Government Act 1995* (Act) and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 28 February 2021.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

Pursuant to section 6.4 of the *Local Government Act 1995* and regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* (the Regulations), a Local Government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire's financial performance in relation to its adopted/amended budget.

The Shires Financial Reports are produced in accordance with the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* as amended. Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires that Local Governments produce a monthly statement of financial activity and such other supporting information as is considered relevant by the Local Government.

The Shires financial reporting framework provides Council, management and employees with a broad overview of the Shire's wide financial position.

STATUTORY ENVIRONMENT

Section 34 of the Local Government (Financial Management) Regulations 1996 provides:

34. Financial activity statement required each month (Act s. 6.4)

- (1) *A Local Government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
- (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
 - (b) *budget estimates to the end of the month to which the statement relates; and*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*

- (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
- (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
- (c) *such other supporting information as is considered relevant by the Local Government.*
- (3) *The information in a statement of financial activity may be shown —*
- (a) *according to nature and type classification; or*
- (b) *by program; or*
- (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
- (a) *presented at an ordinary meeting of the Council within 2 months after the end of the month to which the statement relates; and*
- (b) *recorded in the minutes of the meeting at which it is presented.*

Each financial year, a Local Government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

POLICY IMPLICATIONS

AF14 – Significant Accounting Policies

AF18 – Sundry Debtors Collection

AF19 – Outstanding Rates Collection

FM4 – Reserve Accounts

FM7 – Cashflow Management

FM8 – Investments

FINANCIAL IMPLICATIONS

Expenditure for the period ending has been incurred in accordance with the 2020/21 Annual Budget as adopted by Council at its meeting held 30 July 2020 (Minute No. 125/20 refers) budget parameters, which have been structured on financial viability and sustainability principles.

Details of any budget variation in excess of \$30,000 (year to date) follow. There are no other known events which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
<p>4: Good Governance and an effective organisation</p> <p>Leadership that provides strategic direction for the community, supported by efficient and effective service delivery</p>	<p>4.1: Effective Governance and Leadership</p>	<p>4.1.4: Ensure governance policies and procedures are in accordance with legislative requirements</p>

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<p>Financial:</p> <p>The Shire is exposed to a number of financial risks. Most of these risks exist in respect to recurrent revenue streams which are required to meet current service levels. Any reduction in these revenue streams into the future is likely to have an impact on the Shire’s ability to meet service levels or asset renewal funding requirements, unless the Shire can replace this revenue or alternatively reduce costs.</p>	Possible	Major	High	Risk assessments have been completed in relation to a number of higher level financial matters. The timely and accurate completion of monthly financial reporting enabling Council to make fully informed decisions is a control that assists in addressing this risk.

CONSULTATION

Internal consultation within the Corporate Services Department.

External consultation with Moore Stephens.

In accordance with section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the Strategic Community Plan, prepared under section 5.56 of the *Local Government Act 1995*.

COMMENT

Any material variances are highlighted in the Operating Statement and included by way of note to the Operating Statement (as attached)

Attached to the Agenda is a copy of:

- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature and Type

Notes related to –

- Significant Accounting Policies
- Net Current Financial Position
- Capital – Acquisition, Funding and Disposal
- Cash and Investments
- Budget Amendments
- Trust Fund Movements
- Material Variances
- Grants and Contributions
- Rating Information
- Cash Backed Reserves
- Receivables
- Payables; and
- Summary Graphs.







Comments are required for variances that are more than 10% of budget or \$30,000 whichever is the greater.

At the time of preparing the attached financials the Annual Financial Report has not been finalised and therefore the surplus from 2019/20, as displayed, may change due to year end and audit adjustments.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. **February 2021 Financial Statements**  
2. **Management Information Report**  
3. **Note 15 Material Variances**  

Cr Paul White left the meeting at 4:28pm.

Cr Paul White returned to the meeting at 4:30pm.

Audit Committee Meeting Minutes

11 March 2021

COMMITTEE RESOLUTION AC17/21**Moved: Cr Paul White****Seconded: Cr Geoff Davis****That the Audit Committee recommends Council RECEIVES the Monthly Financial Management Report incorporating the Statement of Financial Activity for the period ending 28 February 2021.****In Favour:** Crs Chris Kloss, Paul White and Geoff Davis**Against:** Nil**CARRIED 3/0***Cr Rowena Mouda entered the meeting at 4:31pm.*

**Moore Australia**

Level 15, Exchange Tower,
2 The Esplanade, Perth, WA 6000
PO Box 5785, St Georges Terrace, WA
6821

T +61 8 9225 5355
F +61 8 9225 6101

www.moore-australia.com.au

2 March 2021

Ms Amanda O'Halloran
Chief Executive Officer
Shire of Derby/West Kimberley
PO Box 94
DERBY WA 6728

Dear Amanda

COMPILATION REPORT TO THE SHIRE OF DERBY/WEST KIMBERLEY

We have compiled the accompanying Local Government special purpose financial statements of the Shire of Derby/West Kimberley, which comprise the Statement of Financial Activity (by Statutory Reporting Program), a summary of significant accounting policies and other explanatory notes for the period ending 28 February 2021. The financial statements have been compiled to meet compliance with the *Local Government Act 1995* and associated Regulations.

THE RESPONSIBILITY OF THE SHIRE OF DERBY/WEST KIMBERLEY

The Shire of Derby/West Kimberley are solely responsible for the information contained in the special purpose financial statements and are responsible for the maintenance of an appropriate accounting system in accordance with the relevant legislation.

OUR RESPONSIBILITY

On the basis of information provided by the Shire of Derby/West Kimberley we have compiled the accompanying special purpose financial statements in accordance with the requirements of the *Local Government Act 1995*, associated Regulations and APES 315 *Compilation of Financial Information*.

Our procedures use accounting expertise to collect, classify and summarise the financial information, which the Shire of Derby/West Kimberley provided, in compiling the financial statements. Our procedures do not include verification or validation procedures. No audit or review has been performed and accordingly no assurance is expressed.

The Local Government special purpose financial statements were compiled exclusively for the benefit of the Shire of Derby/West Kimberley. We do not accept responsibility to any other person for the contents of the special purpose financial statements.

A handwritten signature in black ink, appearing to read 'Russell Barnes'.

Russell Barnes
Director
[Moore Australia \(WA\) Pty Ltd](http://www.moore-australia.com.au)

Moore Australia (WA) Pty Ltd trading as agent – ABN 99 433 544 961.
An independent member of Moore Global Network Limited - members in principal cities throughout the world.
Liability limited by a scheme approved under Professional Standards Legislation.



2 March 2021

Ms Amanda O'Halloran
Chief Executive Officer
Shire of Derby/West Kimberley
PO Box 94
DERBY WA 6728

Moore Australia

Level 15, Exchange Tower,
2 The Esplanade, Perth, WA 6000
P.O. Box 5785, St Georges Terrace, WA
6831

T +61 8 9225 5355
F +61 8 9225 6181

www.moore-australia.com.au

Dear Amanda

ACCOUNTING SERVICE INFORMATION REPORT FOR THE PERIOD ENDED 28 FEBRUARY 2021

We advise that we have completed the compilation of your Statutory Monthly Statement of Financial Activity (by Statutory Reporting Program) for the month ended 28 February 2021 and enclose our Compilation Report and Statements.

We are required under APES 315 *Compilation of Financial Information* to report certain matters in our compilation report. Other matters which arise during the course of our compilation that we wish to bring to your attention are raised in this report.

It should be appreciated that our procedures are designed primarily to enable us to compile the monthly financial statements and therefore may not bring to light all weaknesses in systems and procedures, or all financial matters of interest to management and Council, which may exist. However, we aim to use our knowledge of the Shire's financial operations gained during our work to make comments and suggestions, which, we hope, will be useful to you.

Please note in order to meet legislative requirements, details and explanations of the material variances between the year to date actuals and year to date budget need to be completed by Shire staff, as required by *Local Government (Financial Management) Regulation 34(1) (d)*.

COMMENTS/SUGGESTIONS

Attached is a list of comments/suggestions derived from compiling the statement of financial activity and other end of month review services.

MATTERS FOR MANAGEMENT ATTENTION:

Please complete the Statutory Monthly Financial Statements by completing Note 15 – Major Variations by providing a comment for each item where the Council's YTD Budget and YTD Actual are over the variance threshold. These items are indicated with a ▼ or ▲.

We noted no other matters we wish to draw to management's attention.

Should you wish to discuss any matter relating to our service or any other matter, please do not hesitate to contact us.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Russell Barnes', written over a light blue horizontal line.

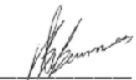
Russell Barnes
Director
Moore Australia (WA) Pty Ltd

Moore Australia (WA) Pty Ltd trading as agent – ADN 99 433 544 961.
An independent member of Moore Global Network Limited - members in principal cities throughout the world.
Liability limited by a scheme approved under Professional Standards Legislation.

**Shire of Derby/West Kimberley
Management Information Report**

**Period Ending
28 February 2021**

Topic	Item	First Identified	Explanation	Action Required	Priority
Trust	Public Open Space	January 2021	The balance of the trust relates to Public Open Space money. Recent amendment to the <i>Planning and Development Act</i> Section 154 now requires these funds to be held in a Reserve.	We recommend the cash held in trust relating to Public Open Space be transferred to a Cash Backed reserve in accordance with the <i>Planning and Development Act</i>	Medium
Subsidiary ledgers	Outstanding	February 2020	Although we acknowledge a significant provision for impairment of debtors exists, the debtors aged trial balance includes invoices totaling \$563,574 outstanding for over 90 days, and debtors with credit balances totaling \$54,944.	We recommend reviewing overdue debtor's collection procedures to ensure debtors outstanding for over 30 days are subject to regular review and reminder notices are issued to improve the collection rate. We recommend debtors with credit balances be investigated and remedied.	Medium

Approval:  RUSSELL BARNES, Director

Page 1

Date of Issue: 2 March 2021

SHIRE OF DERBY-WEST KIMBERLEY

**MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the period ending 28 February 2021**

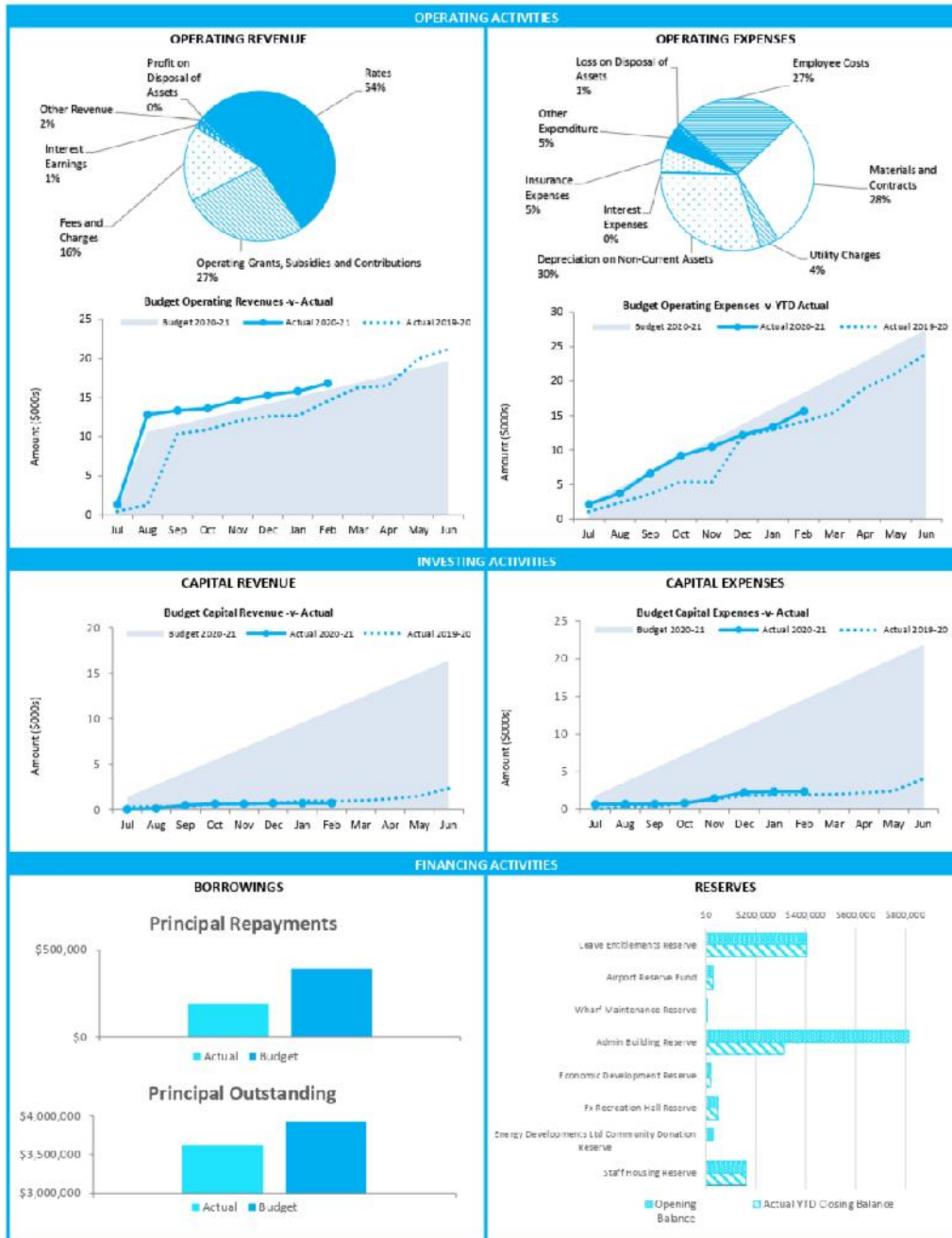
**LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996**

TABLE OF CONTENTS

Statement of Financial Activity by Program	5
Statement of Financial Activity by Nature or Type	7
Basis of Preparation	8
Note 1 Statement of Financial Activity Information	9
Note 2 Cash and Financial Assets	10
Note 3 Receivables	11
Note 4 Other Current Assets	12
Note 5 Payables	13
Note 6 Rate Revenue	14
Note 7 Disposal of Assets	15
Note 8 Capital Acquisitions	16
Note 9 Borrowings	20
Note 10 Cash Reserves	21
Note 11 Other Current Liabilities	22
Note 12 Operating grants and contributions	23
Note 13 Non operating grants and contributions	25
Note 14 Trust Fund	26
Note 15 Explanation of Material Variances	27

**MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

SUMMARY INFORMATION - GRAPHS



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

**MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

EXECUTIVE SUMMARY

Funding surplus / (deficit) Components				
Funding surplus / (deficit)				
	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
Opening	\$5.29 M	\$5.29 M	\$3.84 M	(\$1.45 M)
Closing	\$0.00 M	\$4.80 M	\$8.92 M	\$4.12 M
Refer to Statement of Financial Activity				
Cash and cash equivalents		Payables		Receivables
	\$7.98 M	% of total	\$0.97 M	% Outstanding
Unrestricted Cash	\$7.00 M	87.8%	Trade Payables \$0.41 M	Rates Receivable \$3.10 M
Restricted Cash	\$0.98 M	12.2%	30 to 90 Days	Trade Receivable \$0.69 M
			Over 90 Days	30 to 90 Days
				Over 90 Days
Refer to Note 2 - Cash and Financial Assets		Refer to Note 5 - Payables		Refer to Note 3 - Receivables
Key Operating Activities				
Amount attributable to operating activities				
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	
(\$0.39 M)	\$2.94 M	\$6.38 M	\$3.44 M	
Refer to Statement of Financial Activity				
Rates Revenue		Operating Grants and Contributions		Fees and Charges
YTD Actual	\$9.11 M	% Variance	YTD Actual	\$4.55 M
YTD Budget	\$8.81 M	3.4%	YTD Budget	\$5.06 M
			% Variance	(10.0%)
			YTD Actual	\$2.72 M
			YTD Budget	\$2.24 M
			% Variance	21.7%
Refer to Note 6 - Rate Revenue		Refer to Note 12 - Operating Grants and Contributions		Refer to Statement of Financial Activity
Key Investing Activities				
Amount attributable to investing activities				
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	
(\$5.46 M)	(\$3.77 M)	(\$1.64 M)	\$2.13 M	
Refer to Statement of Financial Activity				
Proceeds on sale		Asset Acquisition		Capital Grants
YTD Actual	\$0.11 M	%	YTD Actual	\$2.37 M
Adopted Budget	\$0.17 M	65.2%	Adopted Budget	\$21.85 M
			% Spent	10.8%
			YTD Actual	\$0.62 M
			Adopted Budget	\$16.23 M
			% Received	3.8%
Refer to Note 7 - Disposal of Assets		Refer to Note 8 - Capital Acquisition		Refer to Note 8 - Capital Acquisition
Key Financing Activities				
Amount attributable to financing activities				
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	
\$0.55 M	\$0.33 M	\$0.33 M	\$0.00 M	
Refer to Statement of Financial Activity				
Borrowings		Reserves		
Principal repayments	\$0.19 M	Reserves balance	\$0.98 M	
Interest expense	\$0.05 M	Interest earned	\$0.00 M	
Principal due	\$3.62 M			
Refer to Note 9 - Borrowings		Refer to Note 10 - Cash Reserves		

This information is to be read in conjunction with the accompanying Financial Statements and notes.

**KEY TERMS AND DESCRIPTIONS
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

STATUTORY REPORTING PROGRAMS

Shire operations as disclosed in these financial statements encompass the following service orientated activities/programs.

PROGRAM NAME AND OBJECTIVES

ACTIVITIES

GOVERNANCE

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

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

GENERAL PURPOSE FUNDING

To collect revenue to allow for the provision of services.

Rates, general purpose government grants and interest revenue.

LAW, ORDER, PUBLIC SAFETY

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

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

HEALTH

To provide an operational framework for environmental and community health.

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

EDUCATION AND WELFARE

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

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

HOUSING

Help ensure adequate housing.

Management and maintenance of staff and rental housing.

COMMUNITY AMENITIES

To provide services required by the community.

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

RECREATION AND CULTURE

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

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

TRANSPORT

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

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

ECONOMIC SERVICES

To help promote the Shire and its economic well being.

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

OTHER PROPERTY AND SERVICES

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

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

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

STATUTORY REPORTING PROGRAMS

	Ref Note	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Opening funding surplus / (deficit)	1(c)	5,293,692	5,293,692	3,841,911	(1,451,781)	(27.42%)	▼
Revenue from operating activities							
Governance		21,050	14,024	13,809	(215)	(1.53%)	
General purpose funding - general rates	6	8,795,965	8,809,293	9,109,022	299,729	3.40%	
General purpose funding - other		3,299,472	2,451,552	2,515,218	63,666	2.60%	
Law, order and public safety		51,971	34,600	30,425	(4,175)	(12.07%)	
Health		737,679	491,760	435,376	(56,384)	(11.47%)	▼
Education and welfare		512,114	341,400	263,573	(77,827)	(22.80%)	▼
Housing		70,560	47,040	56,516	9,476	20.14%	
Community amenities		1,049,138	1,209,384	1,633,588	334,204	25.72%	▲
Recreation and culture		357,628	238,360	187,654	(50,706)	(21.27%)	▼
Transport		3,724,762	2,483,144	2,436,492	(46,652)	(1.88%)	
Economic services		87,600	58,384	45,881	(12,503)	(21.42%)	
Other property and services		62,919	41,928	110,027	68,099	162.42%	▲
		19,670,858	16,310,869	16,897,581	526,712		
Expenditure from operating activities							
Governance		(1,689,431)	(1,126,080)	(776,555)	349,525	31.04%	▲
General purpose funding		(440,346)	(293,472)	(574,989)	(281,517)	(95.93%)	▼
Law, order and public safety		(413,635)	(275,496)	(389,629)	(114,133)	(41.43%)	▼
Health		(889,031)	(592,488)	(574,452)	38,036	3.04%	
Education and welfare		(1,041,375)	(694,040)	(409,536)	284,504	40.59%	▲
Housing		(349,637)	(232,696)	(570,766)	(338,070)	(145.28%)	▼
Community amenities		(3,752,806)	(2,501,656)	(2,270,094)	231,562	9.26%	
Recreation and culture		(5,425,114)	(3,615,632)	(3,443,064)	172,568	4.77%	
Transport		(12,597,591)	(8,397,984)	(5,892,786)	2,505,198	29.83%	▲
Economic services		(1,031,276)	(687,400)	(704,572)	(17,172)	(2.50%)	
Other property and services		(44,177)	(29,136)	(70,524)	(41,388)	(142.05%)	▼
		(27,674,423)	(18,446,080)	(15,676,967)	2,769,113		
Non cash amounts excluded from operating activities	1(a)	7,616,932	5,077,664	5,221,681	144,017	2.84%	
Amount attributable to operating activities		(86,633)	2,942,453	6,382,295	3,439,842		
Investing Activities							
Proceeds from non-operating grants, subsidies and contributions	13	16,233,630	10,822,400	622,079	(10,200,321)	(94.25%)	▼
Proceeds from disposal of assets	7	167,000	88,000	108,813	20,813	23.65%	
Payments for property, plant and equipment and infrastructure	8	(21,860,258)	(14,675,885)	(2,368,908)	12,306,977	83.86%	▲
Amount attributable to investing activities		(5,459,638)	(3,765,485)	(1,638,016)	2,127,469		
Financing Activities							
Proceeds from new debentures	9	500,000	0	0	0	0.00%	
Transfer from reserves	10	526,853	526,853	526,853	0	0.00%	
Repayment of debentures	9	(389,274)	(193,523)	(193,523)	0	0.00%	
Transfer to reserves	10	(85,000)	0	0	0	0.00%	
Amount attributable to financing activities		552,579	333,330	333,330	0		
Closing funding surplus / (deficit)	1(c)	0	4,803,990	8,919,520			

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold. Refer to threshold. Refer to Note 15 for an explanation of the reasons for the variance.

The material variance adopted by Council for the 2020-21 year is \$30,000 or 10.00% whichever is the greater.

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

KEY TERMS AND DESCRIPTIONS

FOR THE PERIOD ENDED 28 FEBRUARY 2021

NATURE OR TYPE DESCRIPTIONS

REVENUE

EXPENSES

RATES

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

EMPLOYEE COSTS

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

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

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

MATERIALS AND CONTRACTS

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

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

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

UTILITIES (GAS, ELECTRICITY, WATER, ETC.)

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

REVENUE FROM CONTRACTS WITH CUSTOMERS

Revenue from contracts with customers is recognised when the local government satisfies its performance obligations under the contract.

INSURANCE

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

FEES AND CHARGES

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

LOSS ON ASSET DISPOSAL

Shortfall between the value of assets received over the net book value for assets on their disposal.

SERVICE CHARGES

Service charges imposed under *Division 5 of Part 5 of the Local Government Act 1995*. *Regulation 54 of the Local Government (Financial Management) Regulations 1996* identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets.

INTEREST EARNINGS

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

INTEREST EXPENSES

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

OTHER REVENUE / INCOME

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

OTHER EXPENDITURE

Statutory fees, taxes, allowance for impairment of assets, member's fees or State taxes. Donations and subsidies made to community groups.

PROFIT ON ASSET DISPOSAL

Excess of assets received over the net book value for assets on their disposal.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

BY NATURE OR TYPE

	Ref Note	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Opening funding surplus / (deficit)	1(c)	5,293,692	5,293,692	3,841,911	(1,451,781)	(27.42%)	▼
Revenue from operating activities							
Rates	6	8,795,965	8,809,293	9,109,022	293,729	3.40%	
Operating grants, subsidies and contributions	12	7,205,732	5,055,640	4,552,462	(503,178)	(9.95%)	
Fees and charges		3,356,473	2,237,520	2,722,570	485,050	21.68%	▲
Interest earnings		253,005	168,656	193,325	24,569	14.63%	
Other revenue		18,425	12,264	231,414	213,150	1786.94%	▲
Profit on disposal of assets	7	41,258	27,496	28,788	1,292	4.70%	
		19,670,858	16,310,869	16,837,581	526,712		
Expenditure from operating activities							
Employee costs		(7,325,883)	(4,882,856)	(4,178,188)	704,568	14.43%	▲
Materials and contracts		(10,051,182)	(6,699,296)	(4,398,442)	2,300,854	34.34%	▲
Utility charges		(1,015,601)	(676,712)	(608,947)	67,765	10.01%	▲
Depreciation on non-current assets		(7,454,631)	(4,969,464)	(4,743,142)	226,322	4.55%	
Interest expenses		(191,085)	(127,360)	(54,688)	72,572	57.06%	▲
Insurance expenses		(1,094,727)	(729,576)	(806,093)	(76,517)	(10.49%)	▼
Other expenditure		(337,755)	(225,120)	(688,153)	(463,033)	(205.68%)	▼
Loss on disposal of assets	7	(203,559)	(135,696)	(199,314)	(63,618)	(46.88%)	▼
		(27,674,423)	(18,446,080)	(15,676,967)	2,769,113		
Non-cash amounts excluded from operating activities	1(a)	7,616,932	5,077,664	5,221,681	144,017	2.84%	
Amount attributable to operating activities		(386,633)	2,942,453	6,382,295	3,439,842		
Investing activities							
Proceeds from non operating grants, subsidies and contributions	13	16,233,630	10,822,400	622,079	(10,200,321)	(94.25%)	▼
Proceeds from disposal of assets	7	167,000	88,000	108,813	20,813	23.65%	
Payments for property, plant and equipment and infrastructure	8	(21,860,268)	(14,675,885)	(2,368,908)	12,306,977	83.86%	▲
Amount attributable to investing activities		(5,459,638)	(3,765,485)	(1,638,016)	2,127,469		
Financing Activities							
Proceeds from new debentures	9	500,000	0	0	0	0.00%	
Transfer from reserves	10	526,853	526,853	526,853	0	0.00%	
Repayment of debentures	9	(389,274)	(193,523)	(193,523)	0	0.00%	
Transfer to reserves	10	(85,000)	0	0	0	0.00%	
Amount attributable to financing activities		552,579	333,330	333,330	0		
Closing funding surplus / (deficit)	1(c)	0	4,803,990	8,919,520	4,115,530		

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold.

Refer to Note 15 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

**MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

BASIS OF PREPARATION

BASIS OF PREPARATION

REPORT PURPOSE

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996, Regulation 34*. Note: The statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of preparation.

BASIS OF ACCOUNTING

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board, and the *Local Government Act 1995* and accompanying regulations.

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

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

CRITICAL ACCOUNTING ESTIMATES

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 02 March 2021

SIGNIFICANT ACCOUNTING POLICES

THE LOCAL GOVERNMENT REPORTING ENTITY

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

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

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 14 to these financial statements.

GOODS AND SERVICES TAX

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position. Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

ROUNDING OFF FIGURES

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

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021

NOTE 1
STATEMENT OF FINANCIAL ACTIVITY INFORMATION

(a) Non-cash items excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with *Financial Management Regulation 32*.

	Notes	Adopted Budget	YTD Budget (a)	YTD Actual (b)
Non-cash items excluded from operating activities				
		\$	\$	\$
Adjustments to operating activities				
Less: Profit on asset disposals	7	(41,258)	(27,496)	(28,788)
Less: Movement in liabilities associated with restricted cash		0	0	47,539
Less: Movement in other payables		0	0	260,474
Add: Loss on asset disposals	7	203,559	135,696	199,314
Add: Depreciation on assets		7,454,631	4,959,464	4,743,142
Total non-cash items excluded from operating activities		7,616,932	5,077,664	5,221,681

(b) Adjustments to net current assets in the Statement of Financial Activity

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

		Last Year Closing 30 June 2020	This Time Last Year 28 February 2020	Year to Date 28 February 2021
Adjustments to net current assets				
Less: Reserves - restricted cash	10	(1,502,654)	(1,552,654)	(975,801)
Add: Borrowings	9	373,274	81,752	179,751
Add: Provisions - employee		0	452,441	0
Total adjustments to net current assets		(1,129,380)	(1,018,461)	(796,050)

(c) Net current assets used in the Statement of Financial Activity

Current assets				
Cash and cash equivalents	2	6,235,956	3,941,510	7,978,982
Financial assets at amortised cost	2	0	500,000	0
Rates receivables	3	2,399,614	3,643,764	3,098,279
Receivables	3	1,424,553	1,411,488	689,898
Other current assets	4	54,679	99,226	29,221
Less: Current liabilities				
Payables	5	(3,681,924)	(1,199,365)	(970,136)
Borrowings	9	(373,274)	(81,752)	(179,751)
Contract liabilities	11	(529,572)	(1,086,780)	(341,905)
Provisions	11	(558,741)	(752,496)	(589,018)
Less: Total adjustments to net current assets	1(b)	(1,129,380)	(1,018,461)	(796,050)
Closing funding surplus / (deficit)		3,841,911	5,457,134	8,919,520

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021

OPERATING ACTIVITIES
NOTE 2
CASH AND FINANCIAL ASSETS

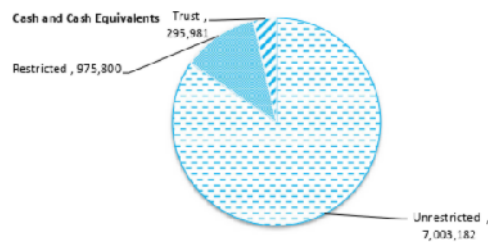
Description	Classification	Unrestricted	Restricted	Total Cash	Trust	Institution	Interest Rate	Maturity Date
		\$	\$	\$				
Cash on hand								
Municipal Bank Account	Cash and cash equivalents	1,444,340	0	1,444,340	0	ANZ	Variable	Nil
Cash On Hand	Cash and cash equivalents	1,750	0	1,750	0	Cash on hand	Nil	Nil
CBA Bank Acc - Fitzroy Deposits	Cash and cash equivalents	62,535	0	62,535	0	CBA	Nil	Nil
Municipal Investment Account	Cash and cash equivalents	5,191,557	0	5,191,557	0	ANZ	Variable	Nil
Reserve Bank Account	Cash and cash equivalents	0	975,800	975,800	0	ANZ	0.50	Apr-21
Trust Cash at Bank	Cash and cash equivalents	0	0	0	295,981	ANZ	Nil	Nil
Total		7,003,182	975,800	7,978,982	295,981			
Comprising								
Cash and cash equivalents		7,003,182	975,800	7,978,982	295,981			
		<u>7,003,182</u>	<u>975,800</u>	<u>7,978,982</u>	<u>295,981</u>			

KEY INFORMATION

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:
 - the asset is held within a business model whose objective is to collect the contractual cashflows, and
 - the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other assets.



Audit Committee Meeting Minutes

11 March 2021

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021

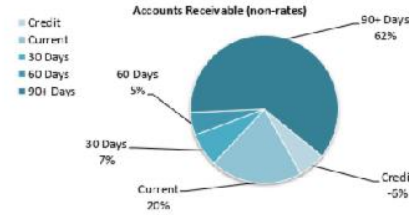
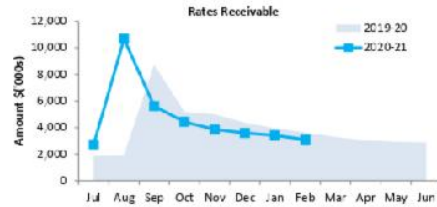
Rates receivable	30 June 2020	28 Feb 2021
	\$	\$
Opening arrears previous years	2,784,435	2,309,614
Rates, Increment charges and Interest levied	7,342,404	9,109,022
Less: collections to date	(7,051,846)	(7,704,973)
Allowance for impairment of rates receivables	(675,379)	(675,379)
Equals current outstanding	2,399,614	3,098,279
Net rates collectable	2,399,614	3,098,279
% Collected	69.6%	67.2%

OPERATING ACTIVITIES
NOTE 3
RECEIVABLES

Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(54,044)	184,417	67,402	45,773	563,574	805,222
Percentage	(5.8%)	22.9%	8.4%	5.7%	69.9%	
Balance per trial balance						805,222
Sundry receivable						105,895
GST receivable						(226,318)
Allowance for impairment of receivables						3,129
Rates pensioner rebates						689,898
Total receivables general outstanding						689,898
Amounts shown above include GST (where applicable)						

KEY INFORMATION

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for impairment of receivables is raised when there is objective evidence that they will not be collectible.



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**OPERATING ACTIVITIES
NOTE 4
OTHER CURRENT ASSETS**

	Opening Balance 1 July 2020	Asset Increase	Asset Reduction	Closing Balance 28 February 2021
	\$	\$	\$	\$
Other current assets				
Inventory				
Fuel, oil and materials on hand	54,679	61,549	(87,007)	29,221
Total other current assets	54,679	61,549	(87,007)	29,221

KEY INFORMATION

Inventory

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

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

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

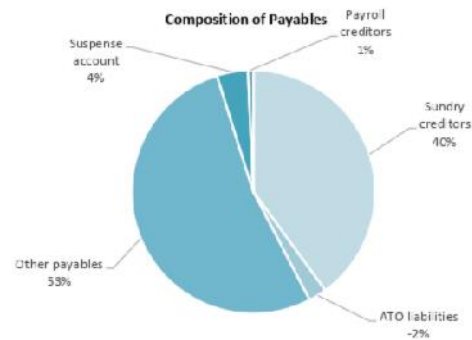
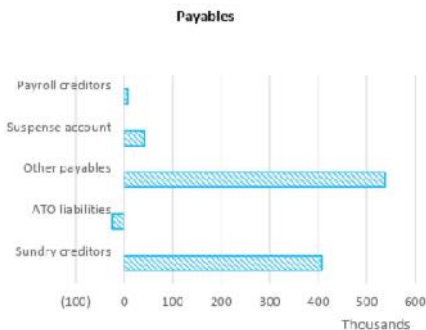
**OPERATING ACTIVITIES
NOTE 5
Payables**

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	(35,740)	372,545	32,192	5,407	32,783	407,188
Percentage	(8.8%)	91.5%	7.9%	1.3%	8.1%	
Balance per trial balance						
Sundry creditors						407,188
ATO liabilities						(24,355)
Other payables						538,246
Suspense account						41,819
Payroll creditors						7,238
Total payables general outstanding						970,136

Amounts shown above include GST (where applicable)

KEY INFORMATION

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



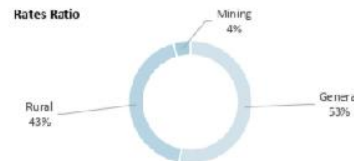
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021

OPERATING ACTIVITIES
NOTE 6
RATE REVENUE

General rate revenue	Budget							YTD Actual			Total Revenue
	Rate in \$ (cents)	Number of Properties	Rateable Value	Rate Revenue	Interim Rate	Back Rate	Total Revenue	Rate Revenue	Interim Rates	Back Rates	
RATE TYPE				\$	\$	\$	\$	\$	\$	\$	\$
Gross rental value											
General	0.125750	1,493	37,015,848	4,654,583	0	0	4,654,583	4,643,970	33,150	43,225	4,720,345
Unimproved value											
Rural	0.060370	47	57,911,187	3,496,272	0	0	3,496,272	3,496,272	231,741	61,619	3,789,632
Mining	0.120750	105	3,542,997	427,803	5,000	5,000	437,803	425,952	(23,864)	(2,918)	396,870
Sub-Total		1,645	98,470,032	8,578,658	5,000	5,000	8,588,658	8,565,894	241,027	101,926	8,908,847
Minimum payment	Minimum \$										
Gross rental value											
General	1.027	181	76,6156	185,887	0	0	185,887	185,887	0	0	185,887
Unimproved value											
Rural	1.027	10	90,580	10,270	0	0	10,270	8,216	0	0	6,215
Mining	630	105	169,500	66,150	0	0	66,150	61,110	0	0	61,110
Sub-total		296	1,026,236	262,307	0	0	262,307	255,213	0	0	255,213
Discount							(55,000)				(55,038)
Total general rates							8,795,965				9,109,022

KEY INFORMATION

Prepaid rates are, until the taxable event for the rates has occurred, refundable at the request of the ratepayer. Rates received in advance give rise to a financial liability. On 1 July 2020 the prepaid rates were recognised as a financial asset and a related amount was recognised as a financial liability and no income was recognised. When the taxable event occurs the financial liability is extinguished and income recognised for the prepaid rates that have not been refunded.



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**OPERATING ACTIVITIES
NOTE 7
DISPOSAL OF ASSETS**

Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	Buildings								
668	Kingsound Close	285,000	85,000	0	(200,000)	276,225	76,912	0	(199,314)
	Plant and equipment								
	Governance								
5039	Prado 01KW P201	14,527	25,000	10,473	0	0	0	0	0
	Law, order, public safety								
5000	Ranger vehicle	1,329	10,000	8,671	0	0	0	0	0
	Recreation and culture								
4966	Kubota 3680 F Deck mower P1827	4,514	3,000	0	(1,514)	0	0	0	0
	Transport								
5077	Hilux 1EAD762 P105	2,331	10,000	7,669	0	0	0	0	0
4957	Kubota 3680 F Deck mower P165	5,045	3,000	0	(2,045)	0	0	0	0
	Other property and services								
5015	Prado 8KW P58	5,017	18,000	12,983	0	0	0	0	0
5055	Holden Commodore 9KW P140	9,625	10,000	375	0	0	0	0	0
4999	Kubota Z Turn mower P847	1,913	3,000	1,087	0	3,113	31,901	28,788	0
		329,301	167,000	41,258	(203,559)	279,339	108,813	28,788	(199,314)



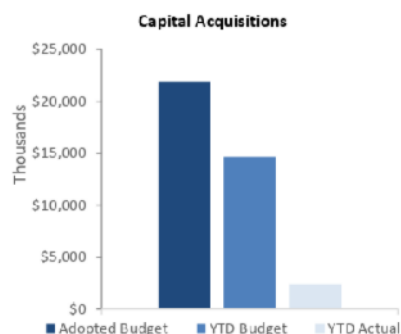
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**INVESTING ACTIVITIES
NOTE 8
CAPITAL ACQUISITIONS**

Capital acquisitions	Adopted			YTD Actual Variance
	Budget	YTD Budget	YTD Actual	
	\$	\$	\$	\$
Buildings	1,148,830	765,800	345,941	(419,859)
Plant & Equipment	587,500	391,648	0	(391,648)
Infrastructure Roads	16,700,871	11,236,421	1,941,785	(9,294,636)
Infrastructure Footpaths	190,000	126,664	0	(126,664)
Infrastructure Parks & Ovals	1,610,000	1,073,328	7,040	(1,066,288)
Infrastructure Other	1,523,067	1,082,024	74,142	(1,007,882)
Payments for Capital Acquisitions	21,860,268	14,675,885	2,368,908	(12,306,977)
Total Capital Acquisitions	21,860,268	14,675,885	2,368,908	(12,306,977)
Capital Acquisitions Funded By:				
	\$	\$	\$	\$
Capital grants and contributions	16,233,630	10,822,400	622,079	(10,200,321)
Borrowings	500,000	0	0	0
Other (disposals & C/Fwd)	167,000	88,000	108,813	20,813
Cash backed reserves				
Admin Building Reserve	500,000	500,000	500,000	0
Energy Developments Ltd Community Donation Reserve	26,853	26,853	26,853	0
Contribution - operations	4,432,785	3,238,632	1,111,163	(2,127,469)
Capital funding total	21,860,268	14,675,885	2,368,908	(12,306,977)

SIGNIFICANT ACCOUNTING POLICIES

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**INVESTING ACTIVITIES
NOTE 8
CAPITAL ACQUISITIONS (CONTINUED)**



Level of completion indicator, please see table at the end of this note for further detail.

Account Description	Adopted		Year to Date Actual	Variance (Under)/Over
	Current Budget	Year to Date Budget		
Capital Expenditure				
Buildings				
4040110 BC001 Council Chambers - Building (Capital)	62,000	41,328	149,252	107,924
4040110 BC039 Pres/Council Office - Building (Capital)	100,000	66,664	140,822	74,158
4080310 BC041 Derby Day Care Centre (One Tree) - Building (Capital)	28,000	18,664	3,753	(14,911)
4090110 BC007 Woollybutt 19A (Staff Housing) - Building (Capital)	10,000	6,656	0	(6,656)
4090110 BC011 Bloodwood 16 (Staff Housing) - Building (Capital)	0	0	650	650
4090110 BC013 Holman Street 13A (Staff Housing) - Building (Capital)	13,000	8,664	0	(8,664)
4090110 BC015 Rowell Street 4B (Staff Housing) - Building (Capital)	15,000	9,992	0	(9,992)
4090110 BC016 Rowell Street 4A (Staff Housing) - Building (Capital)	27,000	17,992	0	(17,992)
4090110 BC017 Kurrajong Loop B (Staff Housing) - Building (Capital)	12,000	7,992	0	(7,992)
4090110 BC025 Emanuel Way 175 (Fitzroy Staff Housing) - Building (Capital)	7,000	4,664	2,541	(2,129)
4090110 BC026 McDonald Way 20 Unit A (Fitzroy Staff Housing) - Building (Capital)	25,000	16,656	5,424	(10,232)
4090110 BC028 Fallon Road 74 Unit A (Fitzroy Staff Housing) - Building (Capital)	0	0	594	594
4090110 BC032 Tower Place 6 (Staff Housing) - Building (Capital)	12,000	7,992	0	(7,992)
4090210 BC012 Warehouse Street 2 (Staff Housing) - Building (Capital)	30,000	20,000	0	(20,000)
4110110 HALLS - Building (Capital)	105,830	71,216	0	(71,216)
4110210 BC045 Derby Pool - Building (Capital)	0	0	2,791	2,791
4110310 REC - Other Rec Facilities Building (Capital)	39,000	26,000	0	(26,000)
4110510 LIBRARY - Library Building (Capital)	25,000	16,664	0	(16,664)
4110610 HERITAGE - Building (Capital)	250,000	166,664	0	(166,664)
4120610 AERO - Building (Capital)	72,500	48,328	0	(48,328)
4120710 WATER - Building (Capital)	220,000	146,664	0	(146,664)
4120710 BC071 Derby Wharf Cafe Restaurant - Building (Capital)	0	0	8,033	8,033
4120710 BC073 Derby Wharf Surrounds - Building (Capital)	0	0	439	439
4130210 TOUR - Building (Capital)	30,000	20,000	0	(20,000)
4130210 BC077 Fitzroy Visitor Centre - Building (Capital)	0	0	7,934	7,934
4140210 BC003 Derby Administration Office - Building (Capital)	58,500	39,000	12,914	(26,086)
4140210 BC063 Dev & Tech Services 24 Loch Street - Building (Capital)	5,000	4,000	0	(4,000)
4110310 BC046 Derby Recreation Centre - Building (Capital)	0	0	8,808	8,808
4120110 BC062 Fitzroy Depot - Building (Capital)	0	0	5,985	5,985
Buildings Total	1,148,830	765,800	345,941	(419,859)
Plant & Equipment				
4040130 MEMBERS - Plant & Equipment (Capital)	105,000	70,000	0	(70,000)
4050230 ANIMAL - Plant & Equipment (Capital)	70,000	46,664	0	(46,664)
4110530 LIBRARY - Plant & Equipment (Capital)	20,000	13,328	0	(13,328)
4110730 OTH CUL - Plant & Equipment (Capital)	49,000	32,664	0	(32,664)
4140230 ADMIN - Plant and Equipment (Capital)	199,000	132,664	0	(132,664)
4140330 FWO - Plant and Equipment (Capital)	144,500	96,328	0	(96,328)
Plant & Equipment Total	587,500	391,648	0	(391,648)
Infrastructure Roads				
4120140 ROADC - Roads Built Up Area - Council Funded	1,370,000	1,015,885	0	(1,015,885)

SHIRE OF DERBY-WEST KIMBERLEY | 17

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021

INVESTING ACTIVITIES
NOTE 8
CAPITAL ACQUISITIONS (CONTINUED)



Level of completion indicator, please see table at the end of this note for further detail.

Account Description	Adopted		Year to Date Actual	Variance (Under)/Over
	Current Budget	Year to Date Budget		
4120140 RC102 Russ Rd (Capital)	31,300	20,864	0	(20,864)
4120140 RC103 Skuthorp Road (Capital)	87,350	58,232	0	(58,232)
4120140 RC107 Sandford Road (Capital)	87,350	58,232	45,843	(12,385)
4120140 RC108 Mc Govern Way (Capital)	0	0	41,179	41,179
4120140 RC137 Bell Road (Capital)	99,264	66,176	0	(66,176)
4120141 ROADC - Roads Outside BUA - Sealed - Council Funded	201,984	134,656	0	(134,656)
4120142 ROADC - Roads Outside BUA - Gravel - Council Funded	177,516	118,344	0	(118,344)
4120142 RC014 Calwinyardah Noonkanbah Road (Capital)	220,000	146,664	0	(146,664)
4120142 RC016 Geikie Gorge Road (Capital)	201,984	134,656	0	(134,656)
4120142 RC017 Fossil Downs Road (Capital)	60,000	40,000	2,670	(37,330)
4120142 RC022 Camballin-Myroodah Road (Capital)	0	0	11,584	11,584
4120144 ROADC - Roads Built Up Area - Roads to Recovery	23,900	15,944	0	(15,944)
4120144 R2R056 Ashley Street (R2R)	228,092	152,056	277,138	125,082
4120144 R2R102 Russ Rd (R2R)	115,520	77,680	0	(77,680)
4120144 R2R103 Skuthorp Road (R2R)	12,650	8,432	0	(8,432)
4120144 R2R107 Sandford Road (R2R)	12,650	8,432	0	(8,432)
4120145 ROADC - Roads Outside BUA - Sealed - Roads to Recovery	315,900	210,600	0	(210,600)
4120146 ROADC - Roads Outside BUA - Gravel - Roads to Recovery	(64,806)	(43,200)	0	43,200
4120146 R2R016 Geikie Gorge Road (R2R)	292,000	194,664	290,985	96,321
4120146 R2R027 Camballin-Myroodah Road (R2R)	48,554	32,368	0	(32,368)
4120148 ROADC - Roads Built Up Area - Regional Road Group	0	0	0	0
4120148 RRG051 Ashley Street (Rrg)	411,343	274,224	557,100	282,876
4120149 ROADC - Roads Outside BUA - Sealed - Regional Road Grc	438,733	292,488	0	(292,488)
4120150 ROADC - Roads Outside BUA - Gravel - Regional Road Grc	(438,733)	(292,488)	0	292,488
4120150 RRG011 Geikie Gorge Road (Rrg)	438,733	292,488	373,313	80,825
4120150 RRG021 Camballin-Myroodah Road (Rrg)	61,337	40,888	0	(40,888)
4120152 ROADC - Roads Built Up Area - Black Spot	0	0	0	0
4120152 BS038 Villiers Street (Bs)	55,750	37,160	113,991	76,831
4120152 BS103 Skuthorp Road (Bs)	100,000	66,664	0	(66,664)
4120152 BS107 Sandford Road (Bs)	100,000	66,664	0	(66,664)
4120152 BS140 Panton Street (Bs)	55,750	37,160	113,991	76,831
4120152 BS142 Swain Street (Bs)	55,750	37,160	113,991	76,831
4120158 ROADC - Roads Outside BUA - Gravel - Flood Damage	11,900,000	7,933,328	0	(7,933,328)
4120140 RC056 Ashley Street (Capital)	0	0	0	0
Infrastructure Roads Total	16,700,871	11,236,421	1,941,785	(9,291,636)
Infrastructure Footpaths				
4120170 ROADC - Footpaths and Cycleways (Capital)	190,000	126,664	0	(126,664)
Infrastructure Footpaths Total	190,000	126,664	0	(126,664)
Infrastructure Parks & Ovals				
4100770 COM AMEN - Infrastructure Parks & Ovals (Capital)	310,000	206,664	0	(206,664)
4110370 REC - Infrastructure Parks & Gardens (Capital)	1,300,000	866,664	7,040	(859,624)

SHIRE OF DERBY-WEST KIMBERLEY | 18

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021

INVESTING ACTIVITIES
NOTE 8
CAPITAL ACQUISITIONS (CONTINUED)



Level of completion indicator, please see table at the end of this note for further detail.

Account Description	Adopted		Year to Date Actual	Variance (Under)/Over
	Current Budget	Year to Date Budget		
Infrastructure Parks & Ovals Total	1,610,000	1,073,328	7,040	(1,066,288)
Infrastructure Other				
4050390 OLOPS - Infrastructure Other (Capital)	63,067	42,048	585	(41,463)
4080790 WELFARE - Infrastructure Other (Capital)	50,000	33,328	0	(33,328)
4110590 LIBRARY - Infrastructure Other (Capital)	25,000	16,664	0	(16,664)
4110690 HERITAGE - Infrastructure Other (Capital)	350,000	233,328	0	(233,328)
4110790 OTH CUL - Infrastructure Other (Capital)	170,000	80,000	0	(80,000)
4120190 ROADC - Infrastructure Other (Capital)	70,000	46,664	0	(46,664)
4120690 AERO - Infrastructure Other (Capital) - Aerodromes	40,000	26,664	0	(26,664)
4120790 WATER - Infrastructure Other (Capital)	310,000	206,664	73,557	(133,107)
4130290 TOUR - Infrastructure Other (Capital)	540,000	360,000	0	(360,000)
4140290 ADMIN - Infrastructure Other (Capital)	55,000	36,664	0	(36,664)
Infrastructure Other Total	1,623,067	1,082,024	74,142	(1,007,882)
Grand Total	21,860,268	14,675,885	2,368,908	(12,306,977)

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**FINANCING ACTIVITIES
NOTE 9
BORROWINGS**

Repayments - borrowings

Information on borrowings Particulars	Loan No.	Principal	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
		1 July 2020	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
Housing										
Staff housing	136	97,298	0	0	22,332	22,023	74,966	75,275	2,562	5,835
Staff housing	146	610,251	0	0	10,834	45,371	599,417	564,880	9,542	37,922
Staff housing	148	280,734	0	0	8,955	18,112	271,779	262,622	6,234	12,404
Recreation and culture										
Civic Centre renovations	135	16,791	0	0	16,791	16,791	0	0	5	447
Transport										
Wharf fenders and boat ramp	145	218,573	0	0	12,425	25,277	206,248	193,396	7,416	14,595
Refinance Derby airport infrastructure and wharf	152	326,001	0	0	92,827	186,455	233,174	139,546	16,459	32,205
Fitzroy airport infrastructure	151	1,907,970	0	0	18,155	36,605	1,889,805	1,871,365	4,878	9,571
Loan	153	0	0	500,000	0	16,000	0	484,000	0	22,500
Economic services										
Derby visitor centre	149	350,918	0	0	11,194	22,640	339,724	328,278	7,792	15,505
Total		3,808,536	0	500,000	193,523	389,274	3,615,113	3,919,362	54,688	151,085
Current borrowings		389,274					179,751			
Non current borrowings		3,419,362					3,435,362			
		3,808,536					3,615,113			

All debenture repayments were financed by general purpose revenue.

KEY INFORMATION

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**OPERATING ACTIVITIES
NOTE 10
CASH RESERVES**

Cash backed reserve

Reserve name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
Leave Entitlements Reserve	\$ 402,441	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 402,441	\$ 402,441
Airport Reserve Fund	28,456	0	0	0	0	0	0	28,456	28,456
Wharf Maintenance Reserve	3,721	0	0	0	0	0	0	3,721	3,721
Admin Building Reserve	814,511	0	0	0	0	(500,000)	(500,000)	314,511	314,511
Economic Development Reserve	19,936	0	0	0	0	0	0	19,936	19,936
Fx Recreation Hall Reserve	46,771	0	0	0	0	0	0	46,771	46,771
Energy Developments Ltd Community Dono	26,853	0	0	0	0	(26,853)	(26,853)	0	0
Staff Housing Reserve	159,965	0	0	85,000	0	0	0	244,965	159,965
	1,502,654	0	0	85,000	0	(526,853)	(526,853)	1,060,801	975,801

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021

OPERATING ACTIVITIES
NOTE 11
OTHER CURRENT LIABILITIES

Other current liabilities	Note	Opening Balance 1 July 2020	Liability Increase	Liability Reduction	Closing Balance 28 February 2021
		\$	\$	\$	\$
Unspent grants, contributions and reimbursements					
- operating	12	323,007	0	(187,667)	135,340
- non-operating	13	206,565	0	0	206,565
Total unspent grants, contributions and reimbursements		529,572	0	(187,667)	341,905
Provisions					
Annual leave		271,713	49,090	0	320,803
Long service leave		287,028	19,760	(38,573)	268,215
Total Provisions		558,741	68,850	(38,573)	589,018
Total other current liabilities		1,088,313	68,850	(226,240)	930,923
Amounts shown above include GST (where applicable)					

A breakdown of contract liabilities and associated movements is provided on the following pages at Note 12 and 13

KEY INFORMATION

Provisions

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

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

Employee benefits

Short-term employee benefits

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

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

Contract liabilities

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

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

NOTE 12

OPERATING GRANTS AND CONTRIBUTIONS

Provider	Unspent operating grant, subsidies and contributions liability					Operating grants, subsidies and contributions revenue		
	Liability 1 July 2020	Increase in Liability	Liability Reduction (As revenue)	Liability 28 Feb 2021	Current Liability 28 Feb 2021	Adopted Budget Revenue	YTD Budget	YTD Revenue Actual
	\$	\$	\$	\$	\$	\$	\$	\$
Operating grants and subsidies								
Governance								
MEMBERS - Reimbursements	0	0	0	0	0	100	64	12,669
OTH GOV - Reimbursements	0	0	0	0	0	16,500	11,000	0
General purpose funding								
RATES - Reimbursement of Debt Collection Costs	0	0	0	0	0	5,000	3,328	0
GEN PUR - Financial Assistance Grant - General	0	0	0	0	0	2,064,104	1,518,078	1,569,570
GEN PUR - Financial Assistance Grant - Roads	0	0	0	0	0	622,546	456,910	483,090
GEN PUR - Financial Assistance Grant - Aboriginal	0	0	0	0	0	336,667	252,500	252,500
Law, order, public safety								
ANIMAL - Reimbursements	0	0	0	0	0	1,000	664	0
ESL BFB - Operating Grant	0	0	0	0	0	8,000	5,328	0
ESL SES - Operating Grant	0	0	0	0	0	10,000	6,664	0
Health								
HEALTH - Reimbursements	0	0	0	0	0	10,000	6,664	0
PEST - Grants	0	0	0	0	0	9,275	6,176	2,484
OTH HEALTH - Reimbursements	0	0	0	0	0	2,080	1,384	1,969
OTH HEALTH - Grants	0	0	0	0	0	682,324	454,880	417,722
Education and welfare								
FAMILIES - Reimbursements	0	0	0	0	0	20,000	13,328	0
WELFARE - Reimbursements	0	0	0	0	0	1,000	664	0
WELFARE - Grants	187,667	0	(187,667)	0	0	491,114	327,408	263,573
Housing								
STF HOUSE - Staff Rental Reimbursements	0	0	0	0	0	0	0	100
OTH HOUSE - Rental Reimbursements	0	0	0	0	0	0	0	3,415
Community amenities								
PLAN - Reimbursements	0	0	0	0	0	1,000	664	0
Recreation and culture								
REC - Reimbursements - Other Recreation	0	0	0	0	0	130,000	86,664	89,734
REC - Grants	0	0	0	0	0	2,500	1,664	0

SHIRE OF DERBY-WEST KIMBERLEY | 23

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

NOTE 12

OPERATING GRANTS AND CONTRIBUTIONS

Provider	Unspent operating grant, subsidies and contributions liability					Operating grants, subsidies and contributions revenue		
	Liability 1 July 2020	Increase in Liability	Liability Reduction (As revenue)	Liability 28 Feb 2021	Current Liability 28 Feb 2021	Adopted Budget Revenue	YTD Budget	YTD Revenue Actual
	\$	\$	\$	\$	\$	\$	\$	\$
REC - Grants - EveryClub	0	0	0	0	0	20,000	13,328	0
REC - Grants - Regional Talent Program	0	0	0	0	0	10,000	6,664	0
LIBRARY - Reimbursements Lost Books	0	0	0	0	0	660	440	1,202
LIBRARY - Grant - Regional Library Services	0	0	0	0	0	3,500	2,328	1,156
OTH CUL - Contributions & Donations - Other Cul	0	0	0	0	0	45,000	30,000	58
OTH CUL - Reimbursements - Other Culture	0	0	0	0	0	5,500	3,664	0
OTH CUL - Grants - Other Culture	0	0	0	0	0	35,000	23,328	14,813
LIBRARY - Contributions & Donations	0	0	0	0	0	0	0	73
LIBRARY - Fees & Charges	0	0	0	0	0	0	0	(140)
Transport								
ROADC - Regional Road Group Grants (MRWA)	117,216	0	0	117,216	117,216	870,772	580,512	906,238
ROADC - Roads to Recovery Grant	18,124	0	0	18,124	18,124	878,346	585,560	199,604
ROADM - Street Lighting Subsidy	0	0	0	0	0	19,000	12,664	0
ROADM - Road Contribution Income	0	0	0	0	0	246,644	164,424	0
ROADM - Direct Road Grant (MRWA)	0	0	0	0	0	290,000	193,328	310,679
LICENSING - Transport Licensing Commission	0	0	0	0	0	60,000	40,000	0
AERO - Other Income Relating to Aerodromes	0	0	0	0	0	200,000	133,328	100
WATER - Reimbursements	0	0	0	0	0	40,000	26,664	(640)
Economic services								
TOUR - Project Other (Souvenir Sales)	0	0	0	0	0	100	64	5,685
ECON DELV - Grants	0	0	0	0	0	25,000	16,664	0
ECON DEV - Other Income	0	0	0	0	0	5,000	3,328	0
Other property and services								
PRIVATE - Private Works Income	0	0	0	0	0	20,000	13,328	0
ADMIN - Reimbursements	0	0	0	0	0	0	0	1,464
PWO - Long Service Leave Recoup	0	0	0	0	0	0	0	15,344
POC - Reimbursements	0	0	0	0	0	10,000	6,664	0
POC - Fuel Tax Credits Grant Scheme	0	0	0	0	0	8,000	5,328	0
	323,007	0	(187,667)	135,340	135,340	7,205,732	5,055,640	4,552,462

SHIRE OF DERBY-WEST KIMBERLEY | 24

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**NOTE 13
NON-OPERATING GRANTS AND CONTRIBUTIONS**

Provider	Unspent non operating grants, subsidies and contributions liability					Non operating grants, subsidies and contributions revenue		
	Liability 1 July 2020	Increase in Liability	Liability Reduction (As revenue)	Liability 28 Feb 2021	Current Liability 28 Feb 2021	Adopted Budget Revenue	YTD Budget	YTD Revenue Actual (b)
	\$	\$	\$	\$	\$	\$	\$	\$
Non-operating grants and subsidies								
General purpose funding								
GEN PUR - Grant Funding	0	0	0	0	0	3,125,000	2,083,328	0
GEN PUR - Grant Funding	0	0	0	0	0	741,830	494,552	0
Law, order, public safety								
OLOPS - Grants	0	0	0	0	0	231,000	154,000	177,893
Transport								
ROADC - Black Spot Grant	151,800	0	0	151,800	151,800	151,800	101,200	224,371
ROADC - Other Grants - Aboriginal Roads	54,765	0	0	54,765	54,765	216,560	144,368	67,333
ROADC - Other Grants - Flood Damage	0	0	0	0	0	11,746,000	7,830,664	152,482
ROADC - Other Contrib & Donations - Roads/Str	0	0	0	0	0	21,440	14,288	0
	206,565	0	0	206,565	206,565	16,233,630	10,822,400	622,079

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**NOTE 14
TRUST FUND**

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

Description	Opening Balance	Amount	Amount	Closing Balance
	1 July 2020	Received	Paid	28 Feb 2021
	\$	\$	\$	\$
Public Open Spaces	295,981	80	(80)	295,981
	295,981	80	(80)	295,981

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**NOTE 15
EXPLANATION OF MATERIAL VARIANCES**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date Actual materially.
The material variance adopted by Council for the 2020-21 year is \$30,000 or 10.00% whichever is the greater.

Reporting Program	Var. \$	Var. %	Timing/ Permanent	Explanation of Variance
	\$	%		
Revenue from operating activities				
Health	(56,384)	(11.47%)	▼	
Education and welfare	(77,827)	(22.80%)	▼	
Community amenities	334,204	25.72%	▲	
Recreation and culture	(50,706)	(21.27%)	▼	
Other property and services	68,099	152.42%	▲	
Expenditure from operating activities				
Governance	349,525	31.04%	▲	
General purpose funding	(281,517)	(95.93%)	▼	
Law, order and public safety	(114,133)	(41.43%)	▼	
Education and welfare	281,501	10.99%	▲	
Housing	(338,070)	(145.28%)	▼	
Transport	2,505,198	23.83%	▲	
Other property and services	(41,388)	(142.05%)	▼	
Investing activities				
Proceeds from non-operating grants, subsidies and contributions	(10,200,321)	(94.25%)	▼	
Payments for property, plant and equipment and infrastructure	12,306,977	83.86%	▲	



**Management Information Report
Period Ending 28 February 2021**

MANAGEMENT COMMENTS

Issue	Priority	Management Comments
<p>The balance of the trust relates to Public Open Space money. Recent amendment to the planning & Development Act Section 154 now requires these funds to be held in a reserve.</p>	Medium	<p>We have sort advice on the correct procedure to follow regarding authorisation levels etc. in order to finalise this task and will comply as soon as we can.</p>
<p>Although we acknowledge a significant provision for impairment exists the debtors aged trial balance included invoices totalling \$563,574 outstanding for over 90 days and debtors with credit balances totalling \$54,944</p>	Medium	<p>This has increased by 141K from last month's total of \$422,240. The finance team are actively chasing these outstanding's and are making monthly referrals to our debt collection agency for action. See separate debtors over \$1000 report for details. The credit balances have increased from \$46K last month and mainly relates to BP who have now provided details and a reconciliation almost finalised.</p>

Derby

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

Fitzroy Crossing

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

ABN: 99 934 203 062

www.sdwk.wa.gov.au

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**NOTE 15
EXPLANATION OF MATERIAL VARIANCES**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date Actual materially.
The material variance adopted by Council for the 2020-21 year is \$30,000 or 10.00% whichever is the greater.

Reporting Program	Var. \$	Var. %	Timing/ Permanent	Explanation of Variance
	\$	%		
Revenue from operating activities				
Health	(56,384)	(11.47%)	▼ Timing	Grants received less than budgeted at this time
Education and welfare	(77,827)	(22.80%)	▼ Timing	Grants received less than budgeted at this time
Community amenities	834,204	25.72%	▲ Timing	This variance is due to the timing of rubbish charges received. Received less fees and charges than anticipated across the range of programmes.
Recreation and culture	(50,706)	(21.27%)	▼ Timing	Profit on Disposal of Assets - MV Ins claim, Rebates
Other property and services	68,099	152.42%	▲ Permanent	
Expenditure from operating activities				
Governance	349,525	31.04%	▲ Timing	Admin Allocations incomplete and needs review, underspent in various accounts. No savings anticipated to occur.
General purpose funding	(281,517)	(95.93%)	▼ Permanent	Rates Write-Off not in budget. Admin Allocations need review, overspent in various accounts. No savings anticipated to occur.
Law, order and public safety	(114,133)	(41.43%)	▼ Timing	Admin Allocations incomplete and needs review, overspent in various accounts and under recovered in others. No savings anticipated to occur.
Education and welfare	284,504	40.99%	▲ Timing	Admin Allocations incomplete and needs review, overspent in various accounts and under recovered in others. No savings anticipated to occur.
Housing	(338,070)	(145.28%)	▼ Timing	Admin Allocations need review, overspent in various accounts. No savings anticipated to occur.
Transport	2,505,198	29.83%	▲ Timing	Admin Allocations need review, overspent in various accounts. No savings anticipated to occur.
Other property and services	(41,388)	(142.05%)	▼ Timing	Admin Allocations need review, overspent in various accounts. No savings anticipated to occur.
Investing activities				
Proceeds from non-operating grants, subsidies and contributions	(10,200,321)	(94.25%)	▼ Timing	Timing of Anticipated Grants such as Flood Damage and other Roads not received yet.
Payments for property, plant and equipment and Infrastructure	12,305,977	83.86%	▲ Timing	Timing of Anticipated Grants such as Flood Damage and other Roads not expended yet.

7.3 COMPLIANCE REPORTS - COUNCILLOR MEETING ATTENDANCE

File Number: 4262 - Status Reports

Author: Sarah Smith, Executive Services Coordinator

Responsible Officer: Amanda O'Halloran, Chief Executive Officer

Authority/Discretion: Information

SUMMARY

For the Committee to receive the information provided in the attached report and provide strategic direction as required.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

The Terms of Reference for the Compliance and Strategic Review Committee (now Audit Committee) adopted on 26 March 2015 detail the key role the Committee holds in assisting the Shire fulfil its corporate governance responsibilities in managing the affairs of the organisation. This includes financial reporting, risk management, compliance requirements and auditing.

The Committee will ensure compliance in the Shire's financial reporting and will liaise with the CEO to ensure the effective and efficient management of the Shire's financial accounting systems to meet statutory requirements.

STATUTORY ENVIRONMENT

Local Government Act 1995

2.25. Disqualification for failure to attend meetings

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
4: Good governance and effective organisation	4.1: Effective governance and leadership	4.1.3: Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role 4.1.8: Develop and maintain risk management policies and procedures

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: Financial, Legal and Compliance, Organisational Operations and Reputation	Unlikely	Severe	Extreme	Monthly reporting to the Audit Committee for awareness and direction where required.

CONSULTATION

Internal consultation has been undertaken with relevant areas to collate information.

COMMENT

Nil

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. **Councillor Meeting Attendance Table - February 2021** 

COMMITTEE RESOLUTION AC18/21

Moved: Cr Rowena Mouda

Seconded: Cr Paul White

That the Audit Committee RECEIVES the information contained in the report detailing Councillor meeting attendance.

In Favour: Crs Chris Kloss, Paul White, Geoff Davis and Rowena Mouda

Against: Nil

CARRIED 4/0

MEETING ATTENDANCE

The following table provides information on attendance at the 2021 Ordinary and Special Council Meetings:

Councillor	25 Feb 2021	25 March 2021	15 April 2021	29 Apr 2021	27 May 2021	24 Jun 2021	29 Jul 2021	26 Aug 2021	30 Sep 2021	28 Oct 2021	25 Nov 2021	9 Dec 2021
	OCM	OCM	AGM	OCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM	OCM
P White	✓											
G Haerewa	LOA											
C Kloss	✓											
R Mouda	✓											
S Ross	✓											
A Twaddle	✓											
G Davis	✓											
P Riley	✓											
K Bedford	✓											

7.4 COMPLIANCE REPORTS - COUNCIL MINUTE MANAGEMENT**File Number:** 4262 - Status Reports**Author:** Sarah Smith, Executive Services Coordinator**Responsible Officer:** Amanda O'Halloran, Chief Executive Officer**Authority/Discretion:** Information**SUMMARY**

For the Committee to receive the information provided in the attached reports and provide strategic direction as required.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

The Terms of Reference for the Compliance and Strategic Review Committee (now Audit Committee) adopted on 26 March 2015 detail the key role the Committee holds in assisting the Shire fulfil its corporate governance responsibilities in managing the affairs of the organisation. This includes financial reporting, risk management, compliance requirements and auditing.

The Committee will ensure compliance in the Shire's financial reporting and will liaise with the CEO to ensure the effective and efficient management of the Shire's financial accounting systems to meet statutory requirements.

STATUTORY ENVIRONMENT***Local Government Act 1995***

Section 5.41(a) of the Act requires CEOs to advise councils in relation to the functions of a local government under both the *Local Government Act 1995*, and other legislation.

The CEO's function under section 5.41(b) is to ensure the availability of unbiased, professional and relevant advice and information to elected members for their decision making purposes.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
4: Good governance and effective organisation	4.1: Effective governance and leadership	4.1.3: Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role 4.1.8: Develop and maintain risk management policies and procedures

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: Financial, Legal and Compliance, Organisational Operations and Reputation	Unlikely	Severe	Extreme	Monthly reporting to the Audit Committee for awareness and direction where required.

CONSULTATION

Internal consultation has been undertaken with relevant areas to collate information.

COMMENT

Nil

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

- Outstanding Actions - March 2021** 

COMMITTEE RESOLUTION AC19/21

Moved: Cr Rowena Mouda

Seconded: Cr Geoff Davis

That the Audit Committee RECEIVES the information contained in the report detailing Council Minute management.

In Favour: Crs Chris Kloss, Paul White, Geoff Davis and Rowena Mouda

Against: Nil

CARRIED 4/0

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

Meeting	Officer/Director	Section	Subject
Council 31/10/2019	Neate, Wayne O'Halloran, Amanda	Executive Services	New road dedication - Sandford Rd Fitzroy Crossing
RESOLUTION 125/19			
Moved: Cr Andrew Twaddle			
Seconded: Cr Chris Kloss			
<ol style="list-style-type: none"> 1. That Council pursuant to section 56 (1) of the Land Administration Act 1997 and regulation 8 of the Land Administration Regulations Act 1997, resolves to request that the Minister for Lands to dedicates the land on which the proposed realigned Sandford Road is to be constructed upon as shown Plan No.1 – 'Areas to be dedicated as road' dated 17/09/2019; 2. That Council pursuant to section 58 of the Land Administration Act 1997 and regulation 9 of the Land Administration Regulations 1998 resolves to request that the Minister for Lands permanently close the eastern section of the Sandford Road, road reserve as depicted on Plan No.2 – 'Areas of road to be closed' dated 17/09/2019 and that the land comprising the former road be amalgamated into the adjoining parcel of Vacant Crown Land, Land ID number 3092954; 3. That Council, in making the request and in accordance with section 56 (4) of the Land administration Act indemnifies the Minister for Lands against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request; 4. That Council by ABSOLUTE MAJORITY delegates authority to the Chief Executive Officer to forward the request to the Minister to: <ol style="list-style-type: none"> a) dedicate the land as a road as foreshadowed in Condition 1 above once the Council has advertised the proposal and invited comments from the public on the matter as required by Part 2 s.8 (d) of the Land Administration Regulations 1998 on the basis there are no sustainable submissions objecting to the dedication; and b) permanently close the portion of Sandford Road as detailed in Condition 2 above once the advertising required under section 58 (3) of the Land Administration Act 1997 has been completed and on the basis there are no sustainable submissions received objecting to the closure. c) In the event there are objections received to the dedication and closure as set out in Condition 4, I. and II. Above that cannot be satisfactorily resolved the matter/s are to be referred back to the next available Council meeting for consideration and determination. 			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

CARRIED 9/0

5 Feb 2021 - 3:11 PM - Amanda O'Halloran
 Revised Target Date changed by: O'Halloran, Amanda From: 14 Nov 2019 To: 30 Jun 2021
 Reason: This matter has been bought back into their Shires Planning system and will be progressed as soon as practical.

Meeting	Officer/Director	Section	Subject
Council 12/12/2019	Neate, Wayne O'Halloran, Amanda	Technical Services	Leasing of Areas 2 and 3 to MPA Fish Farms Pty Ltd at the Derby Wharf
RESOLUTION 167/19			
Moved: Cr Paul White			
Seconded: Cr Chris Kloss			
That Council;			
<ol style="list-style-type: none"> 1. Delegate authority to the Chief Executive Officer to commence the process of disposition of property in accordance with Section 3.58 of the Local Government Act by giving local public notice of its intention to lease area 3 and 2 of the Goods shed at the Derby Wharf to MPA Fish Farms Pty Ltd 2. Subject to no objections being received by the close of the submission period, Council delegate authority to the Chief Executive Officer and Shire President to negotiate and execute a lease which will include the following; <ol style="list-style-type: none"> i) Approve the lease of Areas 2 and 3 within the Goods shed on the Derby Wharf to MPA Fish Farms Pty Ltd from the 1st July 2019 to 30th June 2021 with an option for a further 2 years with an expiry date of the 30th June 2023; ii) Lessee to pay for all costs associated with preparing the lease including but not limited to legal, advertising and survey fees; iii) Rental based on an independent market rental valuation; iv) Other standard terms and conditions of Shire lease agreements. 3. Authorise the affixing of the common seal to the document 			
<u>In favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			

CARRIED 9/0

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

3 Sep 2020 - 2:34 PM - Wayne Neate
 Revised Target Date changed by: Neate, Wayne From: 26 Dec 2019 To: 03 Dec 2020
 Reason: Lease were sent to MPA in January 2020 and have been with them for some months. Thier lawyers and Shire lawyers are working through details.

28 Oct 2020 - 10:44 AM - Wayne Neate
 Revised Target Date changed by: Neate, Wayne From: 3 Dec 2020 To: 01 Feb 2021
 Reason: The lease are with MPA's lawyers and are still under review. Please note first lease period of 2 years ends on 30th June 2021

11 Jan 2021 - 10:55 AM - Amanda O'Halloran
 This issue remains outstanding and is currently with the lawyers for both parties, The Executive Team is working for a swift resolution.

5 Feb 2021 - 3:14 PM - Amanda O'Halloran
 The matter has been refered back to the Shire, for us to provide any management plans and legislation applicable to the wharf, this is being attended to

5 Feb 2021 - 3:16 PM - Amanda O'Halloran
 Revised Target Date changed by: O'Halloran, Amanda from: 1 Feb 2021 to: 31 Mar 2021
 Reason: This is being attended to but remains ongoing

Meeting	Officer/Director	Section	Subject
Council 28/05/2020	Neate, Wayne O'Halloran, Amanda	Corporate Services	Improvements and Modifications - Derby Library, Council Chambers and Toy Library
RESOLUTION 91/20			
Moved: Cr Geoff Davis			
Seconded: Cr Steve Ross			
That Council:			
<ol style="list-style-type: none"> 1. Authorise the improvements to the Council Chamber, Office and Meeting Room of the Shire President and Councillors as per the plans attached. 2. Authorise the expenditure of \$490,000.00 to be allocated in the 2020/21 budget from the Office Building reserve. 3. Authorise associated upfront payments as required within the approved scope. 			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Steve Ross, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 7/0 BY ABSOLUTE MAJORITY			
4 Jun 2020 - 3:30 PM - Carlie McCulloch Action reassigned to Neate, Wayne by: McCulloch, Carlie for the reason: Reallocated to Phil - SDWK Project Manager - direct report of Wayne Neate.			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

3 Sep 2020 - 2:32 PM - Wayne Neate
 Revised Target Date changed by: Neate, Wayne From: 11 Jun 2020 To: 17 Sep 2020
 Reason: Toy Library improvements have been let to Archer Builders. Work up still continuing on Council Chambers/Library with Architect
 28 Oct 2020 - 10:36 AM - Wayne Neate
 Revised Target Date changed by: Neate, Wayne From: 17 Sep 2020 To: 01 Mar 2021
 Reason: Toy Library is progressing well, Chambers design has been let out for quote. Botanical gardens work being undertaken internally
 5 Feb 2021 - 2:56 PM - Amanda O'Halloran
 Revised Target Date changed by: O'Halloran, Amanda From: 1 Mar 2021 To: 31 Mar 2021
 Reason: The Works are currently under construction

Meeting	Officer/Director	Section	Subject
Council 28/05/2020	Neate, Wayne O'Halloran, Amanda	Corporate Services	Improvements and Modifications - Derby Administration Office
RESOLUTION 92/20			
Moved: Cr Paul White			
Seconded: Cr Steve Ross			
That Council:			
<ol style="list-style-type: none"> 1. Authorise the improvements to the Derby Administration Office as per the plans attached. 2. Authorise the expenditure of \$140,625.00 to be allocated in the 2020/21 budget from the Office Building reserve. 3. Authorise associated upfront payments as required within the approved scope. 			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Steve Ross, Rowena Mouda and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 7/0 BY ABSOLUTE MAJORITY			
<p>4 Jun 2020 - 3:30 PM - Carlie McCulloch Action reassigned to Neate, Wayne by: McCulloch, Carlie for the reason: Reallocated to Phil - SDWK Project Manager - direct report of Wayne Neate. 3 Sep 2020 - 2:30 PM - Wayne Neate Revised Target Date changed by: Neate, Wayne From: 11 Jun 2020 To: 15 Oct 2020 Reason: Design and work up continuing 5 Feb 2021 - 2:56 PM - Amanda O'Halloran Revised Target Date changed by: O'Halloran, Amanda From: 15 Oct 2020 To: 31 Mar 2021</p>			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

Reason: Works are currently under construction

Meeting	Officer/Director	Section	Subject
Council 25/06/2020	Neate, Wayne O'Halloran, Amanda	Executive Services	Allocation of Curtin Airport Donga's
RESOLUTION 105/20			
Moved: Cr Rowena Mouda			
Seconded: Cr Paul White			
That Council;			
<ol style="list-style-type: none"> 1. Advertise notice of intention to dispose of the ex-Curtin Accommodation Block 3 to the Friends of Wharfinger House in accordance with section 3.58 of the <i>Local Government Act 1995</i>, subject to the relevant approvals being gained; 2. Advertise notice of intention to dispose of the ex-Curtin Accommodation Block 4 to the Derby Enduro Club in accordance with section 3.58 of the <i>Local Government Act 1995</i>, subject to the relevant approvals being gained; 3. Advertise notice of intention to dispose of the ex-Curtin Accommodation Block 5 to the Derby Golf Club in accordance with section 3.58 of the <i>Local Government Act 1995</i>, subject to the relevant approvals being gained; 4. Advertise notice of intention to dispose of the ex-Curtin Security Block to the Derby Regional Hospital in accordance with section 3.58 of the <i>Local Government Act 1995</i>, subject to the relevant approvals being gained; 5. Note that the Shire is using the remaining two Guard Houses for its own purposes; and 6. Advertise to the wider public for expression of interest for the use of the eight piece medical facility and for any of the other buildings should the disposal of the assets listed in points 1 through to 4 not occur for any reason. 			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 9/0 BY ABSOLUTE MAJORITY			
<small>3 Sep 2020 - 2:29 PM - Wayne Neate Revised Target Date changed by: Neate, Wayne From: 9 Jul 2020 To: 30 Jul 2020 Reason: All parties have been written to about the allocation of the Donga's and have been requested to write back to Council Accepting the offer - if accepted disposal will be advertised, if not disposal plus</small>			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

extra donga's will be advertised to the public for interest.
 28 Oct 2020 - 10:34 AM - Wayne Neate
 Revised Target Date changed by: Neate, Wayne From: 30 Jul 2020 To: 01 Dec 2020
 Reason: All parties are now in agreement to remove the Donga's as per agenda item just waiting on approval process for each organisation
 5 Feb 2021 - 3:17 PM - Amanda O'Halloran
 No formal application was received - the Shire will need to review and seek further advice.
 5 Feb 2021 - 3:18 PM - Amanda O'Halloran
 Revised Target Date changed by: O'Halloran, Amanda From: 1 Dec 2020 To: 31 Mar 2021
 Reason: As per comments

Meeting	Officer/Director	Section	Subject
Council 25/06/2020	Neate, Wayne O'Halloran, Amanda	Technical Services	Fitzroy Crossing - Low level Crossing
RESOLUTION 111/20			
Moved: Cr Geoff Davis			
Seconded: Cr Paul White			
That Council;			
<ol style="list-style-type: none"> 1. Include the Fitzroy Crossing Low Level Crossing in the Road Maintenance Strategy 2020-25 with updated pricing for the risk assessment and upgrade works. 2. Close the Fitzroy Crossing Low Level Crossing to all traffic and advertise the decision as per the requirements of the Local Government Act 1995. 3. Instruct Officers to investigate feasible options to close the Fitzroy Crossing Low Level Crossing to traffic but allow access to the banks of the Fitzroy River. 4. Instruct officers to investigate alternative sources of funding for the Low Level Crossing. 			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			
CARRIED 9/0			
5 Feb 2021 - 3:18 PM - Amanda O'Halloran This project is ongoing, further advice is being sought from Main Roads in regards to structural integrity and funding is being sought to implement the social infrastructure. 5 Feb 2021 - 3:19 PM - Amanda O'Halloran			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

Revised Target Date changed by: O'Halloran, Amanda From: 9 Jul 2020 To: 31 Mar 2021
Reason: This project is ongoing

Meeting	Officer/Director	Section	Subject
Council 30/09/2020	O'Halloran, Amanda O'Halloran, Amanda	Executive Services	Shire of Derby/West Kimberley COVID-19 Local Economic Stimulus
RESOLUTION 157/20			
Moved: Cr Andrew Twaddle			
Seconded: Cr Chris Kloss			
That Council approve by Absolute Majority, the following projects to be undertaken through the \$741,830 grant funding Local Roads and Community Infrastructure Program (as included in the 2020/21 Annual Budget):			
Project	Town	Budget	
Wharfinger House Ramp and Fencing	Derby	\$100,000	
Sutherland Street Footpath	Derby	\$120,000	
Shelters and seating at Cemetery	Derby and Fitzroy	\$300,000	
Visitors Centre Revitalisation	Fitzroy	\$120,000	
<ul style="list-style-type: none"> • mural with youth • Improved signage • seating and shelter where appropriate in surrounding reserves • Minor Maintenance on the B 			
Lane Fencing and Solar Lighting	Derby	\$ 70,000	
Public Toilet Upgrade	Fitzroy Crossing	\$ 31,830	

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

Total		\$741,830
In Favour: Crs Geoff Haerewa, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford		
Against: Nil		
CARRIED 7/0		
<p><i>11 Jan 2021 - 11:02 AM - Amanda O'Halloran</i> Project is progressing. Items have been submitted for approval by the Federal Government Department. Council will be updated as outcome/ approval is received. Works have been programed to be completed from April 2021 - September 2021.</p> <p><i>3 Mar 2021 - 5:32 PM - Amanda O'Halloran</i> Revised Target Date changed by: O'Halloran, Amanda From: 14 Oct 2020 To: 30 Jun 2021 Reason: The Applications are in process with the Department and will be ready to undertake construction in April 2021.</p>		

Meeting	Officer/Director	Section	Subject
Council 30/09/2020	Hartley, Neil O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Conf)	Derby Port Development Lease with WGPL Property No 3 Pty Ltd and ACE Infrastructure Pty Ltd - Land Area Modification
RESOLUTION 173/20			
Moved: Cr Chris Kloss			
Seconded: Cr Keith Bedford			
That Council,			
<ol style="list-style-type: none"> Gives four weeks' notice (as per the expired lease) to Colonial Marine Consultants, that the Shire of Derby/West Kimberley requires it to yield up the currently leased premises at the Derby Port precinct (vls. part of Reserve 26818); Notifies the Sublessees (WGPL Property No 3 PTY LTD and ACE Infrastructure SPV PTY LTD), that the Notice of a Force Majeure impact ceased as of 29 September 2020 and that Milestone deadline dates will accordingly be extended by six months; Notes that the classification of the land transaction does not require a business case and public advertising under Section 3.59 (Commercial enterprises by local governments) of the Local Government Act; Supports a new sub-lease (with the proposed total area as outlined in Attachment 1) being progressed for consideration as per Local Government 			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

Act Section 3.58 (Disposal of Property) subject to the Sublessee's prior agreement to:

- a. meet all costs relating to the new proposal (including Section 3.58 documentation preparation and assessment; legal fees and legal advice on this and other Impacted leases/agreements; advertising; consultants; and administration; etc);
- b. setting the annual lease fee at \$34,000 + CPI;
- c. new (replacement) sub-lease being prepared by the Shire's legal advisors and for that document to suitably protect the Shire of Derby/West Kimberley's interests, including (but not limited to):
 - i. aligning the Shire's risk levels to the legal advice previously received;
 - ii. more definitive milestones, timelines, and performance requirements;
 - iii. incorporating sub-lease provisions that will "carry through" and be enforceable in the eventual Warburton/Ace arrangement with the state government/Kimberley Port Authority, including but not limited to:
 - appropriate action being required by the sub-lessee (or compensation) should the new Warburton/Ace port facility/operations directly result in adverse environmental, property, financial, or any other impacts being suffered by the current Derby Port); and
 - an annual rental fee to be payable to the Shire for all land extracted from the Shire's head-lease with the state government (at \$5.00/m² per annum in 2020 +CPI) for the period between that land being extracted and property's eventual development (but to be reduced by any payment of normal local government rates on the specific developed area);

5. Requires the CEO to facilitate agreement on the items in (4) above with Warburton/Ace, and following that, requires the CEO to undertake a comprehensive community consultation process, including providing 35 days for public advertising, and particularly inviting the views of the community on the potential loss/relocation of the "back boat ramp" facility; the Jetty Walk; and the Derby Volunteer Marine Rescue Group's land/headquarters; and

6. Confirms that a final determination on the above will be made by Council following the acceptance and completion of (1) to (5) above; the S3.58 (Disposing of Property) statutory processes being concluded (but with a 35 day advertising period); and a report being presented to it.

In Favour: Crs Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Keith Bedford

Against: Nil

CARRIED 6/0 BY ABSOLUTE MAJORITY

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

20 Oct 2020 - 10:20 AM - Neil Hartley
 Revised Target Date changed by: Hartley, Neil From: 14 Oct 2020 To: 30 Oct 2020
 Reason: Awaiting response from Warburton/Ace on terms of the S3.58 advertising.

27 Oct 2020 - 4:18 PM - Neil Hartley
 Revised Target Date changed by: Hartley, Neil From: 30 Oct 2020 To: 30 Nov 2020
 Reason: Awaiting revised position from Warburton/Ace.

14 Dec 2020 - 10:20 AM - Neil Hartley
 Revised Target Date changed by: Hartley, Neil From: 30 Nov 2020 To: 31 Dec 2020
 Reason: Revised Target Date changed by: Hartley, Neil From: 31 Nove 2020 To: 31 dec 2020
 Reason: Awaiting revised position from Warburton/Ace.

22 Dec 2020 - 2:46 PM - Neil Hartley
 Revised Target Date changed by: Hartley, Neil From: 31 Dec 2020 To: 31 Jan 2021
 Reason: 1. Email from Warburton/Ace (22/12/20) advises that it will not be pursuing the additional land to the north as originally requested. They are currently working on a viable port scheme within the boundaries of the sublease lands, and hope to table that with the SDWK in the new year.

22 Dec 2020 - 2:50 PM - Neil Hartley
 Revised Target Date changed by: Hartley, Neil From: 31 Jan 2021 To: 31 Jan 2021
 Reason: 1. CMC Lease due for conclusion at 31 January 2021; 2. Warburton/Ace - Advised by email 22 December 2020 that it does not wish to pursue the additional land to the north as originally requested. It is currently working on a viable port scheme within the boundaries of the sublease lands, and hope to table that with the SDWK in the new year.

1 Feb 2021 - 5:06 PM - Neil Hartley
 Revised Target Date changed by: Hartley, Neil From: 31 Jan 2021 To: 31 Mar 2021
 Reason: 1. CMC Lease extended until 28 February 2021 and awaiting CMC advice as to whether it wishes to enter into a new lease; 2. Warburton/Ace - Advised by email 22 December 2020 that it does not wish to pursue the additional land to the north as originally requested. It is currently working on a viable port scheme within the boundaries of the sublease lands, and hope to table that with the SDWK in the new year.

4 Mar 2021 - 4:10 PM - Neil Hartley
 Revised Target Date changed by: Hartley, Neil From: 31 Mar 2021 To: 30 Apr 2021
 Reason: CMC Lease extended until 30 March 2021 and awaiting CMC advice as to whether it wishes to enter into a new lease (following the outcome of the Department of Environment Appeal to its development proposal).

Meeting	Officer/Director	Section	Subject
Council 26/11/2020	Hartley, Neil O'Halloran, Amanda	Executive Services	Relinquishment of Scout Association of WA Lease (Lot 656 on Plan 210827, Clarendon Street, Derby)
RESOLUTION 203/20			
Moved: Cr Paul White			
Seconded: Cr Chris Kloss			
That Council:			
1. Authorises the relinquishment of the existing lease to The Scout Association of WA (of Lot 656, Clarendon Street, Derby) on the condition it meets			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

a \$5,000 full and final settlement in payment of its lease debts;

2. On the condition #1 above is accommodated, writes off the balance of the outstanding debt by The Scout Association of WA, being \$4,184.45; and

3. Invites registrations of interest for community groups/commercial enterprises to take up a lease of the property (and notes that if any applicants are forthcoming, the CEO will present a report to Council for its consideration in accordance with S3.58).

In Favour: Crs Geoff Haerewa, Paul White, Chris Kloss, Andrew Twaddle and Keith Bedford

Against: Nil

CARRIED 5/0

14 Dec 2020 - 10:32 AM - Neil Hartley
 Revised Target Date changed by: Hartley, Neil From: 10 Dec 2020 To: 31 Jan 2021
 Reason: Scouts have agreed to the \$5000 payment. McLeods have been contracted to prepare the Relinquishment. Once received, the document will be forwarded to Scouts for signature.

1 Feb 2021 - 5:07 PM - Neil Hartley
 Revised Target Date changed by: Hartley, Neil From: 31 Jan 2021 To: 26 Feb 2021
 Reason: Scouts have paid the agreed final settlement sum (\$5000+GST). McLeods have been contracted to prepare the Relinquishment. Once received, the document will be forwarded to Scouts for signature.

4 Mar 2021 - 4:22 PM - Neil Hartley
 Revised Target Date changed by: Hartley, Neil From: 25 Feb 2021 To: 31 Mar 2021
 Reason: Docs forwarded to Scouts for execution.

Meeting	Officer/Director	Section	Subject
Council 29/10/2020	Hartley, Neil O'Halloran, Amanda	Executive Services	Rating Review - Changing Methods of Valuation

RESOLUTION 186/20

Moved: Cr Paul White

Seconded: Cr Steve Ross

That Council:

- 1. Endorses a review of the rateable properties in the district being undertaken;**
- 2. Notes that a report will be presented to Council for its final decision, if the review locates any rate assessments that a change of valuation is thought warranted; and**

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

3. Requires that any report in (2) above, include an assessment of whether phasing in of any modified valuation/rates (either singularly or in total) should be considered by Council.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda and Pat Riley

Against: Nil

CARRIED 8/0

14 Dec 2020 - 10:28 AM - Neil Hartley
 Revised Target Date changed by: Hartley, Neil From: 12 Nov 2020 To: 28 Feb 2021
 Reason: Progressing. First property to be referred to February 2020 Council Meeting. Assessment of others is ongoing (as they are located).

1 Feb 2021 5:08 PM - Neil Hartley
 Revised Target Date changed by: Hartley, Neil From: 28 Feb 2021 To: 30 Apr 2021
 Reason: First property to be referred to February 2020 Council Meeting. Assessment of others is ongoing (as they are located).

Meeting	Officer/Director	Section	Subject
Council 10/12/2020	O'Halloran, Amanda O'Halloran, Amanda	Executive Services	Draft Strategic Community Plan: Submission to Council for Approval to be released for Community and Stakeholder Feedback

RESOLUTION 218/20

Moved: Cr Paul White
 Seconded: Cr Rowena Mouda

That Council endorses the Draft Strategic Community Plan, acknowledging key facets such as:

- the use of Councillors and staff champions to continue leading the consultations;
- anticipated budget; and
- the Proposed framework for seeking community and stakeholder feedback

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

Against: Nil

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

CARRIED 9/0

5 Feb 2021 - 2:49 PM - Amanda O'Halloran
 The Plan is out for Public Comment and will be presented to Council for final consideration at the 25 March 2021 Council Meeting
5 Feb 2021 - 2:51 PM - Amanda O'Halloran
 Revised Target Date changed by: O'Halloran, Amanda From: 24 Dec 2020 To: 25 Mar 2021
 Reason: As per Council Resolution

Meeting	Officer/Director	Section	Subject
Council 25/02/2021	Lamb, Alan O'Halloran, Amanda	Executive Services	2019/20 Annual Report - Annual General Meeting of Electors
RESOLUTION 05/21			
Moved: Cr Andrew Twaddle			
Seconded: Cr Keith Bedford			
That BY AN ABSOLUTE MAJORITY:			
Council accept the 2019/20 Annual Report, containing the Annual Financial Report and Annual Audit Report, as presented			
That by Simple Majority:			
Council call a general meeting of electors to be held in Council Chambers Derby, on 15 April 2021 and commencing at 7:00pm.			
<u>In Favour:</u> Crs Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			
			CARRIED 8/0

Meeting	Officer/Director	Section	Subject
Council 25/02/2021	Hartley, Neil O'Halloran, Amanda	Executive Services	Derby Volunteer Marine Rescue Group Inc - Lease Renewal [Lot 325 on Deposited Plan 64512 being the whole of the land comprised in Crown Land Title LR3157 Folio 128, being part of the land in Reserve 26818]

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

RESOLUTION 06/21
Moved: Cr Andrew Twaddle
Seconded: Cr Keith Bedford
That Council:

- Notes the preparedness of the Derby Volunteer Marine Rescue Group Inc to execute the lease;
- Endorses the attached draft Lease to Derby Volunteer Marine Rescue Group Inc, including the preference to modify the commencement date to 1 March 2021;
- Authorises the Chief Executive Officer to progress any final approvals and the implementation of the lease (including any final modifications to the draft lease, if required, by the "Head Lessor" [the Department of Transport]; and the Shire's legal advisors); and
- Authorises the President and Chief Executive Officer to sign the finalised Lease and any other related documentation, and apply the Common Seal.

In Favour: Crs Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford
Against: Nil

CARRIED 8/0

4 Mar 2021 - 4:16 PM - Neil Hartley
 Revised Target Date changed by: Hartley, Neil From: 11 Mar 2021 To: 31 Mar 2021
 Reason: Documents forwarded to Marine Rescue for signature.

Meeting	Officer/Director	Section	Subject
Council 25/02/2021	Hartley, Neil O'Halloran, Amade	Executive Services	Extension of Lease - Fitzroy Heli Maintenance Pty Ltd (Derby Airport)

RESOLUTION 07/21
Moved: Cr Chris Kloss
Seconded: Cr Steve Ross

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

That Council;

- Endorses the “Further Term” of ten years for the All North Helicopters Pty Ltd Derby Airport Lease (Area 7) as per Clause 18 and Item #3 of the Schedule, conditional on the new lease fee being subject to a commercial rental review and that new rental being effective from 1 January 2021;
- Notes that this lease expiry will now be extended to 31 December 2030;
- Authorise the Chief Executive officer to make the necessary arrangements for the lease rental review and the lease extension implementation; and
- Authorise the President and Chief Executive Officer to execute the lease extension deed and apply the Shire’s Common Seal (if required).

In Favour: Crs Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 8/0

5 Mar 2021 - 11:03 AM - Neil Hartley
 Revised Target Date changed by: Hartley, Neil From: 11 Mar 2021 To: 30 Apr 2021
 Reason: All North have advised it has now sold the business. Council report required to endorse and new legal documents prepared.

Meeting	Officer/Director	Section	Subject
Council 25/02/2021	Mildenhall, Christie O'Halloran, Amanda	Community and Recreation Services	Local Government Child Safety Officers and Proposed Reportable Conduct Scheme

RESOLUTION 10/21

Moved: Cr Chris Kloss
Seconded: Cr Keith Bedford

That with respect to Local Government Child Safety Officers and the proposed Reportable Conduct Scheme, Council:

- Respond to the Department of Local Government, Sport and Cultural Industries’ Discussion Paper on Child Safety Officers, in accordance with the comments contained within the Officer’s Report and REJECTING the notion that local governments in WA should appoint Child Safety Officers, either to an existing position, or as an role or additional employee, as this role is best delivered by an adequately administered and funded State Government Agency, such as the existing Department of Child Protection, with appropriate trained, skilled and supported officers at regional

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

centres throughout WA.

2. Endorse the principles of local governments being able to support and promote messages about child safety in its venues, facilities and services it provides to children.
3. Endorse the principles outlined in the National Principles for Child Safe Organisations.
4. Endorse the principles of the draft bill.
5. Responds to the Department of Premier and Cabinet survey on the Independent Oversight System in accordance with the comments contained within the Officer's Report, supporting the implementation of an Independent Oversight System to implement and enforce the National Principles for Child Safe Organisations as well as the principles outlined in the Green Bill.

In Favour: Crs Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

CARRIED 8/0

Meeting	Officer/Director	Section	Subject
Audit Committee 11/02/2021	Hartley, Neil O'Halloran, Amanda	Reports	Compliance Audit Return - 2020

COMMITTEE RESOLUTION AC05/21

Moved: Cr Rowena Mouda
Seconded: Cr Paul White

That the Audit Committee recommend to Council that it:

1. ENDORSES the completed (attached) 2020 Compliance Audit Return for the period 1 January 2020 to 31 December 2020;
2. ADOPTS the completed 2020 Compliance Audit Return as attached, noting that:
 - a) there are two separate areas of non-compliance, namely:

Compliance	Organisational Response
------------	-------------------------

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

Requirement	
Delegation of Power/Duty (Q5 and Q12) - Have all delegations been reviewed during 2019/2020?	This requirement was not able to be undertaken in light of competing priorities and human resource levels. The review will be ready for presentation to Council at its March 2021 meeting and a Compliance Calendar entry will be established to better program this responsibility for future years.
Disclosure of Interest (Q3) - were disclosures recorded in the minutes of the relevant meeting?	Whilst all elected member disclosures were recorded in the minutes, one instance of an officer disclosure was not. Elected members and officers are encouraged to lodge declarations in writing so they can be "cross-checked" against minutes during preparation. Officers will be vigilant to ensuring recording occurs.

- b) There are several questions in the "Finance" section of the CAR return (relating to the audit report) that in a normal year would have a "yes" or "no" answer, but that due to the unique set of circumstances for 2020, officers have responded with "not applicable";
- AUTHORISES the President and Chief Executive Officer to sign the joint certification and SUBMIT the completed Compliance Audit Return, and any additional information explaining or quantifying the compliance audit, to the Department of Local Government, Sport and Cultural Industries by 31 March 2020; and
 - NOTES the non-compliances outlined and requires the Chief Executive Officer to address them as outlined in the "Organisation Response" area of resolution #2.

In Favour: Crs Chris Kloss, Paul White, Keith Bedford and Rowena Mouda

Against: Nil

CARRIED 4/0

5 Mar 2021 - 11:00 AM - Neil Hartley

Revised Target Date changed by: Hartley, Neil From: 25 Feb 2021 To: 12 Mar 2021

Reason: Audit Committee Recommendation adopted by Council (25 February). Information loaded onto DLG Website. President/CEO Signature now required to finalise document.

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

Meeting	Officer/Director	Section	Subject
Council 25/02/2021	Hartley, Neil O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Confi)	Rating Review - Location 210 Great Northern Highway (Kimberley Meat Company)
<p>RESOLUTION 12/21</p> <p>Moved: Cr Chris Kloss Seconded: Cr Geoff Davis</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Endorse the change in valuation method for Kimberley Meat Company (Dampier Location 210) to now be Gross rental Valuation (from Unimproved Valuation); 2. Seek the Minister for Local Government's determination on the method of valuing the land (in accordance with the provisions of 56.28 of the Local Government Act); 3. Authorises the CEO to take the necessary actions to progress and implement the valuation change; and 4. Confirms that on balance, there is insufficient justification to warrant the phasing in of the valuation, or to grant a concession, on this occasion. <p>AMENDMENT</p> <p>Moved: Cr Chris Kloss Seconded: Cr Keith Bedford</p> <p>That point 4 be amended to read:</p> <ol style="list-style-type: none"> 4. In noting the concerns outlined in the Kimberley Meat Company submission, agrees to apply the Local Government Act Section 6.31 three year valuation phase-in option from the valuation's implementation date. <p><u>In Favour:</u> Crs Chris Kloss, Pat Riley, Rowena Mouda and Keith Bedford</p> <p><u>Against:</u> Crs Paul White, Geoff Davis, Andrew Twaddle and Steve Ross</p> <p style="text-align: right;">LOST 5/4</p>			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

Determined by Presiding Member's Casting Vote

Moved: Cr Chris Kloss
Seconded: Cr Geoff Davis

That Council:

1. **Endorse the change in valuation method for Kimberley Meat Company (Dampier Location 210) to now be Gross rental Valuation (from Unimproved Valuation);**
2. **Seek the Minister for Local Government's determination on the method of valuing the land (in accordance with the provisions of S6.28 of the Local Government Act);**
3. **Authorises the CEO to take the necessary actions to progress and implement the valuation change; and**
4. **Confirms that on balance, there is insufficient justification to warrant the phasing in of the valuation, or to grant a concession, on this occasion.**

In Favour: Crs Paul White, Geoff Davis, Andrew Twaddle, Steve Ross and Rowena Mouda
Against: Crs Chris Kloss, Pat Riley and Keith Bedford

CARRIED 5/3

4 Mar 2021 - 11:26 AM - Neil Hartley
 Revised Target Date changed by: Hartley, Neil From: 11 Mar 2021 To: 31 Mar 2021
 Reason: Minister advised of the Council's decision. Awaiting response and eventual Gazette.

Meeting	Officer/Director	Section	Subject
Council 25/02/2021	Hartley, Neil O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Conf)	Awarding of Telecommunications Contract (Request for Quotation)

RESOLUTION 13/21
Moved: Cr Chris Kloss
Seconded: Cr Rowena Mouda
That Council;

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

1. Award the Telecommunications Request for Quotation/contract to Telstra (for its primary proposal) for a three year period; and
 2. Authorises the Chief Executive Officer (and the President if required) to sign the contract (and affix the Shire's common seal if required).

In Favour: Crs Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford
Against: Cr Paul White

CARRIED 7/1

4 Mar 2021 - 11:25 AM - Neil Hartley
 Revised Target Date changed by: Hartley, Neil From: 11 Mar 2021 To: 31 Mar 2021
 Reason: Telstra advised of being awarded the contract. Managed IT to coordinate the transition.

Meeting	Officer/Director	Section	Subject
Council 25/02/2021	Hartley, Neil O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Conf)	Derby Airport - Lease Payments and Refunds
RESOLUTION 14/21			
Moved: Cr Steve Ross			
Seconded: Cr Geoff Davis			
That Council:			
<ol style="list-style-type: none"> 1. Acknowledges the 23 April 2013 Council resolution which required the Shire to donate lease fees back to Lessee, but confirms that the effect of that resolution has now ceased through the Council resolution of 27 February 2020 (which sought to recover the lease payments from the last donation period ending on 30 April 2018); 2. Requires the Chief Executive Officer to negotiate a new position with the Lessee, to recover of the maximum rental possible for the duration of the current lease; and 3. Provide an update report to Council for its consideration following the negotiations outlined in (2). 			
<u>In Favour:</u> Crs Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			

Outstanding	Division:	Date From:
Action Sheets Report	Committee:	Date To:
	Officer:	Printed: 5 March 2021 3:29 PM

CARRIED 8/0

4 Mar 2021 - 11:24 AM - Neil Hartley
 Revised Target Date changed by: Hartley, Neil From: 11 Mar 2021 To: 31 Mar 2021
 Reason: RFDS advised of Council position. CFO/DSB to engage with RFDS to discuss options.
 4 Mar 2021 - 4:08 PM - Neil Hartley
 Revised Target Date changed by: Hartley, Neil From: 31 Mar 2021 To: 31 Mar 2021
 Reason: Communication drafted for CEO to forward to RFDS. Awaiting response/meeting.

Meeting	Officer/Director	Section	Subject
Council 25/02/2021	Neate, Wayne O'Halloran, Amanda	Matters for which the Meeting May Be Closed (Conf)	Awarding of Tender T8-2020 Cleaning of Various Shire Office Buildings and Facilities in Fitzroy Crossing
RESOLUTION 15/21			
Moved: Cr Rowena Mouda			
Seconded: Cr Andrew Twaddle			
That Council:			
<ol style="list-style-type: none"> 1. Award Tender T8-2020 Cleaning of various facilities in Fitzroy Crossing to TopCat Cleaning Services; and 2. By ABSOLUTE MAJORITY, authorise an additional budget allocation of \$50,000 (with the funding being provided from the end of financial year balance/surplus) to undertake this contract cleaning for the remainder of the 2020/21 financial year. 			
<u>In Favour:</u> Crs Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			
			CARRIED 8/0

Audit Committee Meeting Minutes

11 March 2021

- 8 NEW BUSINESS OF AN URGENT NATURE**
- 9 NEW AND EMERGING ITEMS FOR DISCUSSION**

10 MATTERS FOR WHICH THE MEETING MAY BE CLOSED (CONFIDENTIAL MATTERS)

COMMITTEE RESOLUTION AC20/21

Moved: Cr Rowena Mouda

Seconded: Cr Paul White

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:

10.1 Sundry Debtors Outstanding February 2021

This matter is considered to be confidential under Section 5.23(2) - b, e(ii) and e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the personal affairs of any person, a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

10.2 Rates Outstanding February 2021

This matter is considered to be confidential under Section 5.23(2) - b, e(ii) and e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the personal affairs of any person, a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

In Favour: Crs Chris Kloss, Paul White, Geoff Davis and Rowena Mouda

Against: Nil

CARRIED 4/0

COMMITTEE RESOLUTION AC21/21

Moved: Cr Paul White

Seconded: Cr Rowena Mouda

That Council moves out of Closed Council into Open Council.

In Favour: Crs Chris Kloss, Paul White, Geoff Davis and Rowena Mouda

Against: Nil

CARRIED 4/0

11 DATE OF NEXT MEETING

The next meeting of Audit Committee will be held Thursday, 15 April 2021 in the Council Chambers, Clarendon Street, Derby.

12 CLOSURE OF MEETING

The Presiding Member closed the meeting at 5:28pm.

These minutes were confirmed at a meeting on
.....
Signed:
Presiding Person at the meeting at which these minutes were confirmed.
Date:

11.2 WHARF CAFE/RESTAURANT REVITALISATION - RE-DEVELOPMENT OPTIONS**File Number: 9010.11****Author: Neil Hartley, Strategic Business Manager****Responsible Officer: Amanda O'Halloran, Chief Executive Officer****Authority/Discretion: Executive****SUMMARY**

This report updates Council on options for the Derby Wharf Café/Restaurant Revitalisation and the proposed Derby Port Precinct Masterplan. Five different options were promoted over the last couple of months as possibilities for the site.

The option of having a third party fund and operate (under lease) either a restaurant or casual dining facility was advertised through a Registration of Interest, however there was no interest registered in that option. There was though, a local itinerate vendor registration, to operate at the site.

It is recommended that the itinerate vendor should be encouraged to service the area, in a “non-exclusive” capacity, but that submissions should remain open to provide Council with options it can take advantage of in the future for the site. Also, that the Shire undertakes some improvement works to the old restaurant site to enable community members/tourists to take full advantage of the location and the food offerings, and that a fee for private use opportunity of that site be introduced.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

The currently existing building in which the Café/Restaurant is housed, was built some 60 years ago by the State Government as part of the port operations. In 1996 Council decided to take over the operations of the port and part of this transition included the *Wharf Cafe* building.

Over the next 20+ years the café/restaurant was leased and operated by several parties and had become an iconic location to view the Derby wharf and its surroundings, while watching the tide ebb and flow, and the sunsets. At the November 2019 Council Meeting, it was decided not to extend the site lease of that time.

At the May 2020 Council Meeting, it was decided to fund the fence and railing repairs and to undertake ablutions improvements.

That the Council;

- 1. Commit to the repairs to the existing Wharf Restaurant building.**
- 2. Authorise unbudgeted expenditure from the anticipated 2019/20 budget surplus of \$47,000 to enable the Fence and railing repairs, toilet improvements and a design and scope and final budget to be prepared for the upgrade of the Wharf Restaurant building.**

A design, scope, and estimation of costs to upgrade the Wharf Cafe building was then sought and Council agreed (August 2020) that the best option was to remove of existing structure and to build

a similar size structure (with design changes to suit site conditions, current design methods and/or tenant requirements).

That Council;

- 1. Notes the Structural Engineering Report, which outlines options for the design, scope and budget for the upgrade of the Wharf Restaurant Building;**
- 2. Selects Option B (vis. removal of existing structure and rebuilding a similar size structure with design changes to suit site conditions, current design methods and/or tenant requirements as the preferred option for the Wharf Restaurant) as Council's preferred option;**
- 3. Notes from the Structural Engineering Report that the estimated cost for Option B (the removal and rebuilding of the Wharf Restaurant) is \$587,700;**

There is no 2020/21 budget provision to facilitate the implementation of "Option B" (estimated cost of almost \$590,000) so that resolution cannot be progressed until either the 2020/21 budget review, or the 2021/22 budget, provides that funding resource.

In the interim, the December 2020 Council Meeting decided:

That Council;

- 1. Invites Registrations of Interests from suitable providers, to (in the following priority order):**
 - a. Construct and operate a Jetty Café/Restaurant;**
 - b. Construct and operate a "casual dining" area supported by itinerate/semi-permanent food vendors servicing the area;**
 - c. Operate a Shire constructed Jetty Café/Restaurant;**
 - d. Operate a Shire constructed "casual dining" area supported by itinerate/semi-permanent food vendors servicing the area; or**
 - e. Register as an itinerate food vendor to service a casual dining area constructed by the Shire;**
- 2. Notes that Section 3.58 (Disposing of property) requirements will follow #1 above (except for (e)) if Council endorses a preferred provider; and**
- 3. Notes that the CEO will continue to monitor activities within the Derby Port Precinct and will coordinate at a future point in time, further Councillor discussion on the development of a Derby Port Precinct Masterplan.**

The proposal as outlined in part #1 of the above resolution was advertised on three occasions within the Kimberley newspapers between December 2020 and February 2021; on the Shire's Web site and Facebook pages; and on links through our stakeholders on LinkedIn (a business based stakeholder site).

One registration of interest has been received from a local family wishing to start a business as a local food vendor, to operate at the jetty site, plus others in the district and the region (see attached under confidential cover). A summary of the key points of the Expressions of Interest are:

- The proposal is for the Shire's "fifth priority" (which is to nominate for inclusion on a Register of Itinerate Food Vendors);

- The proponents are existing Derby residents with professional food related qualifications and local experience, and have a keen interest in assisting Derby to flourish (including sourcing their businesses stock locally);
- The service is proposed to operate from a six metre long food trailer, with the equipment equivalent to a commercial kitchen and which is able to be operated on its own generator/gas power (or using a power source provided);
- A variety of food styles can be provided (including for customers seeking specific options to accommodate food preferences or allergies);
- The proposal is to be available across the Calendar Year and to be flexibility with operational hours, but to provide a breakfast, lunch, and evening meal service;
- To also provide a service to local community events through the year;
- Lease terms and price will be as per the Shire's standard charges for Food Vender's (or as negotiated);
- There is the expectation that the Shire would construct a casual dining area where clients could enjoy their refreshments;
- There might be some future interest taking on a lease of a Shire constructed Café/Restaurant or Operation of a Shire constructed "casual dining" area supported by itinerate/semi-permanent food vendors servicing the area.

The development of a Derby Wharf Master Plan has also been progressed, with several presentations to Councillors and discussions with key stakeholders like Thunderbird/Sheffield, and Warburton/ACE, over past months. Discussions are also occurring with the Kimberley Port Authority on how its role will impact upon the Derby Port's operations and the Authority has been invited to present to Councillors in May 2021 on its view of the future of the Derby Port. A Master Plan has not been finalised as yet, but the restaurant facility/park/public toilets/public parking is included in the draft considerations as important local community/tourist services. These facilities will have a significant impact on any food service offering that is located at the port precinct.

STATUTORY ENVIRONMENT

Section 3.58 (Disposing of property) of the *Local Government Act* deals with how a local government can lease property. This generally requires a public auction or a public tender, or a local public notice inviting public submissions if a private bid is being considered (although that does not apply to an itinerate food vendors licence if there is no exclusive land use offered).

The Food Act 2008 and the Shire's Local Laws (Activities on Thoroughfares and Trading in Thoroughfares and Public Places) will be applicable to any food services business that might require licencing to commence a service within the district.

POLICY IMPLICATIONS

AF3 (Asset Management) was adopted to ensure adequate provision is made for the long-term replacement of major assets by amongst other things, ensuring that the Shire's infrastructure is provided in a sustainable manner.

Whilst there is no policy impact, a decision will eventually need to be made about the physical structure of the restaurant building (noting that the August 2020 Council position is to demolish and rebuild the restaurant if funds can be secured). This can occur at a future budget or once a

firm alternative forward direction is able to be set. In making that decision, there will be financial, head-lease, and economic development decisions that will need to be taken into account.

H2 (Traders and Stall Holders Permits) – currently subject to review - has the following objective: *“...to allow for the operation of trading activities in thoroughfares and public places in such a manner that they do not conflict with or prejudice the Shire’s permanent retail and service base, or other normal functions of the towns located within the Shire”.*

FINANCIAL IMPLICATIONS

There are no available funds in the 2020/21 budget for the demolition of the existing facility/capital construction of a new café/restaurant building (estimated at approximately \$590,000). Whilst there is no specific registered interest to lease any such structure, if a registration was forthcoming, there could potentially be funding available from sources like a COVID-19 stimulus allocation, or a commercial lease (with or without a “self-support loan”), or the 2021/22 Shire budget, or a combination of these sources.

The current proposal includes the expectation that the Shire would fund and provide a casual dining area where clients and other visitors to the site could enjoy their refreshments.

The 21 May 2020 Commercial Committee considered the option of demolishing the existing restaurant building, with some alterations being made to keep the deck structure as it is currently attached to the main building. Council subsequently agreed to fund the fencing, railing, and toilet improvements, plus a study on anticipated redevelopment costs of the restaurant structure. Those remaining items being left for a possible future consideration, depending on the direction of the restaurant facility:

Works	Estimated Cost	Items Funded
Demolition costs	\$30,000	No
Electrical and plumbing modifications (to allow connection of future building van or vans)	\$5,000	No
Modifications and minor repairs to Deck Structure	\$10,000	No
Fence and railing repairs	\$7,000	Yes
Toilet upgrade and improvements	\$20,000	Yes
Contingency 25%	\$18,000	No
TOTAL	\$90,000	

The remaining items not funded as part of the May 2020 Council decision amount to approximately \$47,500 (inclusive of a 25% contingency). These improvements would be required in order for the Shire to meet the expectations of the Proponent. If Council in addition was to support the proponent’s expectation that the Shire would fund and provide a casual dining area where clients and other visitors to the site could enjoy their refreshments, then a further allocation of about \$30,000 would be likely for furnishings (like chairs, tables, shade facilities, and waste disposal bins) could be anticipated.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
A strong and diverse local economy	1.4 Appropriate infrastructure that supports economic development	
A balance between the natural and built environments	2.4 Shire buildings and facilities that meet community needs	2.4.1 Ensure Shire buildings, facilities and public amenities are provided and maintained to an appropriate standard.
Good governance and an effective organisation	4.1 Effective governance and leadership	4.1.1 Provide leadership in balancing the needs of the community, government, industry and the environment.
Good governance and an effective organisation	4.4. Financial Sustainability and accountability for performance	4.4.3 Actively pursue alternative sources of income to fund the Shire’s services and infrastructure

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Reputation: The Restaurant’s non-operation for an extended period of time may result in tourist disappointment and disharmony within the wider community.	Almost Certain	Moderate	High	Council should continue to make progress with exploring options for redevelopment of the facility.
Financial: If the Shire were to wish to fund the capital cost of a new restaurant (estimated at \$600,000) it would limit available finances for other Shire services and/or facilities. Further, the facility might be impacted by the	Almost Certain	Major	Extreme	Council should seek full (or at least partial contributory) capital funding from private or government sources if it wishes to commit to a new restaurant facility. Discussion on the potential extension of the Head Lease (or just the Restaurant Area

expiry of the current head lease in 2040.				lease) past 30 April 2040 is also warranted.
---	--	--	--	--

CONSULTATION

Registrations of Interest were called over a 10+ week period between December 2020 and March 2021.

COMMENT

The development of a Derby Wharf Master Plan would be an ideal platform from which to promote a new Jetty Café/Restaurant. Such a plan would segment the entire Port Precinct into its various land uses (like restaurants, ablutions, public places like parks and boat launching facilities, road access-ways, industrial land, and port security/restricted public access areas, etc). A plan would also consider likely development timelines, and might consider the possibility of location options (for the restaurant), and consider the potential for those location options to be compromised by current or proposed port based developments or operations. The above also needs to have a financial management plan/commitment, to convert the strategic proposals, into reality.

There have been a couple of presentations provided to Council in regard to a Master Plan, and also more specific presentations in regard to current Lease arrangements (Sheffield Resources; and Warburton/Ace) and the potential/anticipated port developments that might result from those leases. Those presentations have drawn out many considerations, but suffice to say that the situation at the Derby Jetty Precinct is “fluid”, subject to many factors and stakeholders, and impossible to predict with any certainty. To therefore risk the Shire meeting the approximately \$600,000 construction costs of a new café/restaurant when its viability and its future structural certainly cannot be confidently confirmed, is considered to be a risk worth endeavouring to avoid. Added to this is the risk of how the lease might be structured to protect the Shire from any need to close the café (temporarily or permanently) due to more important structural port developments, or periodic port operational requirements.

Whilst risk is a factor of almost every decision of Council, it was decided at Council in December 2020 that to best address the current wish to see the café/restaurant facility re-established, that a staged approach be taken. In the first instance, to invite registrations of interest for a private developer to construct and operate a Jetty Restaurant (under lease to the Shire where the lease price and conditions reflect the capital input cost to the developer/lessee), and if that option does not bring a successful outcome, pursue the option of providing a “casual dining” area (e.g. a solid floor area similar to the existing restaurant footprint, with shaded table seating) supported by itinerate (or maybe even permanent) food vendors servicing the area. The last option would be for the Shire to invest the capital funds necessary to see a service provided.

Registrations of Interest were called over a 10+ week period between December 2020 and March 2021, however no interest was registered for the first four of the five options proposed below:

1. Construct and operate a Jetty Café/Restaurant;
2. Construct and operate a “casual dining” area supported by itinerate/semi-permanent food vendors servicing the area;
3. Operate a Shire constructed Jetty Café/Restaurant;
4. Operate a Shire constructed “casual dining” area supported by itinerate/semi-permanent food vendors servicing the area; or
5. Register as a itinerate food vendor to service a casual dining area constructed by the Shire.

The shortness of the lease available (which cannot exceed the Shire’s 30 April 2040 Head Lease without a separate agreement with the Kimberley Port Authority) would likely have been a barrier to restaurant investors, however interest in even the most modest of ways, through the provision of a itinerate food vendor service on a Shire constructed casual dining area, was only successful in attracting one interested proposal.

The head lease period limitation also impacts on:

- the accountability of a \$600,000 Shire investment when it is considered that the land has a relatively short tenure;
- whether investment can return those same funds via the lease fees;
- that the asset will, unless we can reach separate agreement with the Kimberley Port Authority, return to the ownership of the Kimberley Port Authority in in 2040 (and yet the building will last for another 20+ years post the lease’s cessation). It is worth noting that Kimberley Port Authority has more recently indicated support that such an option could be made available to the Shire (the possibility of a restaurant facility at the Derby Jetty site is still therefore, a potential for the future).

COVID-19 may have been the reason why businesses are being more cautious about lodging a submission at all, but more likely it was an assessment by interested parties that in combination, timing was “just not right” at the moment, and there was insufficient return for the business risk that needed to be taken.

It is suggested that in order to take best advantage of any solicited or unsolicited opportunities that might come forward, that the submission for the itinerate food vendor be conditionally accepted, at least until Council decides on an alternative longer term option for the site.

The one registration of interest received is however, a very positive start for the reintroduction of a food service in the jetty precinct and it is recommended it be accepted (with conditions). Undertaking some site works to and around the old restaurant site is also recommended (like introducing shading and permanent tables and chairs, to enable community members/tourists to take full advantage of the location and the food offerings is also recommended).

The newly formed eating area site (vis. the existing restaurant/eating area) or at least a portion of it, could also be available for paid private events, for a fee, which would enable the Shire to recover a portion of the capital allocation made on the site.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS**1. Proposal #1 - Confidential****RESOLUTION 20/21****Moved: Cr Rowena Mouda****Seconded: Cr Andrew Twaddle****That Council;**

- 1. Notes that the Registrations of Interests process has concluded with one registration received;**
- 2. Requires that the Chief Executive Officer works with the itinerate food vendor proponent, with the view to it providing a itinerate food service (but not with exclusivity rights) at the Derby Port Precinct;**
- 3. Agrees that the opportunity to lodge a submission should remain open until Council decides on the best longer term way forward for the site;**
- 4. Agrees to consider as part of the 2021/22 annual budget, the allocation of \$90,000 for restaurant demolition costs, electrical and plumbing modifications, and deck structure works (\$47,500) plus funds for seating/shade (\$32,500);**
- 5. Requires that as part of the annual Fees and Charges review (for presentation as part of the 2021/22 budget) an hourly charge rate(s) be introduced, for hirers to gain the right to a private/exclusive use opportunity at the new jetty eating area site; and**
- 6. Notes that the CEO will continue to monitor activities within the Derby Port Precinct and will coordinate at a future point in time, attendance by the Kimberley Port Authority, and further Councillor discussions, on the development of a Derby Port Precinct Masterplan.**

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

Against: Nil

CARRIED 8/0

11.3 MODEL CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

File Number: 4160

Author: Neil Hartley, Strategic Business Manager

Responsible Officer: Amanda O'Halloran, Chief Executive Officer

Authority/Discretion: Legislative

SUMMARY

This report updates Council on recent legislative changes (3 February 2021) with regards to the Model Code of Conduct (for Council Members, Committee Members and Candidates); and Chief Executive Officer (CEO) Employment Standards.

The matters requiring Council decisions resultant from the 3 February legislation will be progressively brought to Council for its consideration over coming months.

This report recommends Council adopt a new Code of Conduct (for Council Members, Committee Members and Candidates); approve a standard complaints form for dealing with alleged (Division 3 - Behaviour) breaches of the Code of Conduct; and authorise the Director Strategic Business to receive complaints (and withdrawals of complaints) under the Code.

DISCLOSURE OF ANY INTEREST

Nil.

BACKGROUND

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

- best practice standards for CEO recruitment, performance review and early termination;
- elected member training;
- the treatment of gifts;
- a new code of conduct;
- changes to the Standards Panel; and
- greater transparency through more information being made more easily accessible online.

The reforms that have already come into operation through new regulations include:

- a new gift framework;
- universal training for council members;
- online induction course for prospective local candidates;
- changes to the Standards Panel; and
- greater transparency and easier access to information (partly in place).

On 3 February 2021, regulations took effect to implement the remaining parts of the Amendment Act as follows:

- Model Code of Conduct (MCC);
- Model CEO Standards; and
- Employee Code of Conduct Regulations.

The Department of Local Government Sport and Cultural Industries (DLGSC) has acknowledged that the regulations will take time to operationalise with an expectation that local governments will complete this within three months from the date the regulations took effect (vis. by 3 May 2021). None-the-less, the Shire was required to implement some components by 24 February 2021, so temporary procedures (to the date of this Council Meeting) of (a) providing a Code of Conduct Complaint Lodgement form; and (b) appointing of the Director – Strategic Business to receive any complaints and complaint withdrawals; were put in place to enable the revised Code to be drafted and this report to be researched and prepared.

This agenda therefore addresses having Council:

1. confirming the temporary procedures put in place by the CEO (that is, adoption of a Code of Conduct Complaint Lodgement form, the and the appointment of an officer responsible for receiving complaints and any complaint withdrawals);
2. formally approve the form for complaints to be lodged under the Model Code of Conduct;
3. formally authorise the Director Strategic Business to receive complaints and withdrawal of complaints under clause 11(3) of the MCC; and
4. formally approve the new Code of Conduct for Council Members, Committee Members and Candidates.

An outline of the other actions that will need to be completed by 3 May 2021 are addressed in the Officer Comments section.

It is expected that WALGA will work with the industry to develop a “model” for WA Local governments to consider and in due course therefore, a WALGA model will be presented to Council for its consideration. The attached is therefore in effect, an “interim Code”, put in place to meet the new regulatory environment and its imposed timeline.

The attached Code is a “collation” of the Local Government (Model Code of Conduct) Regulations 2021 which must be adopted without change (black print), plus the relevant passages of the Council’s existing Code (**red print**). The key changes are:

1. The phrase in the existing Code, “*Council Members, Committee Members, employees and contractors*” has been replaced with the phrase “*Council and Committee Members*”, or “*Council Members, Committee Members and Candidates*”, to reflect that this Code only relates to Council Members, Committee Members and Candidates;
2. As the Local Government (Rules of Conduct) Regulations 2007 were repealed as part of the regulation that required this new Council Members, Committee Members and Candidates Code, no references to that Regulation and its requirements were transitioned across from the Council’s current Code, to the attached updated version;
3. The matter of breaches/complaints is dealt with in the legislated Code, so those MCC breaches/complaints clauses were used in lieu of the Council’s existing code clauses; and

4. Only relevant references to employees are included in the new Code, as the attached Code applies to Council Members, Committee Members and Candidates only. A new Employees Code is required to be separately developed (noting that the existing Council endorsed Code of Conduct will continue in force, where that is relevant and as they apply to Employees and Contractors).

STATUTORY ENVIRONMENT

Local Government (Model Code of Conduct) Regulations 2021 provides at Schedule 1, the legislated model *Code of Conduct for Council Members, Committee Members and Candidates*. Clause 11 (Complaint about alleged breach) outlines that a person may make a complaint alleging a breach of the Code, but that complaint must be made in writing in the form approved by the local government; and the local government must authorise at least one person to receive those complaints.

POLICY IMPLICATIONS

Whilst not a “policy”, the existing Code of Conduct will be impacted, and in time it will be replaced once the new Employees Code is finalised.

FINANCIAL IMPLICATIONS

The process of understanding the new legislation, and putting into place the temporary authorised officer, and the form, has taken a number of hours of officer time. Whilst no formal complaints have been lodged at the time of completing this report, any complaints lodged will inevitably also consume officer time and this has the potential be extensive on occasions.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
Goal: 4. Good governance.	Outcome: 4.1 Effective governance and leadership.	Strategy: 4.1.4 Ensure governance policies and procedures are in accordance with legislative requirements.

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Business Interruption: A complaint will take officer time to address and could result in disruption to the Shire’s outputs.	Possible	Moderate	Medium	Councillors and Employees to have a good awareness of, and comply with the Shire’s Codes of Conduct. A suitable “provisional” budget allocation could also be provided for, to accommodate the potential of larger than expected complaint

				being forthcoming.
Reputation: Shire Elected Members/Employees fail to meet the requirements Code.	Possible	Moderate	Medium	Councillors and Employees to have a good awareness of, and comply with the Shire's Codes of Conduct.

CONSULTATION

Information from both the Department of Local Government and the WALGA Governance Team have been used in the formulation of this report.

COMMENT

Code of Conduct

Previously, each local government had its own code of conduct to manage behaviour.

The new MCC replaces (at least in part) the individual codes and applies to all members and candidates. A separate code of conduct will be developed for employees, including the CEO.

The new MCC provides for a high-level process to deal with complaints to ensure a more consistent approach across the sector. The intent of the MCC is to address behaviour through education rather than sanctions.

If a Councillor does not comply with any action required following a substantiated breach of Division 3 (Behaviour) of the MCC, the matter may be referred to the Standards Panel as an alleged contravention of Division 4 (Rules of Conduct). The Standards Panel has the authority to make binding decisions to resolve minor breaches.

Local governments can incorporate any additional behaviour requirements in Division 3 (Behaviour) that are not represented in the MCC. Any changes must be consistent with the MCC. To adopt the MCC and any amendments requires a resolution passed by absolute majority. The adopted code must then be published on the Shire's official website.

Complaints Form

The DLGSC has provided a template that local governments can use to receive complaints. This form has been customised for the Shire of Derby/West Kimberley but requires Council approval. The form is attached.

Authorised Officers to receive complaints (and withdrawals)

The MCC requires Council to authorise one or more persons to receive complaints and withdrawal of complaints related specifically to Division 3 (Behaviour) of the Code.

The purpose of the Complaints Officer under section 5.120 is effectively 'just a mailbox' to receive minor breach complaints arising from the Code's Division 4 (Rules of Conduct) and forward them to the Standards Panel for assessment.

The person or persons authorised under the MCC will be required to deal with the complaint in accordance with the Complaints Handling Policy and Procedures. That Complaints Handling Policy and Procedures need to be developed and adopted by Council, which should occur in the next couple of months.

The Governance Team at WALGA has suggested to the industry that it may be prudent to not have the CEO receive complaints under Code. The CEO is effectively the only employee directly appointed by Council. Handling behavioural complaints could unnecessarily compromise the vital working relationship the CEO maintains with the elected members and there is a risk that this could create the perception of bias and a conflict of interest.

The alternative options are to engage an external party or to authorise one or more employees considered to have the experience and qualifications to handle a complaint, particularly recognising the requirement for procedural fairness and natural justice.

It is recommended that for the time being, the Director Strategic Business be initially authorised to receive complaints and withdrawals under Division 3 of the Code. This authorisation can be reviewed by Council at any time, and particularly during the development of a Complaint Handling Policy and Procedure.

Future Actions (required by 3 May 2021)	Proposed Action
<u>Complaints handling policy and/or procedure:</u> Both the DLGSC and WALGA recommend that these be developed as a matter of priority to ensure consistency in how complaints are managed in the future. The DLGSC has directed local governments to the Ombudsman WA’s website for resources in relation to effective complaints management.	Present to April 2020 Council Meeting.
<u>CEO standards for the recruitment, selection, performance review and termination:</u> Local Governments are required to adopt standards that incorporate the model standards. The regulations now require the position of CEO to be advertised if a period of 10 or more years has elapsed since a recruitment process has been carried out.	Present to April 2020 Council Meeting.
<u>Policy for Temporary Employment or Appointment of CEO:</u> Section 5.39C of the Local Government Act 1995, now requires local governments to adopt a policy in relation to the employment of a person in the position of CEO for a term not exceeding one year and the appointment of an employee to act in the position of CEO for a term not exceeding one year. WALGA are advocating to the DLGSC to have it develop and provide a template policy in the near future.	Present to April 2020 Council Meeting.
<u>Employee Code of Conduct:</u> The DLGSC has confirmed that Local Governments are not required to implement a new Employee Code of Conduct immediately. Rather, existing Employee Codes of Conduct should be reviewed, and a new Employee Code of Conduct prepared and implemented as soon as practicable. WALGA have indicated that they will produce a template Employee Code of Conduct for Employees, and the Public Sector Commission has produced some resources in this area.	Present to May/June 2020 Council Meeting.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

1. Breach Form 
2. Code of Conduct (Model + Existing) 

RESOLUTION 21/21**Moved:** Cr Rowena Mouda**Seconded:** Cr Paul White**That Council by Absolute Majority:**

1. endorses the CEO's actions of putting into place the temporary procedures (from 24 February 2020 to the date of this Council Meeting) of (a) providing a Code of Conduct Complaint Lodgement form; and (b) appointing of the Director – Strategic Business to receive any complaints and complaint withdrawals;
2. adopts the attached Code of Conduct (for Council Members, Committee Members and Candidates);
3. adopts the attached *Complaint About Alleged Breach Form* (for the lodgement of any complaints of breaches of the Code of Conduct);
4. appoints the Director – Strategic Business, as the person to receive any complaints and complaint withdrawals relevant to the Code of Conduct;
5. notes that the adopted Code of Conduct (for Council Members, Committee Members and Candidates), will be published on the Shire's official website; and
6. notes that for Employees and Contractors, the relevant parts of the existing Shire of Derby/West Kimberley Code of Conduct will continue to be applicable.

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

Against: Nil

CARRIED 8/0 (ABSOLUTE MAJORITY)



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

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

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

Name of person who is making the complaint:
Name: _____ <div style="display: flex; justify-content: space-around; margin-left: 100px;"> <u>Given Name(s)</u> <u>Family Name</u> </div>

Contact details of person making the complaint:
Address: _____
Email: _____
Contact number: _____

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

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

State the full details of the alleged breach. Attach any supporting evidence

to your complaint form.

Date of alleged breach:

_____ / _____ / 20_____

SIGNED:

Complainant's signature:

Date of signing: _____ / _____ / 20_____

Received by Authorised Officer

Authorised Officer's Name:

Authorised Officer's Signature:

Date received: _____ / _____ / 20_____

NOTE TO PERSON MAKING THE COMPLAINT:

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

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

Signed complaint form is to be forwarded to: (insert email/postal address)



Shire of Derby/West Kimberley

Code of Conduct for Council Members, Committee Members and Candidates

Contents

Code of Conduct

Division 1 — Preliminary provisions

1.	Citation and Introduction	1
2.	Terms used	1
3.	Organisational Values	2
4.	Principles	2
5.	Fraudulent and Corrupt Conduct	3
6.	Performance of Duties	3
7.	Role of the Council, Shire President, and Council Members	3
8.	Relationships Between Council Members, Committee Members and Employees	3
9.	Health and Safety	4
10.	Alcohol and Drug Use	4
11.	Equality in Employment	4
12.	Harassment and Bullying	4
13.	Discrimination	4
14.	Access to Information – Council Members	5
15.	Access to Information – Personal Interest	5
16.	Improper Use of Information	5
17.	Confidential Information	5
18.	Communication and Public Relations	6
19.	Expression of Personal Views	6
20.	Social Media	6
21.	Defamation	7
22.	Keeping of True and Correct Records	7
23.	Gifts and Benefits	7

Division 2 — General principles

24.	Overview of Division	8
25.	Personal integrity	8
26.	Relationship with others	8
27.	Accountability	8

Division 3 — Behaviour

28.	Overview of Division	9
29.	Personal integrity	9
30.	Relationship with others	9
31.	Council or committee meetings	9

32.	Appointments to External Boards, Committees and Working Groups	10
33.	Decision Making	10
34.	Lobbying	10
35.	Inappropriate Lobbying	10
36.	Transparency	11
37.	Reimbursement of Expenses	11
38.	Council Member Accessibility	11
39.	Compliance with Local Laws and Policies	12
40.	Complaint about alleged breach	12
41.	Dealing with complaint	12
42.	Dismissal of complaint	13
43.	Withdrawal of complaint	13
44.	Other provisions about complaints	13
45.	Reporting Misconduct to The Corruption And Crime Commission	13
46.	Protection of Persons Reporting Unacceptable or Illegal Behaviour	13
	Division 4 — Rules of conduct	
47.	Overview of Division	14
48.	Misuse of local government resources	14
49.	Securing personal advantage or disadvantaging others	15
50.	Prohibition against involvement in administration	15
51.	Relationship with local government employees	15
52.	Disclosure of information	16
53.	Disclosure of interests	16
54.	Compliance with plan requirement	17

Notes

Code of Conduct

Division 1 — Preliminary provisions

1. Citation and Introduction

This is the *Shire of Derby/West Kimberley Code of Conduct for Council Members, Committee Members and Candidates*.

The Council of the Shire of Derby/West Kimberley (the Shire) is the elected body responsible for the administration of the Shire in the best interests of its residents. The Council is committed to providing open, responsive and accountable government. The Local Government Act 1995 requires every Western Australian local government to prepare and adopt a code of conduct to be observed by Council Members, Committee Members (and Candidates where applicable).

The Code of Conduct provides Council Members, Committee Members and Candidates of the Shire of Derby/West Kimberley with the minimum standard of professional conduct and behaviour in carrying out their functions and responsibilities.

The Code addresses ethical responsibility and encourages greater transparency and accountability. It encourages a commitment to ethical and professional behaviour and outlines principles upon which individual and collective local government behaviours are to be based. The Code should be read in conjunction with the Local Government Act 1995 and other legislation that affect Council Members, Committee Members and Candidates. The Code does not override or affect those provisions or requirements.

The Code is complementary to the principles adopted in the Local Government Act 1995 which incorporate four fundamental aims:

- a. Better decision making by local governments;
- b. Greater community participation in the decisions and affairs of local governments;
- c. Greater accountability of local governments to their communities; and
- d. More efficient and effective local government In order to ensure that the Code remains current and relevant, it will be reviewed and

presented to Council for reoption no more than three months after each Ordinary Council Election.

2. Terms used

(1) In this code —

Act means the *Local Government Act 1995*;

candidate means a candidate for election as a council member;

complaint means a complaint made under clause 40(1);

publish includes to publish on a social media platform.

CEO means the *Chief Executive Officer of the Shire of Derby/West Kimberley*;

Code means *this Code of Conduct adopted by the Council*;

Committee means *a committee established by the Council under Local Government Act 1995*;

Council means *the council of the Shire of Derby/West Kimberley*;

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

Employee means *a person employed by the Shire of Derby/West Kimberley*;

Social media includes: *Social networking sites, Video and Photo Sharing Sites, Blogs, Microblogs, Wikis, Online Collaboration Forums, Instant Messaging, Geo-Spatial Tagging.*

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

3. Organisational Values

The organisational values and culture are an important part of working at the Shire of Derby/West Kimberley. Council Members, Committee

Members and Candidates are expected to work within Shire of Derby/West Kimberley values and display the following behaviours:

Honesty and Integrity

Treating others with respect, fairness, consistency, courtesy and honesty.

Excellence & Service

Providing a high level of customer service. Striving to learn. Actively seeking and evaluating new ways of doing things. Leading by example.

Teamwork & Commitment

Work as a team and assist each other for the betterment of the Shire, its residents and visitors.

Caring and Empathy

Being considerate of others and believing in their ability. Encouraging and acknowledging effort and initiative.

Innovation & Diversity

Encouraging creativity, innovation and initiative to realise the vibrancy and diversity of our vision.

4. Principles

As a general principle, a person in his or her capacity as Council Members, Committee Members and Candidates should:

- a. Act with reasonable care and diligence;
- b. Act with honesty and integrity;
- c. Act lawfully;
- d. Avoid damage to the reputation of the local government;
- e. Be open and accountable to the public;
- f. Ensure they are as informed as possible about matters relating to their role;
- g. Base decisions on relevant and factually correct information;
- h. Treat others with respect and fairness;
- i. Not be impaired by mind affecting substances.

Council Members, Committee Members and Candidates must avoid behaviour and conduct that:

- a. Contravenes the Local Government Act 1995 and the Shire's relevant administrative requirements;
- b. Is improper or unethical;
- c. Is an abuse of power or otherwise amounts to misconduct;
- d. Causes, comprises or involves intimidation, harassment or verbal abuse;
- e. Causes, comprises or involves discrimination or adverse treatment in relation to employment; or
- f. Causes, comprises or involves prejudice in the provision of a service to the community.

5. Fraudulent and Corrupt Conduct

Fraud is a dishonest activity that causes actual or potential financial loss to a person or the Shire. Corrupt conduct is behaviour that lacks virtue or integrity, including when a Council Members, Committee Members and Candidates uses or attempts to use their position for personal advantage. The Criminal Code makes it illegal for a public officer (including a Council Member, Committee Member or Candidate) to engage in fraud and/or corruption.

6. Performance of Duties

Council and Committee Members have a legal duty of fidelity to act in the best interests of the Shire. Council and Committee Members must exercise reasonable care and diligence in the performance of their duties, being consistent in their decision-making and treating all matters on individual merits. Council and Committee Members will be as informed as possible to enable them to perform their role including attendance at meetings, briefings and workshops.

7. Role of the Council, Shire President, and Council Members

The role of the Council, Shire President, and Council Members is set out in the *Local Government Act 1995*. In fulfilling the various roles, Council Members' activities will focus on:

- a. Achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- b. Achieving sound financial management and accountability in relation to the Shire's finances;

- c. Ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- d. Working with other governments and organisations to achieve benefits for the community at both a local and regional level; and
- e. Being aware of the statutory obligations imposed on Council Members and on local governments.

8. Relationships Between Council Members, Committee Members and Employees

Council and Committee Members must have mutual respect for the role that each party plays to achieve the Shire's corporate goals and implement the Shire's strategies. All parties should understand each other's role as specified in the *Local Government Act 1995* and other legislation. To achieve this, Council Members and Committee Members must:

- a. Accept that their role is one of leadership, and not a management or administrative role;
- b. Acknowledge that they have no capacity to individually direct employees and contractors to carry out particular functions;
- c. Refrain from publicly criticising employees in a way that casts aspersions on their professional competence or credibility;
- d. Ensure that no restriction or undue influence is placed on the ability of employees to give professional advice to Council.

9. Health and Safety

Council and Committee Members must take responsibility for preventing workplace related injuries and illnesses and adhering to all relevant regulations, policies and procedures. Leaders are accountable for the implementation of these requirements within the span of their control and for ensuring that supporting systems are in place.

10. Alcohol and Drug Use

Council and Committee Members must refrain from carrying out their official duties or responsibilities while affected by alcohol or drugs. The possession or use of illegal substances at Shire of Derby/West Kimberley workplaces, functions or in conjunction with Shire of Derby/West Kimberley business is strictly prohibited.

11. Equality in Employment

Equal Employment Opportunity ensures that all employment and management practices operate in a way that gives everyone the same opportunities in the workplace. This includes decisions relating to recruitment, remuneration, conditions of employment, development, promotion, and termination of employment. The Shire will maintain, identify and resolve issues relating to equity, and recognise opportunities for improvement. It will also require that all employees and contractors and potential employees and contractors are reviewed according to job related skills, qualifications, abilities and attitude and not with regard to non-work-related factors.

12. Harassment and Bullying

The Shire of Derby/West Kimberley does not tolerate any form of harassment or bullying. Our values support a culture where people are treated fairly, respectfully and with dignity.

“Harassment” is an action, conduct or behaviour that is viewed as unwelcome, humiliating, intimidating or offensive by the recipient. “Sexual harassment” is any deliberate verbal or physical sexual conduct that is unwelcome and uninvited and that a reasonable person having regard to all the circumstances would regard the behaviour as offensive, humiliating or intimidating. “Bullying” is repeated verbal, physical, social or psychological abuse by a person or group of people at work.

Council and Committee Members are expected to be inclusive, collaborative and supportive and are not to engage in any activity that could be considered to be harassment or bullying. It is important that everyone considers the implications of their behaviours and supports colleagues to raise concerns.

13. Discrimination

“Discrimination” means treating someone unfairly due to their race, sex, marital status, pregnancy, impairment, religious or political conviction, age, family responsibility or family status. This includes, but is not limited to discrimination, on the grounds of sex, pregnancy, age, race (including their colour, nationality, descent, ethnic or religious background), political affiliation, marital status, disability, sexual orientation or transgender.

Council and Committee Members must not engage in actions or behaviours that discriminate against, or support others who discriminate against, any person.

The Shire will ensure compliance with the principles and provisions of the *Equal Opportunity Act 1984 (WA)*. This commitment extends to recruitment and selection, promotion and advancement activities which will be solely on the basis of equity and fairness. Appointments will be based solely on merit. All people have a right to work in an environment that is free from sexual harassment. Sexual harassment will not be tolerated in the Shire of Derby/West Kimberley.

14. Access to Information – Council Members

Council Members are to be given access to all information for them to properly perform their civic functions and to make reasonable and informed decisions on matters before the Council. Council Members have an obligation to properly examine all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter.

Council Members who have a personal (as distinct from civic) interest in a document of the Shire have the same rights of access as any member of the public.

15. Access to Information – Personal Interest

Council and Committee Members must not use confidential information gained through their official position for the purpose of securing a private benefit for themselves or for any other person. When making an enquiry on a matter being considered by the Shire in which they have a personal/financial interest, they shall seek the information only from the CEO or relevant Director, in writing.

16. Improper Use of Information

Council and Committee Members must not make improper use of any information acquired by the person in the performance of his or her functions under the *Local Government Act 1995* or any other written law. Due discretion must be exercised by all those who have access to confidential or sensitive information. This applies not only to the proper

disclosure of that information, but also to the appropriate measures to be taken to ensure that the security of the information is not compromised.

Section 5.93 of the Local Government Act 1995 prohibits an Elected Member, Committee Member or employee from making improper use of any information acquired in the performance by the person of his or her functions under the Local Government Act 1995 or any other written law:

- a. to gain directly or indirectly an advantage for themselves or for any other person; or*
- b. to cause detriment to the Shire or any other person. The penalty, on conviction, is a fine of \$10,000 or imprisonment for 2 years.*

17. Confidential Information

Council and Committee Members must only access information needed for official business and use confidential information only for the purpose it is intended to be used. They have a duty to protect confidential information and must only release confidential information if they have authority to do so.

18. Communication and Public Relations

As a representative of the community, Council Members need to be responsive to community views, and shall communicate decisions of Council or a committee adequately, with good faith and not adversely reflect on those decisions externally.

Council and Committee Members must:

- a. Respect the decision-making processes of the Shire which is based on decisions of the majority of the Council or a committee;
- b. Not communicate confidential information;
- c. Convey information concerning adopted policies, procedures and decisions of the Shire accurately; and
- d. Recognise that the spokespersons for the Council are the Shire President and, with the Shire President's authorisation, the Chief Executive Officer, either of whom may make a statement on behalf of the Council.

19. Expression of Personal Views

Council Members are free to make their own personal position known about any matter which is pertinent to the business of the Shire, including Council decisions provided that it cannot be construed to be a statement on behalf of the Council.

Council and Committee Members will refrain from making personal statements to the media without clearly prefacing such remarks that they are personal views and not those of the Council and in any case will not adversely reflect on a Council decision.

20. Social Media

Council and Committee Members are free to state their position/role with the Shire publicly on social media (e.g. on Facebook, LinkedIn, etc.), however, as with any other form of communication, they must ensure their behaviour on social media adheres to the Shire of Derby/West Kimberley's values, policies and the other provisions of this Code.

While using social media Council and Committee Members must:

- a. Take care that their online behaviour does not reflect adversely on the Shire;
- b. Be polite and respectful of the opinions of others at all times, especially if publicly identifying themselves as a staff member of the Shire; and
- c. Ensure that any comments made about the Shire, Council, Council Members, its staff or stakeholders are factually correct and not confidential, divisive or negative in nature.

Council and Committee Members are encouraged to use social media channels throughout their term to help communicate the Shire's programs and initiatives and create an open channel with residents and community members. Such communication should always be conducted in a positive manner, should not discredit or reflect adversely on the Shire, its staff or its initiatives.

Council and Committee Members should take care to ensure that work related communication with each other occurs through official channels, not through social media.

All use of social media must be in accordance with Council's Social Media Policy.

21. Defamation

Comments by Council Members are covered only by qualified privilege against defamation. A Council Member can only rely on the defence of qualified privilege whilst exercising the proper discharge of their duties, and doing so in the public interest. In order to maintain qualified privilege, a Council Member should ensure that comments made are pertinent to the business of local government and they are not made maliciously or without due regard to whether they represent the truth.

22. Keeping of True and Correct Records

All elected members, staff and contractors will create full and accurate records, in the appropriate format, of the Shire of Derby/West Kimberley's business decisions and transactions to meet all legislative, business, administrative, financial, evidential and historical requirements.

The State Records Commission Policy relating to Councillor Records is: *"In relation to the recordkeeping requirements of local government, elected members' records must be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision making processes of Council and Committees of Council. This requirement should be met through the creation and retention of records of meetings of Council and Committees of Council of local government and other communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business. Local governments must ensure that appropriate practices are established to facilitate the ease of capture and management of elected members' records up to and including the decision making processes of Council."*

23. Gifts and Benefits

It is the Shire's position that Council and Committee Members should not seek or accept (either directly or indirectly) any immediate or future gift (including any financial benefit, reward, donation or hospitality) for

themselves, or for any other person or body, as a result of their role with the Shire. However, it is acknowledged that there may be instances when receiving a gift is unavoidable or when refusal of a gift may be inappropriate. In these circumstance, Council and Committee Members must comply with the provisions of the rest of this section. In order to ensure transparency, the CEO maintains a register of notifiable gifts which is published on the Shire's website in accordance with the requirements of the Local Government Act 1995. For the purposes of this Code, a gift has the extended meaning set out in section 5.82(4) of Local Government Act 1995. Section 5.82(4) of the Local Government Act 1995 defines a gift as: *“gift means any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel.”*

Division 2 — General principles

24. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

25. Personal integrity

- (1) A council member, committee member or candidate should —
 - (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) identify and appropriately manage any conflict of interest; and
 - (e) avoid damage to the reputation of the local government.
- (2) A council member or committee member should —
 - (a) act in accordance with the trust placed in council members and committee members; and
 - (b) participate in decision-making in an honest, fair, impartial and timely manner; and

- (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
- (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

26. Relationship with others

- (1) A council member, committee member or candidate should —
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

27. Accountability

- A council member or committee member should —
- (a) base decisions on relevant and factually correct information; and
 - (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
 - (c) read all agenda papers given to them in relation to council or committee meetings; and
 - (d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

28. Overview of Division

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

29. Personal integrity

- (1) A council member, committee member or candidate —
 - (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
 - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
 - (b) must comply with all policies, procedures and resolutions of the local government.

30. Relationship with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

31. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

32. Appointments to External Boards, Committees and Working Groups

Council and Committee Members representing the Shire on external organisations, boards, committees and working groups are to ensure that they clearly understand the basis of their appointment, provide regular reports on the activities of the organisation in accordance with the confidentiality requirements of that organisation and represent the Shire's interests on all matters relating to that organisation while maintaining the confidentiality requirements of the Shire.

33. Decision Making

Council and Committee Members have a duty to ensure that decisions are properly made and that parties involved in are dealt with fairly. Care must be taken to avoid impropriety and also to avoid any occasion for suspicion and any appearance of improper conduct.

When making decisions, it is essential that Council and Committee Members are highly conscious of the potential for even the slightest impropriety to lead to suspicion of misconduct. This means Council and

Committee Members must ensure that no action, statement or communication between themselves and a third party conveys any suggestion of willingness to provide concessions or preferential treatment.

34. Lobbying

“Lobbying” is used to cover those types of communication between local government Council Members and the community and include representations to Council Members by special interest groups, by individuals with a direct interest in a council decision and by advocates acting on behalf of others.

Lobbying is common in local government. The most common form occurs when a group or individual makes direct contact with a Council Member in an attempt to influence a council decision.

Appropriate lobbying of Council Members is considered normal. In many cases lobbying is part of the democratic process and is an acceptable feature of the relationship between citizens and their elected representatives.

35. Inappropriate Lobbying

It is in the public interest that lobbying is fair and does not undermine public confidence in impartial decision-making. Lobbying is a two-way process between Council Members and lobbyists. Council Members should take care that their duty to consider issues fairly and properly is not compromised by participating in lobbying practices that are outside the bounds of appropriate or lawful behaviour. Generally, inappropriate or unlawful conduct on the part of someone lobbying a Council Member usually involves an attempt to obtain preferential consideration or treatment based on factors other than the merits of the matter. Examples include:

1. Accepting undisclosed payments or benefits while making a decision that affects the gift giver’s interests;
2. Accepting a political donation in return for the favourable exercise of discretion during decision-making;
3. Granting access to a particular individual or group while unreasonably denying similar access requested by another party;
4. Fettering discretion by giving undertakings to an interested party prior to considering all the information relevant to a decision;
5. Acting in a manner that exceeds the role of a Council Member as defined in section 2.8, 2.9 or 2.10 of the *Local Government Act*,

6. Disclosing confidential information while being lobbied;
7. Being unduly influenced by factors that are irrelevant to the merits of the matter under consideration; and
8. Lobbying of by tenderers about the outcome of a tender process.

36. Transparency

Council Members should exercise judgement when deciding whether to be involved in private meetings with people seeking to influence a council decision. Suspicions or inappropriate lobbying can occur when lobbying is not open to public scrutiny. Regardless of whether such suspicions are justified, they still have the potential to undermine public confidence in council decision-making and adversely affect a Council Member's reputation.

Transparency is a useful means of governing accountability and perceptions of fairness in lobbying processes. There are a number of ways Council Members can help ensure transparency whilst being lobbied.

These include:

- a. Documenting meetings with proponents;
- b. Generally conducting meetings in official locations, such as Council premises;
- c. Having other people present during meetings;
- d. Inviting applicants who have approached them for a meeting to discuss significant developments, to write to the Shire seeking a meeting with all Council Members and relevant employees;
- e. Providing copies of information presented during lobbying meetings to Shire employees for consideration and assessment (if required), distribution to other Council Members and filing as part of Council's records;
- f. Asking people who have requested a meeting to put their arguments in writing; and
- g. Making a declaration at a Council meeting about lobbying activities they have been engaged in that are not part of Council's formal processes.

37. Reimbursement of Expenses

Council and Committee Members may claim reimbursement of expenses only in accordance with the relevant legislative provision, policy or administration procedures. Claimants shall be diligent in ensuring that the

expenses claimed in accordance with Council policy relate to their function and are appropriately acquitted.

38. Council Member Accessibility

Council Members shall ensure that they make themselves accessible to the Shire of Derby/West Kimberley community through publication of at least one of the following on the Shire's website. Selection of the following will be at the discretion of the Council Member:

- a. Private and/or Shire address or PO Box;
- b. Business telephone number;
- c. Mobile telephone number; and
- d. Email address.

39. Compliance with Local Laws and Policies

Council Members, Committee Members and Candidates must comply with local laws and Council policies. Council and Committee Members are to consider the administrative policies and procedures of the Shire to guide them in their decision-making responsibilities.

40. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within one month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise one or more persons to receive complaints and withdrawals of complaints.

41. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 42 or the complaint is

- withdrawn under clause 43 (1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
 - (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
 - (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
 - (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
 - (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do one or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
 - (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

42. Dismissal of complaint

- (1) The local government must dismiss a complaint if it is satisfied that —
- (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

43. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
- (a) in writing; and
 - (b) given to a person authorised under clause 40(3).

44. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

45. Reporting Misconduct to the Corruption And Crime Commission

The CEO, being a 'principal officer of a notifying authority' (for the purposes of the Corruption and Crime Commission Act 2003) has a statutory obligation to report to the Corruption and Crime Commission any allegation of misconduct, or any situation that otherwise comes to his or her attention involving misconduct, where it is of relevance or concern to the CEO in his or her official capacity.

Notwithstanding, any Council Member, Committee Member, employee, contractor or any other person may report directly to the Corruption and Crime Commission any matter which that person suspects on reasonable grounds may concern misconduct that has occurred, is occurring, or may occur.

46. Protection of Persons Reporting Unacceptable or Illegal Behaviour

The CEO is to ensure that Council Members, Committee Members, employees and contractors who report unacceptable or illegal behaviour (that is, whistle-blowers) are not in any way disadvantaged or victimised because of their actions. The CEO's action is limited to matters for which he/she has responsibility and/or jurisdiction to act.

Public Interest Disclosure Act 2003

The Public Interest Disclosure Act 2003 facilitates the reporting of public interest information and provides protection for those who report this information under that Act. Council Members, Committee Members, employees and contractors are encouraged to contact the Shire's nominated Public Interest Disclosure Officer to seek guidance on their disclosure and to lodge completed Public Interest Disclosure forms. A person who makes an appropriate disclosure of public interest information to the Shire's nominated Public Interest Disclosure Officer under section 5 of the Public Interest Disclosure Act 2003:

- (a). incurs no civil or criminal liability for doing so,
- (b). is not, for doing so, liable:
 - (i) to any disciplinary action under a written law;
 - (ii) to be dismissed;
 - (iii) to have his or her services dispensed with or otherwise terminated; or

(iv) for any breach of duty of secrecy or confidentiality or any other restriction on disclosure (whether or not imposed by a written law) applicable to the person (Section 13)

Division 4 — Rules of conduct

Notes for this Division:

1. *Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.*
2. *A minor breach is dealt with by a standards panel under section 5.110 of the Act.*

47. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

48. Misuse of local government resources

Council and Committee Members will be scrupulously honest in their use of the local government's resources and shall not misuse them or permit their misuse by any other person or body. Local government resources should be used effectively and economically and are not to be used for private purposes unless properly authorised to do so.

The interests of a Council Member in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. In addition, Council letterhead, the Shire's logo and other information that could give the impression it is official council material must not be used for these purposes.

Council and Committee Members must not use the Shire's computer resources to search for, access, download or communicate any material of

an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

- (1) In this clause —

electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;

resources of a local government includes —

- (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

49. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
- (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
 - (b) to cause detriment to the local government or any other person.

(2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

50. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

51. Relationship with local government employees

- (1) In this clause, **local government employee** means a person —

- (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
- (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop) the council member or candidate must not orally, in writing or by any other means —
- (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

52. Disclosure of information

- (1) In this clause —
- closed meeting** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
- confidential document** means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;
- document** includes a part of a document;

non-confidential document means a document that is not a confidential document.

- (2) A council member must not disclose information that the council member —
- (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information—
- (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

53. Disclosure of interests

A conflict of interest occurs when a Council or Committee Member's position within the Shire of Derby/West Kimberley, or their financial or other personal interests affect, has the potential to affect, or could have the appearance of affecting, their judgement, objectivity or independence.

No activities of Council or Committee Members should conflict with their responsibilities or compromise the quality of work performance, commitment to work, or the ability to make impartial business decisions.

Council and Committee Members must declare any actual, or perceived conflict of interest between their personal interests and the impartial fulfilment of their professional duties.

Council or Committee Members must comply with the laws governing financial interests, including the disclosure of financial interests, set out in the Local Government Act 1995. The onus is on Council and Committee

Members to identify possible financial interests (including proximity interests and non-financial interests), to determine whether an interest exists and whether any statutory exemption applies.

Council or Committee Members must provide primary and annual returns in accordance with the requirements of the Local Government Act 1995.

(1) In this clause —

Interest —

- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
- (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
- (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
- (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —

(a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or

(b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.

(7) The nature of the interest must be recorded in the minutes of the meeting.

54. Compliance with plan requirement

If a plan under clause 41(4)(b) in relation to a council member includes a requirement referred to in clause 41(6), the council member must comply with the requirement.

1.

2.

3.

Notes

The *Local Government (Model Code of Conduct) Regulations 2021* was Gazetted on 3 February 2021 and its adoption repeals the *Local Government (Rules of Conduct) Regulations 2007*.

11.4 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM

File Number: 5460

Author: Amanda O'Halloran, Chief Executive Officer

Responsible Officer: Amanda O'Halloran, Chief Executive Officer

Authority/Discretion: Executive

SUMMARY

On 22 May 2020 the Australian Government announced a \$500 million *Local Roads and Community Infrastructure Program* (LRCIP).

This program supports local governments to deliver local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities “bounce back” from the COVID-19 pandemic.

The Shire of Derby/West Kimberley's 2020-21 budget identified projects under this initial LRCIP program funding. The Australian Government through its 2020–21 Budget, announced a \$1 billion extension of the LRCIP.

Local governments can access this *Phase Two* funding from 1 January 2021. This report seeks endorsement of projects from the phase two funding so that works may commence as soon as possible.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

Under the LRCIP extension, Shire of Derby/West Kimberley will receive an additional funding allocation of \$710,158.

Projects from phase two must be completed by 31 December 2021 and be spent on “additional projects”, such that overall Shire capital spending on roads and community infrastructure (vis. funded by Shire own revenue) is at or above the adopted 2020-21 capital budget spending level (that is, the Shire cannot use the funds to “subsidise” its operations and its rating levels).

The description of eligible projects is that they must be either:

- Local road projects that involve construction or maintenance of roads managed by local governments. Local governments are encouraged to consider works that can support improved road safety outcomes; and/or
- Community infrastructure projects that involve construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public.

Examples of eligible works include:

- Closed Circuit TV (CCTV);
- bicycle and walking paths;
- painting or improvements to community facilities;

- repairing and replacing fencing;
- improved accessibility of community facilities and areas;
- landscaping improvements, such as tree planting and beautification of roundabouts;
- picnic shelters or barbeque facilities at community parks;
- playgrounds and skate parks (including all ability playgrounds); and
- off-road car parks (such as those at sporting grounds or parks).

Potential project options identified were canvassed with Councillors and the Community during the Community Strategic Planning process during the latter part of 2020.

STATUTORY ENVIRONMENT

S3.57 of the Local Government Act (Tenders for providing goods or services) outlines that a local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

S6.8 of the Local Government Act (Expenditure from municipal fund not included in annual budget) highlights that a local government is not to incur expenditure from its municipal fund for an additional purpose (vis. “additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.) unless is authorised in advance by resolution*. (** Absolute majority required*).

POLICY IMPLICATIONS

AF1 Procurement of Goods and Services

FINANCIAL IMPLICATIONS

The Australian Government LRCIP phase two funding of \$710,158 is additional to that included in the 2020-21 budget and will require a budget amendment by absolute majority to enable expenditure of these additional funds.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
Goal 2: A balance between the natural and the built environments Sustainable natural and built environments that meet the needs of the community and support future growth	Outcome 2.1: Appropriate development that enhances the unique character and heritage of the Shire’s townships. Outcome 2.2: Attractive streetscapes, open spaces, parks and gardens Outcome 2.4: Shire buildings and facilities that	Strategy 2.1.6: Support the conservation and maintenance of heritage buildings, heritage items and places of interest. Strategy 2.2.1: Manage and maintain the Shire’s parks, gardens and open spaces at appropriate standards. Strategy 2.4.1: Ensure Shire buildings, facilities and public amenities are

	meet community needs	provided and maintained to an appropriate standard. Strategy 2.4.2: Develop new buildings and facilities in accordance with asset management principles and based on a planned and prioritised approach.
Goal 4: Good Governance and an effective organisation Leadership that provides strategic direction for the community, supported by efficient and effective service delivery	Outcome 4.1: Effective Governance and Leadership Outcome 4.2: Effective Engagement with the Community and Stakeholders Outcome 4.4 Financial sustainability and accountability for performance	Strategy 4.1.1: Provide leadership in balancing the needs of the community, government, industry and the environment. Strategy 4.4.3 Actively pursue alternative sources of income to fund the Shire’s services and operations Strategy: 4.4.4 Provide resources to support the Shire’s operations

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Organisation's Operations: Additional workload will challenge the organisation’s capacity to deliver.	Likely	Moderate	Medium	Manage workloads accordingly and work collaboratively with departments to achieve the outcome within the specified timeframes.
Community: Local businesses are not resourced to provide the services in the required timeframes, missing the opportunity that the Stimulus is intended to bring to the region.	Possible	Moderate	Medium	Plan effectively to ensure that all local businesses are given the opportunity to access the program, work with Federal representatives to discuss local strategies to ensure that the Stimulus stays in the hands of local businesses.
Community: Local businesses are not aware of the local economic development and purchasing	Possible	Moderate	Medium	Plan effectively to ensure that all local businesses are given the opportunity to access the program, hold

opportunities provided by the grants/Shire expenditure.				workshops and ensure that advertising is extensive across the Shire.
Reputation: Local and media disappointment that local community members and businesses don't have a reasonable chance to offer their services.	Possible	Moderate	Low	Ensure that Local Businesses are supported to access the program and the Shire is proactive in supporting the appropriate local community outcomes.

CONSULTATION

Extensive consultation has been undertaken with the following:

- Community Groups and Clubs;
- Community during the recent Strategic Planning Engagement; and
- Councillors.

COMMENT

It is proposed that Capital Projects that have been identified as a high priority, but were not able to be funded in the 2020/21 budget, be considered and subsequently nominated as the recommended projects for completion under the LRCIP funding. These projects will meet the essential grant criteria of being “additional capital funding” to that already allocated from Shire’s own revenue in the adopted 2020-21 budget.

Below are the details of the proposed projects:

Reconstruction of Fitzroy Crossing Airport Runway Failure on Runway 01/19 and Total Seal Enrichment - \$375,000

The Runway at Fitzroy Crossing Airport was reconstructed in 2013 to fix a very bad ride quality, This work resulted in a smooth runway, however the pavement sits on an underlying black soil clay and has continued to warp and move.

The pavement therefore is misshapen and deformed, and gives a very poor ride. The danger to aircraft is instability at speed, when landing and taking off. CASA has very exacting standards for runway shape and smoothness. CASA has recently inspected the runway and classified this as a high risk and requiring urgent attention. The runway is pivotal to the overall health services for the greater Fitzroy Valley area.

It is proposed that the section of runway that is deformed be reconstructed and resealed. The total project cost is \$751,700. SDWK has applied for a grant to fund the remaining \$375,000 and is proposing that the Stimulus funding provide the matching funds to ensure the project goes ahead during the dry season of 2021, this will ensure there is no interruption to the emergency health services of the Fitzroy Valley area.

Replacement of Derby Jetty Lighting - \$105,000

All pole-top lights along the internal edge of the Derby jetty are unserviceable. This will require the replacement of the current failed wiring system, including an upgrade to the mains power box.

Gravel Road Grid Replacements and minor Road Repairs (Re-sheeting) - \$230,158

- Calwynyardah – Nookanbah Road (SLK 3.92);
- Christmas Creek Road (SLK 15.96);
- Cherrabun Road (SLK 16.36); and
- Three grid replacements on the Nerrima and Myroodah Road (SLK's to be confirmed).

Works proposed include grid repairs, minor maintenance to drainage, and re-sheeting, on sections of the above proposed roads.

Given the need to have funds expended by 31 December 2021, there is little time available to undertake consultation on new projects. The identified projects have already had preliminary design works completed and consultation undertaken with key stakeholders. These projects are, with some external project management support, deemed capable of delivery by the deadline (with external project management assistance costs being incorporated into the overall project costs).

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

Nil

RESOLUTION 22/21

Moved: Cr Andrew Twaddle

Seconded: Cr Rowena Mouda

That Council by absolute majority, amends the 2020 -21 Annual Budget by:

- 1. Increasing income from the Local Roads and Community Infrastructure Program by \$710,158 and;**
- 2. Adding expenditure for the capital works projects listed below:**
 - i. Reconstruction of Fitzroy Crossing Airport Runway Failure on Runway 01/19, and total Seal Enrichment - \$375,000;**
 - ii. Replacement of Derby Port Lighting - \$105,000; and**
 - iii. Gravel Road Grid Replacements and minor Road Repairs (Re-sheeting) - \$230,158**

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

Against: Nil

CARRIED 8/0

12 CORPORATE SERVICES

Nil

13 TECHNICAL SERVICES**13.1 CARPARKING AND VERGE CONTROL****File Number: 7015****Author: Wayne Neate, Director Technical and Development Services****Responsible Officer: Amanda O'Halloran, Chief Executive Officer****Authority/Discretion: Executive****SUMMARY**

This item is for Council to consider options for the median strip located between Clarendon Street and the Hospital parking with the recommended option that it be turned into garden beds with ground covers being planted. This item will also consider the instruction to staff to begin the process of introducing Parking local laws to control parking throughout the towns and in particular parking on verges at the hospital should it continue.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

The issue of parking on the verge around the hospital in particular has been ongoing for several years and has been raised as an issue on the Derby Health Advisory committee (DHAC) along with the Shire Road wise committee. The issue of people parking on the verge becomes a hazard for any vehicles including the ambulances trying to exit the carparks and view oncoming traffic.

Various initiatives have been undertaken by both the Hospital through notifying staff of the issue and advising to park in the vacant block across the road. The Shire also as per minute 89/19 from the ordinary meeting of Council in August 2019 as shown below installed new no parking signs on the verge and painted new no standing signs in various sections of the carpark.

As outlined in that item the installation of the signage did work in the very short term, however in the long term people resumed their previous behaviour as there is no enforcement of the no parking areas.

The Shire of Derby/West Kimberley currently does not have any Parking Local Laws or any means for penalising someone for parking on the verges rather than a carpark.

RESOLUTION 89/19

Moved: Cr Peter McCumstie

Seconded: Cr Chris Kloss

That Council;

1. Approve of the installation of the “No Parking” signage at Derby Hospital, with the costs of the signs being recouped from the Western Australian Country Health Service being Derby Hospital and the cost of installation the responsibility of the Shire of Derby/West Kimberley.
2. Approve of the installation of bollards to the heritage sign outside of the Mary Island fishing Club and Elder Street.
3. Approve of the installation of bollards to protect the footpath outside of Sampey Meats to the corner of Neville and Rowan Street.

AMENDMENT RESOLUTION 90/19

Moved: Cr Peter McCumstie

Seconded: Cr Paul White

Amend Point 2 – Subject to no issue with the Heritage Trail Plan, that the Heritage Sign outside of the Mary Island Fishing Club be moved to the intersection of the Old Jetty Road and Elders Street.

In Favour: Crs Paul White, Denise Andrews, Peter Coggins, Chris Kloss, Peter McCumstie, Iris Prouse and Andrew Twaddle

Against: Nil

CARRIED 7/0

STATUTORY ENVIRONMENT

Local Government Act 1995 – Provision of Making Local Laws

Various standards in roadside frangible items and landscaping.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There will be a cost of labour that can be absorbed into normal operations, material for mulching the verge at this stage has not been priced but can be included in future budgets along with the costs for the rocks associated with the works.

It is hoped that the native ground covers and plants will be supplied by the Derby Landcare Group free of charge.

The cost of implementing the local laws will be allowed for in future budgets.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
4. Good governance and an effective organisation	4.1 Effective governance and leadership	4.1.1 Provide leadership in balancing the needs of the community, government, industry and the environment.

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<p>People Health & Safety:</p> <p>The continuance of parking on the verge continues to cause issues for visibility of vehicles and potentially causes a incident</p>	Possible	Moderate	Medium	The Shire along with the Western Australian Country Health Service undertake measures to reduce the risk

CONSULTATION

Councillors, the Shire Roadwise committee and the DHAC committee are all very aware of the problem and issues that have occurred and wish the matter to be resolved ASAP.

COMMENT

This issue as stated in the background has been ongoing over several years and has been a great frustration for both council and Western Australian Country Health Service (WACHS) administration alike. Signs have been installed and then ignored and damaged and is evident that that the current strategy has not worked and that a rethink of a solution needs investigation.

It has been suggested that bollards or physical barriers could be installed however this would prove costly and may aesthetically not have the best outcome. These may prove costly to install and be once again damaged over time.

During a recent Roadwise committee meeting it was suggested that the Derby Landcare Group may be able to assist in planting some various native ground covers and low height shrubs to assist in preventing parking on the various areas of the verge. It is suggested that low planting and converting the grass areas to garden beds may alleviate the parking issue. It has been considered that this approach along with locating rocks in strategic areas will hopefully alleviate the problem. The rocks will be placed further off the road on the hospital side of the verge areas to minimise the issue of the non-frangible objects being too close to the road. It will therefore be recommended that the verge areas be mulched, planted with native ground covers and low shrubs along with strategically placed rocks to further prevent the parking on the verge.

This proposal will also be put forward to WACHS for their endorsement.

The treatment of the verge will be the first step in the process with the second step being the formulation of Parking Local laws by the staff as a long term solution. This parking local law will provide officer’s the power to enforce no parking areas. It will therefore also be recommended that Council instruct the Chief Executive Officer to begin the process of providing Council a Parking Local Law for review.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

Nil

RESOLUTION 23/21**Moved: Cr Paul White****Seconded: Cr Andrew Twaddle****That Council;**

- 1. Endorse the plan to convert the grassed areas of verge into mulched garden beds with strategically placed rocks to prevent the issues of parking on the verge.**
- 2. Advise the Western Australian Country Health Service of the intention to convert the grassed areas to garden beds.**
- 3. Instruct the Chief Executive Officer to work with the Derby Landcare group to undertake planting of the verge areas with local native plants suitable to not cause sight issues for traffic entering or exiting the various hospital entries.**
- 4. Instruct the Chief Executive Officer to develop Parking Local Laws as part of the overall review of Local Laws.**

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

Against: Nil

CARRIED 8/0

14 DEVELOPMENT SERVICES**14.1 POLICY H2 - TRADERS AND STALL HOLDERS PERMITS (REVISED)****File Number: 7072****Author: Robert Paull, Manager Development Services****Responsible Officer: Robert Paull, Manager Development Services****Authority/Discretion: Administrative****SUMMARY**

This report seeks to provide a revised policy direction associated with the operations and location of mobile and itinerant vendors in Derby.

DISCLOSURE OF ANY INTEREST

Nil

BACKGROUND

The Shire has certain statutory instruments that address land use and the operation of itinerant traders. The most common is assessment under a planning scheme and local laws.

All aspects of the application before Council address the Shire of Derby Local Law *Activities on Thoroughfares and Trading in Thoroughfares and Public Places* (Gazetted on 28 August 2001) which regulates traders and stall holders. In the administration of these local laws, there is a lack of policy direction to enable mobile trading to be regulated in way that is both consistent and which most benefits the local community.

STATUTORY ENVIRONMENT*Local Government Act, 1995*

Council's role in determining Local Government policies is defined under Section 2.7(2)(b) of the Local Government Act, 1995.

Local Government Act Local Laws 1998

The Shire of Derby Local Law *Activities on Thoroughfares and Trading in Thoroughfares and Public Places* regulates traders and stall holders in clause 6.3 by providing:

“(1) A person shall not carry on trading unless that person is-

(a) the holder of a valid trader's permit; or

(b) an assistant specified in a valid trader's permit”.

This clause covers mobile vendors trading or soliciting business from a vehicle on a thoroughfare or public place. A public place is described in the local law as including:

“.....any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property”.

What is and what isn't regarded as trading in a public place is clarified to some extent in the draft revised policy in response to recent trading requests.

Food Act 2008

Many traders are also required to have their food business registered under the *Food Act 2008*. This draft policy does not relate to the administration of the *Food Act 2008* and such registrations will be assessed as per normal.

Planning & Development Act 2005

Planning approval is normally required for private land but not locations within road reserves, which normally fall outside the provision of the Planning Scheme. Such planning approval would be decided under delegation.

POLICY IMPLICATIONS

Council has adopted Policy H2 – Traders and Stall Holders Permits which has the following objective:

“The objective of this policy statement is to allow for the operation of trading activities in thoroughfares and public places in such a manner that they do not conflict with or prejudice the Shire’s permanent retail and service base, or other normal functions of the towns located within the Shire”.

Policy H2 does appear to lack guidance for Council and the Shire to consider the operation and location of mobile and itinerant vendors. Hence this a revision of Policy H2 is sought to provide direction associated with such matters.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
Community wellbeing	Public environmental health protections	1.2.1 Provide food premises inspection

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Reputation: Mobile traders/local business owners may have differing views on what are appropriate locations for mobile traders	Possible	Minor	Medium	Widely advertise the draft Policy and for Council to consider submissions before the end of the 3 month trial of the advertising.

CONSULTATION

There is no statutory obligation on Council to seek community consultation for the proposed trading arrangements associated with the Revised Policy.

However, it is suggested that Council consider adopting the Revised Policy for a period of three (3) months and request the Chief Executive Officer (CEO) advertise the policy for consultation for a minimum 21 day period to enable local businesses, the community and mobile traders to comment on it. In the meantime, the Shire would use the policy as a basis to consider current and future applications after which the policy would be reviewed and referred back to the council for consideration.

COMMENT

The revised Policy seeks to provide the Council with a consistent framework to encourage, control and regulate mobile trading in public places in Derby. The revised Policy achieves the following:

- Provides a general '300m rule' to assist with regulation and managing the balance between mobile traders and established shops;
- Identifies locations where mobile trading is to be encouraged or allowed—regardless of the '300m rule'—due to the needs of particular areas and the benefits that mobile trading can bring, and identifies those benefits;
- Provides applicants with the ability to have their application decided by Council (regardless of any delegations) where the proposed activity lies inside of the '300m rule' and/or outside the declared trading locations; and
- Provides additional standard conditions that should be applicable to most mobile trading licences.

There are a number of matters factored into the Revised Policy to address the form of business activity sought. These matters include legal liability, protection of fair trade for existing businesses and traffic management coupled with the broader consideration of public safety.

The current delegations allow all applications to be decided by Shire staff, but nevertheless, many mobile trading applications may need to be referred to Council due to the lack of clear policy direction.

The revised policy is not a delegation but is intended to provide a basis for reviewing the delegations and to increase the efficiency of the organization by allowing more decisions to be made without having to go up to the Council meetings. Should an application be lodged with the Shire by a mobile vendor to operate within Derby (irrespective whether the application is to operate within a Declared Trading Location or outside a declared trading location), the application will first be referred to all Councillors inviting comment within 72 hours on the application.

A Councillor may request the CEO that the matter not be determined under delegation but rather be determined by Council. In this regard, the application will be referred to the Council at the earliest opportunity.

Should no such request be received from a Councillor, the application may be determined by the Shire under relevant delegation. It is still available to the CEO to refer any application by a Mobile Vendor (irrespective whether it is to operate within a Declared Trading Location) to Council for decision.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS**1. Policy H2 - TRADERS AND STALL HOLDERS PERMITS (revised)**  **RESOLUTION 24/21****Moved: Cr Rowena Mouda****Seconded: Cr Paul White****That Council:**

- 1. Pursuant to Section 2.7(2)(b) of the Local Government Act, 1995 adopt Policy H2 – Traders and Stall Holders Permits (revised) as presented in Attachment 1 of this report for a period of three months whilst it seeks community consultation on the matter.**
- 2. Request the Chief Executive Officer to undertake a consultation process as addressed in the Shire Report and refer the matter back to Council for consideration.**

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

Against: Nil

CARRIED 8/0



H2 – TRADERS AND STALL HOLDERS PERMIT (note: **highlight** reflects additions to the Policy for the current Policy arrangement)

OBJECTIVES:

The objectives of the policy are:

1. To allow for the operation of trading activities in thoroughfares and public places in such a manner that they do not conflict with or prejudice the Shire's permanent retail and service base, or other normal functions of the towns located within the Shire
2. To avoid the creation of adverse traffic, pedestrian and general public safety conditions, particularly on routes where the dominant function is the safe movement of vehicular traffic.
3. To regulate the level and intensity of vendor activities on road reserves and private land accessible to the public to ensure that the site is retained primarily for its purpose (community/traffic use, parking and commercial activities).
4. To accommodate appropriate vendor activities in order to provide services that enhance the visitor/resident experience.
5. To ensure that the parking of vehicles (or erection of other equipment) will not adversely affect the public amenity and the characteristic streetscape of the area and the street carparks, and private commercial areas.

POLICY APPLICATIONS

6. This section applies to all forms of trading as defined in Part 6 Division 1 *Trading in Thoroughfares and Public Places* of the Shire of Derby/West Kimberley Activities in Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
7. Trading activities should meet a demand for goods and services which is not already met by existing, permanent facilities.
8. Applications to establish trading activities in public places will be subject to the same planning considerations as are applied to applications for the use of private land. Particular attention will be paid to the impact of the proposal on the public environment.
9. Trading activities should be appropriate to the character and functions of the area in which they are proposed to be located.
10. Trading should not take place where the gathering of customers would impede pedestrian or vehicle movements, or cause conflicts with other activities.
11. Trading locations should be readily and safely accessible to potential customers.
12. Where trading is proposed to take place from a unit such as a stall or barrow, the form, design and appearance of that unit should be appropriate to its intended location.

Derby

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

Fitzroy Crossing

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

ABN: 99 934 203 062

www.sdwk.wa.gov.au

13. Applications to establish trading activities should also comply with the specific requirements of any relevant policy relating to the location and/or type of activity proposed.
14. Where the location or type of activity proposed does not fall within the scope of an adopted policy, the Council may consider the application in the light of the desirability of the proposed activity and its location, and the general circumstances of the case.

TRADING IN FOOD:

15. In assessing an application for a licence to trade in food, the Council will consider the suitability of the proposed site for that purpose, having particular regard to health requirements and standards or any other matter considered necessary for the satisfactory operation of the activity.
16. The place of trading should have a sealed or graded surface and should be adequately drained.
17. The place of trading should be accessible to service vehicles if appropriate.
18. Where trading involves the preparation and cooking of food for sale to the public, the Council will have particular regard to, and may impose conditions relating to the:
 - form and structure of the stall;
 - provisions to be made for the storage of cooked and uncooked food; and
 - storage and disposal of waste material, for both operators and patrons.
19. Provision of on-site power, if required, will be the responsibility of the operator, and should be to the satisfaction of the Council.
20. The Council may require that a food-trading activity have access to a supply of potable water and/or to a sewer for the disposal of wastewater. Where such conditions are imposed, arrangements for compliance will be the responsibility of the operator, and should be to the satisfaction of the Council.

LOCATION OF MOBILE VENDORS:

General

21. Itinerant vendors are to move on when all customers at a particular location have been satisfied.
22. Public liability insurance cover of \$20 million is required where an activity occurs on local government managed land.
23. The local government may seek contribution towards the upgrading and/or construction of a site used by a mobile vendor.
24. A mobile trading licence shall only be issued to the specific applicant and is not transferable to any other person or to any other land parcel.
25. Activities may require additional approvals/permits under the applicable health standards.

Derby

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

Fitzroy Crossing

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

ABN: 99 934 203 062

www.sdwk.wa.gov.au

26. If an additional approval/permit is required then the mobile trading licence shall only remain valid while the additional approval/permit remains current and valid. On the expiration or earlier termination of the additional approval/permit, the mobile trading licence shall cease to be valid.

27. This policy does not apply to the following:

- A 'produce stall' within private property;
- Where a vendor is part of an event, carnival, market, fete or the like;
- Where the activity is a one-off occurrence such as an opening or open day for business/premises; and
- Community health mobile clinics and other government/community like uses.

Application Requirements

28. Applications must be accompanied by:

- Details of goods/merchandise and or services to be offered;
- Details of vehicle intended to be used for trading including a photograph(s) of the vehicle (such vehicle may be subject to assessment in order to determine its suitability for the purpose proposed);
- For mobile vendors, specific details of area(s) or route (including site plans);
- Times, days and dates sought; and
- Evidence of public liability insurance.

29. Where the land is not under the care, control and management of the local government, the written consent of the Crown via the Department of Lands or vesting Authority or Management Authority is required prior to processing the application.

30. Where the land is privately owned, the written consent of the land owner is required prior to processing the application.

Schedule of Declared Trading Locations

31. The Schedule of Declared Trading Locations has been created to identify various locations within Derby as being worthy of encouraging or allowing mobile trading within certain parameters due to the particular needs of the community and the benefit that mobile trading can bring to the public place. The Schedule should be interpreted in the light of the declared benefit that is provided for each item.

Site Requirements

32. A place will only be approved if it:

- Is located within a place identified in the Schedule of Declared Trading Locations;
- Is readily and safely accessible to customers;
- Provides adequate parking for customers;
- Does not present a traffic hazard or danger to the public;
- Has adequate rubbish disposal facilities;
- Does not breach any regulatory or signposted car parking restrictions;
- Takes place where the goods displayed and the gathering of customers will not impede pedestrians or vehicle movements or cause conflict with other activities; and
- Will not interfere with access to other facilities and/or businesses (including occupying car parking areas to the detriment of the public).

Derby

(08) 9191 0999

✉ sdwk@sdwk.wa.gov.au

30 Loch Street

PO Box 94, Derby WA 6728

Fitzroy Crossing

(08) 9191 5355

✉ sdwk@sdwk.wa.gov.au

Flynn Drive

PO Box 101, Fitzroy Crossing

ABN: 99 934 203 062

🌐 www.sdwk.wa.gov.au

33. Trading in road reserves will not be supported unless the site has a formal parking area (such as parking bays, a car park or rest area).
34. Itinerant vendors are generally not appropriate on roads with speed limits greater than 70km/hr.
35. Based on experience of the impacts of previous/similar activities (within or outside the municipality), the fragile nature of certain areas, and/or the dominant public use of certain areas, the local government is of the view that activities should not be supported in certain areas and also that a restriction on the number of certain activities in certain areas should be prescribed.
36. These restrictions (if any) are attached to this policy and area based on knowledge and experience at this time and may be amended from time to time by the local government as further knowledge and experience is accumulated.

Approval Periods

37. Approval periods for mobile vendors are generally restricted to:
- No more than 4 hours in any one location each day.
 - A maximum period of 12 months shall be approved for each licence.

REFERENCE TO COUNCIL – MOBILE VENDORS

Should an application be lodged with the Shire by a Mobile Vendor to operate within Derby (irrespective whether the application is to operate within a Declared Trading Location or outside a Declared Trading Location), the application will first be referred to all Councillors inviting comment within 72 hours on the application.

A Councillor may request the CEO that the matter not be determined under delegation but rather be determined by Council. In this regard, the application will be referred to the Council at the earliest opportunity.

Should no such request be received from a Councillor, the application may be determined by the Shire under relevant delegation. It is still available to the CEO to refer any application by a Mobile Vendor (irrespective whether it is to operate within a Declared Trading Location) to Council for decision.

DEFINITIONS

Mobile means working in one place for a short period of time.

Public Place includes a road or place which the public are allowed to use, whether or not the road or place is on private property.

Vendor means someone who promotes, exchanges or hires goods or services for money.

Itinerant Vendor means a person who travels along a road looking for customers and who sells, hires or provides a product or service from a vehicle which is parked temporarily to customers who stop the vendor or come to the vendor while the vehicle is so parked.

Derby

(08) 9191 0999

sdwk@sdwk.wa.gov.au

30 Loch Street

PO Box 94, Derby WA 6728

Fitzroy Crossing

(08) 9191 5355

sdwk@sdwk.wa.gov.au

Flynn Drive

PO Box 101, Fitzroy Crossing

ABN: 99 934 203 062

www.sdwk.wa.gov.au

Note: The main difference between an itinerant vendor and a mobile vendor is that a mobile vendor can solicit business from a parked location whereas an itinerant vendor stops to serve waiting customers (an ice cream van is an itinerant vendor whereas a vehicle parked selling pre-prepared food or produce is a mobile vendor).

Enforcement Procedures:

The following procedure will be followed in dealing with breaches of the Local Law on Trading in Public Places, or non-compliance with the provisions of licences issued under that Local Law:

- A verbal warning will be issued, indicating the nature of the infringement. The date, time and nature of the warning and reasons given should be documented.
 - A written warning will be issued, setting out the reasons for the warning being issued, and the actions required to comply.
 - The licence will be revoked, or proceedings initiated, in accordance with Part 10 of the Local Law.
 - Reasonable opportunities will be provided between each step in the process, to permit the person(s) to either comply or otherwise explain the reason for their non-compliance.
38. The CEO may approve non trading activities considered suitable for each area and may place restrictions or conditions on activities when considered necessary.

Derby

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

Fitzroy Crossing

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

ABN: 99 934 203 062

www.sdwk.wa.gov.au

Schedule of Declared Trading Locations (defined in red below)

Figure 1: Schedule of declared trading location map - Jetty Car Park, Derby



Derby

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

Fitzroy Crossing

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

ABN: 99 934 203 062

www.sdwk.wa.gov.au

Figure 2: Schedule of declared trading location map – Villiers Street (opposite Wharfinger House), Derby



Figure 3: Schedule of declared trading location map – Loch Street (Civic Centre parking area), Derby



Derby

(08) 9191 0999
sdwk@sdwk.wa.gov.au

30 Loch Street
PO Box 94, Derby WA 6728

Fitzroy Crossing

(08) 9191 5355
sdwk@sdwk.wa.gov.au

Flynn Drive
PO Box 101, Fitzroy Crossing

ABN: 99 934 203 062

www.sdwk.wa.gov.au

Figure 5 : Schedule of declared trading location map – Loch Street (Old Basketball Courts), Derby



Figure 6: Schedule of declared trading location map – Loch Street (Lytton Park), Derby



Derby

(08) 9191 0999
sdwk@sdwk.wa.gov.au

30 Loch Street
PO Box 94, Derby WA 6728

Fitzroy Crossing

(08) 9191 5355
sdwk@sdwk.wa.gov.au

Flynn Drive
PO Box 101, Fitzroy Crossing

ABN: 99 934 203 062

www.sdwk.wa.gov.au

Figure 7: Schedule of declared trading location map – Derby Highway/Guildford Street/Wells Street, Derby



Figure 8: Schedule of declared trading location map – Derby Airport



Derby

(08) 9191 0999

sdwk@sdwk.wa.gov.au

30 Loch Street

PO Box 94, Derby WA 6728

Fitzroy Crossing

(08) 9191 5355

sdwk@sdwk.wa.gov.au

Flynn Drive

PO Box 101, Fitzroy Crossing

ABN: 99 934 203 062

www.sdwk.wa.gov.au

ADOPTION OF THIS POLICY

Relevant Legislation:	
Related Documents:	
Related Local Law:	<u>Activities on Thoroughfares and Trading in Thoroughfares and Public Places</u>
Related Policies:	
Last Reviewed:	28.02.2019
Next Review Date:	
Adopted:	28.02.2019

Derby

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

Fitzroy Crossing

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

ABN: 99 934 203 062

🌐 www.sdwk.wa.gov.au

Cr Rowena Mouda left the meeting at 1:29pm

14.2 PROPOSED MARINE PARKS AND DRAFT MANAGEMENT PLANS IN THE BUCCANEER ARCHIPELAGO AND SURROUNDS - REQUEST FOR EXTENDED AND IMPROVED PERIOD OF COMMUNITY CONSULTATION

File Number: 7065
Author: Robert Paull, Manager Development Services
Responsible Officer: Amanda O'Halloran, Chief Executive Officer
Applicant: Department of Biodiversity, Conservation and Attractions (DBCA)
Owner: State of Western Australia
Proposal: Proposed Marine Parks in the Buccaneer Archipelago and Surrounds
Location: Buccaneer Archipelago (Bardi, Jawi, Mayala and Dambeemangarddee sea country)
Authority/Discretion: Advocacy

SUMMARY

Council is requested to authorise the Chief Executive Officer to write to the Minister for Environment, Director General of DBCA and the Chair of the Commission to extend the consultation period to at least 30 August 2021 and significantly improve the consultation process.

DISCLOSURE OF ANY INTEREST

Nil.

BACKGROUND

Three joint management plans for marine parks in Bardi, Jawi, Mayala and Dambeemangarddee (formerly spelt Dambimangari) sea Country within the Shire of Derby/West Kimberley have been released for public comment:

- an indicative joint management plan for the proposed Bardi Jawi Marine Park; and
- an indicative joint management plan for the proposed Mayala Marine Park - Maiyalam Marine Park.

On the Northern part of the Shire there is an amended joint management plan for the Lalang-garram / Camden Sound, Lalang-garram / Horizontal Falls and North Lalang-garram marine parks and indicative joint management plan for the proposed Maiyalam Marine Park. Following gazettal of the proposed Maiyalam Marine Park, it is intended that the four marine parks in Dambeemangarddee Country will be amalgamated to form the Lalang-gaddam Marine Park, managed under one plan.

Public submissions on how the marine parks will be managed into the future closes Friday 21 May 2021. It is understood that neither DBCA or the Conservation Commission ('Commission') have undertaken 'in person' consultation during the submission period and instead, relied solely upon

digital information and press releases to inform the broader community on the proposed marine parks.

STATUTORY ENVIRONMENT

The proposed marine park lies within the West Kimberley region which is included in the Australian National Heritage List for nationally significant natural, Aboriginal and historical values (Environment, 2018).

National Heritage places and the values they contain are afforded protection under the Environmental Protection and Biodiversity Conservation Act 1991 (EPBC Act), including sections 15B and 15C.

An Indigenous Land Use Agreement (ILUA) between the State Government and Bardi and Jawi native title holders is required to provide for the valid creation of the proposed marine park in accordance with the Native Title Act and for the proposed marine park to be jointly managed and jointly vested. An ILUA was agreed on 19 November 2020 and will enable the valid reservation of the proposed marine park, including the intertidal areas.

Subject to enactment of the necessary *Conservation and Land Management Act 1984 (CALM Act)* amendments, the proposed marine park will be jointly vested with the Commission and Bardi and Jawi Niimidiman Aboriginal Corporation RNTBC (BJNAC) and managed in accordance with the provisions of the *CALM Act*, the *Fish Resources Management Act 1994*, the *Conservation and Land Management Regulations 2002*, the *Biodiversity Conservation Act 2016*, and other relevant legislation and cultural protocols.

Joint vesting of the proposed marine park will mean that the BJNAC will not only share the responsibility of making management decisions through the JMB, but will also share the overall responsibility with the Commission of making sure the marine park fulfils its purpose.

POLICY IMPLICATIONS

Nil applicable

FINANCIAL IMPLICATIONS

Nil applicable

STRATEGIC IMPLICATIONS

Under the Shire of Derby/West Kimberley's Strategic Community Plan 2012-2021, a strategic goal is "*A strong and diverse local economy*". An outcome of the Framework is:

- *local business development and employment opportunities*
- *A strong and diverse industry base providing community benefits*
- *A vibrant and strong tourism industry*
- *Appropriate infrastructure that supports economic development*

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Reputation: The adoption of the proposed marine parks and draft management plans are likely to generate disappointment and disharmony with many recreational fishing and tourist interests of the wider community.	Almost Certain	Moderate	High	Council should seek to have the consultation period be to at least 30 August 2021 and during that time, DBCA undertakes community forums, panels and workshops to ensure a comprehensive understanding and implications of the draft management plans.

CONSULTATION

Prior to Council lodging a submission on the proposed marine parks and management plans, Council has sought to meet with a wide range of interest groups including traditional owners and Derby’s large recreational fishing community.

With COVID-19 restrictions, limited availability of relevant parties along with the normal exodus of community members over the December-February period, Council has not had the opportunity to meet, discuss and formulate a position on the proposed marine parks and management plans.

Similarly, significant concern has been expressed that DBCA has not attempted to explain the rationale behind the draft management plans nor has it sought explain the level of restrictions that the plans will establish for the wider community in particular, recreational fishers.

COMMENT

The draft management plans are complex and for many, potentially quite overwhelming. The proposed ‘sanctuary zone’ and ‘special purpose zone (cultural protection)’ will have the effect of excluding or severely limiting a significant portion of the community from fishing in the waters off Derby.

Anecdotal concerns already expressed refer to the draft management plans having the potential of negatively influencing the town’s economy by impacting recreation and commercial fishers along with reducing the population of Derby due to those restrictions.

DBCA’s only invited means of providing feedback on the draft management is by an equally complex and confusing online submission. In its current form, it is considered that the submission would be unlikely to assist in providing any meaningful comment or invitation to find compromise solutions satisfactory to all parties.

It is imperative that DBCA and the Commission reach out to the broader community to ensure that honest, meaningful and genuine community involvement, and consultation is achieved. The consultations undertaken by the DBCA and the Commission should at the very least range from community forums and panels, to workshops and even reference groups.

In this regard and to ensure to ensure community cohesion, Council is requested to authorise the Chief Executive Officer to write to the Minister for Environment, Director General of DBCA and the Chair of the Commission to extend the consultation period to at least 30 August 2020 and to undertake honest, meaningful and genuine community involvement as outlined in this report.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Proposed marine parks in the Buccaneer Archipelago and surrounds  

RESOLUTION 25/21

Moved: Cr Chris Kloss

Seconded: Cr Paul White

That Council:

1. Authorises the Chief Executive Officer to write to the Minister for Environment, Director General of Department of Biodiversity, Conservation and Attractions (DBCA) and the Chair of the Conservation Commission:
 - (a) Expressing concern at the current poor level of community consultation undertaken by the Government of Western Australia in explaining the implications of the proposed marine parks and draft management plans in the Buccaneer Archipelago;
 - (b) Requesting that to ensure community cohesion, the consultation period be extended to at least 30 August 2021 and during that time, DBCA at a minimum, undertakes community forums, panels and workshops in the relevant townships to provide a comprehensive understanding and implications of the draft management plans.
 - (c) Requesting that DBCA establishes a more thoughtful means by which community members can provide comment and input into the proposed marine parks and draft management plans beyond the current online submission process.

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

Against: Nil

CARRIED 7/0

Cr Mouda returned the meeting at 1:34pm.



PLAN FOR OUR PARKS
SECURING 5 MILLION HECTARES OVER 5 YEARS

Proposed marine parks in the Buccaneer Archipelago and surrounds



Three joint management plans for marine parks in Bardi, Jawi, Mayala and Dambeemangarddee (formerly spelt Dambimangari) Country have been released for public comment:

- an indicative joint management plan for the proposed Bardi Jawi Marine Park.
- an indicative joint management plan for the proposed Mayala Marine Park.
- an amended joint management plan for the Lalang-garram / Camden Sound, Lalang-garram / Horizontal Falls and North Lalang-garram marine parks and indicative joint management plan for the proposed Maiyalam Marine Park.

Following gazettal of the proposed Maiyalam Marine Park, it is intended that the four marine parks in Dambeemangarddee Country will be amalgamated to form the Lalang-gaddam Marine Park, managed under one plan. The zoning schemes for the existing marine parks in Dambeemangarddee Country remain unchanged and do not form part of the amendments. Public comment is not sought on the existing zoning arrangements.

You are invited to have your say on how the marine parks will be managed into the future.

This brochure provides a summary of key information. Please visit <https://www.dbcwa.gov.au/haveyoursay> to make a submission before **Friday 21 May 2021**.



Joint management

The proposed Bardi Jawi, Mayala and Maiyalam marine parks are situated in native title determination areas of Bardi, Jawi, Mayala and Dambeemangarddee Traditional Owners. The indicative joint management plans for the proposed marine parks provide for the protection and conservation of the values of the area to Aboriginal culture and heritage and include a commitment to jointly manage the proposed parks with Bardi, Jawi, Mayala and Dambeemangarddee Traditional Owners.

Plan for Our Parks

In 2019, the State Government announced a plan to create five million hectares of new national and marine parks and conservation reserves across Western Australia. Once established, these proposed marine parks will add 660,000 hectares to Western Australia's conservation estate.

Development of the plans

For the first time, the proposed marine parks are being co-designed between Traditional Owners and the Department of Biodiversity, Conservation and Attractions (DBCA). The co-design model places greater emphasis on consultation with Traditional Owners in the first instance. Over 200 Traditional Owners have contributed to these plans, through sharing cultural knowledge and traditional ecological knowledge. Traditional Owners and DBCA would now like to hear what you think of the marine park proposals.



Department of Biodiversity,
 Conservation and Attractions



Introducing the Traditional Owners of the proposed marine parks

Dambeemangarddee people

We want to tell you about who we are, so that you know when you travel through the marine park. Many people now refer to us as Dambeemangarddee people, historically you may have seen it spelt as 'Dambimangari'. We are choosing to spell the word how it is correctly pronounced. In our language, *dambeema* means home, Dambeemangarddee means all the people who are from that home.

Our culture goes back more than 56,000 years. The name of our tribe and language is *Worrdorra*. We are saltwater people who have been living along the coast for many thousands of years. Dambeemangarddee people traditionally eat food from the bush and the sea—saltwater *jaiya* (fish), *julawaddaa* (turtles), *waliny* (dugongs), *ganbaneddee* (crabs) and *marlinja* (oysters) make up an important part of our diet. We follow the laws and beliefs of the *Ungudja* (the creator snake) and *Wandjina* (our creator ancestors). We live a different life to our ancestors, but we remember where we come from and how to look after our country. We now walk in two worlds, the modern world and the world of our traditional culture.



Mayala people

Mayala are saltwater people. We have a unique island culture and deep knowledge of the complex currents and tides to navigate between our islands and across our sea Country. This knowledge comes from our long association and living relationship with Country as it has changed over thousands of years. Our name comes from the spinifex grass that grows on the islands - we used this on top of our *ngirray* (shelters) to protect us from the rain and keep us warm.

Living on small islands with little game and few large mammals or freshwater sources, our people lived primarily off the sea, adapting tools and technology to harvest sea resources for survival, using the *loo* (currents) tides and stars to navigate through Country. Our Lore has kept our Country and our people alive since *milonjoon* (from long ago) and we are here because of our ancestors and their care for Mayala Country. We follow our own cultural governance structures and kinship systems.

Bardi and Jawi people

We have used, relied on, enjoyed and protected country over thousands of years and continue to do so today. Bardi and Jawi sea Country has always been, and continues to be, an essential part of Bardi and Jawi spiritual, social and physical existence. The Law created religiously significant features in the sea that the *madjamadjin* (law bosses) are required to protect. Traditional stories explain the creation of the salt water and certain sea creatures.

Supernatural sea creatures such as the shark *Loolooloo* have always existed to protect Bardi and Jawi people in their sea faring life. Bardi and Jawi people have always engaged in, and continue to engage, in shore fishing, collecting sea food from the intertidal zone, hunting *odorr* (dugong) and *goorlil* (turtle) in the shallows and from rafts with the *goorlil* (turtle) and *odorr* (dugong) being shared in accordance with traditional law. Pearl shell is also collected and used as a resource for ceremony and trade.

The proposed marine parks

The proposed marine parks will protect a diverse range of marine life. Fringing *mamany* (reefs) have formed around the coast and between the many islands of the Buccaneer Archipelago, withstanding a tidal range in excess of 11m, the highest in Australia. The wide intertidal areas are home to vast numbers of plants and animals, all adapted to the coastal environment of the Kimberley. Mangrove-lined creeks and *noomool / julum* (seagrass) meadows create important nursery areas for *aarlil / jaiya* (fish), and *goorlil / julawadda* (turtles) are regularly seen foraging and nesting in the area. Sea Country is forever changing with the seasons and tides. From June to November each year *miinimbi / ngunubange* (humpback whales) migrate from Antarctica to the Kimberley to give birth to their young, and dugongs visit the proposed marine parks in the cooler months from May to July.

The proposed marine parks will protect the significant cultural values of the area including seasonal camping areas, areas important for customary food and other resources, and culturally significant features such as cultural sites reefs, seagrass beds and mangrove communities. The parks will also help to protect intangible values such as those related to Law, ceremony and oral histories.



The outstanding natural values of the Dampier Peninsula and Buccaneer Archipelago coupled with the vibrant Aboriginal culture in the region is attracting an increasing number of local and international visitors. Popular activities include fishing, boating, cultural tours and wildlife watching. Commercial activities in the proposed marine parks include commercial fishing, pearling and aquaculture.

What is a marine park?

Marine parks are similar to national parks, although instead of protecting biologically important areas of land, marine parks protect biologically important areas of ocean and coastline. Marine parks are created to help conserve marine habitats and biodiversity, as well as cultural heritage values, while at the same time allowing for a range of activities including fishing, diving, boating and tourism. The State Government is progressively creating a representative system of marine parks and reserves in WA. The long-term goal is to provide protection for all types of marine habitats and biodiversity in WA using a system that is 'comprehensive, adequate and representative'. Marine parks in WA are created under the *Conservation and Land Management Act 1984* (CALM Act).

What is a management plan?

A management plan outlines the main objectives for conservation areas and provides a broad plan of action for how these objectives can be best achieved. Management of conservation areas is a dynamic process and management plans include provisions for ongoing monitoring and review to assess their effectiveness. This is called adaptive management and allows for management actions to be adjusted, if necessary, to correct any deterioration in the natural, cultural and social values, or to take account of new knowledge and information.

Management zones

Zoning is an important part of the management framework in multiple-use marine parks and is used to protect marine biodiversity and manage human use in an equitable and sustainable way. The proposed marine parks are divided into three different zone types, special purpose zones (cultural protection), sanctuary zones and general use zones. The designation of special purpose zones (cultural protection) is dependent on the enactment of amendments to the CALM Act. The amendments will update the purpose of marine parks to include allowing only that level of recreational and commercial activity which is consistent with the protection and conservation of the value of the marine park to the culture and heritage of Aboriginal persons.

Special purpose zones (cultural protection) cover approximately 19 percent of the proposed marine parks.

The proposed special purpose zones (cultural protection) will play an important role in protecting the value of Bardi, Jawi, Mayala and Dambeemangarddee Country to the culture and heritage of Bardi, Jawi, Mayala and Dambeemangarddee people. While cultural and heritage values apply across the whole of the proposed marine parks, the proposed special purpose zones (cultural protection) will protect the areas within their Country which are of the greatest cultural significance.

The special purpose zones (cultural protection) will protect and conserve culturally sensitive geographical areas and features that are significant to the Traditional Owners of the area. These areas may contain tangible values such as seasonal camping areas, areas important for customary food and other resources and culturally significant features such as cultural sites, reefs, seagrass beds and mangrove communities. They may also contain intangible values such as those related to, Law, ceremony and oral histories. Achieving protection of cultural and heritage values will require protection of environmental values as there is often a high level of interdependence between them. For the Traditional Owners of the area their Country is more than a simple geographic location, it includes all living things, incorporating people, plants, animals, seasons, stories, and spirits and they carry the responsibilities of their ancestors to manage and speak for Country, which has been recognised in Australian Law through a native title determination process. Inappropriate access and/or use of Country can have significant consequences under Aboriginal Law. While cultural and heritage values apply across the whole of the proposed marine park, customary activities are more likely to be carried out in the proposed special purpose zones (cultural protection) compared to other areas in the proposed marine parks.

Sanctuary zones cover approximately 21 percent of the proposed marine parks.

Sanctuary zones are 'look but don't take areas'. The proposed sanctuary zones will play a central role in protecting areas of critical habitat to maintain the healthy functioning of the complex ecosystems in the proposed marine parks. Sanctuary zones provide important opportunities for education, research and monitoring and non-extractive forms of recreation and tourism. For the Traditional Owners of the area, many ecological values also have a particular cultural significance and the sanctuary zones will also contribute to the protection and conservation of cultural heritage values including culturally important reef and mangrove areas.

General use zones cover approximately 60 percent of the proposed marine parks.

General use zones are areas not included in special purposes zones or sanctuary zones. Conservation of the ecological and cultural values is the priority of general use zones but a range of other sustainable activities are permitted.

Extract from statement from Mayala, Bardi and Jawi Traditional Owners.

'We recognise that the creation of the marine parks in line with the proposed zoning schemes may reduce use by other stakeholders in some areas, but ask for your support to protect country in a manner consistent with our traditional and continuing uses. We have not aimed to restrict access – but ask instead that activities are carried out in partnership with Traditional Owners and we will continue to welcome visitors to these areas'.

How can I use and enjoy the area?

Customary activities

As the recognised native title holders in the area, Dambeemangarddee, Mayala, Bardi and Jawi people have the right to enjoy their Country and maintain their native title rights and customary practices in all areas of the proposed marine parks. Examples of this include using the natural resources of Country (including fishing and hunting), passing on knowledge, benefiting from Country and protecting Country. The indicative joint management plans provides a commitment to work with Traditional Owners to help manage the customary take of particular species for ecological and cultural sustainability.

Recreational fishing

Recreational fishing in the Dampier Peninsula and Buccaneer Archipelago is a very popular activity. However careful management is required to make sure the fish stocks remain healthy and so that high quality, culturally appropriate fishing experience can be enjoyed. In recognition of this important social value:

- recreational fishing can occur in 60 percent of the proposed marine parks; and
- recreational fishing from a charter boat licenced under the CALM Act and *Fish Resources Management Act 1994* can occur in 79 percent of the proposed marine park.

Recreational fishing not undertaken as part of a fishing tour is not considered to be compatible with the conservation purpose of the special purpose zones (cultural protection) due to the potential for it to impact cultural activities and lead to culturally inappropriate access, particularly to areas important for customary food and other resources.

Traditional Owners consider that recreational fishing from a charter vessel is compatible with the conservation purpose of special purpose zones (cultural protection), provided the activity is subject to a CALM Act licence where conditions can be applied to regulate the activity. Licensing will ensure that charter tour operations, including charter fishing, is carried out in a culturally appropriate manner and that operators and customers follow cultural protocols.

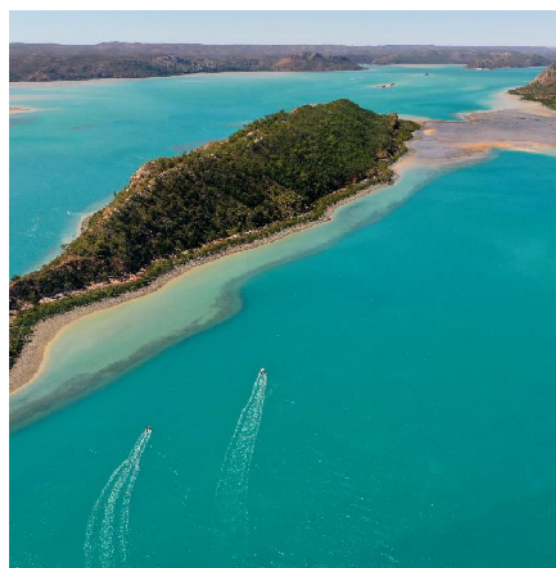


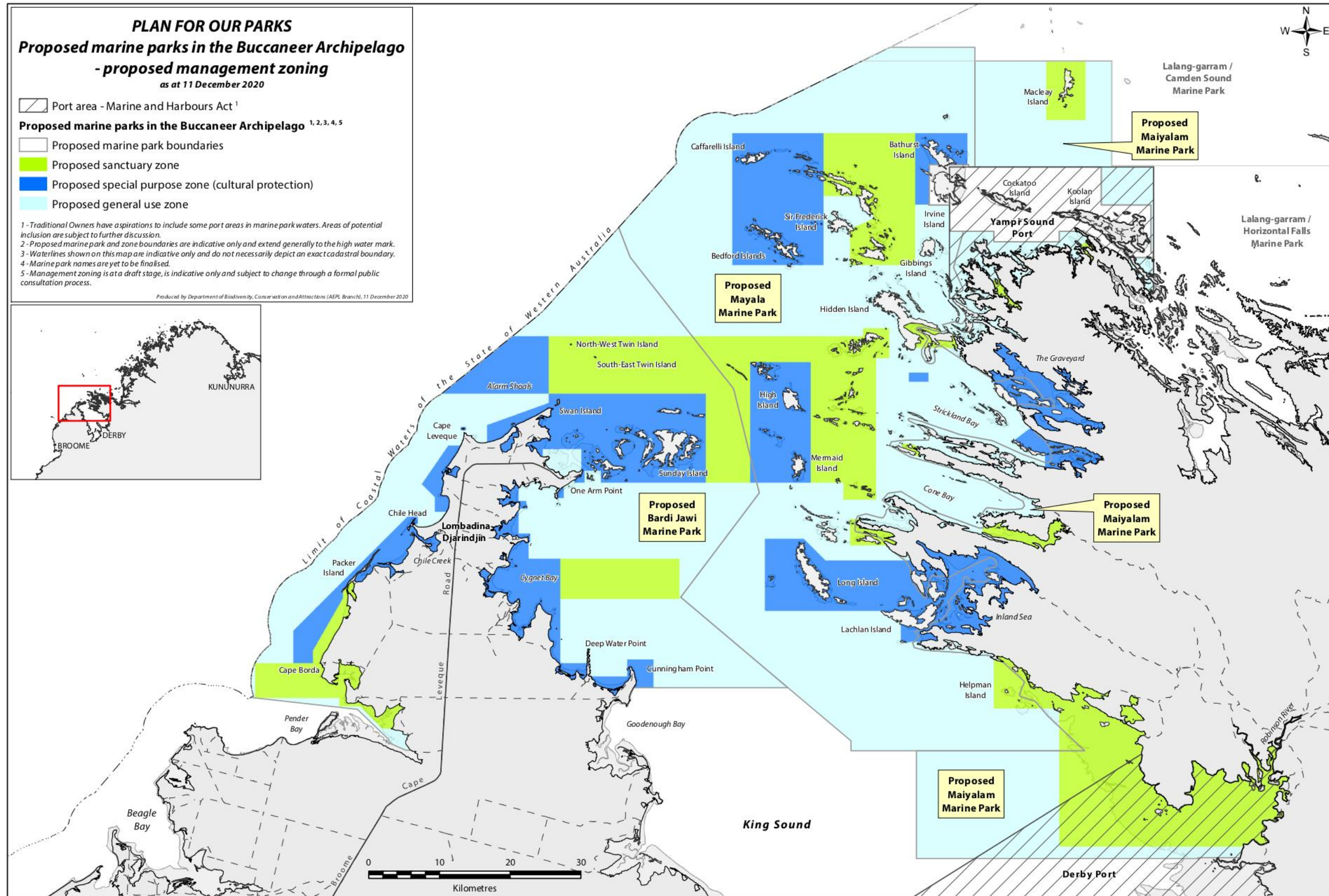
Commercial fishing

Sixty percent of the proposed marine parks is available for commercial fishing. A further 19 percent of the proposed marine parks is available for commercial trochus collection. The commercial trochus fishery is permitted in special purpose zones (cultural protection) as it is consistent with the protection of the value of the lands and waters to the culture and heritage of the Bardi, Jawi, Mayala and Dambeemangarddee people. Collecting trochus shell was a customary activity undertaken by the Traditional Owners and has become accepted as a commercial activity in the area. The commercial trochus fishery is different to other forms of commercial fishing, which will impact the cultural values of the area and associated customary practices by targeting culturally significant species, or risk catching / harming culturally significant species through by-catch. Commercial fishing remains subject to existing licensing and management arrangements administered by the Department of Primary Industries and Regional Development.

Tourism

Commercial tour operators can enrich visitor experiences and provide access to activities such as cruising, charter fishing, cultural tours and wildlife appreciation. The Traditional Owners of the area have identified the establishment of the marine parks as an opportunity to develop new cultural heritage and eco-tourism businesses and partnerships with existing and future operators. This will complement the vision for the Dampier Peninsula and broader Kimberley region to support Aboriginal lead business opportunities.





Proposed Bardi Jawi, Mayala and Maiyalam marine parks permitted activities table

Activity	Proposed sanctuary zones	Proposed special purpose zones (cultural protection)	Proposed general use zones
Customary			
Customary activities (e.g. hunting and fishing)	Yes [a]	Yes [a]	Yes [a]
Commercial			
Commercial fishing (other than trochus collection)	No	No	Yes [b]
Commercial trochus collection	No	Yes	Yes
Pearling and associated activities	No	No	Yes
Aquaculture	No	No	Yes
Scenic flights (charter) [c]	Yes	Yes	Yes
Ground disturbing mining and petroleum exploration and development [d]	No	No	Assess
Non-ground-disturbing activities including geophysical surveys, geological mapping, sampling and geochemical surveys [e]	No	No	Assess
Ship loading and other mining related infrastructure (e.g. ship loading docks, cabling or pipelines)	No	No	Assess
General marine infrastructure (e.g. groynes)	No	Assess	Assess
Artificial structures (e.g. artificial reefs)	No	No	Assess
Dredging and dredge spoil dumping	No	Assess [f]	Assess
Charter tour operators – fishing [c]	No	Yes [g]	Yes
Charter tour operators – non-extractive (e.g. wildlife viewing) [c]	Yes [g]	Yes [g]	Yes
Wildlife/fish feeding [h]	No	No	No
Recreational			
Boating (motorised and non-motorised)	Yes [g]	Yes [g]	Yes
Nature appreciation and wildlife viewing	Yes [g]	Yes [g]	Yes
Recreational fishing	No	No [i]	Yes
Other use			
Access	Yes [g]	Yes [g]	Yes
Vessel transit	Yes [g]	Yes [g]	Yes
Navigation aids	Yes	Yes	Yes
Research and monitoring [c]	Yes [g]	Yes [g]	Yes
Anchoring (soft bottom only)	Yes [g]	Yes [g]	Yes
Mooring	Assess	Assess	Yes
Seaplane, helicopter and remotely piloted aircraft (drone) launching and landing [j]	Assess	Assess	Assess
Vessel sewage discharge and de-ballasting	No	No	Yes [k]

Permitted activities provisions

[a] Customary take is confined to native title holders as determined under the Native Title Act 1993 or where native title holders have provided consent to another Aboriginal person or group.

[b] Prawn trawling is restricted in the proposed marine park through a permanent inshore closure managed by DPIRD.

[c] Licence or permit required under the Conservation and Land Management Act 1984 and/ or Fish Resources Management Act 1994

[d] Ground-disturbing mining and petroleum exploration and development activities include any activity that disturbs the land, seabed and/or subsoil within the proposed marine park (e.g. drilling).

[e] Geophysical surveys will be assessed by the Department of Mines, Industry Regulation and Safety

[f] Activities permitted if activity is shown to be compatible with the specified purpose of the zone. Only small-scale dredging for the purpose of public access and safety will be considered.

[g] Access may be restricted, in specific areas within a sanctuary or special purpose zone (cultural protection) if deemed necessary to protect cultural or ecological values. Existing shipping channels will be maintained.

[h] Commercial operates seeking to conduct wildlife or fish feeding activities will require lawful authority under their commercial operator's licence provided by the department and will need to comply with regulations under the Fisheries Resources Management Act 1994)

[i] Recreational fishing is only permitted on a charter or guided tour.

[j] Lawful authority must be obtained to launch, land or touchdown in an aircraft on CALM Act lands and waters

[k] Only in gazetted sewage discharge areas

How to access further information and/or make a submission

- Website: <https://www.dzca.wa.gov.au/haveyoursay>
- DBCA, 17 Dick Perry Avenue, Technology Park, Western Precinct, Kensington (08) 9219 9000
- DBCA, Broome Work Centre, 111 Herbert Street, Broome, WA (08) 9193 5027



What happens next?

All public submission for the indicative joint management plans will be reviewed and may result in modifications to the joint management plans.

The final joint management plans for the proposed marine parks, modified as appropriate in light of public comments, will be submitted to the Minister for Environment for approval.

A summary of the public submissions for each plan will be made available when the final joint management plans are released.

Photo credits

Page 1: Top: Lachlan Island. Photo – Michael Higgins/DBCA

Bottom left: Kooljaman beach. Photo – Michael Higgins/DBCA

Page 2: Top to bottom:

Photo 1: Dambeemangarddee Traditional Owners at Ngumbree (Raft Point). Photo – Alan Byrne

Photo 2: Dambeemangarddee Smoking ceremony at Yaloon. Photo – Roanna Goater/DBCA

Photo 3: Mayala Traditional Owners. Photo – Ash Mumford/KLC

Photo 4: Mayala Elders Loran Hudson and Alma Ejai. Photo – Roanna Goater/DBCA

Photo 5: Bardi Jawi Rangers. Photo – Bardi Jawi Rangers

Photo 6: Customary fishing. Photo – Ian Meechan.

Page 3: Left to right:

Photo 1: Barnicoat Island. Photo – Michael Higgins/DBCA.

Artwork: Digitised from sketch by Herbert Marshall

Photo 3: Fish Trap - Ian Meechan.

Artwork: *Ngardangkamanya* (baler shell). Artwork – Leah Umbagai

Photo 5: *Waddaddam* (Coppermine Creek). Photo – Liz Vaughan/Francis Woolagoodja/DAC

Artwork: Turtle in the Bardi Jawi Niimidiman Aboriginal Corporation RNTBC logo.

Page 5: Left: Recreational fishing. Photo – Carolyn Thomson-Dans.

Right: Duddgu (Graveyard) – Liz Vaughan/Francis Woolagoodja/DAC

Page 8: Silica beach. Photo – Liz Vaughan/Francis Woolagoodja/DAC

15 COMMUNITY AND RECREATION SERVICES

Nil.

16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

17 NEW BUSINESS OF AN URGENT NATURE

18 MATTERS FOR WHICH THE MEETING MAY BE CLOSED (CONFIDENTIAL MATTERS)**RESOLUTION 26/21****Moved: Cr Paul White****Seconded: Cr Andrew Twaddle**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

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

Against: Nil

CARRIED 8/0**18.1 Rating Review - Lot 503 Gibb River Road (Kimberley Wilderness Adventure)**

This matter is considered to be confidential under Section 5.23(2) - e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

RESOLUTION 27/21**Moved: Cr Chris Kloss****Seconded: Cr Paul White****That Council:**

- 1. Endorses the change in valuation method for Kimberley Wilderness Adventure (Lot 503 on Gibb River Road) to now be Gross rental Valuation (from Unimproved Valuation);**
- 2. Seeks the State Government's confirmation as to the rateability of the land, and if confirmed, the Minister for Local Government's determination on the method of valuing the land (in accordance with the provisions of S6.28 of the Local Government Act);**
- 3. Authorises the CEO to take the necessary actions to progress and implement the valuation change; and**
- 4. Agrees that rates should commence being charged from 1 July 2021, and on balance, there is insufficient justification to warrant the phasing in of the valuation, or to grant a concession.**

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

Against: Nil

CARRIED 8/0

RESOLUTION 28/21

Moved: Cr Andrew Twaddle

Seconded: Cr Paul White

That Council moves out of Closed Council into Open Council.

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

Against: Nil

CARRIED 8/0

19 CLOSURE

19.1 Date of Next Meeting

The next ordinary meeting of Council will be held Thursday, 29 April 2021 in the Derby Council Chambers, Clarendon Street, Derby.

19.2 Closure of Meeting

The Presiding Member closed the meeting at 1:40pm.

These minutes were confirmed at a meeting on

.....

Signed:

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

Date: