



**Shire of Derby /  
West Kimberley**

# **AGENDA**

## **Special Council Meeting Friday, 27 January 2023**

**I hereby give notice that a Special Meeting of Council will be held on:**

**Date: Friday, 27 January 2023**

**Time: 2:30pm**

**Location: Council Chambers  
Clarendon Street  
Derby**

**Amanda Dexter**

**Chief Executive Officer**



## Our Guiding Values

We are **PROUD** of who we are and where we live.

We will create a **POSITIVE LEGACY** for our children and children's children.

We will go about our business with **INTEGRITY, TRANSPARENCY and AUTHENTICITY**.

We value and **RESPECT** what our community has to say and will strive to make things happen.

We are **PROUD** of and value the **KNOWLEDGE** of our diverse and strong people and cultures.

We value our **RELATIONSHIPS** and will work with others to achieve common goals and gain maximum impact.

We are **PROUD** of and **COMMITTED** to the responsible preservation of our unique natural environment and making sure our built environment reflects our current and future needs.

We are open for and encourage business, industry and all aspects of **COMMUNITY DEVELOPMENT**, particularly our thriving arts and cultural scene.

## Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Derby/West Kimberley (Shire) for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any Elected Member or officer of the Shire during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire.

The Shire warns that anyone who has any application lodged with the Shire must obtain and should only rely on written confirmation of the outcome of the application and any conditions attaching to the decision made by the Shire in respect of the application.

## Notes for Members of the Public

### **PUBLIC QUESTION TIME**

The Shire of Derby/West Kimberley extends a warm welcome to you in attending any Shire meeting. The Shire is committed to involving the public in its decision making processes whenever possible. The ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective. The Shire sets aside a period of 'Public Question Time' to enable a member of the public to put questions. Questions should only relate to the business of the Shire and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Presiding Member may either answer the question or direct it to an officer to answer, or it will be taken on notice.

Any comments made by a member of the public become a matter of public record as they are minuted by Council. Members of the public are advised that they are deemed to be held personally responsible and legally liable for any comments made by them that might be construed as defamatory or otherwise considered offensive by any other party.

### **MEETING FORMALITIES**

Local government Council meetings are governed by legislation and regulations. During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation. Members of the public shall ensure that their mobile telephone or audible pager is not switched on or used during any Shire meeting.

Members of the public are hereby advised that the use of any electronic, visual or audio recording device or instrument to record proceedings of the meeting is not permitted without the permission of the Presiding Member.

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## Notes for Elected Members

### NATURE OF COUNCIL'S ROLE IN DECISION MAKING

Advocacy:	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive/Strategic:	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations, grants, and setting and amending budgets.
Legislative:	Includes adopting local laws, town planning schemes and policies.
Administrative:	When Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.
Review:	When Council reviews a decision made by Officers.
Information:	Includes items provided to Council for information purposed only that do not require a decision of Council (that is for 'noting').

### ALTERNATIVE MOTIONS

Councillors wishing to make alternative motions to officer recommendations are requested to provide notice of such motions in written form to the Chief Executive Officer prior to the Council meeting.

### DECLARATIONS OF INTERESTS

Elected Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences. Section 5.60A of the *Local Government Act 1995* states;

*"a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person."*

Section 5.60B states;

*"a person has a proximity interest in a matter if the matter concerns –*

*(a) a proposed change to a planning scheme affecting land that adjoins the person's land;*  
*or*

*(b) a proposed change to the zoning or use of land that adjoins the person's land; or*

*(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land."*

Regulation 34C (Impartiality) states;

*"interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association."*

**MEETING DATES**

At its Ordinary Meeting of Council on 28 October 2021, Council adopted the following meeting dates for 2022;

Thursday	9 December 2021	5.30 pm	Council Chambers, Derby
January			Council in Recess
Thursday	24 February 2022	5.30 pm	Council Chambers, Derby
Thursday	31 March 2022	5.30 pm	Fitzroy Crossing
Thursday	28 April 2022	5.30 pm	Council Chambers, Derby
Thursday	26 May 2022	5.30 pm	Council Chambers, Derby
Thursday	30 June 2022	1:00pm	Remote Aboriginal Community (Location to be advised)
Thursday	28 July 2022	5.30 pm	Council Chambers, Derby
Thursday	25 August 2022	5.30 pm	Fitzroy Crossing
Thursday	29 September 2022	5.30 pm	Council Chambers, Derby
Thursday	27 October 2022	5.30 pm	Council Chambers, Derby
Thursday	24 November 2022	5.30 pm	Fitzroy Crossing
Thursday	8 December 2022	5.30 pm	Council Chambers, Derby

Council's Compliance and Strategic Review Committee and the Commercial Committee meet when required. Details of these meetings are advised as appropriate.

**APPLICATION FOR LEAVE OF ABSENCE**

In accordance with Section 2.25 of the *Local Government Act 1995*, an application for leave requires a Council resolution granting leave requested. Council may grant approval for Leave of Absence for an Elected Member for ordinary Council meetings for up to but not more than six consecutive meetings. The approval of the Minister is required for leave of absence greater than six ordinary Council meetings.

This approval must be by Council resolution and differs from the situation where an Elected Member records their apologies for the meeting. A failure to observe the requirements of the Act that relates to absence from meetings can lead to an Elected Member being disqualified should they be absent without leave for three consecutive meetings.

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**1 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS****2 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS****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****3.2 Declaration of Proximity Interests****3.3 Declaration of Impartiality Interests****4 PUBLIC TIME****4.1 Public Question Time****4.2 Public Statements****5 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

## REPORTS

### 6 EXECUTIVE SERVICES

#### 6.1 EX TROPICAL CYCLONE ELLIE & ASSOCIATED FLOODING - AGRN 1044 COUNCIL BRIEFING

**File Number:** 5435

**Author:** Amanda Dexter, Chief Executive Officer

**Responsible Officer:** Amanda Dexter, Chief Executive Officer

**Authority/Discretion:** Executive

#### SUMMARY

The purpose of this report is to provide a record of the operational actions and considerations undertaken and considered since Ex-Tropical Cyclone Ellie & Associated Flooding impacted the Shire of Derby/West Kimberley.

AGRN1044 – EX – TROPICAL CYCLONE ELLIE AND ASSOCIATED FLOODING IN WESTERN AUSTRALIA (28 DECEMBER 2022 ONWARDS).

The above event has been proclaimed an eligible disaster under the Disaster Recovery Funding Arrangements, Western Australia (DRFAWA) on 5 January 2023, pursuant to clause 5.1 of the Disaster Recovery Funding Arrangements (DRFA) (the Arrangements 2018), issued by the Commonwealth Government Department of Home Affairs.

The event directly impacted a number of communities and Pastoral properties across the Shire with the following communities, stations and tourism operators impacted significantly by the flooding;

- Fitzroy Crossing Town communities of Buruwa, DarlIngunaya, Bungardi, Parukupan, Kupungarri, Camballin, Muludja, Balginjirr and others - assessments are still taking place;
- Pastoral Properties - Kalyeeda, Nerrima, Fossil Downs, Myroodah, Liveringa, GoGo Station, Jubilee Downs, Quanbun Downs, Mount House, Mount Barnett, Mount Anderson, Blina and various others - assessments are still taking place.
- Various tourism infrastructure.

\* Assessments are still taking place.

Derby, Looma and other communities within the Shire have been cut off by flood damaged roads or isolated from their families and communities due to flood damage to roads and critical infrastructure.

#### DISCLOSURE OF ANY INTEREST

Nil by author / responsible officer.

#### BACKGROUND

Ex-Tropical Cyclone Ellie has been labelled a truly remarkable weather event, which inflicted such persistent rainfall and heavy flooding across the Kimberley and the NT during a 19 day period.

Ellie's incessant rain resulted in some huge rainfall totals during her travels across North Western Australia. Diamond Gorge rain gauge located to the north of Fitzroy Crossing, received a whopping 831 mm of rain during the 7 days ending at 9am AWST on Tuesday, January 3. Other notable totals during this one-week period included 635 mm at Phillips Range and 576 mm at Mount Joseph.

The Fitzroy River at Fitzroy Crossing began to rise from the 31 December 2022 and was exceeding major flood level by midday on Monday, 2 January 2023. By 8:30pm on the Monday night, the river had surged above the sites previous record of 13.95 metres (from 2002). According to the Bureau of Meteorology (BOM) the River reached its peak of 15.85 metres late on Tuesday, 4 January 2023. The Shire of Derby/West Kimberley has been at the epicentre of this natural disaster with flood levels unmatched in recorded history.

Subsequent flooding of the Great Northern Hwy has resulted in road closures and isolated communities heading into 3 weeks. It is estimated that the isolation may decrease over the coming weeks with the implementation of temporary road access on the Great Northern Hwy at Willare, this however has a level of uncertainty with the remainder of the wet a threat until late April.

The resulting response has been a long operation complicated by the isolation, northern Western Australian complexities and climatic impacts. Two command centres – one in Broome and one in Fitzroy Crossing. The Shire has had a direct line of communication in most instances and has been included on the Incident Support Group (ISG), Operational Area Support Group (OASG) and the State Recovery Coordination Group (SRCG) and has worked tirelessly to escalate the issues and needs of the Communities.

#### **STATUTORY ENVIRONMENT**

Local Government Act (1995).

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

Understandably, the disaster impacts have diverted the workforce away from programmed activity and this will impact our capacity to achieve budgeted works and services over the balance of the financial year.

Costing systems have been established so that we can maintain an accurate record of the incidents related expenditure for recoup from central government.

Council's insurers – LGIS – have pledged an early cash release in advance of our anticipated claim, recognising that cash flow will be an important issue in our response.

It is intended that Council will receive a fortnightly briefing with a requested ratification of out of budget expenditure if required.

#### **STRATEGIC IMPLICATIONS**

<b>GOAL</b>	<b>OUR PRIORITIES</b>	<b>WE WILL</b>
1. Leadership and Governance	1.1 Collaboration and	1.2.1 Provide strong civic leadership

	partnership	
2. Community	2.1 Safe Communities	2.1.4 Manage and respond to emergency situations

### RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>BUSINESS INTERRUPTION:</b> That Council are uninformed of the incident management and recovery activities	Likely	Moderate	Medium	Implement appropriate regular Council briefing sessions and workshops
<b>BUSINESS INTERRUPTION:</b> That Council are unaware of the impacts that the incident management and recovery activities are having on day to day council programmes and governance.	Likely	Moderate	Medium	Ensure that adequate Communication structures are implemented and maintained during the high resourcing phases.

### CONSULTATION

Extensive consultation has taken place through the emergency response meetings, Ministerial visits, media requests and ongoing collaboration of local state government agencies, business and community.

WALGA and the Department of Local Government, Sport and Cultural Industries have been very helpful during this time.

### COMMENT

During the Incident Management / Response Phase the following issues, outcomes and lobby have been encountered or need to be further considered.

#### Key Issues Encountered:

- The protracted length of time of the response phase has taken – this is likely due to the lack of resources (human and material), the extreme isolation, weather impacts and specific community nuances;
- Access to essential services, freight and food – the magnitude of the response and the challenges faced have impacted significantly. The erosion of key infrastructure and resilience in the community over the last 10 years has contributed significantly;

- Metal Health and Wellbeing counselling and on the ground support – community moral across the Shire Communities for those directly affected by flooding and those that weren't but are now cut off is extremely low;
- Lack of infrastructure in the relevant towns to support those effected;
- Failure of the road network;
- Need to advocate on behalf of Pastoral Industry, other effected Communities – Kupungarri, Camballin, Balginjirr and Derby – the emphasis to date has mostly been on Fitzroy Crossing and whilst that has been necessary there were other communities similarly affected who have not received the same attention and support;
- Interoperability and Communication concerns both by those effected and those coordinating the response – lack of direct oversight into many processes;
- Fitzroy Crossing operations are complex and have been impacted by the East and West nature of things given the bridge damage and accommodation for support workers is critical;
- Keeping up with Ministerial Visits and the like in Fitzroy Crossing – we are needing to look at putting in place senior management on the ground to be a Shire voice in Fitzroy Crossing; and
- Continuing preparation of damage summary and cost assessment – LGIS have visited and made interim assessment.

#### **Key Advocacy and Lobby Points for Councillors:**

- “We know extreme weather events are going to be more frequent, and impact our road systems more and more – we need to look to improved construction methods, improve low lying areas and ensure that the remote road network is more resilient to stand up to the more extreme events.”; and
- Potential Village accommodation for work crews (including Shire Staff and Recovery Team).

#### **Key Activities Undertaken:**

- Secure free parking at Broome Airport;
- Held community meeting within Derby;
- Raised issue of business continuity and working with DFES now to confirm supply routes and supplies for businesses and other agencies;
- Raised issues of flights for people around the Kimberley and to and from the Kimberley, have sourced 5 flights per day between Derby and Broome, initiated a bus service for Fitzroy Crossing residents to get to Derby 3 days a week.
- Making links with Noel Wilson from Department of Primary Industries and Regional Development (DPIRD) regarding pastoral assistance and challenges;
- Raised issues around the potential of a road between Junjuwa and Fitzroy Crossing town site along the ridge;
- Raised the issue of the evacuation centre and its suitability and potential upgrade of the Recreation Centre in Fitzroy Crossing, work has commenced on sourcing a design and

interim suggestions to head out for community consultation in March 2023 – Interim Design is based on latest evacuation centre development principals and the 2011 work done by the Community and Cr Davis;

- Future proofing of the Bridge and Great Northern Highway; and
- Waste Management to the Eastern and Western sides of Fitzroy Crossing.

The Incident is still in its response phase although it is likely to transition to the Recovery Phase over the next week or so. The State Recovery Coordinator has been named by Government and Mr Rob Cossart is well known to the Shire and the communities of the Shire, from recent and previous experience.

#### **VOTING REQUIREMENT**

Simple majority

#### **ATTACHMENTS**

1. **Item 14.3 - ADOPTION OF THE 2022 LOCAL RECOVERY PLAN - 29 June 2022**  

#### **RECOMMENDATION**

**That Council NOTE the Ex Tropical Cyclone Ellie & Associated Flooding - AGRN 1044 Council Briefing.**

Ordinary Council Meeting Minutes

29 June 2022

**14.3 ADOPTION OF THE 2022 LOCAL RECOVERY PLAN****File Number:** 4212**Author:** Robert Paull, Manager Development Services**Responsible Officer:** Wayne Neate, Director Technical and Development Services**Authority/Discretion:** Legislative**SUMMARY**

Council is requested to adopt the 2022 Local Recovery Plan

**DISCLOSURE OF ANY INTEREST**

Nil for Author and Responsible Officer

**BACKGROUND**

Local governments have a legislated responsibility under s.36(a) of the Local Government Act 2005 to “ensure that effective local emergency management arrangements are prepared and maintained for its district”.

The Shire of Derby/West Kimberley (SDWK) Local Emergency Management Committee (LEMC) is an advisory committee to Council in response to the obligations placed upon local government arising from the proclamation of the *Emergency Management Act 2005*. Part of the function of the LEMC is to review the Local Emergency Management Arrangements which also includes a Local Recovery Plan (LRP) to guide the management of community driven recovery following an emergency incident. An LRP has been prepared by the Shire (**ATTACHMENT 1**) in accordance with the State Emergency Management procedures and endorsed by the SDWK LEMC at its meeting held on 7 June 2022 where it resolved as follows:

*“That Shire of Derby West Kimberley Local Emergency Management Committee:*

- 1. Endorse the Shire of Derby West Kimberley Local Recovery Plan (LRP) as provided in Attachment 6.10.2.*
- 2. Recommends that the Council of the Shire of Derby West Kimberley adopt the LRP as endorsed; and*
- 3. Once adopted, recommends Council forward a copy of the LRP to the State Emergency Management Committee.”*

**STATUTORY ENVIRONMENT**

Local Government Act 2005

Emergency Management Act 2005

**POLICY IMPLICATIONS**

None known

**FINANCIAL IMPLICATIONS**

There are no known financial implications associated with this item.

Ordinary Council Meeting Minutes

29 June 2022

**STRATEGIC IMPLICATIONS**

GOAL	OUR PRIORITIES	WE WILL
<b>Priority 1: Leadership and Governance</b>	1.1 Collaboration and Partnerships 1.2 Capable, inclusive and effective organisation 1.3 Effective Communication	1.1.1 Maximise local opportunities 1.2.4 Attract and effectively use resources to meet community needs 1.3.3 Listen to and respond to the needs of our communities

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Legal &amp; Compliance:</b> Council does not have effective LRP in place they are in breach of s.41 of the <i>Emergency Management Act 2005</i>	Possible	Moderate	Medium	Council to adopt the SDWK LRP provide a process for effectively managing recovery operations following an emergency, along with suggested methods to engage the affected community in facilitating its own recovery.

**CONSULTATION**

Consultation has occurred through the SDWK LEMC.

**Comment**

Local Community Recovery, driven by the local government, is recognised as the most important role for local governments as part of the emergency management process.

The SDWK LRP has been developed as part of the Local Emergency Management Arrangements in accordance with the requirements of Section 41(4) of the Emergency Management Act 2005 as a subsidiary plan to the Local Emergency Management Arrangements. The SDWK LRP is subject to formal adoption by Council.

The purpose of these arrangements is to provide a process for effectively managing recovery operations following an emergency, along with suggested methods to engage the affected community in facilitating its own recovery.

The objectives set out within this plan as part of the LEMA are to:

- Clearly set out the roles, responsibilities, available resources and procedures for the effective management of recovery from emergencies within the district;



- Establish a basis for the coordination of recovery activities at the local level;
- Promote effective liaison between all involved Hazard Management Agencies (HMA's), Emergency Services, Supporting Agencies and Shire staff who may become involved in the recovery management process.

The overall scope of this Recovery Plan includes:

- the geographical boundaries of the Shire;
- the relationship to the Local Emergency Management Arrangements;
- existing legislation, plans and Local Laws;
- statutory or agreed responsibilities;
- relevant supporting documents and plans; and
- involvement of the affected community in recovery management.

The LRP also provide substantial information to an external Incident Controller/HMA in a significant emergency regarding the make-up/communications within our community, prior to the responsibility for recovery being handed over to the Shire.

#### VOTING REQUIREMENT

Simple majority

#### ATTACHMENTS

1. **Attachment 1 draft LRP**  

#### RESOLUTION 81/22

**Moved: Cr Paul White**

**Seconded: Cr Andrew Twaddle**

**That Council:**

1. **Adopt the Local Recovery Plan (LRP), in accordance with the requirement of the Emergency Management Act 2005; and**
2. **Request the Chief Executive Officer to forward a copy of the LRP to the State Emergency Management Committee.**

In Favour: Crs Geoff Haerewa, Paul White, Andrew Twaddle, Keith Bedford and Peter McCumstie

Against: Nil

**CARRIED 5/0**



**Shire of Derby /  
West Kimberley**

**LOCAL RECOVERY PLAN**

**2022**

*Endorsed by LEMC: ..... 2022*  
*Endorsed by the Shire of Derby/West Kimberley:*  
*Full Review Date: 2027*

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*The Shire of Derby/West Kimberley Local Recovery Plan has been prepared pursuant to Section 41(1) of the Emergency Management Act 2005 and endorsed by the Local Emergency Management Committee (LEMC). A copy of the Local Recovery Plan has been submitted to the Kimberley District Emergency Management Committee (DEMC) for noting in accordance with State Emergency Management Preparedness Procedure 8: Emergency Management for Local Government and then for noting with the State Emergency Management Committee (SEMC) pursuant to Section 41(5) of the Emergency Management Act 2005.*



# 1. CERTIFICATE OF ENDORSEMENT

The Shire of Derby/West Kimberley Local Recovery Plan (LRP) has been developed in accordance with Section 41(4) of the *Emergency Management Act 2005 (WA)* (the Act) and forms part of the Emergency Management Plans and Arrangements for the Shire of Derby West Kimberley (the Shire). The LRP has been submitted to the LEMC and Council for endorsement. A copy has been forward to the District Emergency Management Committee for endorsement and State Emergency Management Committee for noting.

Chair: \_\_\_\_\_ Date: \_\_\_\_\_  
Shire of Derby/West Kimberley LEMC (Derby)

Chair: \_\_\_\_\_ Date: \_\_\_\_\_  
Shire of Derby/West Kimberley LEMC (Fitzroy Crossing)

\_\_\_\_\_ Date: \_\_\_\_\_  
Shire of Derby/West Kimberley President  
Endorsed by Council

\_\_\_\_\_ Date: \_\_\_\_\_  
Shire of Derby/West Kimberley CEO

\_\_\_\_\_ Date: \_\_\_\_\_  
Endorsed by DEMC:

\_\_\_\_\_ Date: \_\_\_\_\_  
Noted SEMC:



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Shire of Derby West Kimberley Local Recovery Plan 2021



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### 3. DISTRIBUTION LIST

#### 3.1 Full Unrestricted Version

Official copies of this document are distributed in pdf format only and are provided electronically to the organisations and individuals named below. Members of the public wishing to obtain a copy of this document can do so by application to the Shire of Derby/West Kimberley through the following email address: [sdwk@sdwk.wa.gov.au](mailto:sdwk@sdwk.wa.gov.au).

Hard copy versions of this document may not be accurate.

*Table 1 Distribution List*

Organisation	Copies
Shire of Derby/West Kimberley Administration	1
Shire of Derby/West Kimberley Chief Executive Officer	1
Kimberley District Emergency Management Committee (Executive Officer to distribute to members)	1
District Emergency Management Advisor – Department Fire and Emergency Services	1
Fitzroy Crossing LEMC (Executive Officer to distribute to members)	1
WA Police – Derby Police Station	1
WA Police – Fitzroy Crossing Police Station	1
WA Police – Looma Police Station	1
Department of Fire & Emergency Services – Shire of Derby/West Kimberley	1
Shire of Wyndham/East Kimberley, Shire of Broome and Shire of Halls Creek	1
Derby Hospital	1
Fitzroy Crossing Medical Campus	1
St. John Ambulance Derby	1

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### 3.2 Restricted Version – Public Access

*Table 2 Public Access List*

Public Access	Copies
Shire of Derby/West Kimberley Administration Office – Reception 30 Loch Street Derby	1
Fitzroy Crossing Administration Office - Front Reception - Flynn Drive Fitzroy Crossing	1
Derby Public Library, Clarendon Street, Derby	1
Fitzroy Crossing Public Library, Flynn Drive Fitzroy Crossing	1
Shire of Derby/West Kimberley website: <a href="https://www.sdwk.wa.gov">https://www.sdwk.wa.gov</a>	

### 3.3 Amendment Record

Suggestions and comments from the community and stakeholders can help improve the arrangements and subsequent amendments. Feedback can include:

- What you do or do not like about the arrangements;
- Unclear or incorrect expression;
- Out of date information or practices; Inadequacies;
- Errors, omissions or suggested improvements.

To forward feedback, copy the relevant section, mark the proposed changes and forward it to:

The Chairperson  
Local Emergency Management Committee  
Shire of Derby/West Kimberley  
PO Box 94  
DERBY WA 6728  
Alternatively email – [sdwk@sdwk.wa.gov.au](mailto:sdwk@sdwk.wa.gov.au)

*The Chairperson will refer any correspondence to the LEMC for consideration and or approval. Amendments promulgated are to be certified in the below table when updated.*

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Table 3 Versions

Version No.	Amendment Date	Details of Amendment	Author
1	31/10/2012	Draft LEMA 2012	Greg Cook
2	29/12/2015	Review	Wayne Neale
3	May 2021	Complete review and re-write of LEMA 2022	Lewis Winter
4	March 2022	Review/Update	Robert Paull

### 3.4 Glossary of Terms and Acronyms

Terminology used throughout this document shall have the meaning as prescribed in either section 3 of the Emergency Management Act 2005 or as defined in the [State EM Glossary](#) or the [WA Emergency Risk Management procedure](#).

- *District: means an area of the State that is declared to be a district under section 2.1 Local Government Act 1995.*
- *Municipality: Means the district of the local government.*

### 3.5 General acronyms used in these arrangements

BFS	Bush Fire Service
CFO	Chief Executive Officer
Communities	Department of Communities
DBCA	Department of Biodiversity, Conservation and Attractions
DEMC	District Emergency Management Committee
ECC	Emergency Coordination Centre
EM	Emergency Management
DFES	Department of Fire and Emergency Services
HMA	Hazard Management Agency
ISG	Incident Support Group
LEC	Local Emergency Coordinator
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee

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<i>LRC</i>	<i>Local Recovery Coordinator</i>
<i>LRCC</i>	<i>Local Recovery Coordination Group</i>
<i>SEC</i>	<i>State Emergency Coordinator</i>
<i>SEMC</i>	<i>State Emergency Management Committee</i>
<i>SES</i>	<i>State Emergency Service</i>
<i>SEWS</i>	<i>Standard Emergency Warning Signal</i>
<i>Shire</i>	<i>Shire of Derby/West Kimberley</i>
<i>SOP</i>	<i>Standard Operating Procedures</i>

### 3.6 Agreements and Understanding

The following agreements (Memorandums of Understanding) are currently in place:

*Table 4: Agreements, understandings and commitments*

Parties to the Agreement	Summary of the Agreement
Shire of Derby/West Kimberley, Shire of Derby/West Kimberley, Shire East Pilbara and Shire of Halls Creek	Memorandum of Understanding for the provision of mutual aid during emergencies and post incident recovery
DFES, Shire of Derby/West Kimberley, Shire of Derby/West Kimberley, Shire East Pilbara and Shire of Halls Creek	Memorandum of Understanding for ongoing management and control of bush fire brigades and bush fire and emergency services in the Kimberley Region of Western Australia

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## 4. RECOVERY

### 4.1 Overview

The *Emergency Management Act 2005 (WA)* (the Act) defines recovery as 'the support of emergency affected communities in the reconstruction and restoration of physical infrastructure, the environment and community psychosocial and economic wellbeing'. During, and following, an emergency event, the Shire is the closest form of government to the local community and is in the best position to lead, manage and coordinate community recovery. State Government departments, supporting agencies, community members, community groups and community service organisations cooperate with or directly support the Shire.

The Shire recognises disaster recovery is more than simply replacing what has been destroyed and the rehabilitation of those affected. Disaster recovery is a complex, dynamic and potentially protracted process, rather than just a remedial process. For this reason, the Shire and its LRG adopt the national principles of disaster recovery while also aligning these to strong recovery values when engaged in recovery activities.

### 4.2 Authority

This LRP is prepared in accordance with the Act and endorsed by the Shire's LEMC and Shire's Council. The Plan is tabled for noting with the District Emergency Management Committee (DEMC) and State Emergency Management Committee (SEMC).

### 4.3 Purpose

To detail planning, arrangements and processes established to restore, as quickly as possible, the quality of life in an affected community so it can continue to function as part of the wider community.

### 4.4 Our Recovery Principles

The Shire's LRP and its LRG will be aligned to all aspects of recovery, incorporating the Australian National Disaster Recovery Principles that are considered central to successful recovery, being:

#### Understanding the CONTEXT

The Shire recognises that successful recovery hinges on an understanding of its diverse and rich community heritage within its local government area, having its own history, values and dynamics and will always consider them.

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### Recognising **COMPLEXITY**

The Shire acknowledges the complex and dynamic nature of both emergencies and the diverse nature of its communities.

### Using **COMMUNITY-LED approaches**

The Shire recognises that successful recovery is based on involving the community and commits to being responsive, flexible and engaging to support communities into the future.

### **COORDINATING all activities**

The Shire acknowledges that it will need to be the hub for a successful recovery ensuring a planned, coordinated and adaptive approach between communities, partner agencies and industry, based on continuing assessment of impacts and needs.

### **COMMUNICATING effectively**

The Shire understands the imperative of effective communication for successful recovery and will ensure the Recovery Communication Plan (located as **Appendix 1**) is activated to ensure community and partners are always informed and heard.

### **Building CAPACITY**

The Shire acknowledges that successful recovery recognises, supports and builds on individual community and organisational capacity and resilience and, at every opportunity, will allow programs and processes to do this.

## 4.5 Our Recovery Values

The Shire will apply sound disaster recovery **Values** to all activities by:

1. Considering consequences of actions ensuring **NO HARM** to disaster affected communities
2. Providing **LEADERSHIP** for the Shire's communities
3. Recognising the Shire's key role is to foster **COLLABORATION** between partner agencies, community and Council
4. **EMPOWERING** individuals and groups to effectively carry out recovery activities
5. **ACTING** as quickly as possible, however, planning for **LONG-TERM** ( Value 1)
6. **TRANSITION** to normal services will be part of the Recovery Long-Term Strategy
7. **CAPTURING** lessons learnt for providing capacity building and resilience

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#### 4.6 Threats

As the Shire is diverse, several impacts need to be considered that may affect how the Plan is implemented in times of emergency:

Description	Time of Year	Impact / No of People
Cyclone Season	November – April	Severe damage throughout shire.
Wet Season	November - April	Flooding from cyclonic activity
Dry Season	May – October	Bushfire
Bushfire Season – ‘permits to burn’ required all year round	All year round	Bushfire
Dry Season	May – October	Large numbers of tourists throughout the Shire

#### 4.6 Scope

This LRP is limited to the boundaries of the Shire of Derby West Kimberley. It details the recovery plan for the community and will not detail how individual organisations will conduct recovery activities within their core business areas.

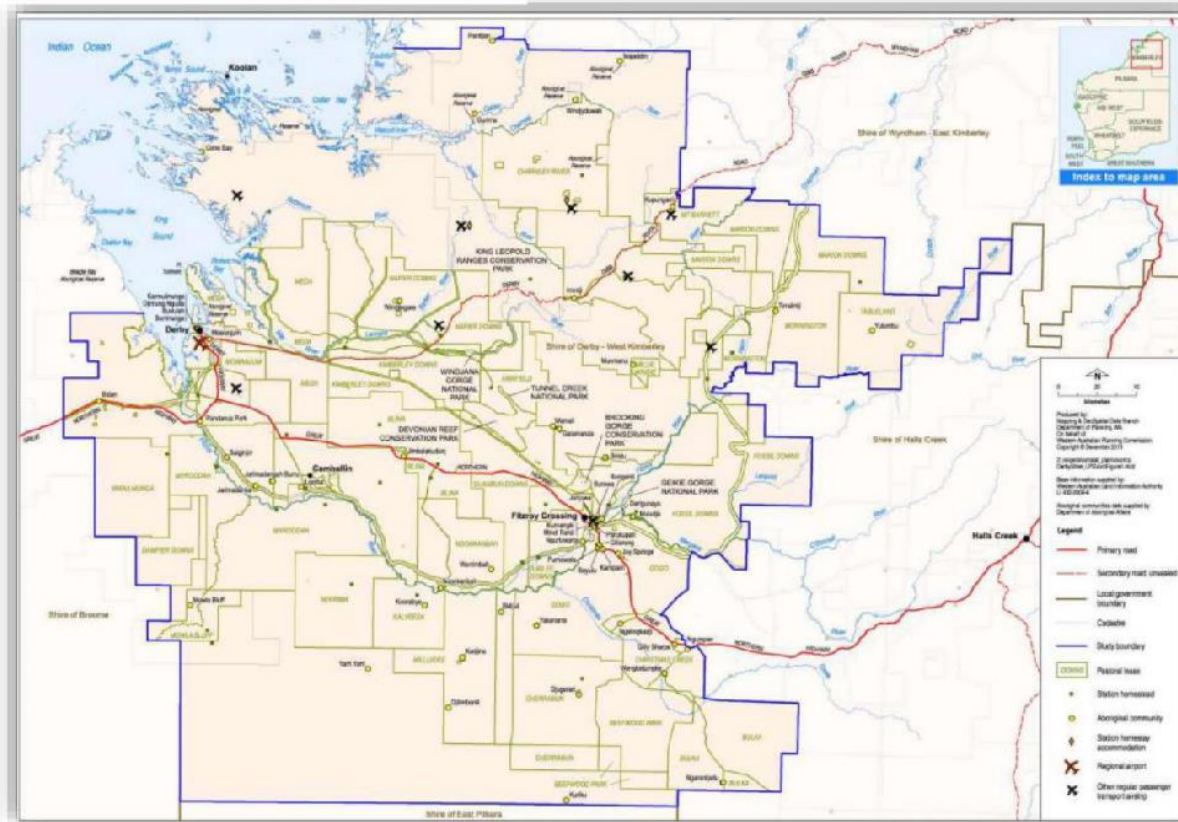
The LRP is a support plan to the Shire’s Local Emergency Management Plans and Arrangements. The Plan is a guide to managing recovery at a local level.

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### 4.7 Geographic Location Map



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## 5. ACTIVATION AND ACTIONS

### 5.1 Activation of Recovery

The Shire’s CEO will activate the LRP on advice from the Local Recovery Coordinator (LRC). Assistance required for recovery will be assessed by:

- The Incident Support Group (ISG)
- Consultation between Hazard Management Agency (HMA)/ Controlling Agency (CA), Incident Controller (IC) and Local Emergency Coordinator (LEC), and
- The Shire of Derby West Kimberley’s Chief Executive Officer (CEO) and Local Recovery Coordinator (LRC).

The LRG Chairman, together with the LRC, is responsible for implementing the recovery processes of the LRP, once it is activated.

#### 5.1.1 Emergency Management Phases

The Australian approach to managing emergencies recognises four phases of emergency management known as Preparedness, Prevention (or mitigation), Response and Recovery (PPRR). These are not distinct linear segments independent of each other, but can overlap and run concurrently.

As illustrated in Figure 1, recovery starts at response and is the process of adjusting to the new normal after an emergency incident.

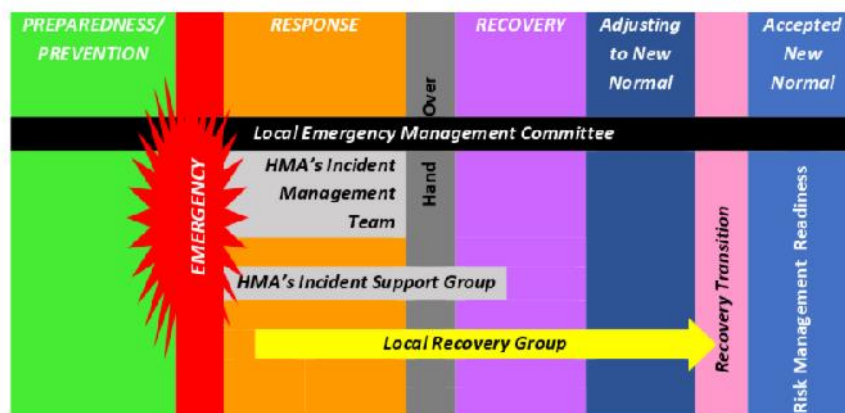


Figure 1: Groups, teams and committees through preparedness, response and recovery

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**ACTION**

- LRC consults and advises Shire's CEO of recovery activation.
- Assessment of assistance determined.
- Local Recovery Plan is activated.

**5.2 Response to Recovery Event Responsibilities**

Initiate the LRP while response activities are still in progress, as key decisions during the response phase are likely to directly influence and shape recovery. Regardless of response engagement, as soon as possible assemble the LRG so it can be briefed on the emergency incident and to detail contingencies. This will allow for a smooth transition from response to recovery. The LRG also represents the community (advocates) to advise on priorities and impacts. The LRG will:

- Align response and transitional recovery priorities
- Connect with key agencies and community
- Understand key impacts and tasks
- Identify recovery requirements and priorities as early as possible, and
- Include the LRC in ISG meetings from onset

Transfer of management from response to recovery handover to Shire shall be formalised in line with HMA/CA responsibilities and procedures. An Impact Statement (IS) is a key element of the handover process, and the HMA/CA is responsible for delivering this to the Shire's CEO. The CEO has discretion regarding accepting this handover of responsibility and can take advice from LRC and LRG, in consultation with HMA/CA.

The acceptance of this handover is to occur at the discretion of the Shire CEO on advisement from LRC and LRG, in consultation with HMA/CA. Acceptance of this Impact statement and its responsibilities should not occur unless the CEO and the Local Recovery Coordinator and Group are satisfied with its content and are willing to take on that responsibility.

**ACTION**

- Recovery initiated while response still in progress.
- LRC to attend ISG meetings and liaise with Incident Controller.
- LRG convened and briefed on incident ensuring coordinated recovery recommendations.
- CEO to sign off response to recovery handover with HMA/CA on completion of Impact Statement providing an acceptable and agreeable standard.
- CEO to sign off response to recovery handover with HMA/CA Impact Statement completed.

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### 5.3 Impact Statement and Needs Assessment

#### 5.3.1 Impact Statement

The event CA will complete an IS in consultation with the ISG. It will contain a detailed description of the impact on the affected community and provides the LRC and the LRG with a starting point for recovery of individuals, community and infrastructure. The IS will be completed as recommended in the [State Emergency Management Procedure](#).

#### 5.3.2 Outreach Needs Assessment

An Outreach Needs Assessment should be completed as soon as possible to the affected area. The requirements of the impacted community will change over time and therefore it is necessary to determine the **NEEDS** of the community periodically and broadly be defined as:

<b>Physical Needs:</b>	Food, water, shelter, clean breathable air
<b>Psychological needs:</b>	Psychological first aid/support, bonding
<b>Societal needs:</b>	Community infrastructure, power, drainage, shops, telephone, schools, industry, transport

Outreach involves visiting people in their homes or temporary accommodation to provide access to core recovery information and services. Trained volunteers from Australian Red Cross could partner with the local government and other identifiable volunteers who speak directly to affected individuals to determine their requirements:

What has been affected?	Wish to be contacted for further information?
What information is needed?	Their best contact details?
What assistance is required?	Information on assistance for neighbours

Conducting an Outreach Needs Assessment establishes contact ASAP with the affected community and is an effective way to capture data to assist the LRG in prioritising the allocation of resources. It also provides the opportunity to share critical information directly to the affected community. A form for Outreach Needs Assessment can be found in **Appendix 1** within the Recovery Communication Plan listed as **Form 3**.

#### 5.3.3 Sources of Information – Impact and Needs Assessment

The IS and Needs Assessment (NA) process must be undertaken as soon as possible after the emergency event. Sources that may assist in the collection of this data may include:

- HMA/CA;
- Welfare agencies – identifying persons in need of immediate assistance;
- Shire Building Surveyors, Engineers and Environmental Health Officers and Rangers
- Insurance assessors;
- Business associations (e.g. Chamber of Commerce, Kimberley Development Commission);

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- Recovery Outreach Needs Assessment form (Recovery Comm. Plan **Appendix 1**); and
- Australian Red Cross (ARC) have systems to register individuals presenting at Welfare Centre's and resources to assist in outreach activities and will be activated by HMA/CA.

#### ACTION

- Recovery initiated while response still in progress.
- LRC to attend ISG meetings and liaise with Incident Controller.
- LRG gathered and briefed ensuring recovery commencement.
- CEO to sign off response to recovery handover with HMA/CA Impact Statement provided.
- Recovery initiated while response still in progress.
- LRG Outreach Needs Assessment will be carried out ASAP, when safe, after event.
- Aust. Red Cross contacted ASAP to establish partnership in recovery activities.

### 5.4 Operational Recovery Plan

Where significant reconstruction and restoration is required, the LRC/LRG should prepare an Operational Recovery Plan (ORP). The ORP shall provide a full description and extent of damage, both physical and human, and detail plans for restoration and reconstruction of the affected community including community activities and community development activities. A template of an ORP is offered in **Appendix 2**.

#### ACTION

- LRG/LRC to prepare Operational Recovery Plan where significant reconstruction and restoration is required.

### 5.5 Long-Term Recovery Strategy

Recovery must evolve, change and assist the affected community towards management of its own recovery. This transition from recovery to ongoing community activities and services, requires a comprehensive strategy (Long Term Recovery Strategy) that gradually integrates the recovery services into mainstream services, which existed prior to the emergency or have emerged since and require minimal support to continue.

The Long-Term Recovery Strategy process will need to be considered and developed to achieve holistic, enduring recovery for individuals, families, and communities, taking into consideration the economic environment, infrastructure and natural environment affects an emergency has had and to build resilience for future emergencies.

The Shire, where appropriate, will develop a collaborative, comprehensive recovery strategy with the community and for the community. This will also incorporate how community's needs have changed over time. A further outreach program may be instigated to check on the community's wellbeing and changes in its needs.

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**ACTION**

- Shire to develop a collaborative, comprehensive and inclusive long term community recovery strategy which may include any changes in community needs and further outreach activities.
- Shire to identify potential partnerships with existing community organisations and services and ascertain their capacity to support recovery process in the medium and long term.

**5.6 Managed Withdrawal**

The Shire and its LRG will provide a clear path in the transition of recovery activities, programs, services and communications to mainstream service provisions and ongoing community development, while working towards maintaining the community's health and wellbeing.

**ACTION**

- Shire will communicate via the LRG sub-committees when relevant service providers and agencies will be withdrawing services from the affected area.
- LRG to identify recovery programs that will 'phase down', 'phase out' or be 'handed over' to community to continue.



## 6. OPERATIONAL RECOVERY MANAGEMENT

### 6.1 Management Structure

Full details of the Management Structures and Sub Committee functions is displayed in **Appendix 3**.

### 6.2 Local Recovery Group (LRG)

The LRG will coordinate and support local management of the recovery processes within the community, subsequent to a major emergency, in accordance with State Emergency Management Policy and Local Recovery Plan. LRG membership will expand or contract depending on recovery and community needs and requirements.

#### 6.2.2 Membership

Chairperson	Shire President or CEO
Local Recovery Coordinator	LG Representative, as appointed by the CEO
Executive Officer	Shire CEO or nominated Senior Officer
Local Government	Shire Local Emergency Management Committee – members are required
State Government	Relevant government agencies and other statutory authorities will nominate their representatives to be members depending on incident type. Recommended: <ul style="list-style-type: none"> <li>➤ HMA/CA (initially)</li> <li>➤ Dept. of Fire and Emergency Services (initially)</li> <li>➤ WA Police (initially)</li> <li>➤ Dept. Biodiversity Conservation &amp; Attractions</li> <li>➤ Department of Communities</li> <li>➤ Lifelines</li> <li>➤ Main Roads WA</li> <li>➤ St John Ambulance Service (initially)</li> <li>➤ Dept. of Health</li> <li>➤ Dept. Primary Industries and Regional Development</li> <li>➤ Insurance Council of Australia</li> </ul>
Non-Government Organisations	Australian Red Cross, local service clubs, aged care providers, schools, etc. and others as required
Key Identified Community Members	To be identified depending on event and location

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### 6.2.3 Functions

Appoints key positions within the LRG
Establishes sub-committees as required
Assesses requirements for recovery activities relating to physical/psychological/social wellbeing of the community, along with economic, infrastructure and natural environment with assistance from partnering agencies
Develops an Operational Recovery Plan to coordinate a recovery process that considers:
➤ Long-term planning and goals for the Shire
➤ Assessing recovery needs and determining recovery functions still required
➤ Developing a timetable, identifying responsibilities for completing major functions
➤ Considering needs of youth, aged, disabled, culturally linguistically diverse (CaLD)
➤ Allowing full community participation and access
➤ Allowing monitoring and reporting of the recovery process
Facilitates provision of services, exchange of public information and acquisition of resources
Negotiates effective use of available resources and support from State and Commonwealth
Monitors progress of recovery, receives periodic reports from recovery agencies
Ensures a coordinated multi-agency approach to community recovery
Makes appropriate recommendations, based on lessons learnt, to the LEMC to improve the community's recovery readiness and planning

### 6.3 Community Involvement – Cultural and Diversity Inclusiveness

Diversity is an integral part of the Shire's history, culture and identity. Inclusion is the way the Shire treats and perceives all differences. During the Shire's recovery activities, it will endeavour to create an inclusive culture, within the affected communities, by striving to involve all cultures and diversity within the recovery priorities, strategies and decision-making.

Key stakeholders and representatives will be sought from the community while acknowledging the significance of cultural and diversity makeup. These representatives will be considered for inclusion on relevant LRG sub-committees, depending on the nature and impact of the emergency. When threatened or affected by an emergency, everyone within that community is encouraged to be actively involved in their own and collaborative recovery. It is the role of formal recovery agencies to provide structured support, communications and coordination to assist the community's efforts.

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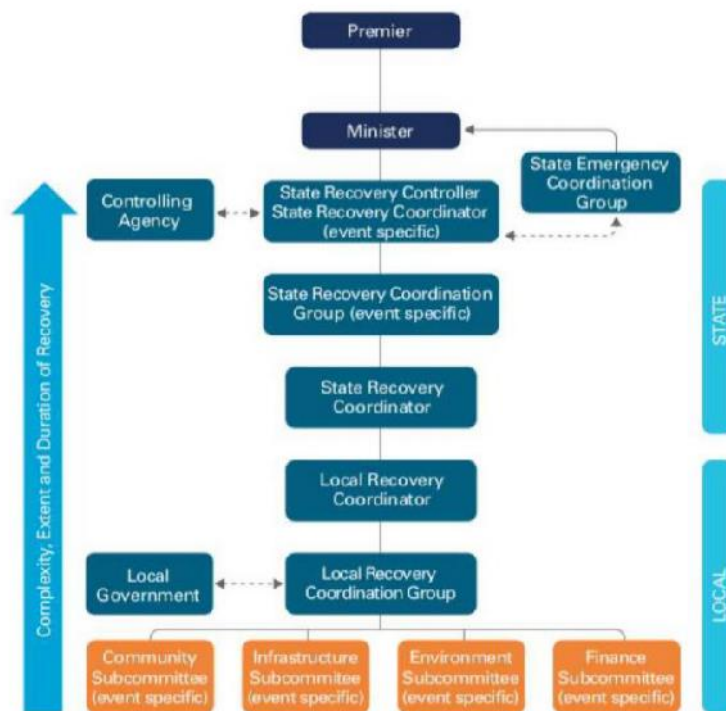
### 6.4 Local Recovery Group Sub Committees

Depending on the size of an emergency event, sub-committees may be established to assist IRC by addressing a specific component of the recovery process. Each sub-committee will report its activities, through its nominated Chair, to the LRG. A full list of functions of various sub-committees can be viewed in **Appendix 4**.

### 6.5 State Government Involvement

During the recovery process, the State government may provide support and assistance to the Shire. The structure of the State Recovery Coordination is shown below.

Figure 1: State Government Coordination Structure



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### 6.5.1 State Recovery Coordinator/State Recovery Controller

The **State Recovery Coordinator** supports a whole of government approach and coordinates the maintenance of the State recovery arrangements and plans, through the SEMC recovery sub-committee. The State Recovery Coordinator supports the operation of State level recovery coordination through the State Recovery Coordination Group (SRCG).

The Premier appoints the **State Recovery Controller**. The Controller will usually be appointed when an emergency affects several communities, is ongoing, requires State level assistance to resolve issues and needs a regional coordination approach.

### 6.5.2 State Recovery Coordination Group

The SRCG is responsible for coordinating State level recovery in complex or prolonged recovery operations and develops a State level operational recovery plan. Its effectiveness must be evaluated after the State-level recovery coordination process has occurred.

#### ACTION

- The Shire will establish an LRG management structure relevant to event size and complexity.
- LRG will establish membership from Shire staff, supporting agencies and community members.
- LRG will operate within recognised functions and relevant sub-committee structure.
- LRG will actively encourage and invite community participation within the LRG.
- LRG will actively engage with State Government to maximise recovery resources and synergies between Local and State recovery activities.

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## 7. FINANCIAL MANAGEMENT

### 7.1 Financial Management

#### 7.1.1 Insurance

The owner has primary responsibility for safeguarding and restoring public and private assets affected by an emergency. The Shire's assets are registered for insurance and financial reporting in line with the Department of Local Government, Sport and Cultural Industries Integrated Planning and Reporting Asset Management Guidelines. Shire assets are insured through policies with the Local Government Insurance Scheme (LGIS).

#### 7.1.2 Financial Records

Records/invoices of costs associated to an emergency event are to be assigned to specific emergency cost centres by Local Government. To ensure accurate records associated with recovery process, are easily identifiable and accessible at any time.

#### 7.1.3 Internal Finance

In an emergency, the Local Government Act 1995, Section 6.8(c) allows expenditure from municipal funds, not included in the annual budget, to be authorised by the Mayor/President at the time of an emergency. Within this section 6.8(1) of the same act, tenders do not have to be publicly invited if goods and services are obtained from this expenditure.

#### 7.1.4 Responsibilities for expending Shire funds

Where possible, expenditure of funds should be discussed with the CEO or nominated senior officer. The nominated senior officer must have an appropriate authorisation level required to enable funds expenditure.

#### ACTION

- All invoicing and costs associated with the emergency event to be allocated against emergency cost centre.
- CEO and/or nominated senior officer have authority to expend funds on emergency event.



## 7.2 Financial Assistance

### 7.2.1 The State Emergency Management Policy (SEMP)

SEMP Policy Section 5.12 outlines the responsibility of the Hazard Management Agency/Control Agency to meet costs associated with an emergency.

### 7.2.2 Financial Assistance in Recovery

The owner has primary responsibility for safeguarding and restoring public and private assets affected by an emergency. Government recognises that communities and individuals do not always have resources to provide for their own recovery and financial assistance is available in some circumstances.

Information on these relief arrangements can be found in the State Emergency Management Plan for State Level Recovery Coordination ([SEMC EM Plan Section 6.10](#)).

### 7.2.3 Disaster Recovery Funding Arrangements-Western Australia (DRFAWA)

DRFAWA is an arrangement between the State and Commonwealth. It provides certain measures to support relief and recovery efforts following a disaster deemed 'eligible'. To be eligible, it must be a natural disaster or terrorist act for which:

- A coordinated multi-agency response is required;
- State expenditure exceeds the small disaster criterion (\$240,000 not including insurance related expenditure); and
- It must be a terrorist event or one of 10 specific natural disasters.

Once it has been determined that the emergency is a large-scale costly event, the Shire shall immediately contact the WA State Administrator of DRFAWA.

DRFAWA Officers can be contacted via:

Email: [drfawa@dfes.wa.gov.au](mailto:drfawa@dfes.wa.gov.au)  
Phone: 9395 9341 or 9395 9973 or 9395 9374  
Website: <https://www.dfes.wa.gov.au/recovery/Pages/DRFA-WA.aspx>

### 7.2.4 Centrelink

When a major disaster has significantly affected individuals and families, the Australian Government may provide the Disaster Recovery Payments which may vary from time to time. For more information, visit <https://www.humanservices.gov.au/individuals/help-emergency>

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**ACTION**

- On advice an emergency is an eligible event and significant resources have been expended LRC will direct Shire to contact with DRFAWA Officers for advice and guidance.
- In an eligible major disaster LRC will assist affected individuals connect with Centrelink for assistance payments.
- For significant emergency events, immediately begin to track costs in case claims can be presented to DRFAWA.



## 8. APPEALS, DONATIONS AND VOLUNTEERS

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### 8.1 Appeals and Donations

#### 8.1.1 Lord Mayor's Distress Relief Fund (LMDRF)

The Shire will advise and direct the distribution of monetary donations through the LMDRF, which operates under specific guidelines and policy. LMDRF will provide aid to Western Australian victims of disastrous events. The Fund will primarily focus on the relief of individuals' distress and hardship of individuals.

LMDRF should work closely with the LRG, ensuring local issues are considered before deciding on a disbursement plan. LRG authenticates applications and provides recommendations to LMDRF for financial assistance to be disbursed. For more information see: <http://www.appealswa.org.au>

#### 8.1.2 Donations of goods

**At every opportunity, donations of physical goods should be discouraged** due to significant difficulties when managing physical items. Cash donations are easier to manage and provide the opportunity to use local services, which in turn assists with the recovery of local businesses.

View the [National Guidelines for Managing Donated Goods](#) for best strategy management.

#### 8.1.3 Donations of Cash

LRG will encourage the use of the LMDRF for cash donations and if deemed necessary, a separate account will be opened. ([State LM Procedures](#)) Pg. 176, Management of Public Fundraising and Donations)

#### 8.1.4 Non-Government Organisations (NGO) Assistance

NGOs may offer assistance by way of emergency relief funds, shelter or supplies. Where possible all offers or requests should be coordinated through the LRG to avoid duplication of effort and confusion.

#### 8.1.5 Donations of Service and Labour

The Shire or its LRG should coordinate donations of services/labour to assist with recovery.

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**ACTION**

- On advice of eligibility following a disaster LRC will direct Shire Officers to contact LMDRF for advice and guidance.
- Spokesperson to advise that the Shire will not accept donations of goods.
- All financial donations will be direct through the LMDRF.
- Offers of assistance will be directed to LRG.

**8.1.6 Spontaneous Volunteers**

Spontaneous volunteers may emerge offering support and assistance to the affected community. In the first instance, the Shire and its LRG will determine the process to deal with this situation and if support agencies are required to assist with managing these volunteers. The likely sources of volunteers are:

- Clubs
- Community groups
- Non-government organisations, and
- Members of the public.

**ACTION**

- LRG will refer the management of volunteers to local service clubs and support organisations.





## 9. FACILITIES AND RESOURCES

---

### 9.1 Hazard Management Agency Response Resources

The Hazard Management Agency (HMA) is responsible for certain resources and should determine which are required to combat the hazards.

### 9.2 Shire of Derby West Kimberley Contacts, Resources and Assets Directory

The Shire has conducted a broad analysis of resources it has available and collated these in the 'Shire Emergency Contacts and Resources Directory' and the 'Shire Welfare Centre Assets Directory' found in the Shire's Local Emergency Management Plan. Both documents shall be reviewed and updated quarterly at each LEMC meeting. The Shire Emergency Contacts and Resource Directory contains:

- Contact Names
- Contact Details (Business/After Hours), and
- Resources and Service Providers.

### 9.3 Australian Red Cross

The Australian Red Cross has over '100 years' experience of dealing with people in crisis. A wide range of helpful resources can be found on the [Australian Red Cross](#) website to help communities prepare for, respond to and recover from disasters.

### 9.4 Recovery Facilities and Staff

#### 9.4.1 Recovery Centre and One-Stop-Shop

The purpose of a **Recovery Centre** (RC) and a **One-Stop-Shop** (OSS) is to bring together all agencies involved in the recovery process to ensure effective communication and coordination of resources, information and tasks.

The LRC will decide where to establish the RC (which could be on-going for a significant length of time) and the OSS (usually immediate and shorter length of time), which will depend upon the location, extent and severity of the emergency. Alternative centres will be explored as required on availability of premises following an event.

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The following locations have been identified as suitable RCs:

Location One - Shire of Derby West Kimberley Council Chambers – 24 Loch Street, Derby			
Contact	Name	Phone	Mobile
1 <sup>st</sup> Contact	Chief Executive Officer	0891910999	
2 <sup>nd</sup> Contact	Executive Manager Technical & Development Services	0891910999	0418922415
3 <sup>rd</sup> Contact	Manager Community Development	0891910999	
Location Two - Derby Recreation Centre, Ashley Street Derby			
Contact	Name	Phone	Mobile
1 <sup>st</sup> Contact	Chief Executive Officer	0891910999	
2 <sup>nd</sup> Contact	Executive Manager Technical & Development Services	0891910999	0418922415
3 <sup>rd</sup> Contact	Manager Community Development	0891910999	
Location Three –Fitzroy Crossing Visitors Centre, Crn., Flynn Dv. /Forrest Rd. Fitzroy Crossing			
Contact	Name	Phone	Mobile
1 <sup>st</sup> Contact	Senior Customer Service Officer	0891915116	
2 <sup>nd</sup> Contact	Ken McLeod - Ranger-Works Supervisor	0891915201	0427915201

Depending on the incident's severity, the OSS may be established to provide a central location for the public to receive assistance from all the relevant agencies in the short term. The OSS is to be located as close as possible to the affected community area.

Often the nominated evacuation centre may make a natural transition into the OSS. Where this option is not viable, other facilities should be considered in consultation with the Department of Communities and other relevant stakeholders.

#### ACTIONS

- LRC/LRG to determine location for RC and establish as soon as possible.
- OSS to be established immediately following event and located appropriately.



## 9.4.2 Shire of Derby West Kimberley Staff

### 9.4.2.1 Staff considerations

To ensure the continuity of regular business processes, the demands of recovery operations on staff should be considered. It may be necessary to employ additional staff to ensure the Shire continues to fulfil critical service obligations to the community.

The extent of the recovery operations should not be underestimated, as recovery can be a complex and lengthy process. Depending on the nature of the event, some recovery services may be required for months or even years after.

### 9.4.2.2 Staffing levels

In the event of a large-scale emergency, the Shire's management should assess staffing needs, as soon as possible, to ensure adequate resourcing is available. If appropriate, a request for assistance may be forwarded to the LRG for consideration.

### 9.4.2.3 Stress and fatigue

Senior staff are responsible for considering and monitoring the effects of fatigue, stress, and pressure on staff throughout the recovery process. Additionally, there may be situations where some staff members live in the affected community and have been personally affected by the disaster. Dependent on the nature and impact of the disaster, Council and Human Resources Officers should consider additional support for staff. The Shire's current Employee Assistance Programs (EAP) should be used as necessary.

### 9.4.2.4 Staff communication

It is imperative that all staff be regularly briefed and kept up-to-date with all activities and progress of recovery. Every day staff communicate with a broad range of community members so can confidently understand and relate the extensive activities and actions the Shire and its LRG are currently engaged in. Situation Reports should be posted prominently within the workplace.

The Shire will instigate a formal debriefing arrangement for all staff as they transition from recovery back to their normal duties.

#### ACTION

- Shire staff to be regularly briefed on current situation and activities within recovery.
- Stress and fatigue of Shire staff to be monitored and assistance provided where appropriate.
- As soon as possible determine increase in staffing level to meet demands (refer 1.7.3.).

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## 10. ROLES AND RESPONSIBILITIES

### 10.1 Local Emergency Management Committee

The Shire's LEMC is a planning committee with the role of developing local emergency management plans (arrangements) for its district. To assist the Shire manage its recovery activities, during the response phase, some members may be part of the ISG while also forming part of the LRG.

### 10.2 Local Recovery Coordinator

The Shire's LRC has been appointed in accordance with the [Emergency Management Act 2005](#), Section 41(4). A deputy has also been appointed and trained to undertake the role in case the primary appointee is unavailable when an emergency occurs.

### 10.3 Local Recovery Group

The Shire's LRG is the strategic decision-making body that oversees the recovery process. The LRG has a key role in coordinating recovery activities to rebuild, restore and rehabilitate the social, built, economic and natural environments of the affected community. LRG is formed from LEMC members responsible for specific recovery and restoration tasks, Support organisations, Non-Government Organisations and significant community representatives.

### 10.4 Shire Recovery Roles and Responsibilities

A comprehensive list of all roles and responsibilities for disaster recovery duties of the LRC and identified Shire staff can be viewed at **Appendix 5**.

### 10.5 External Agencies Recovery Roles and Responsibilities

The WA State Government along with Non-Government Organisations should provide a range of services and resources to the recovery effort and should be used wherever possible. A complete list of agencies and their roles and responsibilities can be viewed in the [State Emergency Management Plan](#) at [Appendix F](#).

#### ACTION

- All Shire staff could be engaged in various stages of disaster recovery.
- Specific Shire staff identified in this plan should be familiar with the roles and responsibilities involved with disaster recovery.
- External agencies should be engaged and used wherever possible.

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## 11. COMMUNICATIONS

Recovery communication is the practice of sending, gathering, managing, evaluating and disseminating information. In an emergency and during the response phase, the HMA/CA manages communications. The CA officially hands responsibility for communication to the local government leading the recovery complete with the Impact Statement, as the transfer of event management to recovery is conducted. The local government coordinates the recovery of the affected community, including communications.

Communities threatened by, or experiencing, an emergency have an urgent and vital need for information and direction. They need to know what is likely to happen (or has happened), what to do and what to expect. They also need to know what the authorities are doing.

### 11.1 Recovery Communication Plan

A template for the Recovery Communication Plan has been developed to guide recovery communications. It details a vision, mission and direction for communication to the affected community and is provided to the LRG. The Recovery Communication Plan can be found at **Appendix 1**.

### 11.2 Spokesperson/s

During recovery, the Shire's spokesperson will be the Shire's President and/or the CEO. The CEO may delegate authority for specific person/s to act as a spokesperson.

### 11.3 Provisions for Non-English Speaking Communities

The Shire's current strategy for communicating with Non-English speaking areas of the Derby West Kimberley communities will be utilised within recovery communications.

#### ACTION

- The Recovery Communications Plan will be used to provide guidance in public information and communications.
- For further guidance refer Communication in Recovery Guidelines <https://semc.wa.gov.au/emergency-management/em-tools/Documents/CommunicatingInRecoveryGuidelines.pdf>



## 12. STAND DOWN

Recovery doesn't have a definite end date; however, the Shire will consult with all interested parties to decide when it will resume normal service delivery. This decision will be made depending on the severity and nature of the emergency, and the impact on the Shire and the community.

### 12.1 Debriefing

A representative from the Shire's People & Culture section will instigate a formal debriefing arrangement for all staff through the Employee Assistance Program (EAP) as required, while the Shire transits from recovery back to normal duties.

### 12.2 Evaluation

Under State emergency management guidelines, the one year anniversary of the emergency marks the time when the local government must provide an evaluation report of its activities in recovery. ([State EM Policy](#) 6.10 - Review of Recovery Activities).

The LRC will provide the State Recovery Coordinator with a formal report that reflects on the recovery process undertaken by the Shire and its LRG. See **Appendix 6** Post Recovery Analysis, and **Appendix 7** Reporting template.

#### ACTION

- A formal Post Recovery Analysis will be held for LRG for evaluation and application of lessons learnt. (see Appendix 11)
- A formal debrief will be held for Shire staff for evaluation and application of lessons learnt.
- Assistance will be made available through EAP for any staff working in the recovery process.
- Formal report compiled by LRC for council and State Recovery Coordinator.

## **7 CORPORATE SERVICES**

### **7.1 PURCHASING, PROCUREMENT AND TENDERS - EX-TROPICAL CYCLONE ELLIE**

**File Number:** 5435

**Author:** Jill Brazil, Acting Director of Corporate Services

**Responsible Officer:** Amanda Dexter, Chief Executive Officer

**Authority/Discretion:** Administrative

#### **SUMMARY**

The purpose of this Agenda item is to ensure Council Members are aware of the mechanism and processes, intended to be adopted for the Shire President to address requests, in advance, from the CEO to incur expenditure, during the Emergency, and for Council to formalise any oversight of that process.

#### **DISCLOSURE OF ANY INTEREST**

Neither the Author, nor the Responsible Officer have an Interest, requiring disclosure, in this matter.

#### **BACKGROUND**

The purpose of this Agenda item is to ensure Council Members are aware of the mechanism and processes, intended to be adopted for the Shire President to address requests, in advance, from the CEO to incur expenditure, during the Emergency, and for Council to formalise any oversight of that process.

#### **POWERS OF THE SHIRE PRESIDENT IN AN EMERGENCY**

There are provisions in the Local Government Act 1995, whereby the CEO may formally propose to the Shire President that he authorise, in advance, the expenditure of funds (where there is none, or insufficient of same), in the current emergency.

Such a request may be made, consistent with advice sought, and obtained from the DLGSC, confirming that it was appropriate to do so.

The CEO has, to date, made no such request to the Shire President, but it is likely that circumstances will require such a process to be undertaken at times, when Council cannot meet to consider such a request.

It is proposed that before responding to such a request from the CEO, that the Shire President will endeavour to seek the views of all Council Members on the proposal, before determining the CEO's request. Given current circumstances it may not always be possible to do so, or to await responses from all, or a majority of Council members, before determining the CEO's request.

The Act requires that where an authorisation is made by the Shire President that expenditure must be reported to the next Ordinary Council meeting (thus not to a Special Council meeting).

#### **TYPES OF EXPENDITURE**

The Local Government Act refers to "expenditure" being authorised by the Shire President, in advance, during the Emergency. In other Councils where such provisions have needed to be addressed, the approval sought by the CEO, of the Shire President has related to a specific



expense – such as during a bush fire needing heavy machinery, rather than an englobo amount (although that would give greater flexibility).

Ideally the CEO would specify the expenditures proposed, and which the authorisation of the Shire President was being sought, but this may not always be possible, at least to that degree of detail.

Thus, it would be preferable, if possible, that the CEO's requests to the Shire President specify the elements within the proposal, rather than say \$1m in flood mitigation works. Council acknowledges this may not possible in some/most/all such requests.

### **PURCHASING, PROCUREMENT AND TENDERS**

Council Policy AF1 PROCUREMENT OF GOODS AND SERVICES addresses the statutory requirement but in the current, and ongoing circumstances, it may be prudent to review the Policy to provide more certainty (in some cases), and more flexibility (in other cases). The CEO will review the Policy and bring any recommendations for change to Council for consideration.

In addition, Council needs to be aware that when invoking s6.8(1)(c) of the Local Government Act 1995, where the Shire President approves expenditure in advance, due to the Emergency, this also relates to matters otherwise covered by the Local Government (Functions and General) Regulations 1996 regarding the calling and determination of tenders.

Whereas otherwise tenders need to be called for expenditure over \$250,000, with the determination of same being either by Council, or the CEO (under delegation from Council), under the Emergency Management Act 2005, the Emergency provisions applying at s6.8(1)(c) mean that tender requirements do not need to apply, The DLGSCI has confirmed this.

The effect of this is that expenditure over \$250,000 will not need to be by tender, where the Shire President approves the CEO application to invoke s6.8.1(c). The recommendation proposes that prior to doing so, the CEO consider whether it is practical and timely to advertise and determine the tender (by Council, or the CEO, under delegation) in accordance with the Act and Regulations, as though the Emergency did not exist.

### **REGIONAL PRICE PREFERENCE POLICY - APPLICATION**

The Council has adopted a Regional Price Preference Policy and it is proposed that its application continue during the Emergency, where practical and timely to do so.

The CEO advises that there may have been some instances where life and property were under treat, and where expenditure was incurred on behalf of the Shire, although not properly authorised.

### **UNAUTHORISED EXPENDITURE TO DATE**

S6.8 of the Local Government Act 1995 does not permit Council to retrospectively authorise expenditure, nor does it permit the Shire President to do so under the Emergency – only expenditure in advance.

The CEO & A/CEO advises that there may have been some instances where life and property were under treat, and where expenditure was incurred on behalf of the Shire, although not properly authorised.

The CEO & A/CEO will document any such instances and advise the Shire's Auditor accordingly.

Although Council cannot approve the expenditure retrospectively, its support for the actions of the CEO & A/CEO in addressing critical issues affecting lives and properties would be appreciated.

**STATUTORY ENVIRONMENT**

s6.8(1)(c) Local Government Act 1995 provides authority for the Shire President to authorise, in advance, expenditure in an “emergency”, and s6.8(2) requires that incurred expenditure be reported to the next Ordinary meeting of Council – that is not a Special Council meeting.

Other relevant legislation includes Local Government (Functions and General) Regulations 1996, Emergency Management Act 2005, and SDWK Policy AF1 PROCUREMENT OF GOODS AND SERVICES.

**POLICY IMPLICATIONS**

SDWK Policy AF1 PROCUREMENT OF GOODS AND SERVICES

**FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report and its recommendations, although there may be financial implications as a consequence of decisions taken following the adoption of the recommendations.

**STRATEGIC IMPLICATIONS**

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

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Financial:</b> That Council is not made aware of the expenditure incurred during the emergency, where it had not been provided for in the Annual Budget.	Likely	Moderate	Medium	Implementing processes to address expenditure as a result of flood damage / emergency.
<b>People Health &amp; Safety:</b> The Shire does not respond appropriately and swiftly to support the Residents and Communities of the Shire during natural disaster.	Likely	Major	High	Implementing processes to address expenditure as a result of flood damage / emergency.

**CONSULTATION**

Department of Local Government, Sport and Cultural Industries



External governance consultant (who has assisted with preparation of this Report)

### COMMENT

The direct, and ongoing consequences of the flood event – the Emergency - has brought significant demands on the Shire to respond quickly, as needs have arisen, especially in combining with the provision of other services by other agencies.

Obviously, the Annual Budget for 2022/23 did not anticipate the magnitude, or consequences of the flood event – the Emergency and although there is some capacity within existing budget items to address some matters, it is very limited without specific authority to make alternative arrangements.

### VOTING REQUIREMENT

Simple majority

### ATTACHMENTS

Nil

### RECOMMENDATION

That Council:

1. Is aware that there will be situations and circumstances arising during the recovery from the flood event - the Emergency - where specific, or sufficient budgeted funds are not available, as required, and where the Shire President may need to authorise such expenditure in advance, pursuant to s6.8(1) (c) of the Local Government Act 1995.
2. Supports the exercise of such discretion by the Shire President, whilst noting that the Shire President will endeavour, if circumstances permit, to consider the flowing hierarchy, before exercising the authority under s6.8(1)(c) of the Local Government Act 1995:
  - Put such requests to an Ordinary Council meeting for consideration, and determination, or
  - Put such requests to a Special Council meeting, either in person, or an electronic meeting, or by electronic attendance for consideration, and determination.
3. Requests that during the Emergency, before determining any application from the CEO, that the Shire President (or through the CEO) endeavour to contact all Council Members, seeking their views on the request from the CEO, whilst acknowledging that circumstances and timeframes may prevent this occurring, and that in such an event the Shire President has absolute authority to determine the application from the CEO. Where Council Members express their views on the application, the Shire President will give regard to, but not be bound by such responses, consistent with the provisions of s6.8 of the Local Government Act 1995.
4. Requests that any applications by the CEO to the Shire President seeking authority to incur expenditure during the Emergency, and which are to be referred to Council Members for comment, prior to determination, be based on specific proposed estimated expenditure rather than “englobo” amounts.
5. Acknowledges the requirement of s6.8(2)(b) of the Local Government Act 1995, that any

expenditure authorised in advance by the Shire President, due to the emergency, be reported to the next Ordinary Council Meeting. Such information is to include details of the date when the expenditure was incurred, payee/beneficiary, the goods or services delivered, the amount paid (with, or without GST), and whether the expenditure is completed, or there is ongoing expenditure to be incurred.

6. Request the CEO to consider what changes, if any, may need to be made to the Council Policy AF1 PROCUREMENT OF GOODS AND SERVICES, and report back to Council with any recommendations.
7. Acknowledge that during the Emergency, any authorisations given by the Shire President under s6.8(1)(c) will enable the CEO to determine expenditure without the need to go to tender, or obtain quotes, as also reflected in SDWK Council Policy AF1 PROCUREMENT OF GOODS AND SERVICES, 1.4.8
8. Noting that a tender may be determined in only 10 days in any event, the CEO be requested to consider the practicality and timeliness of a formal tender, if possible and practicable, but if not so, to report same to Council, as per the prior requirement, and consistent with s6.8(2) of the Local Government Act 1995.
9. Reaffirm the application of the Regional Price Preference Policy, where practical and timely to do so, but acknowledging that there may be occasions when it is not possible to do so, during the Emergency.
10. Acknowledge that during the early stages of the Emergency that there may have been times when the A/CEO & CEO incurred expenditure on behalf of the Council, without authority to do so, to protect lives and property. Council supports those actions of both the A/CEO & CEO, and had they been brought before it for consideration, they would have been approved, but ensure that the Shire Auditor be advised accordingly of such instances.

**8 NEW BUSINESS OF AN URGENT NATURE**

**9 CLOSURE**

**9.1 Date of Next Meeting**

The next ordinary meeting of Council will be held Thursday, 23 February 2023 in the Council Chambers, Clarendon Street, Derby.

**9.2 Closure of Meeting**