



*Confirmed*  
**MINUTES**  
**Ordinary Council Meeting**  
**Wednesday, 25 September 2024**

**Date: Wednesday 25 September 2024**  
**Time: 5:30pm**  
**Location: 13 McGregor Street, PORT HEDLAND WA  
6721**  
**Distribution Date: 31/10/2024**

A handwritten signature in dark ink, appearing to be the name of the Mayor.

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Mayor

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## 1 Opening of Meeting

The Presiding Member declared the meeting open at 5:30.

## 2 Acknowledgement of Traditional Owners and Dignitaries

The Presiding Member acknowledged the Kariyarra people as the Traditional Custodians of the land that we are meeting on and recognised their strength and resilience and paid respect to elders past, present and emerging.

## 3 Recording of Attendance

*Important note:*

*This meeting is being live-streamed and audio recorded to facilitate community participation and for minute-taking purposes, which may be released upon request to third parties. In accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders members of the public are not permitted to use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the Presiding Member to do so. Members of the public are also reminded that in accordance with section 6.17(4) of the Town of Port Hedland Standing Orders Local Law mobile telephones must be switched off and not used during the meeting.*

### 3.1 Attendance

*Scheduled Present:*

Mayor Peter Carter  
Cr Sven Arentz  
Cr Camilo Blanco  
Cr Lorraine Butson  
Cr Adrian McRae  
Cr Ambika Rebello

*Scheduled for Attendance:*

Steve Leeson (A/Chief Executive Officer)  
Florian Goessmann (A/Director Corporate Services)  
Kylie Davies (Director Regulatory Services)  
Mark Dacombe (I/Director Community Services)  
Grant Voss (A/Director Infrastructure Services)  
Tom Kettle (Manager Governance)  
Karen Krollig (Governance Officer)  
Rhiannon Smith (Governance Support Officer)  
Sophie Marlow (Governance Services Trainee)

**3.2 Attendance by Telephone / Instantaneous Communications**

Nil

**3.3 Apologies**

Cr Flo Bennett

Cr Ash Christensen

**3.4 Approved Leave of Absence**

Cr Tim Turner

**3.5 Disclosures of Interest**

Nil

**4 Applications for Leave of Absence**

Nil

**5 Response to Previous Questions**

**5.1 Response to Questions taken on notice from Elected Member at the Council Meeting held on 28 August 2024**

5.1.2	Cr Adrian McRae
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*A lot of people have noticed the aesthetic on the Koombana Lookout, particularly the walkway. Just being in construction myself, some of the work on that job not up to spec. Just wondering who we are using and is there a way the council can get a report on the NCR's on that because there is clearly a lot I can see personally and I wonder if we can get an idea what's finished before getting something signed off on the practical completion because I would hate to see our peoples' money being spent on work that's really substandard.*

The Mayor provided the following response:

Taken on notice.

The Acting Director Regulatory Services provided the following further response:

The work is unfinished and ongoing. Completed work has been inspected and any work which is not in accordance with the plans and specifications will be remedied by the contractor. All work undertaken on Town projects is appropriately checked and certified by suitably qualified contractors and professionals.

5.1.3	Cr Camilo Blanco
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*I read the Town planning Scheme 7 and I interpreted the FIFO camp proposed for Lot 601 South Hedland, Parola Court not complying with the provisions of the Town planning scheme. Council members have been told that it does comply. The Town planning scheme specifically states on page 43 under the work force accommodation, within 30 kilometres of the Town centre in a rural zone, the FIFO camp proposal is not permitted. I would like to get some legal advice on this proposal for the council.*

The Chief Executive Officer provided the following response:

Happy to provide you on the advice we already have in relation to that and happy to confirm that information with the legal advice as well.

The Manager Planning and Economic Development provided the following further response:

Thank you for your enquiry which refers to Regional Development Assessment Panel (RDAP) Application DAP/24/02737, which is scheduled to be referred to the Ordinary Council Meeting on 30 October 2024 for Council’s Recommendation to RDAP, which will form part of the Responsible Authority Report (RAR).

The planning report to Council will consider all relevant matters and include a balanced consideration of the proposal based on the relevant planning framework, public consultation and merits of the development.

A recommendation will then be made to the decision maker for the appropriate determination of the application.

**Note:** Administration has provided a copy of the legal advice received to Cr Blanco, which explains the statutory construction of Local Planning Scheme No. 7 (LPS7), in particular the relationship between the Scheme Maps, Scheme Text, Zoning Table and Clauses 32 and 34, outlining the development is capable of approval by the RDAP, subject to a Clause 34 assessment.

*I asked about the light poles left on the ground from Horizon Power in November 2023 and about audits conducted in infrastructure in Hedland. My understanding from answers provided, that two audits have been provided to*



*us and those same light poles are still laying on the ground in the same spot. I want to know if we could ask a question to Horizon Power?*

The Director Infrastructure Services provided the following response:

They are Main Roads light poles, and we have made two requests to pick them up.

The Director Infrastructure Services provided the following further response:

Main Roads have confirmed they have a current Contract for Street Light Repairs that includes the removal of damaged Street Light Poles. This is likely to be arranged for the next fortnight.

*I want to talk about the road damage and potholes on Wallwork Road from Caltex Puma to the Finucane turn off. A lot of our staff use that road every day and that road is starting to develop hundreds of potholes. Have we put anything in place to fix that section of the road in our budget?*

The Mayor provided the following response:

Taken on notice.

The Director Infrastructure Services provided the following further response:

A contractor will be undertaking removal over the next month.

*The Wedgefield Road conditions are atrocious. We had a plan in 2018 to fix these intersections, widen and get the road to RAV 10 standard. What happened to that plan, and have we abandoned it? Nothing has been done with the corner of Moorambine and Pinga which I talked about last November. Peawah, Yanana, Marina and Wedge Street are dangerous roads now. We should be putting up danger signs until we fix them. Munda, Trig, Moorabbin need shoulder work, and the Town needs to engage the work authority on the damage created on Harwell way due to the continued water services failures.*

Director Infrastructure Services provided the following further response:

Council endorsed to commence a full RAV 10 compliant design throughout Wedgefield Route 1 at May 2022 OCM. Council agreed a strategic and staged approach to delivery is required to progressively improve the network as external funding and future renewal budgets are approved.

With regards to the intersection of Moorambine and Pinga, the Town mobilisation of roading contractors in October/November includes remilling and resurfacing of the intersection. The Town is waiting for the Hematite/Great Northern Highway link to be opened to enable an alternative traffic management solution as the Town would have

to close the intersection of Moorambine and Pinga to traffic for long periods of time while the works are being undertaken.

The Moorambine/Yanana Intersection Reconstruction upgrades were awarded to Degrey Civil at June 2022 OCM. These works were the commencement of a multi-year progressive upgrade of the Wedgefield Route 1 network and were completed in early 2023.

The Town was successful in its recent applications for \$10,000,000 in Australian Government funding under tranche 6 of the Heavy Vehicles Safety and Productivity Program (HVSPP).

The following projects were successful for Australian Government funding through tranche 6 of the HVSPP:

- Town of Port Hedland - Wedgefield Route 1 - Schillaman St/Peawah St Intersection.
- Town of Port Hedland - Wedgefield Route 1 - Moorambine St/Peawah St Intersection.

These transformative works are set to commence in 2025 and there are currently utility provider relocations underway by Telstra, Horizon Power, NBN and Water Corporation for these works.

Routine maintenance and renewal will continue throughout FY2024-2025 within the Wedgefield road network and includes but not limited to pavement defect remediation, shoulder widening, edge correction and mill and replacement of some defect pavements.

*The other is our Depot in Wedgefield. I don't understand how our staff don't see the next-door neighbour putting a fifty-ton excavator with metal track wheels across the road daily. We fixed that road 18 months ago at a cost of around \$400,000. They are ripping that road up now.*

The Director Infrastructure Services provided the following further advice:

The Town is working with the property owner to repair the damage caused.

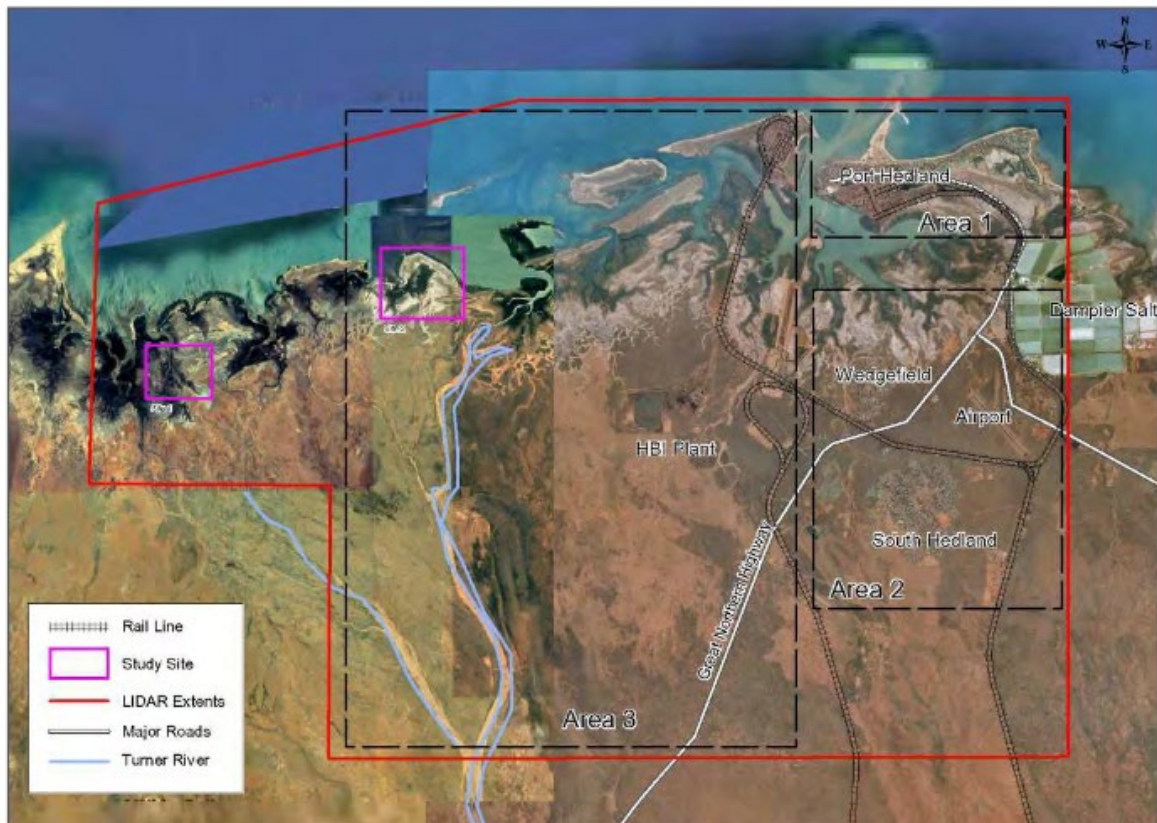
*I have also asked about the flood study and major operations going on at the end of Pinga and with the Great Northern Highway. I don't understand how they can do those major intersection upgrades without a current flood study?*

The Director Infrastructure Services provided the following further advice:

The works are being undertaken on a highway which is operated by Main Roads WA. The work has not been commented on by the Town through a DA process. The Town

contacted Main Roads WA with Councillor Blanco's concerns, and received the following response:

“The project utilised a flood study document completed in 2011 developed by Cardno – “Port Hedland Coastal Vulnerability Study.” The report was commissioned by LandCorp, and the intent of the report was to consider the area under a 100-year timeline for planning works associated with a population increase to 40,000. The area of the planning study extends beyond the Lumsden/ Wedgefield area (refer to figure 1.2 below). This report was deemed suitable for the current project purpose.



**Figure 1.2: Port Hedland Study Area** (Image Source: GoogleEarth).

The minimum design Reduced Level (RL) was gained from the original Great Northern Highway development in the area, which adopted 4.8m. This project adopted a value of 4.85m to ensure that the serviceability of the area is consistent with the portions of road to the East/ West.

As it pertains particularly to Pinga Street, the RL matches into the existing, and there will be no material change to the drainage. Noting that there is a high point in the road along Pinga to the south of the project area so no additional run off is directed to Wedgefield.

The project area in question utilises a drainage strategy which matches the existing – draining to the watercourses through new F drains and a pit and pipe network. Refer

to the below Figure 6 for reference to the existing arrangement. The F drains to the south of GNH will offer improvements on the current drainage arrangement.

In short the project will have no impact on the current drainage in Wedgefield.”



Figure 6: Existing drainage

5.1.4	Deputy Mayor Ash Christensen
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*With the green waste pick up accruing of the 2nd there’s been a regular occurrence that I have asked every year. Can we get more of a detailed ETA for those verges please?*

The Mayor provided the following response:

Taken on notice.

The Town has provided the following further response:

This information has been provided to Councillors.

**5.2 Response to Questions taken on notice from Public at the Council Meeting held on 28 August 2024**

5.2.1	Mr John Ashenden
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*Considering your acknowledgement that the Kariyarra people are the rightful traditional owners of this land, why are ratepayers funds directed to a corporate body with an ABN rather than to the Kariyarra people themselves? Wouldn't it be more appropriate and just for the traditional owners to have the authority to determine how their land is managed and if they choose to collect rates themselves on what ground does your corporate body have the authority to tax those living on land?*

The Mayor provided the following response:

Taken on notice.

The Director Corporate Services provided the following further response:

Kariyarra Aboriginal Corporation is a prescribed body corporate under the Corporations Aboriginal and Torres Strait Islander Act 2006 and is the native title body corporate for the Kariyarra Determination area. Rates are raised by the Town of Port Hedland in accordance with Part 6 to fund the undertaking of its' functions under section 3.1 of the Local Government Act 1995 and associated services. Monies are paid to Kariyarra Aboriginal Corporation for services provided as the native title body corporate and engagement is undertaken as a key stakeholder for the Town of Port Hedland local government area.

## 6 Public Time

*Important note:*

*In accordance with section 6.7(3) of the Town of Port Hedland Local Law on Standing Orders, members of the public are required to complete a question form and place the completed form in the tray provided.*

*If the Presiding Member determines that questions and statements are out of order due to the use of an offensive or objectionable expression or are defamatory, they will not be recorded or responded to.*

### 6.1 Public Question Time

6.1.1	Jillian Fisher
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*Can you give me an update on the land between the high school and the Spinifex Hill Gallery and how that's pertaining to that application from the IGA? Is that up for public consultation soon?*

The Mayor provided the following response:

It will be certainly, there is something coming in the paper shortly about that, yes.

*When the Council advertises and consults the community, can you name which methods are used to make sure that all sectors of the community are consulted?*

The Mayor provided the following response:

Yes, I think it is widespread via the (news)paper, Facebook and our Town of Port Hedland website as well.

*Can you explain the normal agenda is for the questions to be at the beginning of the meeting, is there a reason why we can't have Question Time at the end of the meeting so we can evaluate the performance of the councillors during the meeting?*

The Mayor provided the following response:

I'll take that one on notice for you.

6.1.2	Renaë Coles
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*Whilst serving on Council there were talks about putting together a catalogue with images of any donated arts, paintings, sculptures, in regard to all the pieces stored within the Town of Port Hedland. I was just wondering how that catalogue has been coming along and where on the Town of Port Hedland website can we view that catalogue? I have an interest in some pieces that were donated to the Town and yet have not seen these in any location that they were gifted.*

The Mayor provided the following response:

I'll take that on notice and get the director to respond to you for that.

*In regard to asset disposals, as in any asset that the town of Port Hedland has purchased, is this advertised like disposals of vehicles and put out to public tender in regard to any assets that Town of Port Hedland chooses to let go and move on to a potential buyer?*

The Mayor provided the following response:

I'll let the Acting CEO respond to this.

The Acting Chief Executive Officer provided the following response:

Ms Coles, there are regulations which prescribe how we dispose of assets. So most commonly it's usually items that are turned over here, for example plant. There is a limit for exempt disposals, I think it's around \$20,000 and below, that don't have to be completed through a public process, but they're usually wrapped up in the tenders for acquisition of new plant and we include the disposal part as well. It's all done publicly.

*In regard to the state in which our Yacht Club and Bowls Club are currently in, I have made mention that the chairs have been sitting outside the Bowls club for quite some time now and are quite weathered. The Yacht Club is looking absolutely marvelous, except for when you look at the grounds of the Yacht Club itself, and I know when I served on Council, it was brought to our attention, and we asked the question on whether parks and gardens will be going down there and maintaining it. But all those palms are dead. The grass is absolutely gone. I know that it is part of your Council agenda to put money towards this, but we were under the impression that this was going to be maintained and looked after, on the grounds on the outside. So just wondering where that went wrong, please?*

The Mayor provided the following response:

It's a construction zone at the moment by the Port Authority and we're trying to get in there to get the Yacht Club up and running. We can't touch it at the moment because it is a construction zone. Once it comes back to Council and it is open, we can start doing what we'd like to do.

6.1.3	John Ashenden
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*It has come to my attention that the Minutes for some of our recent meetings do not accurately reflect what is discussed. For example, during the Audit and Risk Committee meeting, of which Councillor Blanco was then the chair, I asked a question regarding the CEO's salary. Cr Blanco responded that the information I sought was of a personal nature. But it could be found within the \$10,000 range in the budget report. However, the minutes falsely reflect that. The Minutes state that the chair took the question on notice. Why does the record show that my question was deferred when in fact it was answered the same evening? Similarly, at the last Ordinary Council Meeting, Roger Higgins asked Mayor if he was residing at 3 Plover Street South Hedland, to which the Mayor responded yes. However, this answer has been omitted entirely from the minutes. It is worth noting that 3 Plover Street is a vacant block of land, making the omission of this detail even more concerning.*

The Mayor provided the following response:

I think you'll find, I actually said it's a property I own. I never said I actually live at that address. It's a property that I own.

*He was asked if you were residing there. This raises a critical question. Why are important details either inaccurately recorded or in some cases omitted entirely from the minutes? Can the administration explain why such discrepancies are allowed to occur and what steps are being taken to ensure that the Minutes reflect a true and accurate account of Council's discussions moving forward? Furthermore, how can the councillors vote and pass the*

*Minutes as true and accurate when there is clear evidence that they are incomplete or inaccurate? I would appreciate clear explanation on this matter and urge the administration to ensure transparency in the future.*

The Mayor provided the following response:

We'll take that on notice, thank you.

Cr Blanco provided the following response:

*The Minutes are supposed to be reviewed by the Council before the meeting, like tonight, and we are supposed to go through it and ensure that the Minutes reflect what has happened. It doesn't have to be word for word. But you know, it has to reflect what has happened and the answers given need to be in the same context as what has been answered by the Council or asked by the members of the public. So, the actual responsibility for the accuracy of the Minutes is with the Council.*

Cr Rebello provided the following response:

*I attended the meeting that you're speaking about in April and I remember you asking the question that you have mentioned. I also remember the then head of the committee, of the ARC responding to it, but he also said that he will take the question on notice. And so, as has it has been explained to you. You were given a response, but he also said that he is taking the question on notice and hence what you see in the Minutes is a summary and there is a response to the question that you have asked.*

6.1.4	Roger Higgins
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*Can you confirm for the record that the address you gave on your annual return was 3 Plover and you responded word for word, this is a property that I own, correct? I then asked you a second question, do you now live at 3 Plover? You repeated that is the property I own, correct? Now we've just heard that the Minutes were inaccurate and the Minutes that recorded that conversation are not accurate. Because of that last question I've just delivered. The word correct in the record was omitted. Now that is pretty serious stuff, because what's going on there is that the answer to the question was not put on the public record. So that's a pretty serious matter. So, my question tonight, Mayor requires a simple yes or no answer. Is your residential address now 3 Plover Street?*

The Mayor provided the following response:

It is a property that I own. Thank you.



*Do you live there at 3 Plover, yes or no?*

The Mayor provided the following response:

No, I don't live there.

*Are you aware and I've made you aware of this at the last meeting? That you are required? It's a criminal offence to make a false and misleading statement in an annual return and two years in a row, 3 Plover appeared on your statement, which gave the impression that it was your residential address. And what I've now elicited from the question tonight, is that you don't live there, and you can't live there because as I've said at the previous meeting it's a vacant block of land.*

The Mayor provided the following response:

Exactly on the Annual Return, it just says property that you own. It does not say property where you reside on an annual return it's very clear, "property that you own".

*So, my third question is, why have you not included in your annual return a clear declaration of your residential address for the last two consecutive years?*

The Mayor provided the following response:

Because I'm not actually required to list my residential address on my Annual Return. Thank you.

The Presiding Member adjourned the meeting at 5:46pm under clause 10.7 Standing Orders Local Law 2014.

The Presiding Member recommenced the meeting at 5:51pm.

6.1 5	Mary Wynne
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*Do you think perhaps that Roger Higgins needs your address because he wants to come for tea and biccys?*

The Mayor provided the following response:

I don't think so, thank you.

6.1.6	Georgie Rose
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*How are you working towards the 2024-2025 Schedule of Fees and how the waivers will affect community organisations, not-for-profit organisations and other for-community businesses in town?*

The Mayor provided the following response:

It's on the agenda tonight.

**6.2 Public Statement Time**

6.2.1	Georgie Rose
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Ms Rose spoke to the following:

- Hedland School of Dance (HSoD) history and community reputation.
- Volunteers working at HSoD, delivering over 22 hours of lessons each week and countless hours behind the scenes.
- The 2024 annual concert "Illuminate" being the 12<sup>th</sup> consecutive year that HSoD has hired the Matt Dann for their performances.
- HSoD having spent over \$125,000 in hire fees over those 12 years.
- The most recent quote from the Town is \$21,380 and this is a 310% increase to the 2023 fees and a 27% increase from the 2022 fees.
- Consistency in pricing for the venue being an ongoing issue.
- Matt Dann being the only suitable venue in the Town.
- Safety issues concerning non-compliance with emergency exit sign located above the doors inside the theatre, lack of accommodation for dressing rooms and the need to utilise rooms in the high school for this.
- Inability to use "haze machines" due to insufficient smoke alarm systems within the Matt Dann.
- Told by members of the Town that the smoke alarm system issue would likely be rectified by February 2024 – to date, this has not been completed.
- In previous years, HSoD have been able to have the fee waiver applied to the final invoice, bringing the cost of hire to within the value of ticket sales.
- Since removal of Arts and Culture Grants, HSoD is no longer eligible for any other grants offered by the Town.
- Asking for the Council to vote an absolute majority to support an amendment to the 2024/2025 Schedule of Fees and Charges for all Council facilities to allow for all organisations that provide a "community benefit" to apply for a 50% reduction in venue hire fees.

6.2.2	Renaë Coles
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Ms Coles spoke to:

- The length of tonight’s agenda, considering the newspaper articles relating to the time and length of meetings.
- Her hope that all Council members have given due consideration to what is on this evening’s agenda.
- Her hope that most of the agenda items will not be considered “en bloc”.
- Her opinion that items should be deferred, so as to give them more time to be considered by Council.
- Questioning the Council on their due diligence to speak to the community members about the issues related to the current agenda.

6.2.3	Jillian Fisher
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Ms Fisher spoke to Item 12.3.2 - Adoption of the Business Plan for the Major Land Transaction – Former Yacht Club Premises:

- Her questions as to the business plan being made available for public inspection at the Town’s Civic Centre, Libraries and for download on the Town’s website.
- Her feeling that it is an oversight that the business plan was not listed on Facebook, as Facebook is a popular source of information for the community members.
- Her statement that the Town does not have a functioning Community Club at the moment.
- The Town’s Policy Manual states that maximum utilisation of Council Property is promoted with consideration given to community demand and capacity of facilities to cater. Local community group use of Council property is given priority over other uses; particularly where local community groups do not already have access to any other types of facilities in which to conduct their activities.
- The Town’s Policy also states that commercial use is granted on a lower priority bases in relation to community groups and agencies to ensure utilisation of a facility where this a demonstrated benefit to the community.
- Her thoughts that Council should vote with their constituents in mind.

6.2.4	John Ashenden
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Mr Ashenden spoke to:

- His opinion that the Northwest Telegraph newspaper article painted a skewed and biased picture of the Council’s recent meeting and was disrespectful of certain members of Council.

- His opinion that members of Council have related that long meetings are to be blamed on the public asking too many questions and because certain council members debate the administration’s agenda.
- A reminder that the Council were voted for by the public and that the Council is to tell the administration what the people want.
- The agenda being overloaded and Town community spirit eroding.
- Administration spending more money on basic services with little to show for it.

6.2.5	Marty Skiadis
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Mr Skiadas spoke to:

- Addressing the people who want to remove the Welcome to Country.
- What Welcome to Country means to him as the first Aboriginal person to obtain an engineering degree from UWA; as a board member of an Aboriginal corporation in the Kimberly.
- The history of Aboriginal culture.
- His thoughts that people see the Welcome to Country as a challenge to Western culture, that one culture is better than another.
- His belief that cultures can coexist harmoniously, that people are making decisions about Welcome to Country based on childlike frameworks they learned as children regarding ‘good guys’ and ‘bad guys’.
- His opinion that the Welcome to Country shows that Council is working in harmony with Aboriginal people.

6.2.6	Mary Wynne
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Ms Wynne spoke to:

- Her disappointment at the four people in front of her sitting down during the Welcome to Country, when we stood in respect to our elders past, present and emerging.
- Her thought that this is the height of disrespect and a ‘slap in the face’ to First Nations people.

**6.3 Petitions / Deputations / Presentations / Submissions**

Nil

## 7 Questions from Members without Notice

7.1	Cr Camilo Blanco
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*I need a response to, or reasoning, why you've stated to the Council by email, and to other people, that you're going to have a meeting with the Minister of Local Government and request that the Council be dismissed? Did you ask the Minister that the Council be dissolved - as I've been told by people?*

The Mayor provided the following response:

No, I haven't had that meeting yet.

*Are you going to have that meeting with the minister and is that what you're going to request?*

The Mayor provided the following response:

Yes, and I haven't decided yet.

*Why are you stating to members of the public that you'll be appointed as commissioner after the Council is dissolved? Is that what you're saying to people?*

The Mayor provided the following response:

No, it's not.

*So, they are misleading me?*

The Mayor provided the following response:

They must be, thank you.

*Can you explain how and why you are stating to members of the public that I have cancer? I'm unaware of it, and people are driving to my workshop to tell me these things and they are all leading back to you.*

*I request that you go to these people and say that it's untrue.*

The Mayor provided the following response:

It's only what I heard through the grapevine, and someone asked me, and I said, "I hope it's not true" and that's all.

*On the Decmil issue; why are we still dealing with it when we (the Council) have been told and the community has been told it's been settled?*

The Mayor provided the following response:

It's a confidential item at the moment.

*I'm not talking about the confidential item that relates to Decmil, I'm talking of the questions I've asked previously that relate to the same subject.*

The Mayor provided the following response:

Next question.

*Have all of the reports been issued in relation to the Canberra trip and all the minister's meetings? And do we know when that's going to happen?*

The Mayor provided the following response:

Not at the moment. Shortly.

*In the list of payments tonight, page 198-200 - I assume the \$95,000 in flights and accommodation relates to the Canberra trip?*

The Mayor provided the following response:

I think that's the total for the year. It's not in relation to just the Canberra trip.

*Then can I get a breakdown of what the \$95,000 is?*

The Mayor provided the following response:

We will get that for you, yes.

*At the 28 August OCM, I asked for legal advice on Lot 601 South Hedland - Paraola Court. The CEO responded with "Happy to provide the advice we already have in relation to that and happy to confirm that information with legal advice as well".*

*I received the legal advice from after the last meeting. I would like to receive the legal advice that we already had.*

The Mayor provided the following response:

Taken on notice.

*In relation to the IGA – a question was asked by a public member and you said it wasn't happening, what do you know about IGA?*

The Mayor provided the following response:

What I said was we haven't received a DA. We are still waiting for a DA to be approved and advertised.

*Where is the official information on IGA? Do we have official information from the developer that they intend to put a DA on that site?*

The Mayor provided the following response:

We had a presentation to Council two weeks ago. If you had the courtesy to come to a briefing session when they were here, then you'd understand what they are doing.

RE: Item 11.1.4 – Fraud Control Plan (Page 44), in this evening's agenda:

*Is this a policy of the Council, or an internal policy?*

The Acting Chief Executive Officer provided the following response:

Through the chair, it's an internal document that we use as part of our Risk Management Framework. It's an expansion upon Council's policy and it sets up an approach for us in which we will further embed our control measures and actions.

*Does the Council now approve internal policies?*

The Acting Chief Executive Officer provided the following response:

This is an item that we take up through the Audit, Risk and Compliance Committee.

*If the Council is considering this policy, it is a significant policy and it seems like it's internal. But if we are considering this policy, I suggest that the Council is actually referenced within the policy. We have one reference to the Council Elected Members showing on page 3 so in the attachments it'll be on page 94 of 370 and one reference to Council members. The rest of it is employees and contractors. This is why I'm questioning why the Council is looking at a policy like this when we're not referenced in it at all. If we should be voting on it, I would suggest that wherever it references employees, contractors then it also references Elected members as well.*

The Acting Chief Executive Officer provided the following response:

Just a point of clarification, Council does have a Fraud and Corruption Policy. This is a plan that supports us, ensuring that we adhere to that and set about a course of action with a series of initiatives we understand and take back to the ARC committee to demonstrate that we are trying to achieve council policy.

*The policy states some specific things, it talks about the requirement to report to the CCC (Corruption and Crime Commission), examples of corrupt behavior - fraudulent and corrupt behavior on page 63 it says providing false and misleading information or withholding information where there's a requirement for it to be provided. You know this also relates to elected representatives. So, is the detail of the content somewhere else in another policy for the council?*

The Acting Chief Executive Officer provided the following response:

Councillor Blanco I'm just having a quick look through the Council fraud and corruption policy. Which I think makes it very clear that it does apply to the elected members as well as staff and contractors etc, so perhaps I'll need some further clarification on your point. I'm just not quite distinguishing what you're asking essentially.

*I'm asking specifically that council members need to be mentioned in a document that we are voting on. Where the staff are mentioned and also where contractors are mentioned. I don't understand why we would not be. We still have to follow the same rules as a matter of fact, I think we've probably got more rules on us than anyone else.*

The Acting Chief Executive Officer provided the following response:

The plan is really setting about more of an internal approach to review. I'll take on board your comments for the next time that we update the plan and see what specific initiatives can be added to extend that scope across elected members for you.

RE: 11.1.5 Strategic Internal Audit Plan – 2023-2024 Review 2 – Regulation 17 (Page 49), in this evening's agenda:

*It was noted in the document that there were 8 open findings in place from the previous regulation 17 review performance in 2021. Now you can find that on page 119 of the attachments. Now it states in there that those 8 open findings were listed but not documented in the report and not being reraised within the report. Because they are already included within the Town's audit log. When will the open findings of 3 or 4 years ago be finalised?*

The Acting Chief Executive Officer provided the following response:

Through the chair, some of those are currently works that are in progress. I haven't got the details of those on hand, but I could certainly follow them through. From memory, I think one might have been our asset management plans, which is currently under good progress at the moment with the policy drafted ready for a workshop in October. Hopefully they get up to council in November.



7.2	Cr Lorraine Butson
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*Your diary dated 14 August 2024 in Canberra. It's been noted in your diary presented and submitted to Council, including the agenda on the 14 August 2024 which included your attendance at the Regions Rising Conference 2024 in Canberra. Subsequently, it was noticed you were not in attendance at this conference, I understand the cost incurred by the Town of Port Hedland is approximately \$1400 for the registration of the conference. I request for a refund of this amount to be returned to the Town of Port Hedland as no significant benefit was derived from this unattended presentation.*

The Mayor provided the following response:

I was in attendance at the Regions Rising Summit - I had meetings to attend that day as well, but I was there.

7.3	Cr Adrian McRae
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*A while ago, Cr Blanco had asked for confirmation that the \$10,000,000 contribution to the Community Centre at the racecourse had been paid in full from the State government. The last I heard, there was still \$500,000 outstanding. I was just wondering had that \$500k been settled and has that been registered somewhere?*

The Mayor provided the following response:

Taken on notice.

*Relating to Agenda item 12.1 - on page 176 of the attachments, there is a payment to Action Framing, and I notice that we pay them quite often. Can I get clarity on who they are?*

The Mayor provided the following response:

Taken on notice.

*On page 181 of the financials in the addendum promotional products, there's a dog leash for \$1400?*

The Acting Chief Executive Officer provided the following response:

It's probably picked up the first line of multiple lines, we will get the details for you.

*The administration may have seen the email that I sent through concerning Pfizer and Moderna?*

The Mayor provided the following response:

Standing Orders 5.1, 5.4 and 5.5 - you'll need seven days' notice in order to put this on the agenda.

*I do have a question if you're saying this is not of an urgent nature.*

The Mayor provided the following response:

It is not of an urgent nature, correct. You have 7 days' notice, put it on for an agenda item at the next meeting, so the public can understand what it is as well.

## 8 Announcements by Presiding Member without Discussion

The Mayor's meetings for the month of August 2024:

<b>DATE</b>	<b>MEETING DETAIL</b>
06.08.2024	Triple M – Talk of the Town Segment
06.08.2024	Department Local Government, Sport, and Cultural Industries
09.08.2024	Drew Parry – Little Learners Place - Childcare company
13.08.2024	Dr Helen Haines MP – Independent Federal Member for Indi
13.08.2024	Regional Capitals Australia – Board meeting
14.08.2024	Hon Dan Tehan MP – Shadow Minister for Immigration and Citizenship
14.08.2024	Anthony Chisholm & Darren Chester
14.08.2024	Office of Ted O'Brien MP
14.08.2024	Hon Darren Chester MP
14.08.2024	Office of Hon Peter Dutton MP
14.08.2024	Office of Hon Paul Fletcher MP
14.08.2024	Regions Rising Conference 2024
14.08.2024	Office of Minister Madeleine King - Discussion on challenges facing Hedland; housing, child-care.
14.08.2024	Office of Prime Minister - Future made in Australia
14.08.2024	Office of Minister Anne Aly, Minister for Early Childhood Education, Youth - Child-care and early development
14.08.2024	Office of Minister Kristy McBain, Minister for Regional Development, Local Government and Territories - Housing challenges in the Pilbara
16.08.2024	National LG Housing Summit 2024
17.08.2024	Joel Silbert – Port Hedland Medical Centre
21.08.2024	Pilbara Country Zone 2024
22.08.2024	RCAWA Meeting
23.08.2024	AIE – Site opening
24.08.2024	Care for Hedland   Great Gardens Awards Night
26-28.08.2024	Developing Northern Australia Conference 2024
30.08.2024	Pink Pilbara Breakfast
30.08.2024	The Australian Bush Summit 2024
31.08.2024	2024 Pilbara Community Services Excellence Awards GALA Dinner

**9 Declarations of All Members to have given due consideration to all matters contained in the Business Paper before the Meeting**

The following Elected Members declared that they had given due consideration to all matters contained in the agenda:

- Mayor Peter Carter
- Cr Sven Arentz
- Cr Camilo Blanco
- Cr Lorraine Butson
- Cr Adrian McRae
- Cr Ambika Rebello

**10 Confirmation of Minutes of Previous Meeting**

**OFFICER'S RECOMMENDATION**

**That Council confirm that the Minutes of the Ordinary Council Meeting held on 28 August 2024 are a true and correct record.**

*SIMPLE MAJORITY VOTE REQUIRED*

**CM202425/138 SUBSTANTIVE AMENDED DECISION**

**MOVED:** Cr Camilo Blanco

**SECONDED:** Cr Ambika Rebello

**That Council confirm that the Minutes of the Ordinary Council Meeting held on 28 August 2024 are a true and correct record with the following amendments:**

**1. Cr Blanco's question at Item 7.1.3 in which he quotes the *Local Government Act 1995* is amended to section 5.92 (1)(a), and not section 5.21a, as was written.**

**2. Page 6, Item 3.5 Disclosure of interest Cr Rebello item 12.3.6 amend the acronym 'PPE' to 'HMI (a subsidiary of Pilbara Ports)' and delete the phrase in brackets, and**

**3. Item 6.2.2 Zac Slaughter Public Statement - 'project' be amended to the 'Marine Rescue Port Hedland building replacement project'.**

*CARRIED BY SIMPLE MAJORITY (6/0)*

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello*

*Against: Nil*

*Disclaimer*

*Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until formal notification in writing by the Town has been received. Decisions made at this meeting can be revoked, pursuant to the Local Government Act 1995.*

## 11 Reports of Committees

### **CM202425/140 EN BLOC**

**MOVED: Cr Camilo Blanco**

**SECONDED: Cr Ambika Rebello**

**That Council move the following items en bloc:**

**Item 11.1.2 - 1/024 Fraud and Corruption Policy Review,**

**Item 11.1.3 - 1/022 Risk Management Policy Review**

**Item 12.1.1 - Statement of Financial Activity - August 2024**

**Item 12.1.2 - Council Policy - Policy Framework**

**Item 12.1.3 - Records Policy**

**Item 12.2.1 - RFT2324-24 Courthouse Gallery Management Services**

**Item 12.3.1 - Port Hedland Visitor Centre Annual Report 2023-2024**

*CARRIED BY SIMPLE MAJORITY (6/0)*

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello*

*Against: Nil*

**11.1 Audit, Risk and Compliance Committee**

<b>11.1.1</b>	<b>Minutes of the Audit, Risk and Compliance Committee Meeting held on 11 September 2024</b>
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**Author:** Senior Audit, Risk and Compliance Officer  
**Authorising Officer:** Manager Governance  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

**ARC COMMITTEE RECOMMENDATION**

**That Council receives the Unconfirmed Minutes of the Audit, Risk and Compliance Committee Meeting held on 11 September 2024.**

*SIMPLE MAJORITY VOTE REQUIRED*

**CM202425/141 AMENDMENT MOTION**

**MOVED:** Cr Camilo Blanco                      **SECONDED:** Cr Lorraine Butson

**That Council receives the Unconfirmed Minutes of the Audit, Risk and Compliance Committee Meeting held on 11 September 2024 with the amendment that Cr Blanco did provide an answer to Mr John Ashenden's question concerning employee information and did not take the question on notice. It was replied to as Cr Blanco would be happy to take the question on notice so that staff could provide a more detailed answer for Mr Ashenden.**

*CARRIED BY SIMPLE MAJORITY (6/0)*

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello*  
*Against: Nil*

**PURPOSE**

The purpose of this report is to present the Unconfirmed Minutes of the Audit, Risk, and Compliance Committee (ARC Committee) meeting held on September 11, 2024, for Council's consideration.

## **DETAIL**

### Background

The Town's ARC Committee is a statutory body established under section 7.1A of the *Local Government Act 1995*. Its primary function is to assist the Council in fulfilling its governance and oversight obligations, specifically in the areas of financial reporting, internal controls, risk management, legislative compliance, ethical accountability, and both internal and external audits.

Following the resignation of Cr Blanco, the former Presiding Member, on May 9, 2024, and Cr Turner, the former Deputy Presiding Member, on August 2, 2024, Deputy Mayor Christensen was appointed to the committee at the Ordinary Council Meeting on May 29, 2024 (CM202324/276), and Cr Rebello was appointed on August 28, 2024 (CM202425/128).

An election for the roles of Presiding and Deputy Presiding Member took place during the ARC Committee meeting on September 11, 2024, resulting in Deputy Mayor Christensen being elected as Presiding Member and Cr Rebello as Deputy Presiding Member, both unopposed.

### 11 September 2024 Meeting Overview

At its meeting held on 11 September 2024, the following items were considered:

#### *12.1 2023-24 External Audit Planning Memorandum (APM)*

The 2023-24 APM was adopted, outlining RSM Australia's proposed approach, on behalf of the Office of the Auditor General (OAG), to auditing the Town's financial report for the year ending June 30, 2024.

#### *12.2 FY2022-23 External Audit Log Review*

The ARC Committee received an update on the status of management actions stemming from the 2022-23 External Audit. The audit included a review of financial audits and information systems audits, with corresponding corrective actions.

#### *12.3 1/024 Fraud and Corruption Policy Review*

The ARC Committee recommended Council adopt the revised Policy 1.024 Fraud and Corruption, aligning it with the Town's newly developed Fraud Control Plan.

#### *12.4 1/022 Risk Management Policy Review*

The reviewed Risk Management Policy 1.022 was recommended for Council adoption. Minor revisions were made to integrate fraud risk management into the Town's Risk Management Framework.



### *12.5 Fraud Control Plan*

The ARC Committee recommended Council note the Town's Fraud Control Plan, which outlines the Town's approach to fraud risk assessment, countermeasures, reporting mechanisms, and roles and responsibilities.

### *12.6 Strategic Internal Audit Plan – 2023-24 Review 2 – Regulation 17*

The ARC Committee reviewed a report on the Town's compliance with Regulation 17 of the *Local Government (Audit) Regulations 1996*, which identified areas for improvement in risk management, internal controls, and legislative compliance.

### *12.7 Internal Audit Log Review*

The ARC Committee received an update on the progress of audit items, including those from the 2020-23 and 2023-26 Strategic Internal Audit Plans, with risk ratings assigned to facilitate task prioritisation.

### *12.8 Risk Register Review*

The ARC Committee received the Quarterly Operational Risk Report. The report highlighted high and extreme residual risks and their status, which are to be reported to the ARC Committee in line with the reporting requirements defined in the Town's Risk Management Framework.

### *12.9 Quarter 4 Procurement Report on Panel Usage*

The ARC Committee noted nil identified non-compliance with Policy 2/022 Panels of Pre-Qualified Suppliers for Quarter 4 Financial Year 2023-24.

Procurement successfully identified the list of projects awarded to Pre-Qualified Panel Suppliers on VendorPanel and TechOne for the duration of 01 April 2024 to 30 June 2024. Based on the available data, the Procurement Team reports no instances of non-compliance with the Panels Policy, indicating a satisfactory level of adherence.

### *14.1 Confidential Item – Town Debtors*

The Committee recommended Council receive the report on Town debtors and write off expired lease rates amounting to \$50,540.47.

## **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is of medium significance, due to the deliberation on financial and governance matters during the meeting. These discussions bear significance on the Town's ability to meet its compliance obligations and manage its finances.

## **CONSULTATION**

### *Internal*

- ARC Committee
- Chief Executive Officer
- Director Corporate Services
- Manager Governance
- Manager Financial Services
- Senior Audit, Risk and Insurance Advisor

### *External Agencies*

- Nil

### *Community*

- Nil

## **LEGISLATION AND POLICY CONSIDERATIONS**

The ARC Committee's functions, powers, and membership are governed by its Terms of Reference

## **FINANCIAL AND RESOURCE IMPLICATIONS**

There are no financial implications associated with this item.

## **STRATEGIC SUSTAINABILITY IMPLICATIONS**

### **Strategic Community Plan**

The following sections of the Town's *Strategic Community Plan 2022-2032* are applicable in the consideration of this item:

#### Our Leadership:

4.2.2 Transparent and regular financial reporting and communication to the community is undertaken.

4.2.3 Transparent and regular governance reporting and communication to the community is undertaken.

There are no significant identifiable environmental, social or economic impacts relating to this item.

### **Access and Inclusion**

The following outcome of the Town's *Access and Inclusion Plan 2023-2026* apply in relation to this item:

Nil

**Corporate Business Plan**

The following service of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Corporate Services:

Governance and Procurement - Provide high standards of governance and leadership  
 Financial Management and Rates - Financial management services compliant with legislation to enable the Town to sustainably provide services to the community  
 Audit and Risk Management - Committed to organisation wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Compliance
<b>Cause</b>	Not reporting to Council
<b>Effect (Consequence)</b>	Non-compliance with best practice principles
<b>Risk Treatment</b>	Council receives the minutes from the 11 September ARC Committee Meeting.
<p>There is an operational risk associated with this item caused by not reporting the activities of the ARC Committee to Council which could lead to non-compliance with best practice principles and to an extent Standing Orders Local Law 2014.</p> <p>The risk rating is medium (6) which is determined by a likelihood of possible (3) and a consequence of minor (2)</p> <p>This risk will be eliminated by reporting the minutes of the ARC Committee to the Council for their consideration.</p>	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

This report presents the Unconfirmed Minutes of the Audit, Risk, and Compliance Committee meeting held on September 11, 2024, for Council’s review. The ARC Committee, established under section 7.1A of the *Local Government Act 1995*, assists Council with governance, oversight, and compliance matters.

Key discussions from the meeting included the review of external audit plans, updates on fraud control, risk management policies, and internal audit findings, ensuring ongoing transparency, accountability, and alignment with the Town's governance frameworks.

### **ATTACHMENTS**

1. 20240916 Unconfirmed Minutes - Publish [**11.1.1.1** - 58 pages]
2. CONFIDENTIAL - 20240916 Unconfirmed CONFIDENTIAL Minutes - Publish [**11.1.1.2** - 8 pages]

**11.1.2** | **1/024 Fraud and Corruption Policy Review**

**Author:** Senior Audit, Risk and Compliance Officer

**Authorising Officer:** Manager Governance

**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

**CM202425/140 EN BLOC COUNCIL DECISION****MOVED:** Cr Camilo Blanco**SECONDED:** Cr Ambika Rebello

**That Council adopt the reviewed Policy 1.024 Fraud and Corruption as per Attachment 1.**

*CARRIED BY SIMPLE MAJORITY (6/0)*

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello*

*Against: Nil*

**PURPOSE**

The purpose of this report is for Council to consider and adopt the reviewed Policy 1.024 Fraud and Corruption.

**DETAIL**

The Town of Port Hedland's policies are systematically reviewed, updated, and adopted by Council. They establish guidelines and provide direction for the Town's activities and actions. Systematically reviewing and amending policies ensures they remain current.

The Fraud and Corruption Policy, previously known as the Fraud and Corruption Prevention Policy, is due for its scheduled biennial review. The Policy was last reviewed and adopted by Council on 7 September 2022 (CM202223/020).

This review aligns with the recent development of the Fraud Control Plan, as recommended by William Buck Advisors (WA), the Town's internal auditors from FY2020-21 to 2022-23. Significant revisions have been made to the Policy to ensure alignment with the Fraud Control Plan and newly established processes. Key changes include:

1. The term "Prevention" has been removed from the Policy title to reflect a broader scope that includes detection, response, and overall fraud risk management, beyond just prevention.
2. The revised Policy now includes a summary table categorising key controls as preventative, detective, or responsive, with detailed procedures outlined in the supporting Fraud Control Plan and operating procedures.

3. Updates to the roles and responsibilities, including the involvement of the Audit, Risk, and Insurance business unit, which is responsible for developing and maintaining key integrity documents such as:
  - a. Policy 1/024 Fraud and Corruption
  - b. Policy 1/022 Risk Management
  - c. Fraud and Corruption Control Plan
  - d. Risk Management Framework
  - e. Relevant internal operating procedures and templates.
4. The Policy now only includes legislated responsibilities directly related to fraud and corruption, with added references for user convenience.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance. Fraud is an emerging issue across all levels of government and should be considered in decision-making and risk assessment processes.

### **CONSULTATION**

#### *Internal*

- Executive Leadership Team
- Senior Audit, Risk & Insurance Advisor

#### *External Agencies*

- Nil

#### *Community*

- Nil

### **LEGISLATION AND POLICY CONSIDERATIONS**

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*
- *Local Government (Audit) Regulations 1996*
- *Public Interest Disclosure Act 2003*

### **FINANCE AND RESOURCE IMPLICATIONS**

Nil

### **STRATEGIC SUSTAINABILITY IMPLICATIONS**

The following section of the Town's Strategic Community Plan 2018-2028 is applicable in the consideration of this item:

Our Leadership:

4.2.3 Transparent and regular governance reporting and communication to the community is undertaken.

There are no significant identifiable environmental, social or economic impacts relating to this item

**Access and Inclusion**

The following outcome of the Town’s Access and Inclusion Plan 2023-2026 apply in relation to this item:

Nil

**Corporate Business Plan**

The following actions of the Town’s Corporate Business Plan 2018-2022 apply in relation to this item:

Our Corporate Services:

Governance and Procurement - Provide high standards of governance and leadership.

Audit and Risk Management - Committed to organisation wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Compliance
<b>Cause</b>	Council do not adopt the Policy prior to September 2024
<b>Effect</b>	Non-compliance with Policy review schedule
<b>Risk Treatment</b>	Accept
<p>There is an operational risk associated with this item because the Policy may not be adopted by Council before September 2024. This follows its last adoption on 7 September 2022 and the biennial review schedule requirement.</p> <p>The risk rating is assessed as Medium (6), based on a likelihood rating of Unlikely (2) and a consequence rating of Moderate (3).</p> <p>This risk is considered acceptable due to the following controls in place:</p> <ul style="list-style-type: none"> <li>• An existing Policy is currently in effect.</li> <li>• Appropriate consultation with the ARC Committee and Council will occur prior to the voting on this item.</li> <li>• The risk falls within the Town’s acceptable tolerance range.</li> </ul>	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

The reviewed Policy 1.024 Fraud and Corruption has been thoroughly evaluated and updated to align with current practices and the recently developed Fraud Control Plan. Council are advised to consider and adopt the reviewed Policy, ensuring continued adherence to best practices in fraud risk management.

**ATTACHMENTS**

1. 20240724 Draft Fraud and Corruption Policy 1.024 Review (Clean copy)  
[**11.1.2.1** - 8 pages]
2. 20240724 Draft Fraud and Corruption Policy 1.024 Review (Track changes)  
[**11.1.2.2** - 13 pages]



<b>11.1.3</b>	<b>1/022 Risk Management Policy Review</b>
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**Author:** Senior Audit, Risk and Compliance Officer

**Authorising Officer:** Manager Governance

**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

**CM202425/140 EN BLOC COUNCIL DECISION**

**MOVED:** Cr Camilo Blanco

**SECONDED:** Cr Ambika Rebello

**That Council adopt the reviewed Policy 1.022 Risk Management as per Attachment 1.**

*CARRIED BY SIMPLE MAJORITY (6/0)*

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello*

*Against: Nil*

**PURPOSE**

The purpose of this report is for Council to consider and adopt the reviewed Policy 1.022 Risk Management.

**DETAIL**

The Town of Port Hedland’s (the Town) policies are systematically reviewed, updated, and adopted by Council. They establish guidelines and provide direction for the Town's activities and actions. Systematically reviewing and amending policies ensures they remain current.

The Risk Management Policy is due for its scheduled biennial review. The Policy was last reviewed and adopted by Council on 7 September 2022.

There have been no changes to legislation or standards regarding Risk Management since the last Policy review. Minor revisions have been incorporated to ensure alignment with the Town’s Risk Management Framework and to address the integration of fraud risk management, which was added to the Framework in 2023. Given the significant financial, reputational, and human impacts of fraud, it is imperative that this risk is comprehensively managed.

Key revisions to the Policy:

1. The terminology AS/NZS ISO31000:2018 has been updated to AS ISO31000:2018 to reflect the current standard used by the Town for risk management documentation and processes.

2. A new section on fraud risk has been added, outlining the Town's commitment to addressing and managing fraud risk in accordance with the Risk Management Framework and AS 8001:2021 Fraud and Corruption Control.
3. The term "Risk Management Plan" has been revised to "Risk Management Implementation Plan" for consistency within the Risk Management Framework.

## **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, as the updated Policy will act as a tool to inform decision-making by Council and Town's administration.

## **CONSULTATION**

### *Internal*

- Executive Leadership Team
- Senior Audit, Risk & Insurance Advisor

### *External Agencies*

- Nil

### *Community*

- Nil

## **LEGISLATION AND POLICY CONSIDERATIONS**

- *Local Government (Financial Management) Regulations 1996*
- *Local Government (Audit) Regulations 1996*
- *AS ISO31000:2018 Risk Management*
- *AS 8001:2021 Fraud and Corruption Control*

## **FINANCE AND RESOURCE IMPLICATIONS**

Nil

## **STRATEGIC SUSTAINABILITY IMPLICATIONS**

The following section of the Town's Strategic Community Plan 2018-2028 is applicable in the consideration of this item:

### Our Leadership:

4.2.3 Transparent and regular governance reporting and communication to the community is undertaken.

There are no significant identifiable environmental, social or economic impacts relating to this item

**Access and Inclusion**

The following outcome of the Town’s Access and Inclusion Plan 2023-2026 apply in relation to this item:

Nil

**Corporate Business Plan**

The following action of the Town’s Corporate Business Plan 2018-2022 apply in relation to this item:

Our Corporate Services:

Audit and Risk Management - Committed to organisation wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Compliance
<b>Cause</b>	Council do not adopt the Policy prior to September 2024
<b>Effect</b>	Non-compliance with Policy review schedule
<b>Risk Treatment</b>	Accept
<p>There is an operational risk associated with this item because the Policy may not be adopted by Council before September 2024. This follows its last adoption on 7 September 2022 and the biennial review schedule requirement.</p> <p>The risk rating is assessed as Medium (6), based on a likelihood rating of Possible (3) and a consequence rating of Minor (2).</p> <p>This risk is considered acceptable due to the following controls in place:</p> <ul style="list-style-type: none"> <li>• An existing Policy is currently in effect.</li> <li>• Appropriate consultation with the ARC Committee and Council will occur before voting on this item.</li> </ul> <p>The risk falls within the Town’s acceptable tolerance range.</p>	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

The reviewed Policy 1.022 Risk Management has undergone a thorough review to ensure alignment with current standards and the Town's Risk Management Framework. By integrating these updates, the Policy will enhance the Town's ability to mitigate risks effectively and ensure compliance with established frameworks. It is recommended that Council adopt the reviewed policy to maintain the integrity and effectiveness of the Town's risk management practices.

**ATTACHMENTS**

1. 20240725 Draft Risk Management Policy 1.022 (Clean copy) [**11.1.3.1** - 4 pages]
2. 20240725 Draft Risk Management Policy 1.022 (Track changes) [**11.1.3.2** - 5 pages]

<b>11.1.4</b>	<b>Fraud Control Plan</b>
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**Author:** Senior Audit, Risk and Compliance Officer

**Authorising Officer:** Manager Governance

**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

**CM202425/143 COUNCIL DECISION**

**MOVED:** Cr Ambika Rebello

**SECONDED:** Cr Sven Arentz

**That Council note the Town of Port Hedland Fraud Control Plan as per Attachment 1.**

*CARRIED BY SIMPLE MAJORITY (6/0)*

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello*  
*Against: Nil*

**PURPOSE**

The purpose of this report is for Council to receive and note the Fraud Control Plan.

**DETAIL**

The Town employs a rolling approach to its independent audit reviews, establishing a new three-year internal audit plan to continually assess the integrity of the Town’s governance, financial management, compliance, and operational practices. In accordance with the previous Internal Audit Plan (FY2020-2021 to FY2022-2023), William Buck, the Town’s former internal auditor, conducted an internal audit of the Town’s Fraud Risk Management and Misconduct processes. The primary objective of this audit was to evaluate whether effective controls were in place to identify, prevent, and respond to fraud risks and misconduct, as outlined in the Internal Audit Plan for the 2022/23 Financial Year.

Audit finding and response

Regarding the Fraud Control Plan (Finding 1), William Buck stated: "Although the Town had adopted a Fraud and Corruption Policy in August 2022, our inquiries with the Town’s stakeholders revealed that the Town does not have a fraud and corruption control plan. Additionally, we identified that the Town’s risk register does not currently include a fraud risk category. The absence of a Fraud and Corruption Control Plan may hinder the Town's ability to effectively plan, manage, respond to, and oversee risks and cases related to fraud, corruption, and misconduct."

To address this finding, the Town has taken the following actions:

- Revised the Risk Management Framework in 2023, including the risk assessment and acceptance criteria, to incorporate a fraud risk category.
- Conducted comprehensive risk assessments across all business areas using the revised Risk Management Framework to produce a customised and dynamic fraud risk assessment.
- Drafted a Fraud Control Plan based on the fraud risk assessment and gathered intelligence, which provides mechanisms to manage, respond to, and oversee risks and cases related to fraud, corruption, and misconduct.

### Fraud Control Plan

This high-level Governance, Risk, and Compliance (GRC) document outlines:

- The Town's stance on fraud
- Fraud risk assessment processes
- Countermeasures for preventing, detecting, and responding to fraud
- Reporting mechanisms
- Defined roles and responsibilities – these are evolving and are to be continuously reviewed and updated within operational guidelines.

Supporting operational procedures are currently being developed to facilitate the effective implementation of the Fraud Control Plan, providing operational guidelines for employees.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance due to its impact on the Town's ability to effectively manage and mitigate fraud risks. Additionally, considerations for fraud prevention and detection should be inherently integrated into key decision-making processes.

### **CONSULTATION**

#### *Internal*

- Executive Leadership Team
- Senior Leadership Team

#### *External Agencies*

- Nil

#### *Community*

- Nil

### **LEGISLATION AND POLICY CONSIDERATIONS**

- *Local Government (Financial Management) Regulations 1996*
- *Local Government (Audit) Regulations 1996*

- AS ISO31000:2018 Risk Management
- AS 8001:2021 Fraud and Corruption Control

**FINANCE AND RESOURCE IMPLICATIONS**

Nil

**STRATEGIC SUSTAINABILITY IMPLICATIONS**

The following section of the Town’s Strategic Community Plan 2018-2028 is applicable in the consideration of this item:

Our Leadership:

4.2.3 Transparent and regular governance reporting and communication to the community is undertaken.

There are no significant identifiable environmental, social or economic impacts relating to this item

**Access and Inclusion**

The following outcome of the Town’s Access and Inclusion Plan 2023-2026 apply in relation to this item:

Nil.

**Corporate Business Plan**

The following actions of the Town’s Corporate Business Plan 2018-2022 apply in relation to this item:

Our Corporate Services:

Governance and Procurement - Provide high standards of governance and leadership.  
 Audit and Risk Management - Committed to organisation wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Compliance Fraud
<b>Cause</b>	Lack of a comprehensive Fraud Control Plan
<b>Effect</b>	Decreased financial integrity Potential misreporting

	Fraud Non-compliance
<b>Risk Treatment</b>	Treated (mitigated)
<p>There is a compliance risk associated with this item caused by the lack of a comprehensive Fraud Control Plan. Fraud risk management falls under Regulation 5 of the <i>Local Government (Financial Management) Regulations</i>, which outlines the CEO’s duties regarding financial management. Failure to effectively apply the requirements of Regulation 5 can result in significant financial loss, inefficiency, financial misreporting, fraud, and residual non-compliance.</p> <p>The risk rating is considered to be Medium (9), determined by a likelihood of Possible (3) and a consequence of Moderate (3).</p> <p>This risk will be mitigated by implementing the Fraud Control Plan.</p>	
<p>Additionally, there is a fraud risk associated with this item caused by inadequate control planning and oversight mechanisms. This can lead to increased vulnerability to fraudulent activities, compromising the integrity and financial health of the Town. The implementation of the Fraud Control Plan will address these vulnerabilities by establishing robust mechanisms for fraud prevention, detection, and response.</p> <p>The risk rating is considered Medium (9), determined by a likelihood of Possible (3) and a consequence of Moderate (3).</p> <p>This risk will be mitigated by implementing the Fraud Control Plan.</p>	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

The Fraud Control Plan is necessary for enhancing the Town's ability to manage and mitigating fraud risks effectively. By integrating robust fraud prevention, detection, and response mechanisms, the Town can ensure the integrity of its governance and financial practices. The proposed plan addresses key audit findings and aligns with regulatory requirements, thereby safeguarding the Town against potential fraud and misconduct. Implementing this plan will reinforce the Town’s commitment to maintaining high standards of transparency and accountability.



## **ATTACHMENTS**

1. 44319 TOPH Town of Port Hedland Fraud Control Plan D 2 [**11.1.4.1** - 24 pages]

**11.1.5**

**Strategic Internal Audit Plan - 2023-24 Review 2 - Regulation 17**

**Author:** Senior Audit, Risk and Compliance Officer

**Authorising Officer:** Manager Governance

**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

**CM202425/144 COUNCIL DECISION**

**MOVED:** Cr Ambika Rebello

**SECONDED:** Cr Sven Arentz

**That Council receive and note the 2023-24 Financial Year Internal Audit Report on Regulation 17, as per Attachment 1.**

*CARRIED BY SIMPLE MAJORITY (6/0)*

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello*

*Against: Nil*

**PURPOSE**

This report is to inform Council about the findings of the 2023-24 Financial Year Regulation 17 Internal Audit Report.

The agreed-upon management actions will be documented in the Audit Log, and the ARC Committee will receive routine progress updates on the Town's implementation of the recommended measures.

**DETAIL**

Paxon Group were awarded the contract by the Town to deliver the 3-Year Strategic Internal Audit Plan – FY2023-24 to FY2025-26 on 09 May 2023. Following the engagement, Paxon Group prepared a Strategic Three (3) Year Rolling and Annual Internal Audit Plan (Internal Audit Plan) that was considered and adopted by the ARC Committee on 08 August 2023 (Committee Decision: ARC202324/004).

In accordance with the Internal Audit Plan, Paxon Group were tasked to conduct an internal audit of the Town's compliance with Regulation 17 of the *Local Government (Audit) Regulations 1996*. The objective of the Regulation 17 Review was to provide a report to assist the CEO in reporting to the ARC Committee on the appropriateness and effectiveness of the Town's systems and procedures in relation to risk management, internal control and legislative compliance.

### Summary of findings

The report contained seven findings, with four rated as low risk and three as medium risk.

The Regulation 17 Review identified areas for improvement in risk management, internal control, and legislative compliance. Key findings include the need to finalise the migration to the new risk management system, enhance risk reporting, and complete minor updates to risk management documents. Internal control improvements are necessary for developing an integrity framework and updating mechanisms for reporting fraud and misconduct. Legislative compliance issues include updating the Record Keeping Plan and Freedom of Information procedures.

The Town is aware of these issues and has begun implementing steps to address them in line with the recommendations provided.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is of medium significance, due to likely consequences arising from non-compliance, potential to impact the Town's ability to deliver services, impact the Town's reputation and general interest by the community in the compliance capability of the business operations of the Town.

### **CONSULTATION**

#### *Internal*

- Executive Leadership Team
- Manager Environmental Services
- Manager Governance
- Manager Digital Services
- Principal HR Operations
- Senior Records Officer

#### *External Agencies*

- Paxon Group

#### *Community*

- Nil

### **LEGISLATION AND POLICY CONSIDERATIONS**

#### *Local Government (Audit) Regulations 1996*

17. CEO to review certain systems and procedures

(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —

- a) Risk Management
- b) Internal Control; and
- c) Legislative Compliance

(2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.

(3) The CEO is to report to the audit committee the results of that review.

### **FINANCE AND RESOURCE IMPLICATIONS**

The budgeted cost of the review payable to Paxon Group was \$12,320 inclusive of GST.

### **STRATEGIC SUSTAINABILITY IMPLICATIONS**

The following section of the Town's Strategic Community Plan 2018-2028 is applicable in the consideration of this item:

#### Our Leadership:

4.2.3 Transparent and regular governance reporting and communication to the community is undertaken.

There are no significant identifiable environmental, social or economic impacts relating to this item

### **Access and Inclusion**

The following outcome of the Town's Access and Inclusion Plan 2023-2026 apply in relation to this item:

Nil

### **Corporate Business Plan**

The following action of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

#### Our Corporate Services:

Audit and Risk Management - Committed to organisation wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Compliance
<b>Cause</b>	Failure to conduct the review within the required timeframe
<b>Effect</b>	Regulatory non-compliance; increased exposure to risk and impairment of the committee’s ability to perform its oversight function effectively.
<b>Risk Treatment</b>	Accept
<p>There is an operational risk associated with the failure to conduct the prescribed review of the local government’s systems and procedures related to risk management, internal control, and legislative compliance within the required three-year timeframe.</p> <p>This failure could result in:</p> <ul style="list-style-type: none"> <li>• Regulatory non-compliance</li> <li>• Increased vulnerability to risks</li> <li>• Impairment of the ARC Committee’s ability to perform its oversight function effectively</li> </ul> <p>The risk is rated as Medium (6), determined by a likelihood of Unlikely (2) and a consequence of Moderate (3).</p> <p>This risk has been accepted due to the presence of appropriate controls, including the inclusion of a Regulation 17 review as a standing audit in each three-year rolling internal audit plan. The residual risk is deemed acceptable according to the Town’s risk acceptance criteria.</p>	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

The 2023-24 Financial Year Regulation 17 Internal Audit Report outlines areas for improvement in risk management, internal control, and legislative compliance. Council are advised to receive and note the findings and recommendations, which the Town has already begun to address. By implementing these measures, the Town aims to enhance its governance, mitigate risks, and ensure compliance with regulatory

requirements, thereby improving overall operational effectiveness and maintaining public trust.

**ATTACHMENTS**

1. 20240606 Regulation 17 Report\_ Final [**11.1.5.1** - 15 pages]

## 12 Reports of Officers

### 12.1 Corporate Services

<b>12.1.1</b>	<b>Statement of Financial Activity - August 2024</b>
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**Author:** Senior Financial Accountant

**Authorising Officer:** Director Corporate Services

**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item. At times, they receive payments made in accordance with employment contracts and related Town of Port Hedland policies, which are disclosed in the attachments to this report.

#### CM202425/140 EN BLOC COUNCIL DECISION

**MOVED:** Cr Camilo Blanco

**SECONDED:** Cr Ambika Rebello

**That Council:**

- 1. Receive the Monthly Financial Report for the period ended 31 August 2024 as shown in attachment 1;**
- 2. Note the Accounts paid under delegated authority for the period ended 31 August 2024 as shown in attachment 2;**
- 3. Receive the Purchasing Card statements for the period ended 31 August 2024, as shown in attachment 3;**
- 4. Receive the Investment Summary Report for the period ended 31 August 2024, as shown in attachment 4;**
- 5. Receive the YTD Budget v Actual Report by Directorate, as shown in attachment 5;**
- 6. Receive the Capital Listing report for the period ending 31 August 2024, as shown in attachment 6;**

*CARRIED BY SIMPLE MAJORITY (6/0)*

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello*

*Against: Nil*

## **PURPOSE**

The purpose of this report is for Council to receive the Statement of Financial Activity for the period ended 31 August 2024. Supplementary information is also presented to provide further information regarding the Town's activities.

## **DETAIL**

The information provided in this report is for the period ended 31 August 2024, with financial results included in Attachment 1. The preparation of the reports has been made in compliance with the *Local Government Act 1995 and Financial Management Regulations*.

The Town's financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.

As part of the 2024-2025 original budget, Council adopted the following thresholds as levels of material variances for financial reporting:

- A variance of 10% or \$50,000, whichever is greater, of the Year-to-Date budget of operational and capital expenditure requires explanation.

The opening funding surplus of \$14.60M presented in Year to Date Actual on the Statement of Financial Activity is an estimate of the closing surplus for 2023-2024 and is subject to change as finalisation of 30 June transactions occurs.

## **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because:

- Exception - The proposal or decision is not of a nature or significance that requires engagement.

## **CONSULTATION**

### *Internal*

- *Nil*

### *External Agencies*

- *Nil*

- 

### *Community*

- *Nil*

## **LEGISLATION AND POLICY CONSIDERATIONS**

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* detail the form and manner in which a local government is to prepare its statement of financial activity.



**FINANCIAL AND RESOURCE IMPLICATIONS**

The statement of financial activity is to be supported by such information, as is considered relevant by the local government, containing:

- an explanation of the composition of the net current assets of the month, to which the statement relates, less committed assets and restricted assets.
- an explanation of each of the material variances referred to in sub-regulation (1)(d); and
- supporting information, as is considered relevant by the local government.

Reserves:

Ensure compliance with section 6.11 of the Local Government Act 1995 when reserve accounts are utilised.

**STRATEGIC SUSTAINABILITY IMPLICATIONS**

**Strategic Community Plan**

The following section of the Town’s *Strategic Community Plan 2022-2032* apply in relation to this item:

Our Leadership:

4.2.2 Transparent and regular financial reporting and communication to the community is undertaken

**Access and Inclusion**

The following outcome of the Town’s *Access and Inclusion Plan 2023-2026* apply in relation to this item:

Nil

**Corporate Business Plan**

The following service of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Corporate Services:

Financial Management and Rates - Financial management services compliant with legislation to enable the Town to sustainably provide services to the community

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Financial
<b>Cause</b>	There is an Operational, risk associated with this item due to a reduction in income or increase in expense throughout the 2023/2024 financial year.

<b>Effect (Consequence)</b>	Could impact on the Town’s ability to meet service levels or asset renewal funding requirements.
<b>Risk Treatment</b>	The Town’s financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.
The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Minor (2).	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

The opening funding surplus of \$ 14.60M presented in YTD Actual on the Statement of Financial Activity, is as per the closing surplus presented in the unaudited financial statements from June 2024. The net current funding position is \$87.02M.

**ATTACHMENTS**

1. Monthly Financial Report - August 2024 [**12.1.1.1** - 7 pages]
2. Accounts paid under delegated authority - August 2024 [**12.1.1.2** - 72 pages]
3. Purchasing card statements - August 2024 [**12.1.1.3** - 29 pages]
4. Investment summary report - August 2024 [**12.1.1.4** - 10 pages]
5. YTD Budget v Actual Report by Directorate - August 2024 [**12.1.1.5** - 1 page]
6. Capital Listing Report - August 2024 [**12.1.1.6** - 8 pages]

<b>12.1.2</b>	<b>Council Policy - Policy Framework</b>
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**Author:** Senior Governance Advisor

**Authorising Officer:** Manager Governance

**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

**CM202425/140 EN BLOC COUNCIL DECISION**

**MOVED:** Cr Camilo Blanco

**SECONDED:** Cr Ambika Rebello

**That Council adopts the Policy Framework included as attachment 1.**

*CARRIED BY SIMPLE MAJORITY (6/0)*

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello*

*Against: Nil*

**PURPOSE**

This report's purpose is for the Council to consider the proposed Policy Framework and the appropriate alignment of Council policies and IOPs with functions under the Local Government Act 1995 (the Act).

**DETAIL**

An organisation's Policy Framework is a vital component of the decision making and management principle of good governance. The primary objective of the Policy Framework is to engage Councillors with the process of policy development and review, ensuring Councillors are provided with relevant information to deliver policies that are strategic and a clear and concise reflection of Council commitments to community expectations. This is aligned to the role of the Council under the Act.

The proposed Policy Framework:

1. Identifies the hierarchy of governing documents,
2. Sets out the requirements for developing policies and procedures, and
3. Provides the roles and responsibilities for policy development, approval, publication, and review.

The establishment of a hierarchy ensures that the Council is developing and reviewing policies that reflect the strategic focus established through public consultation where necessary.

A risk-based approach to the review cycle is proposed to ensure that policies that relate to higher risk matters are reviewed more regularly, to those which carry lower

risks. A risk rating will be applied to Council policies as they are reported to the Council for review.

This report was presented to the 25 June 2024 Ordinary Council Meeting and lapsed for want of a mover. A workshop was held with the Council on 9 September 2024 to review and incorporate feedback from Councillors.

The Town has more than 50 policies and this requires 50 reports to the Council over a three-year period under the current framework. Some of these existing policies have become outdated and lack relevance to contemporary times, while others appear more operational in nature and would serve the organisation more effectively as procedures.

The Town has policies overdue for review as outlined in attachment 2. Endorsement of the Policy Framework will instigate the review process outlined as outlined in attachment 2.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is of low significance, because:

- Exception - The proposal or decision is not of a nature or significance that requires engagement.

### **CONSULTATION**

#### *Internal*

- Executive Leadership Team
- Senior Leadership Team
- The Council

#### *External Agencies*

- Nil

#### *Community*

- N/A

### **LEGISLATION AND POLICY CONSIDERATIONS**

The Local Government Act 1995 section 2.7(2)(b) states the Council is to determine the local government's policies.

The development of a policy document is required to establish the Council's objective on an issue or to provide further guidance on a legislative requirement.

The policy requirement may result from:

- A new legislative requirement
- A new or changing industry standards
- To meet the Council's strategic objective

- To respond to a community, need or expectation, or
- A result of a Council resolution.

The policy document should result in:

- Clarity and consistency in decision making
- Improved efficiency and effectiveness, or
- Improved customer and community outcomes.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil

**STRATEGIC SUSTAINABILITY IMPLICATIONS**

**Strategic Community Plan**

The following section of the Town’s Strategic Community Plan 2022-2032 is applicable in considering this item.

Our Leadership:

4.b.3 Transparent and regular governance reporting and communication to the community is undertaken.

There are no significant identifiable environmental, social, or economic impacts relating to this item.

**Access and Inclusion**

The following outcome of the Town’s *Access and Inclusion Plan 2023-2026* apply in relation to this item:

Nil.

**Corporate Business Plan**

The following service of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Corporate Services:

4.2 Governance and Procurement - Provide high standards of governance and leadership

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Compliance

<b>Cause</b>	There is an operational risk associated with this item. If there are new legislative requirements or changing industry standards, not having a Policy Framework to address them could result in non-compliance.
<b>Effect (Consequence)</b>	This could result in legal consequences, fines, or other penalties jeopardising the Council’s reputation and financial stability.
<b>Risk Treatment</b>	Implementing a comprehensive Policy Framework that is regularly reviewed and updated.
The risk rating is Medium (9), determined by a likelihood of Possible (3) and a result of Moderate (3).	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

The adoption of the Policy Framework will provide a modern process for the development, approval, publication and review of the Town’s policies. The Policy Framework will provide administrative efficiencies allowing the Council to develop and consult on strategically important policies, while supporting the executive management team in developing operational procedures that can adapt to the day-to-day management of the Town. This provides for greater clarity of the roles and responsibilities, while maintaining the Council’s oversight of Town policy.

**ATTACHMENTS**

1. Council Policy Policy Framework [**12.1.2.1** - 5 pages]
2. Policy Manual Register V 1 [**12.1.2.2** - 3 pages]

**12.1.3****Records Policy****Author:** Senior Records Officer**Authorising Officer:** Director Corporate Services**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.**CM202425/140 EN BLOC COUNCIL DECISION****MOVED:** Cr Camilo Blanco**SECONDED:** Cr Ambika Rebello**That Council adopts the Records Management Policy as per Attachment 1.***CARRIED BY SIMPLE MAJORITY (6/0)**For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello  
Against: Nil***PURPOSE**

The purpose of this report is for Council to consider the adoption of the newly developed Records Management Policy

**DETAIL****1. Introduction to the Policy**

The newly proposed Records Management Policy has been developed to ensure compliance with relevant legislation, regulations, and standards, including State Records Act 2000. This policy addresses the need for systematic management of records across all formats, generated from the business activities of the Town of Port Hedland, encompassing employees, councillors, and contractors.

**2. Objectives and Scope**

The primary objective is to create a consistent and reliable record of the Town's activities that can be trusted as complete, accurate, and unaltered. This comprehensive approach not only fulfills statutory requirements but also supports transparency, accountability, and security throughout the lifecycle of records.

**3. Key Principles**

Under the new policy, records management will adhere to the principles of transparency, accountability, compliance, access, and security. These principles ensure that records are accessible yet secure, and managed in a way that reflects their critical role in governance and operational continuity.

#### 4. Policy Implementation

Implementation strategies include:

- **Training and Awareness:** All relevant personnel, including councillors, employees, and contractors, will receive training on records management principles, procedures, and compliance expectations.
- **Roles and Responsibilities:** Clear delineation of responsibilities, where the Chief Executive Officer ensures proper record keeping as mandated by the Local Government Act. The Senior Records Officer will advise on and manage all records management needs, supported by the Manager of Digital Services who ensures the operational reliability of business systems handling records.

**5. Compliance and Enforcement** The policy mandates strict adherence to established records management practices, as non-compliance could result in significant legal and operational risks. Regular audits and reviews will be conducted to ensure compliance with the policy, and any breaches will be addressed promptly and effectively.

**6. Policy Review and Continuous Improvement** The Records Management Policy is subject to annual review to incorporate changes in legislation, technology, and operational practices. This ensures that the policy remains relevant and effective in managing the records management needs of the Town of Port Hedland.

#### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because: N/A

#### CONSULTATION

##### *Internal*

- Executive Leadership Team (ELT)
- Manager Digital Services
- Senior Records Officer

##### *External Agencies*

- Grace Records Management (Australia)

##### *Community*

- Nil



**LEGISLATION AND POLICY CONSIDERATIONS**

- State Records Act 2000
- Local Government Act 1995
- Freedom of Information Act 1992
- Evidence Act 1906

**FINANCIAL AND RESOURCE IMPLICATIONS**

There are no significant financial and resources implications associated with the proposed policy review.

**STRATEGIC SUSTAINABILITY IMPLICATIONS**

**Strategic Community Plan**

The following section of the Town’s *Strategic Community Plan 2022-2032* is applicable in the consideration of this item:

Nil

***Environmental***

There are no significant identifiable environmental, social or economic impacts relating to this item.

**Access and Inclusion**

The following outcome of the Town’s *Access and Inclusion Plan 2023-2026* apply in relation to this item:

Nil

**Corporate Business Plan**

The following service of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Corporate Services:

**Records Management** - Records managed effectively in accordance with the State Records Act.

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Financial
<b>Cause</b>	Non-compliance with the State Records Act 2000
<b>Effect (Consequence)</b>	Penalties of up to \$10,000
<b>Risk Treatment</b>	Accept

There is a Operational, risk associated with this item caused by non-compliance with the State Records Act 2000, leading to potential financial penalties of up to \$10,000.

The risk rating is considered to be Low (4) which is determined by a likelihood of Likely (4) and a consequence of Insignificant (1).

This risk will be accepted.

### **OPTIONS**

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

### **CONCLUSION**

This policy establishes the basis for strong records management that aligns with the Town’s strategic goals, improves decision-making capacities, and meets regulatory standards. Its effective implementation will greatly enhance the Town’s governance and operational efficiency, protecting valuable information assets for now and later.

### **ATTACHMENTS**

1. ToPH Records Management Policy [**12.1.3.1** - 5 pages]



- Income and expenditure;
- Patronage of programs and activities;
- Marketing and communication activities undertaken; and
- Maintenance and capital expenditure.

Desired outcomes of the agreement with The Junction Co. are as follows:

- Exhibitions and sales of local art;
- High-quality programming, including presentations and workshops;
- Partnerships with local organisations and community groups;
- High-quality customer service to visitors of the Gallery;
- A focus on continuous improvement and service growth at the facility;
- A safe, clean and hygienic environment for staff, customers, and other visitors;
- Strong and accountable financial management; and
- Clear, concise and accurate quarterly reporting on the operations of the facility.

A summary of the key activities for the April – June 2024 quarter is noted below.

### **The Jury Art Prize 2023 (18 May to 19 July 2024 at Courthouse Gallery)**

Recognised as Western Australia's foremost innovative regional art prize, the Jury Art Prize is a prominent platform for artists to express their unique perspectives on the communities within regional WA, captivating audiences across Australia and beyond.

### **Creating the Pilbara Landscape Painting (14, 15 and 16 June 2024, Ceramics Studio)**

As part of The Jury Art Prize Public Program, one of the finalists was invited to run a series of landscape workshops with the local creatives. This initiative aimed to inspire participants with the artist's unique techniques while fostering collaboration and skill development among our community's artists.

### **Create with Clay (20 June 2024 at Ceramics Studio)**

A casual open-studio session in the ceramics studio successfully catered to individuals with basic to advanced ceramics/pottery skills, providing a space for people to come with an idea of what they would like to make.

### **Arts Antics (Every Wednesday from 9am to 10am)**

Art Antics is a popular art class designed for children five years and under; however, older siblings and visitors are always welcome to join.

**Wunderkammer (Every second Thursday of the month 6pm to 8pm)**

A night of unfiltered and unguided indulgence in a mighty self-expression through art. Held the second Thursday of each month at the Courthouse Gallery+Studio, the facilitator will guide participants how to experiment through cross-medium art and craft.

**Colours (Every Friday during school term at the Courthouse Gallery)**

This holistic program was developed in close collaboration with regional disability service providers and aims to enhance individual and collective capacity while fostering an exchange of skills and knowledge for those living with disabilities. By promoting creative expression, exploring employment opportunities, and showcasing the art and culture of disabled individuals, *Colours* seeks to contribute to social inclusion, wellbeing, and vibrancy in regional WA.

**Arting Around – Seniors Art Workshop (Every Wednesday during school term at South Hedland Library)**

Free creative Disability and Inclusion workshop for seniors is a weekly arts and crafts activity to engage and connect in creativity. The programme attracted a total of 76 participants and finished at the end of June 2024.

**Wonder Lab Creations (Every Thursday during school term at JD Hardie)**

Free creative workshops for teens at the JD Hardie Youth Centre. The programme attracted a total of 33 participants and finished at the end of June 2024.

**Community Art Day (13 April 2024 at Shay Gap Memorial Park)**

The event, attached 300 people and was held during the school holidays, featured ten distinct art workshops facilitated by local artists. Each facilitator received a flat fee for hosting their respective art-making activities and was responsible for arranging their tables and sourcing the necessary 21 materials. The workshops catered to the interests and creative aspirations of the general public, allowing participants to engage in different art forms and appreciate the positive impact of art on both the community and the world at large.

**Preloved Kids Market (15 June 2024)**

The event attracted 120 visitors and provided with the opportunity to discover affordable treasures while promoting sustainability through the reuse and repurposing of pre-loved clothing and items, thereby reducing landfill waste.

**School Holiday Art Workshops (2, 3, 10 & 11 April 2024)**

The April school holidays program attracted 60 participating children and was a resounding success, offering various engaging and free family events. However, due to a cyclone alert, events had to be cancelled, prioritising the safety of participants.

**Good Nights Hedland music event (20 April 2024)**

In collaboration with the Town of Port Hedland and Always Good Nights, the Courthouse Gallery hosted the closing event in their gardens where there were 2 local musicians, and 2 WA based musicians performing. The Courthouse Gallery partnered with Gateway Village to provide a bar and with local artist Bobbi Lockyer to activate the space by doing a live artwork. The Silver Star cafe remained open to supply food.

**Mother's Day Community Market (4 May 2024)**

The Portside Mother's Day Makers Market is a highly anticipated event that brings together local products and stallholders, providing a unique opportunity to support the talented artists and makers who call the North-West region home. It attracted around 1500 visitors.

As part of the quarterly reporting of works completed, The Junction Co. has communicated challenges in delivering the full scope of KPI's. As a result, the Town is currently reviewing the intended outcomes and deliverables with the objective of redefining KPI's to deliver an improved service for the South Hedland community. The review has included collaborative discussions with FORM / Spinifex Hill Studios and The Junction Co to update the cultural programming with initiatives being delivered from both organisations. The Town intends to present an updated collaborative proposal to Council in the upcoming months.

**Pride Paint & Sip (21 June 2024, at Courthouse Gallery Gardens)**

In collaboration PHLAGS+, the Junction Co. held a social painting night for 18+ to create, artwork, connect, engage and learn new skills. The event attracted 40 participants.

**Sisters in Strength Movie Night (16 May 2024)**

In collaboration with Well Womens Centre, The Junction Co. Hosted a movie night screening ABC's miniseries 'Strong Women' followed by a Q&A session. The event attracted 40 participants.

**Pride Movie Night (21 June 2024)**

In collaboration PHLAGS+, The Junction Co. hosted a movie night amongst Pride week festivities. The event attracted 30 participants.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because:

- Significant - The matter will have implications for the present and future social, economic, environmental, and cultural well-being of Port Hedland

## CONSULTATION

### *Internal*

- Arts & Culture Team
- Youth Services
- Library Services

### *External Agencies*

- Well Women's Centre
- PHLAGS+
- Pilbara Development Commission
- Gateway Village
- Hedland Senior High School
- Youth Involvement Council

### *Community*

Feedback received from the Courthouse Gallery review project and associated recommendations has been incorporated in the RFT scope of works.

## LEGISLATION AND POLICY CONSIDERATIONS

Section 3.57 of the Local Government Act 1995, and division 2 of the Local Government (Functions and General) Regulations 1996 apply in relation to the invitation to tenders.

The evaluation report and corresponding details relating to the respondents offers are deemed confidential pursuant to section 5.23 (c) and (e) of the Local Government Act 1995.

The following Town policies were considered in relation to the tender:

1. 2/007 'Purchasing'
2. 2/016 'Regional Price Preference'

## STRATEGIC SUSTAINABILITY IMPLICATIONS

### **Strategic Community Plan**

The following sections of the Town's *Strategic Community Plan 2022-2032* are applicable in the consideration of this item:

### Our Community:

1.1.1 Stakeholders are engaged to develop a whole-of-town approach to increase access to quality health and wellbeing services.

1.3.1 The community, industry, arts and cultural organisations are engaged in identifying, planning and coordinating events and activities.

1.3.2 Events and activities to celebrate the Town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered.

1.3.4 The Town's program of events and activities is promoted locally, regionally and nationally.

1.4.1 The present and future facilities and requirements of the town are planned for and developed in-line with relevant facility standards and community needs.

1.4.3 Facilities and community infrastructure are well maintained, managed and fit-for-purpose to provide a range of lifestyle opportunities.

1.4.4 Community services and facilities are well promoted

### Our Economy:

2.1.3 Strengthen the levels of collaboration, partnership and active networking between industry and business operators and stakeholders.

2.3.3 Prioritise, encourage and promote local procurement.

2.4.2 Market and promote Hedland for tourism.

2.4.3 Grow and promote existing and new local events that champion local culture and community.

2.4.4 Market and promote the local lifestyle of the Hedland community

2.5.6 Support regional growth initiatives.

### Our Built and Natural Environment:

3.3.4 Town Teams are created and supported in both Port and South Hedland that actively engage residents in place making and urban renewal.

### ***Economic***

Management of the Courthouse Gallery includes opportunities for local employment and capacity building in the arts and culture industry. In addition, the programming services requires a focus on local art production, sales, and capacity building of artists for the purpose of creating genuine arts career pathways.

### ***Social***

There are social benefits from having high quality gallery management, programming, and activation experiences available to the community. The Courthouse Gallery has been identified as the Pilbara's Regional Art Gallery facility and in the 2023/2024 FY,



attracted approximately 25,000 people through gallery exhibitions, workshops, and activations in the Courthouse Gallery gardens and surrounding area.

There is no significant identifiable environmental impact relating to this item.

**Access and Inclusion**

The following outcomes of the Town’s *Access and Inclusion Plan 2023-2026* apply in relation to this item:

- Outcome 1 – Events and Services
- Outcome 2 – Buildings and Facilities
- Outcome 4 – Quality of Service

**Corporate Business Plan**

The following services of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Community Services:

Events, Arts and Culture - Cultivate an arts and cultural scene that celebrates the rich and culturally significant history of our region, as well as embracing the future

Our Infrastructure Services:

Property Management and Maintenance - Ensure facilities are well maintained in line with the Town’s asset management program

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Project
<b>Risk Category</b>	Compliance
<b>Cause</b>	Not delivering on contractual services of Courthouse Gallery Management and agreed KPI’s
<b>Effect (Consequence)</b>	Inability to deliver gallery services and arts and culture programming
<b>Risk Treatment</b>	Working collaboratively with Arts organisations to better understand the reasons for not meeting the services and provide support where necessary.
<p>There is a Project, risk associated with this item caused by not delivering the contractual services, leading to inability to deliver gallery services and arts and culture programming.</p> <p>The risk rating is considered to be Low (1) which is determined by a likelihood of Unlikely (2) and a consequence of Moderate (3).</p> <p>This risk will be reduced by working with The Junction Co. and local arts organisations to improve the delivery of agreed contractual services.</p>	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

This report is provided to inform Council of the operational progress made by The Junction Co. for the fourth quarter, April – June 2024 as per **Attachment 1**, in its role as the manager of the Courthouse Gallery. It is noted that this is the final quarter of the previous contract and a new contract has been executed from 1 July 2024 to 30 June 2027 with updated reporting deliverables and KPI’s.

**ATTACHMENTS**

1. Attachment 1 - Courthouse Gallery Quarterly Report - Q 4 - April to June 2024  
[**12.2.1.1** - 11 pages]

<b>12.2.2</b>	<b>Dance Companies Fee Waiver Requests</b>
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<b>Author:</b>	<b>Leisure Business Coordinator</b>
<b>Authorising Officer:</b>	<b>Interim Director Community Services</b>
<b>Disclosure of Interest:</b>	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

**OFFICER'S RECOMMENDATION****That Council:**

- 1. Consider the full fees and charges waiver requests from Hedland School of Dance, Alliance Dance Company and Jabat Dance Inc**
- 2. In accordance with Recommendation 2, apply a 50% venue hire fee waiver to Hedland School of Dance due to the service providing a 'community benefit' to the Hedland community and acknowledge the 50% venue hire fee waiver is already applied to Alliance Dance Company and Jabat Dance Inc.**
- 3. Does not support a full waiver of fees and charges as requested from Hedland School of Dance, Alliance Dance Company and Jabat Dance Inc. All other charges are applied in accordance with the adopted '2024-2025 Schedule of Fees and Charges'.**
- 4. Supports external production costs for Hedland School of Dance to the value of \$935.00 due to not being able to provide the expected service in-house.**
- 5. Request the Chief Executive Officer to prepare a draft policy to guide the waiver or discounting of hire fees for facilities to be used for community purposes or benefit.**

*SIMPLE MAJORITY VOTE REQUIRED*

**CM202425/145 AMENDMENT MOTION****MOVED: Cr Ambika Rebello****SECONDED: Cr Sven Arentz**

**That Council add the following wording to Recommendation 1, number 5 as below:**

**Request the Chief Executive Officer to prepare a draft policy and full report into cost implications to guide the waiver or discounting of hire fees for facilities to be used for community purposes or benefit.**

*CARRIED BY SIMPLE MAJORITY (4/3)*

*For: Mayor Peter Carter, Cr Sven Arentz and Cr Ambika Rebello*

*Casting Vote: Mayor Carter*

*Against: Cr Camilo Blanco, Cr Lorraine Butson and Cr Adrian McRae*

**CM202425/146 AMENDMENT MOTION****MOVED: Cr Camilo Blanco****SECONDED: Cr Lorraine Butson****That Council:**

- 1. Amend the percentage from 50% to 75% venue hire fee in Recommendation 1, number 2; replacing the current 50% venue hire fee that is listed; and**
- 2. Amend wording for Recommendation 1, number 3 to: "Supports a 75% waiver of fees and charges as requested from Hedland School of Dance, Alliance Dance Company and Jabat Dance Inc. All other charges are applied in accordance with the adopted '2024-2025 Schedule of Fees and Charges'".**

*CARRIED BY SIMPLE MAJORITY (4/2)*

*For: Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson and Cr Adrian McRae  
Against: Mayor Peter Carter and Cr Ambika Rebello*

**CM202425/147 SUBSTANTIVE AMENDED COUNCIL DECISION****MOVED: Cr Camilo Blanco****SECONDED: Cr Lorraine Butson****That Council:**

- 1. Consider the full fees and charges waiver requests from Hedland School of Dance, Alliance Dance Company and Jabat Dance Inc.**
- 2. In accordance with Recommendation 2, apply a 75% venue hire fee waiver to Hedland School of Dance due to the service providing a 'community benefit' to the Hedland community and acknowledge the 75% venue hire fee waiver is already applied to Alliance Dance Company and Jabat Dance Inc.**
- 3. Supports a 75% waiver of fees and charges as requested from Hedland School of Dance, Alliance Dance Company and Jabat Dance Inc. All other charges are applied in accordance with the adopted '2024-2025 Schedule of Fees and Charges'.**
- 4. Supports external production costs for Hedland School of Dance to the value of \$935.00 due to not being able to provide the expected service.**
- 5. Request the Chief Executive Officer to prepare a draft policy and full report into cost implications to guide the waiver or discounting of hire fees for facilities to be used for community purposes or benefit.**

*CARRIED BY SIMPLE MAJORITY (6/0)*

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello  
Against: Nil*

**OFFICER'S RECOMMENDATION 2**

**That Council supports an amendment to the 2024-2025 Schedule of Fees and Charges for all Council facilities to allow for all organisations that provide a 'community benefit' to apply for a 50% venue hire fee. For the purposes of applying the 2024-2025 Schedule of fees and charges, 'community benefit' refers to programs or activities that provide treatment and/or promote health and wellbeing in response to local community needs.**

*ABSOLUTE MAJORITY VOTE REQUIRED*

**CM202425/148 PROCEDURAL MOTION**

**MOVED: Cr Ambika Rebello**

**SECONDED: Cr Sven Arentz**

**That Council defer Recommendation 2 under 12.1(d) Standing Orders Local Laws to October Ordinary Council.**

*CARRIED BY SIMPLE MAJORITY (4/3)*

*For: Mayor Peter Carter, Cr Sven Arentz and Cr Ambika Rebello*

*Casting vote: Mayor Carter*

*Against: Cr Camilo Blanco, Cr Lorraine Butson and Cr Adrian McRae*

**PURPOSE**

The purpose of this report is for Council to consider multiple requests received from Hedland School of Dance, Alliance Dance Company (ADC) and Jabat Dance Inc (JDI) to consider a full fee waiver of venue hire costs associated with hire of the Matt Dann Theatre and Cinema and Wanangkura Stadium to the total expected value of \$45,560.00.

The Town acknowledges the contribution that the above dance companies have provided to the community for the past several years, with the performances remaining popular and selling out year on year.

**DETAIL**

The Hedland School of Dance

The Town's Arts & Culture Team received a written request from HSOD on 20 August 2024, to waive the full fees and charges for their Matt Dann Theatre & Cinema hire quote for the period from 7 October to 26 October 2024 to the value of \$21,380.00 for their end of year concerts (see Attachment 1 – HSOD Matt Dann Fees and Charges Hire Quote and Attachment 2 – HSOD request for full Fee Waiver).

HSOD also previously requested to the Town's Arts & Culture team to cover the costs of additional outsourced production requirements from North West Entertainment Services due to the in-house Matt Dann Theatre & Cinema team not being able to offer the service, to the value of \$935.00 (see Attachment 3 – North West

Entertainment Services Production Quotation). The total requested fee waiver and additional production services is \$22,315.00.

#### Alliance Dance Company

The Town's Recreation and Leisure Team received a written request from ADC on 5 September 2024 to retrospectively waive the full fees and charges for their Wanangkura Stadium hire quote from 23 August to 8 September 2024 for their end of year concerts.

The total agreed hire cost is \$16,310.00, inclusive of a 50% discount for venue hire fees due to its community group and fundraising status (see Attachment 4 – ADC Fees and Charges Hire Quote and Attachment 5 – ADC request for full fee waiver).

The rationale provided from Hedland School of Dance and Alliance Dance Company for the full fees and charges fee waiver was:

*"At the Council Meeting which was held on 25 June 2024 the below motioned was carried:*

#### *That Council:*

- 1. Adopt the approved Town of Port Hedland 2023-2024 Fees and Charges as the 2024-2025 Fees and Charges and applies minimum statutory increases where required, effective 1 July 2024.*
- 2. Council reserves the right to waive fees to any Port Hedland based not for-profits, sporting groups and performing arts groups when applied for, before or after the event, on application from the community group, on a case-by-case basis.*

*CARRIED BY ABSOLUTE MAJORITY (5/3)*

*As a result of the above motion being carried, Alliance Dance would like to apply for a waiver of fees for 2024 Wanangkura Stadium."*

#### Jabat Dance Inc

A request has also been received from Jabat Dance Inc on 13 August 2024 enquiring about a fee waiver for their future venue hire from 16 November to 23 November 2024. Although a quote has not yet been generated for their 2024 performance, the 2023 fee was \$6,935.00 and it is expected to be a similar cost.

#### Summary

It is not recommended to support the full waiver of fees as requested by all the above Dance Companies, to the expected value of \$45,560.00. The request is not recommended for the following reasons:

1. The request sets precedence for future fee waivers from commercial and community organisations.
2. The request is unfair to all other commercial and community groups that pay for venues hire in accordance with the 2024/25 Schedule of Fees and Charges.

3. There are no extenuating circumstances that warrants the full waiver.

It is noted that a full waiver of fees also includes staffing costs, contractors, equipment hire, and sundry costs in addition to the facility venue hire fee.

However, it is acknowledged that the commercial Dance Companies and staff are primarily volunteers, and their services do provide a valuable contribution to the Hedland community, like the other Hedland not-for-profit dance community groups. For this reason, it is recommended that Council amends the 2024-25 Schedule of Fees and Charges for all Council facilities (including Matt Dann Theatre and Cinema and Wanangkura Stadium) to allow for all organisations that provide a 'community benefit' to apply a 50% venue hire fee. For the purposes of applying the 2024-25 Schedule of fees and charges, 'community benefit' refers to programs or activities that provide treatment and/or promote health and wellbeing in response to local community needs. This amendment to the Schedule of Fees and Charges will allow HSOD to apply a 50% venue hire fee to their existing quote.

It is also recommended that Council incur the external production costs for HSOD to the value of \$935.00 due to not being able to provide the expected service in-house.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of N/A.

### **CONSULTATION**

#### *Internal*

- Interim Director Community Services
- Manager Events, Arts & Culture
- Senior Arts & Culture Officer
- Manager Recreation and Leisure Services
- Leisure Business Coordinator

#### *External Agencies*

- Hedland School of Dance
- Alliance Dance Company
- Jabat Dance Inc
- North West Entertainment Services
- Pressure Force Cleaning
- Los Tres Cleaning Service Pty Ltd

#### *Community*

- N/A

### **LEGISLATION AND POLICY CONSIDERATIONS**

- 2024/25 Schedule of Fees and Charges

It is noted that the Town does not have a policy regarding the application of waivers and discounts to hire charges for the use of facilities for community purposes. It is proposed that a policy be developed to bring certainty to the consideration of such applications.

**FINANCE AND RESOURCE IMPLICATIONS**

The original cost of hire for Hedland School of Dance and Jabat Dance Inc would result in a revenue of \$29,250.00 received to the 'Fees and Charges' section of the Matt Dann Theatre and Cinema budget. Similarly, the original cost of Hire for Alliance Dance Company would result in a revenue of \$16,310.00 received to the 'Fees and Charges' section of the Wanangkura Stadium Budget.

It is also noted that all dance companies retain 100% of ticket revenue from their performances at both Wanangkura Stadium and Matt Dann Theatre and Cinema. There have not been any Town Community Grant applications received from the dance companies, which is the expected channel for providing financial support to community organisations.

<b>Dance Company</b>	<b>Existing Quote (as per 24/25 Fees and Charges)</b>	<b>Proposed Updated Quote (through amendments to 24/25 Fees and Charges)</b>	<b>Notes</b>
Hedland School of Dance	\$21,380.00 \$935.00	\$16,615.00	
Alliance Dance Company	\$16,310.00	\$16,310.00	50% Community Group rate applied
Jabat Dance Inc	\$6,935.00 (expected)	\$6,935.00 (expected)	50% Community Group rate applied
<b>Total</b>	<b>\$45,560.00</b>	<b>\$39,860.00</b>	

Finally, based on a review of all Town-related venue hire quotes over the past 12 months, updating the Schedule of Fees and Charges to allow a 50% venue hire for 'community benefit' is not expected to forego any additional revenue not already discussed within this report (i.e. Hedland School of Dance discount). The financial benefit of this approach is that it provides a consistent annual discount for Hedland School of Dance and may attract other commercial businesses which intend to provide a community benefit, to utilise Town facilities.



Alternatively, if Council agrees waive 100% of the fees as requested, and sets a new precedent for commercial and not-for-profit organisations to apply on a consistent basis, it will likely result in a loss of approximately \$250,000 - \$300,000 annual revenue. This is based on the projected hire charges for community uses for the Matt Dann Theatre and the Wanangkura Stadium.

**STRATEGIC SUSTAINABILITY IMPLICATIONS**

The following sections of the Town’s *Strategic Community Plan 2022-2032* are applicable in the consideration of this item:

Our Community:

1.3.1 The community, industry, arts and cultural organisations are engaged in identifying, planning and coordinating events and activities.

1.3.2 Events and activities to celebrate the Town’s cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered.

There are no significant identifiable environmental, or economic impacts relating to this item. There is a significant social impact in delivering valuable community and arts and culture dance services to the Hedland community.

**Access and Inclusion**

The following outcomes of the Town’s *Access and Inclusion Plan 2023-2026* apply in relation to this item:

- Outcome 1 – Events and Services
- Outcome 4 – Quality of Service

**Corporate Business Plan**

The following action of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Community Services:

Events, Arts and Culture - Cultivate an arts and cultural scene that celebrates the rich and culturally significant history of our region, as well as embracing the future.

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Financial
<b>Risk Category</b>	Reputational
<b>Cause</b>	Applying a full fee waiver variation to the adopted Schedule of Fees & Charges
<b>Effect (Consequence)</b>	The full fee waiver sets precedence for future commercial and community organisation venue hirers.

<b>Risk Treatment</b>	Ensuring the discounted rate is equitable to all community and commercial venue hirers within the Town of Port Hedland.
<p>There is a financial risk associated with this item caused by applying a full fee waiver variation to the adopted Schedule of Fees &amp; Charges, leading to precedence for future commercial and community organisation venue hirers.</p> <p>The risk rating is considered to be Low (1) which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2).</p> <p>This risk will be reduced by ensuring the discounted rate is equitable to all community and commercial venue hirers within the Town of Port Hedland.</p>	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

It is recommended that the full fee waiver requests received from the above dance companies is not supported.

It is recommended that Council supports an amendment to the 2024/2025 Schedule of Fees and Charges for all Council facilities (including Matt Dann Theatre and Cinema and Wanangkura Stadium) to allow for all organisations that provide a ‘community benefit’ to apply a 50% venue hire fee. This amendment to the Schedule of Fees and Charges will allow for HSOD to apply a 50% venue hire fee to their existing quote to the value of \$5,700.00 and acknowledge the 50% venue hire fee waiver is already applied to Alliance Dance Company and Jabat Dance Inc. It is also recommended that the Town incurs the cost of additional production to the value of \$935.00 required to facilitate the end-of-season performances for HSOD.

**ATTACHMENTS**

1. W S 230924 Alliance 26 th Annual Performance [**12.2.2.1** - 2 pages]
2. Alliance Dance Company Fee Waiver Application [**12.2.2.2** - 2 pages]
3. Attachment 2 - HSOD Request for Fee Waiver [**12.2.2.3** - 3 pages]
4. Attachment 3 – North West Entertainment Services Production Quotation [**12.2.2.4** - 1 page]
5. Attachment 1 – Matt Dann Venue Hire Quote [**12.2.2.5** - 7 pages]

**12.3 Regulatory Services**

<b>12.3.1</b>	<b>Port Hedland Visitor Centre Annual Report 2023-2024</b>
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**Author:** Senior Economic Development Officer  
**Authorising Officer:** Acting Director Regulatory Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

**CM202425/140 EN BLOC COUNCIL DECISION**

**MOVED:** Cr Camilo Blanco

**SECONDED:** Cr Ambika Rebello

**That Council receives and notes the 2023-2024 annual report from the Port Hedland Peace Memorial Seafarers’ Centre Incorporated for the management of the Port Hedland Visitor Centre.**

*CARRIED BY SIMPLE MAJORITY (6/0)*

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello*  
*Against: Nil*

**PURPOSE**

The purpose of this report is for Council to receive and consider the annual report provided by the Port Hedland Peace Memorial Seafarers’ Centre Incorporated for the management of the Port Hedland Visitor Centre for Financial Year 2023-2024.

**DETAIL**

The contract for the management of the Port Hedland Visitor Centre was agreed between the Town of Port Hedland and Port Hedland Peace Memorial Seafarers’ Centre Incorporated for the period 1 July 2019 to 30 June 2024, which includes the agreed three x 12-month extension options. In November 2023, Council agreed to vary the existing contract to end on 30 October 2024 to ensure any potential change in operator would not occur during the peak tourism season.

Desired outcomes of the agreement with the Seafarers’ Centre are as follows:

- A friendly and professional face-to-face welcome to visitors with a consistently high quality, free information service to provide visitors to Port Hedland with insights into the region and distribute information about tourist product available in the region.
- A comprehensive range of local, regional and statewide brochures, maps and directional information both in hard copy and available electronically.
- Information and booking services for accommodation and tours.

- Information on attractions, events, retail outlets, local services, road conditions and transport options.
- A web presence and digital strategy to educate and attract visitors to the local area.
- High quality customer service to visitors of the Visitor Centre.
- A focus on continuous improvement and service growth at the facility.
- A safe, clean and hygienic environment for staff, customers and other visitors.
- Strong, accountable financial management.
- Clear, concise, accurate quarterly reporting on the operations of the facility.

Under clause 24.3 of the agreement, the Seafarers’ Centre is to provide the Town with an Annual Report, including the following:

- Achievement of Key Performance Indicators (KPIs)
- Audited income and expenditure statements.
- Marketing and communication activities undertaken.
- A report on how the contractor implemented the Town’s Disability Access and Inclusion Plan; and
- Certificate of currency with respect to the insurances required.

The attached Annual Report outlines the progress made by the Seafarers’ Centre over the previous year of the management contract, including assessed Annual Key Performance Indicators. The operating cost of the facility is within the parameters laid out in the management contract.

KPIs:

- 15,000 visitors supported through the Visitor Centre
- 1000 people hosted on formal tours operated through the Visitor Centre
- Gold/A1 Tourism accreditation maintained (or equivalent)
- Development of a web presence and digital strategy to educate and attract visitors to the local area
- Development and distribution of up-to-date tourism documents promoting Port Hedland and the Pilbara region.
- Execution of a program to greet and engage Cruise Ship visitors that also engages local businesses and community organisations.
- Frequency of operation of the Centre during minimum hours.

KPI performance:

KPI	Target	FY 2023-2024	FY 2022-2023	Change
No. of visitors supported through centre	15,000 visitor interactions	31,230	33,091	-5.6%
No. of formal tours hosted	1,000 tours booked	4,411	5,914	-25.4%
Gold/A1 accreditation	Maintained	Maintained	Maintained	N/A

Web presence and digital strategy	Maintained	Maintained	Maintained	N/A
Development and distribution tourism documents	Maintained	Maintained	Maintained	N/A
Cruise Ship welcome program	No longer relevant*	N/A	N/A	N/A
Minimum hours	Met	Met^	N/A	N/A

\*There have been no cruise ship visits to Port Hedland since the 2020.

^Reporting on minimum hours was added as a KPI by contract variation in March 2024. The Seafarers’ reported that there were no occasions where the Centre did not meet the minimum requirements.

Audited income and expenditure statements from the Visitor Centre have been provided and attached as Attachment 3.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of low significance, because the management of the Port Hedland Visitor Centre has positive impacts on the tourism services and programs provided by the Town.

**CONSULTATION**

*Internal*

- Director Regulatory Services
- Manager Planning and Economic Development

*External Agencies*

- Nil

*Community*

- Nil

**LEGISLATION AND POLICY CONSIDERATIONS**

There are no legislative or policy considerations for this report.

**FINANCIAL AND RESOURCE IMPLICATIONS**

The audited financial statement of the Port Hedland Seafarers’ Centre, as a unit of the Port Hedland Peace Memorial Seafarers’ Centre Incorporated, is attached as a confidential attachment to this report.

**STRATEGIC SUSTAINABILITY IMPLICATIONS**

**Strategic Community Plan**

The following sections of the Town’s *Strategic Community Plan 2022-2032* are applicable in the consideration of this item:

Our Community:

1.4.3 Facilities and community infrastructure are well maintained, managed and fit-for-purpose to provide a range of lifestyle opportunities.

Our Economy:

2.4.2 Market and promote Hedland for tourism.

***Environmental***

The Port Hedland Visitor Centre promotes and engages visitors and locals on the natural and environmental tourism opportunities in and around Port Hedland such as reef walking tours, turtle observation etc.

***Economic***

The economic benefits from having a well-managed Visitor Centre include developing a positive narrative about the town and attracting visitors to the region and increased dwell time and spend in the community.

***Social***

There are no notable social impacts related to this item.

**Access and Inclusion**

The following outcomes of the Town’s *Access and Inclusion Plan 2023-2026* apply in relation to this item:

- Outcome 1 – Events and Services
- Outcome 3 – Accessible Information

**Corporate Business Plan**

The following service of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Regulatory Services:

Business and Economic Development - Lead an integrated and collaborative approach to achieve the community’s vision of ‘building prosperity for all – enabling sustained economic growth’.

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Reputational
<b>Cause</b>	Failing to receive the annual report provided by the operator.

<b>Effect (Consequence)</b>	Reputational risk related to the contractual delivery of services.
<b>Risk Treatment</b>	Adopting the officer’s recommendation.
<p>The risk rating is considered to be Low (4) which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2).</p> <p>This risk will be avoided by adopting the officer’s recommendation.</p>	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

This report is provided to inform Elected Members of the annual financial and operational progress made by Port Hedland Peace Memorial Seafarers’ Centre Incorporated from 1 July 2023 – 30 June 2024 in its role as manager of the Port Hedland Visitor Centre.

**ATTACHMENTS**

1. PHVC Annual Report FY2023/24 [**12.3.1.1** - 20 pages]
2. PHVC Visitor Comments FY2023/24 [**12.3.1.2** - 13 pages]
3. CONFIDENTIAL - PHVC Financial Statement – 30 June 2024 [**12.3.1.3** - 21 pages]

<b>12.3.2</b>	<b>Adoption of Business Plan for Major Land Transaction - Former Yacht Club premises</b>
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**Author:** Senior Economic Development Officer  
**Authorising Officer:** Manager Planning & Economic Development  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

**CM202425/150 COUNCIL DECISION**

**MOVED:** Cr Sven Arentz

**SECONDED:** Cr Ambika Rebello

**That Council:**

- 1. Notes that the Business Plan for Major Land Transaction – Former Premises of the Port Hedland Yacht Club has been advertised in accordance with section 3.59 of the *Local Government Act 1995*;**
- 2. Notes that no public comment was received during the advertising period in relation to the proposed transaction;**
- 3. Adopts the Business Plan for Major Land Transaction and proceeds to implement the Business Plan; and**
- 4. Authorises the CEO to lease the premises to the preferred proponent for an initial term of ten (10) years, a further term of five (5) years and a second further term of six (6) years.**

*LOST FOR WANT OF AN ABSOLUTE MAJORITY*

*For: Mayor Peter Carter, Cr Sven Arentz and Cr Ambika Rebello  
 Against: Cr Camilo Blanco, Cr Lorraine Butson and Cr Adrian McRae  
 Casting Vote: Mayor Carter*

**PURPOSE**

The purpose of this report is for Council to consider adopting the Business Plan for Major Land Transaction – Former Premises for the Port Hedland Yacht Club to meet requirements stipulated under section 3.59 of the *Local Government Act 1995*.

**DETAIL**

Background

The Port Hedland Yacht Club Incorporated entered administration in February 2022 and entered liquidation in May 2022. At the time of administration, Port Hedland Yacht



Club Incorporated held a community lease agreement with the Town for use of Lots 5178, 5550 and 5751 Sutherland Street, Port Hedland (lot numbers and boundaries have since been revised by Landgate). Due to the Club entering administration, this lease was revoked and responsibility for the Yacht Club premises reverted to the Town.

#### Proposed transaction

The Town proposes to undertake a series of upgrades and refurbishments to the Yacht Club premises, and, following completion of these works, dispose the asset via lease to a third-party food and beverage operator to manage and operate the facility under agreed terms.

The works broadly include, but are not limited to:

- Replacement of current playground
- Replacement of current boundary fencing
- Restoration of lawn and landscaping
- Upgrades to closed-circuit television
- Upgrades to toilets and handbasins to comply with liquor licencing
- Conversion of existing showers to toilets to increase patron capacity
- Replacement of kitchen equipment
- Removal of non-structural walls to increase passive surveillance
- Increase of gas and electricity capacity.

#### Disposal

The Town intends to dispose of the property via lease following completion of the works. The Town has undertaken a public procurement process to identify a suitable food and beverage operator.

Town is required to receive consent from the Minister of Lands per the requirements of section 18 of the Land Administration Act 1997. Approval will be sought in due course.

The Town is also required to meet the requirements of section 3.58 of the Local Government Act 1995 prior to granting a lease. The Town will meet these requirements in due course.

#### Major Land Transaction

Before undertaking a Major Land Transaction, the Town of Port Hedland under Section 3.59 of the Local Government Act 1995, is to prepare a business plan. The business plan is required to include an overall assessment of the major land transaction and is to include details of:

- a. its expected effect on the provision of facilities and services by the local government;
- b. its expected effect on other persons providing facilities and services in the district;
- c. its expected financial effect on the local government;

- d. its expected effect on matters referred to in the local government's current plan prepared under section 5.56;
- e. the ability of the local government to manage the undertaking or the performance of the transaction; and
- f. any other matter prescribed for the purposes of this subsection. The business plan presented to Council as Attachment 1 complies with these requirements.

### Public Advertising

The Major Land Transaction Business Plan was advertised for public comment on Wednesday 7 August 2024. The public were invited to make submissions regarding the proposal up until Wednesday 18 September 2024.

The business plan was made available for public inspection at the Town of Port Hedland Civic Centre, Port Hedland Library, South Hedland Library and for download on the Town of Port Hedland website.

### Submissions received

No submissions were received in relation to this proposal.

### Recommendation

In light of there being no submissions, it is recommended that the business plan be adopted and implemented accordingly.

### Prior Council Decisions

#### *31 July 2024 Ordinary Council Meeting*

At the 31 July Ordinary Council Meeting, the Council endorsed public advertising of the proposed major land transaction and requested all public comments to be presented back to Council prior to adoption of the business plan.

#### *29 May 2024 Ordinary Council Meeting*

At the 29 May Ordinary Council Meeting, the Council endorsed an allocation of funds to the 2024-2025 Annual Capital Works budget to undertake works to the former Port Hedland Yacht Club premises in order to prepare the venue for disposal via lease.

## **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because:

- Significant - Any transfer of ownership or control or the constructions, replacement or abandonment of a strategic asset.
- Significant - The matter will have implications for the present and future social, economic, environmental, and cultural well-being of Port Hedland.

## CONSULTATION

### *Internal*

- A/Director Regulatory Services
- Manager Planning and Economic Development
- Manager Infrastructure Projects & Assets
- Manager Public Affairs
- Project Manager
- Senior Public Affairs Officer

### *External Agencies*

- Nil

### *Community*

- The public was invited to comment on the proposed transaction between 7 August 2024 and 18 September 2024 (6 weeks).

## LEGISLATION AND POLICY CONSIDERATIONS

*Sections 3.59 of the Local Government Act 1995 and regulation 8A of the Local Government (Functions and General) Regulations 1996. Section 3.59 requiring adoption by absolute majority applies to the third clause of the recommendation due to the Council intending to proceed with the major land transaction.*

## FINANCIAL AND RESOURCE IMPLICATIONS

### Advertising expenses

Advertising expenses are budgeted under the Regulatory Services operational budget.

### Legal fees

Expenses related to legal advice are budgeted under the Corporate Services operational budget.

### Major Land Transaction

The expected financial impact on the Town of the proposed major land transaction is detailed in the business plan.

## STRATEGIC SUSTAINABILITY IMPLICATIONS

### **Strategic Community Plan**

The following sections of the Town's *Strategic Community Plan 2022-2032* are applicable in the consideration of this item:

#### Our Community:

1.4.1 The present and future facilities and requirements of the town are planned for and developed in-line with relevant facility standards and community needs.

1.4.2 Facilities and community infrastructure are revitalised across the town.

1.4.3 Facilities and community infrastructure are well maintained, managed and fit-for-purpose to provide a range of lifestyle opportunities.

Our Economy:

2.2.2 Maintain strong partnerships with the private sector and government to fund projects and pursue job creation.

2.2.3 Encourage innovation and new business creation to enhance the diversity of employment opportunities.

2.3.5 Identify opportunities for new social enterprises, innovators, and small and medium-sized businesses and implement strategies to attract and support them.

2.5.3 Invest and develop key community and recreation infrastructure.

2.5.5 Support tourism infrastructure development.

There are no significant identifiable environmental, social or economic impacts relating to this item.

**Access and Inclusion**

The following outcomes of the Town’s *Access and Inclusion Plan 2023-2026* apply in relation to this item:

- Outcome 2 – Buildings and Facilities
- Outcome 5 – Opportunities for Feedback
- Outcome 6 – Public Consultation

**Corporate Business Plan**

The following services of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Infrastructure Services:

Projects and Assets - Effective and efficient project and asset management.

Property Management and Maintenance - Ensure facilities are well maintained in line with the Town’s asset management program.

Our Regulatory Services:

Business and Economic Development - Lead an integrated and collaborative approach to achieve the community’s vision of ‘building prosperity for all – enabling sustained economic growth’.

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Reputational
<b>Cause</b>	Failure to adopt the Business Plan

<b>Effect (Consequence)</b>	The works previously endorsed by Council will not be able to proceed, including the award of any tender.
<b>Risk Treatment</b>	Adopting the Officer’s recommendation.
<p>There is a reputational risk associated with this item as failure to adopt the Business Plan would prevent the Town from commencing works previously endorsed by Council.</p> <p>The risk rating is considered to be Medium (8) which is determined by a likelihood of Unlikely (2) and a consequence of Major (4).</p> <p>This risk will be avoided by adopting the officer’s recommendation.</p>	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

The adoption of the Business Plan for Major Land Transaction is a legislative requirement under the *Local Government Act 1995*. Council is required to adopt the Business Plan for Major Land Transaction by absolute majority before commencing a major land transaction.

**ATTACHMENTS**

1. Business Plan for Major Land Transaction - Yacht Club (Final) [**12.3.2.1** - 13 pages]

## 12.4 Infrastructure Services

<b>12.4.1</b>	<b>Award of RFT 2425-01 Public Open Spaces (POS) Maintenance</b>
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**Author:** **Manager Infrastructure Operations**  
**Authorising Officer:** **Director Infrastructure Services**  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

### CM202425/151 COUNCIL DECISION

**MOVED:** Cr Sven Arentz

**SECONDED:** Cr Ambika Rebello

**That Council:**

- 1. Authorises the Chief Executive Officer to enter into a contract for the award of RFT2425-01 to Environmental Industries PTY LTD to provide public open space maintenance services to the Town of Port Hedland for an agreed value of \$1,953,698.40 for 3 years.**
- 2. Authorise the Chief Executive Officer to execute the administrative and legal instruments to enter a contract between the Town of Port Hedland and Environment Industries PTY LTD for an initial period of two (2) years and discretionary option period of a further one (1) year.**

*CARRIED BY SIMPLE MAJORITY (4/3)*

*For: Mayor Peter Carter, Cr Sven Arentz and Cr Ambika Rebello Casting vote  
 Against: Cr Camilo Blanco, Cr Lorraine Butson and Cr Adrian McRae  
 Casting Vote: Mayor Carter*

### PURPOSE

The purpose of this report is for the Council to consider the assessment of submissions received for RFT2425-01 and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

### DETAIL

#### Background

During 2022 and 2023 during ongoing extreme staff shortages, it was identified that the Town required an external contractor to assist in the vastly growing Public Open Space Maintenance. The Coordinator Landscape and Irrigation, Coordinator Parks and Reserve and HR business partners had actively attempted to retain and recruit new staff. Unfortunately, due to the nature of the environment and employment industry there was little to no success in retaining full staff numbers.

There was an initial RFQ release in early 2023 and awarded to two (2) successful tenderers (Up your Grass Maintenance and Yurra PTY LTD). By awarding the RFQ there was an enormous amount of pressure relieved from the Parks and Gardens department. During the RFQ there were ongoing attempts to continue to recruit. Although we had some success using labor hire, this was not a long-term solution.

During consultation with the Parks and Gardens team it was confirmed that the level of satisfaction within their roles was increasing, due to the more sustainable and reasonable workload requirements.

Alternative solutions had been considered prior to the final decision to release the RFT. Including engaging labor hire, engaging the trades from the trade panel, however these solutions did not represent a viable short- medium – long term solutions in providing a consistent high level of standard for the community. Over the ensuing years, the staff numbers had become critically low and the pressure that the teams had been placed under during the hottest times of the year was unbearable long term.

The RFT2424-01 Public Open Space (POS) Maintenance was constructed and disrupted with in the team for feedback. Once there was a collective agreement that the RFT was accurate, and the document accurately captured the required works the document was released on VendorPanel.

The Town of Port Hedland requires an external contractor to complete Horticulture Maintenance and Irrigation testing (irrigation repairs to be quoted separately) in local public open spaces. The location of work areas are South Hedland and Port Hedland (including Pretty Pool).

### **3 schedules of rates are required to be provided by the respondent.**

- Table A: to include all mandatory Parks and POS
- Table B: to include AD HOC pricing schedule for parks and additional POS

Works include in the scope of works required are:

- Litter Picking.
- Brush Cutting/Whipper Snipping
- Ride on Mowing/ Push Mower where required.
- Edging paths, Gutters etc.
- Blower vac and or sweep hardstands
- Remove any broken tree branches and palm fronds
- Light Tree pruning and removal of dead or diseased trees
- Retying any newly planted trees
- Reporting any visible graffiti or hazards
- Remove any weeds in POS including in turf.
- Garden Bed maintenance. Including weeding, hedging, plant and tree maintenance and pruning, Mulching as requested
- Weed Spraying
- Irrigation Testing and Reporting
- Ad-hoc request by TOPH officer via email, on receipt of Quotation and Purchase Order issued

There were four (4) addendums made during the time that the tender was released clarifying smaller details around the scope of works. Four (4) tender responses were submitted. The submissions seen a range of pricing provided, scope and demonstrated understanding presented in the tender documents. All tenders seemed to have some relevant experience and appropriate equipment, however collectively during the evaluation period including the evaluation meeting (procurement present) it was agreed that the best value for money and most appropriate tender response was submitted from Environmental Industries.

Request for Tender

The Town released a Request for Tender (RFT) on 17<sup>th</sup> July 2024 on Vendorpanel (the Town’s e-tendering portal) and was advertised in the West Australian and the North West Telegraph with a closing date of 23<sup>rd</sup> August 2024. The RFT number for this project is RFT2425-01 There were four (4) addendums that were released during the tender period relating to scope clarifications.

Tender Assessment

The Town received Four (4) responses of which none were deemed non-compliant.

An evaluation meeting was held on 11<sup>th</sup> September 2024, facilitated by the Town’s procurement representative. The compliant submissions were evaluated by a panel of Five (5) Town employee’s whose main objectives were to:

- A) Make a recommendation to the Council
- B) Ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule;
- C) Ensure adherence to Local Government Policies and legislation; and
- D) Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented.

The compliant submissions were assessed against the following qualitative criteria:

<b>Qualitative Criteria</b>	<b>(%)</b>
Relevant Experience,	30 %
Capacity to Deliver and Resource> ,	50 %
Demonstrate Understanding and Methodology,	20 %
<b>Total</b>	<b>100%</b>

A summary of the assessment result of each submission received is included in the confidential evaluation report attached.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of low significance, because:



- Significant - A decision that will significantly affect the cost to Council to carry out any activity identified in the strategic plan.

## **CONSULTATION**

### *Internal*

- Lee Furness – Director Infrastructure Services
- Bruce Wright – Manager Infrastructure Operations
- Ash O'Brien - Acting Coordinator Parks and Reserves
- Parks and Gardens Team

### *External Agencies*

- Nil

### *Community*

- Nil

## **LEGISLATION AND POLICY CONSIDERATIONS**

The following Town of Port Hedland policies have been considered in relation to the preparation of this item:

1/014 Execution of Documents

1/022 Risk Management

2/007 Procurement

2/019 Financial Reserves

4/009 Significant Decision Making

The following sections of the *Local Government Act 1995* have been considered in relation to this item:

3.57 Tenderer for providing goods or services

9.49A Execution of documents

9.49B Contract formalities

Further to the above, "Part 4, Division 2 – Tender for providing goods or services" of the *Local Government (Functions and General) Regulations 1996* also applies in relation to this item.

Successful contractors must abide by the Town's Code of Conduct while carrying out works for the Town.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Within the 2024-2025 Annual Budget, \$1,486,945.70 has been allocated to fund this project. It is anticipated that this will cover Public Open Space (POS) Maintenance. The Town will be allocating unspent staffing costs to this contract and is budgeted.

## **STRATEGIC SUSTAINABILITY IMPLICATIONS**

### **Strategic Community Plan**

The following sections of the Town's *Strategic Community Plan 2022-2032* are applicable in the consideration of this item:

#### Our Community:

1.4.1 The present and future facilities and requirements of the town are planned for and developed in-line with relevant facility standards and community needs.

1.4.2 Facilities and community infrastructure are revitalised across the town

1.4.3 Facilities and community infrastructure are well maintained, managed and fit-for-purpose to provide a range of lifestyle opportunities

#### Our Built and Natural Environment:

3.1.1 Inform and engage Traditional Owners, key stakeholders, and the community in the protection and enhancement of the natural environment.

3.3.5 The greening and vegetation of streetscape verges are systematically implemented

#### Our Leadership:

4.2.1 Sound long-term financial planning is implemented.

4.3.4 Efficiency strategies across the town's infrastructure and amenity assets are implemented

#### *Environmental*

The Town seeks to maintain its public open space to a high standard in line with industry best practice.

#### *Economic*

Nil

#### *Social*

The Community are appreciative of the level of amenity at which the landscaping is maintained in the Town. The awarding of this contract will enable a high standard of amenity to be maintained.

### **Access and Inclusion**

The following outcomes of the Town's *Access and Inclusion Plan 2023-2026* apply in relation to this item:

- Outcome 2 – Buildings and Facilities
- Outcome 4 – Quality of Service

**Corporate Business Plan**

The following service of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Infrastructure Services:

Parks and Gardens - Manage parks, ovals and open space (natural reserves)  
 Maintain tidy and attractive townsites and centres.

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Project
<b>Risk Category</b>	Reputational & Service Interruption
<b>Cause</b>	If Council do not support the endorsement of RFT2425-01 to proceed with Public Open Space (POS) Maintenance.
<b>Effect (Consequence)</b>	The Town will fail to maintain public open space to a standard expected by the public.
<b>Risk Treatment</b>	Adopt the officer’s recommendation
<p>There is a reputational risk associated with this item because the community believes the Town should maintain its public open spaces to a high standard. The Town provides excellent service with regard to the management of public open space.</p> <p>The risk rating is considered to be Low (1) which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2).</p> <p>This risk will be eliminated by the adoption of the Officers recommendations.</p>	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

It is recommended that Council support the officer's recommendation to award RFT2425-01 to the preferred tenderer indicated in the tender evaluation. This will enable the Town to continue to manage its public open space, maintain it to a high standard at a time when it is difficult to recruit and retain labouring staff.

**ATTACHMENTS**

1. CONFIDENTIAL - Request Summary Report [**12.4.1.1** - 13 pages]
2. CONFIDENTIAL - V P 420206 - Multi party evaluation report [**12.4.1.2** - 12 pages]

## **12.5 Executive Services**

Nil

**13 New Business of an Urgent Nature (Late Items)**

Nil

**14 Motions of Which Previous Notice has been given**

Nil

**15 Matters for Which Meeting May be Closed (Confidential Matters)**

**CM202425/152 COUNCIL DECISION**

**MOVED: Cr Ambika Rebello**

**SECONDED: Cr Sven Arentz**

**That Council close the meeting to members of the public as prescribed in section 5.23(2) of the Local Government Act 1995, to consider items 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7 and 15.8.**

*CARRIED BY SIMPLE MAJORITY (6/0)*

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello*

*Against: Nil*

15.1

Town Debtors

**CM202425/153 COUNCIL DECISION**

**MOVED: Cr Ambika Rebello**

**SECONDED: Cr Sven Arentz**

**That Council:**

- 1. Receives the report on Town Debt as per Attachment 3.**
- 2. Write off \$50,540.47 in expired lease rates debtors .**

*CARRIED BY ABSOLUTE MAJORITY (6/0)*

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello*

*Against: Nil*

15.2	Port Hedland Visitor Centre Operational Services
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**Recommendation 1****CM202425/154 COUNCIL DECISION****MOVED: Cr Ambika Rebello****SECONDED: Cr Camilo Blanco****That Council:**

- 1. Note RFT2324-31 Provide Operational Services for Port Hedland Visitor Centre was publicly advertised according to requirements under section 3.57 of the *Local Government Act 1995* and the regulations specified under the *Local Government (Functions and General Regulations 1996)*, and by rejecting all tenders (Council Decision CM202425/116) Council deemed that no tender met the tender specifications or satisfied the value for money assessment. Accordingly, the Town is not required to again publicly invite tenders for the supply of the goods and services:
  - a. Under reg. 11(2)(c)(i) of the of the *Local Government (Functions and General Regulations 1996)*, as it did so within the last 6 months, but no tender was submitted that met the tender specifications or satisfied the value for money assessment; and
  - b. under reg. 11(2)(f) of the *Local Government (Functions and General Regulations 1996)*, as Council considers it has good reason to believe that, because there was only one compliant response to RFT 2324-31, it is unlikely that there is more than one potential supplier of the goods and services sought.**
- 2. Enter into a contract for operational services for the Port Hedland Visitor Centre with Port Hedland Peace Memorial Seafarers Centre Incorporated for an initial term of two (2) years, to the value of \$973,180 (excluding GST), under the same terms and conditions outlined under RFT2324-31 and the proposal submitted by Port Hedland Peace Memorial Seafarers Centre Incorporated in response to RFT2324-31, with three (3) optional twelve-month extensions (maximum contract value \$2,556,049 (excluding GST));**
- 3. Authorise the CEO or his delegate the authority to negotiate and execute a management agreement based on the draft agreement attached as Attachment 1; and**
- 4. Note that a budget amendment will be brought to Council for adoption following the mid-year budget review.**

*CARRIED BY SIMPLE MAJORITY (6/0)*

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello*

*Against: Nil*

**Recommendation 2****CM202425/162 COUNCIL DECISION****MOVED: Cr Ambika Rebello****SECONDED: Cr Camilo Blanco****That Council:**

- 1. Request the CEO or his delegate to undertake a detailed study investigating the organisational requirements, including financial costs, of the Town of Port Hedland operating and managing the Port Hedland Visitor Centre 'in-house' as a function of the Town following the Tenderer's approved term; and**
- 2. Receive the findings of this study no later than 1 November 2025.**

*CARRIED BY SIMPLE MAJORITY (6/0)*

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello*  
*Against: Nil*





15.4

New GDR &amp; Du Developments Compliance

**CM202425/158 COUNCIL DECISION****MOVED: Cr Sven Arentz****SECONDED: Cr Camilo Blanco****That Council:**

- 1. Notes the actions undertaken to date in relation to the properties subject of this report and notes the potential safety concerns should the landowner(s) fail to comply with relevant building orders/notices.**
- 2. Notes, the current and future legal action will continue to ensure compliance with the relevant orders and notices, with costs met through the existing legal budget.**
- 3. Allocates funds equal to the assessed cost including contingency to remove the dangerous structures and associated stored building material, at the noted properties for the 2024-2025 annual operations budget and authorise the CEO or his delegate to undertake the works, if required.**

***CARRIED BY ABSOLUTE MAJORITY (6/0)***

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello*

*Against: Nil*

15.5	CEO Performance Review
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**CM202425/159 COUNCIL DECISION****MOVED: Cr Sven Arentz****SECONDED: Mayor Peter Carter****That Council:**

- 1. Notes that the appraisal of Mr Carl Askew, Chief Executive Officer, has been completed for the period of July 2023 to June 2024.**
- 2. Endorses the findings of the Summary Report as presented by Price Consulting Group (Attachment 1) confirming an overall assessment of 'meeting requirements of the role for the review period' and thanks Mr Askew for his efforts.**
- 3. Resolves that Mr Askew's Total Remuneration Package for the coming year remains unchanged.**
- 4. Approves the CEO's Performance Criteria for the 2024-2025 period, as presented by Price Consulting Group (Attachment 1).**

*CARRIED BY ABSOLUTE MAJORITY(6/0)*

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello*

*Against: Nil*

15.6

Appointment of Director Community Services

**CM202425/160 COUNCIL DECISION****MOVED: Cr Ambika Rebello****SECONDED: Cr Sven Arentz**

**That Council, with respect to the recruitment of a suitable qualified Director Community Services, pursuant to section 5.37 of the *Local Government Act 1995*, receive the advice from the Chief Executive Officer that he proposes to employ the preferred candidate (candidate A) as identified in this confidential report (attachment 1) as a senior employee of the Town of Port Hedland in the role of Director Community Services.**

***CARRIED BY SIMPLE MAJORITY (4/3)***

*For: Mayor Peter Carter, Cr Sven Arentz and Cr Ambika Rebello*

*Against: Cr Camilo Blanco, Cr Lorraine Butson and Cr Adrian McRae*

*Casting vote from Mayor Carter*

15.7

Recruitment of CEO

**CM202425/161 ALTERNATE MOTION****MOVED: Cr Sven Arentz****SECONDED: Cr Camilo Blanco****That Council:**

- 1. Notes the resignation of the Chief Executive Officer, Mr Carl Askew, with his last day of employment being Friday 29 November 2024.**
- 2. Thank Mr Askew for his service and contribution at the Town of Port Hedland since he started on 3 February 2020.**
- 3. Nominate the Executive Manager Human Resources to provide administration assistance to the Council to support the recruitment process following WALGA's CEO Recruitment Guide for Local Government Councils.**
- 4. Commence the recruitment of an independent facilitator and recruitment consultant to coordinate the CEO recruitment process on behalf of the Town.**

***CARRIED BY SIMPLE MAJORITY (6/0)***

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello*

*Against: Nil*

