



TOWN OF PORT HEDLAND

ORDINARY COUNCIL MEETING MINUTES

**WEDNESDAY 26 AUGUST 2015 AT
5:30PM**

**COUNCIL CHAMBERS, MCGREGOR
STREET, PORT HEDLAND**

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**“A nationally significant, friendly city that people
are proud to call home”**

*M.J. (Mal) Osborne
Chief Executive Officer*

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ITEM 1 OPENING OF MEETING

The Mayor declared the meeting open at 5:36pm.

ITEM 2 ACKNOWLEDGMENT OF TRADITIONAL OWNERS

The Mayor acknowledged the traditional owners, the Kariyarra people.

ITEM 3 RECORDING OF ATTENDANCE**3.1 Attendance***Elected Members*

Mayor Kelly Howlett
Councillor Gloria Jacob
Councillor George Daccache
Councillor Jan Gillingham
Councillor David Hooper
Councillor Julie Hunt
Councillor Lorraine Butson
Councillor Troy Melville

Officers

Mal Osborne	Chief Executive Officer
Sid Jain	Director Corporate Services
Brendan Smith	Director Works and Services
Chris Linnell	Director Community and Development Services
Grace Waugh	Governance Officer/ Minute Taker

Public	15
Media	1
ToPH officers	5

3.2 Apologies

Nil

3.3 Approved Leave of Absence

Nil

ITEM 4 RESPONSE TO PREVIOUS QUESTIONS**4.1 Questions from Public at Ordinary Council Meeting held on Wednesday 29 July 2015****4.1.1 Mr Camilo Blanco**

The 14/15 budget had councillor expenditure at \$1,681,883.00 yet \$1,980,183.00 was spent, that's a \$298,300.00 overspend. Can I get a detailed breakdown on the full expended amount and the specific amount each councillor was responsible for?

Director Corporate Services advised that \$1,681,883 was the original 2014/15 budget. The budget is revised throughout the financial year through the quarterly budget review process. This budget was then amended to \$1,980,183 at the March Quarterly Budget Review and became the current budget. The increase was due to an adjustment to the budget for administration costs distributed (see details attached).

It should be noted that included in the total budget are certain line items that are not directly attributable to individual elected members. These include cost of catering for Council and Committee meetings, training, conferences, seminars and associated expenditure, hosting of civic receptions, advertising, Corporate Sponsorship of events and functions and the Town's contributions and subscriptions to PRC, WARCA and WALGA. The items directly attributable to individual Councillors are Mayoral, Deputy Mayoral and Councillor allowances and ICT allowance. These amounts are disclosed in the 2014/15 and 2015/16 budgets both of which are publicly available documents.

Administration Costs Distributed (also known as Activity Based Costing (ABC)) is a costing methodology that distributes the costs associated with the following sub-programs / business units across the rest of the organisation:

- Financial Services
- People & Culture
- Information Communication Technology
- Corporate Management
- Corporate Information
- Governance & Records Management

The distribution of these costs is completed to better reflect the 'consumption' of the services by the rest of the organisation. The sub-programs / business units listed are considered 'support services' to the rest of the organisation and hence the costs attributable are distributed accordingly

The methodology used to distribute the costs is based on the level of operating expenditure (OPEX) for each sub-program across the organisation as a percentage of total OPEX. These percentages are then used to allocate the Admin Costs. The sub-programs/business units from which OPEX is distributed has a credit entry equivalent to the OPEX distributed, shown against it.

All Administration Costs Distributed net off to zero across the budget.

NOTE: that the only exception is the distribution allocated to Members of Council which recognises 50% of the allocation from Corporate Management to capture the consumption of those services.

This methodology has been discussed and 'endorsed' by the Town's Auditors.

As the Town is in the process of finalising the 2014/15 financial year and preparing the annual financial reports for audit – any 'actuals' reported are only interim figures until the annual financial statements have been audited. 2014/15 actual expenditure for 'Council Members' totals \$1,965,878. This figure is inclusive of administration costs distributed of \$1,142,682 (note that final distributions have not yet been processed).

Description	Original Budget	Budget Amendments	Current Budget	YTD Actual
Employee Costs - Training & Development - Members Of Council	\$90,000.00	\$0.00	\$90,000.00	\$117,685.93
Materials and Contracts - Subscriptions - Members Of Council	\$1,500.00	\$0.00	\$1,500.00	\$1,866.23
Materials and Contracts - Walga Subscription - Members Of Council	\$48,000.00	\$5,000.00	\$53,000.00	\$52,539.91
Materials and Contracts - Public Relations - Members Of Council	\$30,000.00	-\$10,000.00	\$20,000.00	\$26,794.20
Other Expenditure - Mayoral Annual Allowance - Members Of Council	\$75,000.00	\$0.00	\$75,000.00	\$75,000.00
Other Expenditure - Councillors Allowance : Council Meetings - Members Of Council	\$243,000.00	-\$22,500.00	\$220,500.00	\$220,500.00
Other Expenditure - Deputy Mayoral Annual Allowance - Members Of Council	\$19,300.00	\$0.00	\$19,300.00	\$18,756.00
Materials and Contracts - Refreshments & Receptions - Members Of Council	\$40,000.00	-\$8,000.00	\$32,000.00	\$35,150.27
Materials and Contracts - Corporate Sponsorship - Members Of Council	\$5,000.00	\$0.00	\$5,000.00	\$5,454.55
Other Expenditure - Regional Contributions - Members Of Council	\$255,000.00	\$0.00	\$255,000.00	\$226,000.00
Materials and Contracts - Civic Receptions & Functions - Members Of Council	\$0.00	\$25,500.00	\$25,500.00	\$15,617.71
Other Expenditure - Elected Members ICT Allowance - Members Of Council	\$30,600.00	-\$2,700.00	\$27,900.00	\$27,832.00
Other Expenditure - Admin Costs Distributed - Members Of Council	\$844,483.20	\$310,999.43	\$1,155,482.63	\$1,142,681.75
	\$1,681,883.20	\$298,299.43	\$1,980,182.63	\$1,965,878.55

4.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 29 July 2015

Nil

ITEM 5 PUBLIC TIME

Important note:

'This meeting is being recorded on audio tape as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is also reminded that in accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders nobody shall 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.'

Mayor opened Public Question Time at 5:38pm.

5.1 Public Question Time

Nil

Mayor closed Public Question Time at 5:38pm.

Mayor opened Public Statement Time at 5:39pm.

5.2 Public Statement Time

5.2.1 Ms Nicola White

I am here tonight to support policy 1 /021 for a relationship declaration register.

I would like to start my comment by reminding the people of the community and elected members that this is not a same sex relationship register as people opposing it seem to be focusing on, but a relationship declaration for all couples without discrimination. In other words heterosexual couples and same sex couples alike may have equal recognition of their committed loving relationship. We are not asking for marriage, we are asking simply that our relationship be recognised irrespective of gender.

For myself and so many people in town that I have spoken to, it is absolutely the right time to make this next step toward equality. Almost everyone has said the same thing ... "why has it taken so long and what's the big deal?"

It seems absurd for any person in this day and age to think that it is too soon to put a policy such as this forward. In 2003 Tasmania changed their relationships act to incorporate an inclusive relationship register, in 2008 Victoria did the same, 2010 was NSW turn and in 2011 QLD decided to join the plight towards equality. Those people who think that it is too soon to bring this policy in, to you I say, it will always be too soon.

The Victorian Relationships Act 2008 speaks of "in determining whether persons who are not in a registered relationship are in a domestic relationship, all the circumstances of their relationship are to be taken into account as may be relevant in a particular case".

I know that if my partner was in an accident or suffering any impairment where she could not speak for herself I would not want the heartache of having my relationship dissected just so that I might be able to legally make a decision, instead of or at least in cooperation with her elderly father which is not the case as it stands now, even after being in our relationship for 7 years.

I would like to know how a policy such as this one is going to affect any other person except for those that it is supposed to affect, those persons being in an unmarried relationship. Mr and Mrs Jones next door are not even going to know if my partner and I have signed the declaration. This policy is not going to hurt the town, it can only show the rest of the country, if they even hear about it, that we are a non-discriminatory, caring community who values all of our members equally.

I would like to take this opportunity to thank the council for its progressive and inclusive thinking. Please consider this policy carefully and vote for equality in Port Hedland.

5.2.2 Ms Kirsty Hunt

Ms Hunt has come from the Northern Territory to make a statement in support of the Town of Port Hedland Relationship Register. She was born in Port Hedland, her grandfather has his name on the honour board numerous times and her mother is currently a Councillor and has lived in Port Hedland for over 50 years. Ms Hunt has been in a same sex relationship for over 16 years and has a three year old daughter and her brother is also in a same sex relationship. They would love to have a fully recognised relationship under the federal government law like many of their friends and her mother on the coming Saturday. The register is a great start and Ms Hunt commends the Town of Port Hedland for developing the policy. Ms Hunt hopes all Elected Members support the policy.

Mayor closed Public Statement Time at 5:43pm.

ITEM 6 QUESTIONS FROM MEMBERS WITHOUT NOTICE

6.1 Councillor Jacob

Ms Joan Foley has questioned whether the new disabled bays at the front of the Civic Centre are wide enough for wheel chair access. Can this be looked into?

Chief Executive Officer advised that the width of the disabled bays will be checked against the standards.

6.2 Councillor Gillingham

There was an accident on Saturday night on McGregor Street at the front of the Civic Centre. A motorcycle was knocked by a car doing a U-turn as the driver could not see the motorcycle due to the lack of lighting. The motorcycle rider is fine however can the lighting in the area be reviewed?

Mayor advised that the Chief Executive Officer will look into the lighting.

The disabled ramp at the Dome Café in Port Hedland is very dark at night. The footpath outside of Dome Café along McKay street is also very dark. Can the Town speak with Dome Café regarding their lighting and look into the footpath lighting?

Chief Executive Officer advised in the affirmative.

6.3 Councillor Butson

Can I get a copy of the State Agreement and Town of Port Hedland funding agreement for the Marina?

Chief Executive Officer advised that there is no funding agreement at this stage. The Council decision stated that the Town needed to get the funding agreement in place. At this stage there is a cabinet decision and a government decision to provide \$112 million of funding for the Marina. The Town is intending to bring Landcorp to Port Hedland in the next few weeks to do an overview on where the project is at. The Town will be working quickly to get the funding agreement in place during the current term of government.

ITEM 7 DECLARATIONS OF ALL MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER BEFORE THE MEETING

Mayor Howlett	Councillor Hooper
Councillor Jacob	Councillor Hunt
Councillor Daccache	Councillor Butson
Councillor Gillingham	Councillor Melville

ITEM 8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 29 July 2015

201516/027 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR DACCACHE

SECONDED: CR JACOB

That Council confirm that the Minutes of the Ordinary Meeting of Council held on Wednesday 29 July 2015 are a true and correct record.

CARRIED 8/0

ITEM 9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Mayor Activity Report for the July 2015 period to date is as follows:

Tuesday, 7th July

- Weekly Spirit Radio (1026am) Mayor Chat
- Weekly CEO, Deputy Mayor and Mayor Catch Up
- Meeting With CEO Bank West & Commonwealth Bank (Ian Narev)
- Weekly TOPH & NWT Media Meeting
- Meeting With Hon Minister Terry Redman and Hon Brendan Grylls Re State Government Remote/Regional Reform Agenda

Wednesday, 8th July

- Media Photo Re Installation Flag Poles South Hedland CBD
- Attended Port Hedland International Airport Long Term Lease Transaction Working Group Meeting (First Meeting)

Friday, 10th July

- Presented 2015 Port Hedland NAIDOC Community Awards At Wirraka Maya NAIDOC Community Open Day

Sunday, 12th July

- Attended 2015 South Hedland Bowls & Tennis Club Farewell Boodarie Bowls Dinner and Awards Presentation Evening

Monday, 13th July

- Media Photo Re Bali Flight Competition Promotion – Winner
- Officiated Special Citizenship Ceremony
- Meeting With Hon Senator Rachel Siewert

Tuesday, 14th July

- Weekly Spirit Radio (1026am) Mayor Chat
- Weekly CEO, Deputy Mayor and Mayor Catch Up
- Weekly TOPH & NWT Media Meeting
- Meeting Port Hedland International Airport Potential Long Term lease – Review of Agreements Meeting
- Meeting FMG (Gerhard Veldsman)
- Attended The Port Hedland Chamber of Commerce Business After Hours Event

Wednesday, 15th July

- Attended EM & Exec Meetings
- Radio Interview ABC Statewide Re Relationship Declaration Register Program Proposal
- Chair Public Agenda Briefing

Thursday, 16th July

- Attended Port Hedland Steering Group Meeting

Saturday, 18th July

- Mayor Coffee Session With WA Police – Port Hedland
- Mayor Coffee Session With WA Police – South Hedland

Monday, 20th July

- Meeting With LandCorp Board & Executive
- Attended Rob Fry Thank You Luncheon At Hedland Senior High School
- Attended TOPH Airport Community Conversations Event At Ibis Styles Hotel, Port Hedland

Tuesday, 21st July

- Weekly Spirit Radio (1026am) Mayor Chat
- Weekly CEO, Deputy Mayor and Mayor Catch Up
- Weekly TOPH & NWT Media Meeting

- Meeting Hon Minister Tony Simpson (Local Government, Communities, Seniors & Volunteers)

Wednesday, 22nd July

- Attended Port Hedland Chamber of Commerce Business Breakfast Series Event
- Media Photo Re: Port Hedland International Airport Artwork/Mural
- Attended EM & Exec Meetings
- Chair Port Hedland International Airport Long Term Lease Transaction Working Group Meeting (Second Meeting)

Thursday, 23rd July

- Meeting With Local Resident Danielle Anderson

Friday, 24th July

- Interview ABC NW Radio 603am Re: 2015 Spinifex Spree
- Meeting WA Police Pilbara Superintendent Jo McCabe
- Opened 2015 Spinifex Spree

Saturday, 25th July

- Attended 2015 Spinifex Spree
- Attended South Hedland Volunteer Fire & Rescue 40 Years Celebration

Monday, 27th July

- Attended Elected Member Training: Meeting Procedures and Debating
- Attended Port Hedland International Airport Long Term Lease Transaction Working Group Meeting (Third Meeting)
- Attended Port Hedland Ratepayers Association & Port Hedland Progress Association Meeting Re Port Hedland International Airport Potential Long Term Lease Proposal

Tuesday, 28th July

- Weekly Spirit Radio (1026am) Mayor Chat
- Weekly CEO, Deputy Mayor and Mayor Catch Up
- Meeting Re Cruise Ship Exchange
- Attended The OCHRE Ribbon Campaign Launch – South Hedland Aboriginal Family Law Services
- Hosted Afternoon Tea Thank You Event For Mr John Burke Principal Hedland Senior High School
- Attended TOPH Airport Community Conversations Event At Ibis Styles Hotel, Port Hedland

Wednesday, 29th July

- Channel 7 TV WA Weekender Interview Re Port Hedland and North West Festival
- Attended EM & Exec Meetings

Thursday, 30th July

- Attended WA Cruise Ship Exchange & Roundtable Discussion – Perth
- Attended WA Cruise Ready Workshop - Perth

Mayor welcomed Adam Majid to the Town of Port Hedland as the Manager Development Services. Mayor attended the Western Australia Cruiseship Exchange that was held in Perth. It was an insight into the cruiship industry and the direction the industry is going in. Mayor passed her commendations to the Port Hedland Visitors Centre and the Economic Development team that assisted with putting together the Town's information for the cruiship exchange. Mayor thanked FORM for the Hedland Art Awards and the ceremony evening that was held on Thursday. She also thanked BHP Billiton Iron Ore for their effort with the Hedland Art Awards, the North West Festival and fringe activities. Mayor attended the first Economic Summit which was a highlight and thanked Market Creations and the Town's team. The North West Festival was great and was featured on the front page of the paper. Mayor thanked FORM for the West End Markets that were held, she had never seen Wedge Street so full. Mayor advised that there was a Special Council Meeting last night regarding the Port Hedland International Airport Long Term Lease. Mayor thanked the Chief Executive Officer and all staff involved for their efforts.

ITEM 10 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

10.1 Councillor Jacob

Councillor Jacob supported the Mayors commendations to staff for their involvement in the Special Council Meeting and Port Hedland International Airport Long Term Lease. She congratulated the Town staff, Elected Members and the public for their involvement. Councillor Jacob hosted a combined meeting of the South Hedland Business Association and the Chamber of Commerce for the upcoming 'keep it local' campaign. Councillor Jacob thanked the Town of Port Hedland for the funding provided for the campaign. Councillor Jacob attended the WALGA Convention where Elected Members were able to visit the AMC at Henderson Point which showed the potential opportunity for Lumsden Point. Councillor Jacob welcomed new citizens at the recent Australian Citizenship Ceremony where two Town of Port Hedland staff members became citizens. Councillor Jacob thought the North West Festival was awesome and had an incredible line up. Councillor Jacob highlighted the amount of work the Town's team does for the North West Festival and thanked the Town for the efforts which included the Economic Summit and the Hedland Art Awards. Councillor Jacob thanked the Economic Development team and the Corporate Information team for organising the Economic Summit.

10.2 Councillor Daccache

Councillor Daccache attended the North West Festival, WALGA Convention and CEO Performance Appraisal training on 11 August which he recommends to all Elected Members. Councillor Daccache was the Council representative for the WA Vietnam Business Council Incorporated Annual General Meeting and recommends that Council travel to Vietnam with the Pilbara Regional Council as there are a lot of business opportunities for the Pilbara. Councillor Daccache apologised for not attending the whole Economic Summit as he was not well.

10.3 Councillor Gillingham

Councillor Gillingham attended the North West Festival which was a great event and noted that there were a lot of people from Karratha that had travelled up for the festival. The fringe markets on the Saturday morning were the best markets there have been and suggested that they expand the Leap Park in the future. Councillor Gillingham attended the WALGA Convention in Perth which was the best convention yet and enjoyed networking with other Councils at the WALGA Dinner. Councillor Gillingham also attended the memorial for Rusty Rotors held on the Civic Centre Gardens. She attended the Hedland Arts Awards and recommended that people go to the exhibition to view the art. Councillor Gillingham advised that the 39th Pilbara Music Festival is next Wednesday and Thursday at the Wanangkura Stadium. On Wednesday the choirs will be performing and on Thursday the Hedland Senior High School and Karratha High School combined band will be performing. There will be a break for two days on Friday and Saturday as the Matt Dann had prior bookings. On Sunday 6 September there will be a special exhibition by the Boonderu Music Academy from Roebourne who are learning cultural song and dance. Councillor Gillingham attended the pre-Dinner for the Economic Summit as she could not attend on the day and congratulated Town officers who organised the summit.

10.4 Councillor Hooper

Councillor Hooper attended many of the events listed by Elected Members. He was advised by 15 to 18 year olds that the North West Festival had the best line up this year. Councillor Hooper was amazed by the Economic Summit with the highlight being the speaker Tom Potter and thanked Town of Port Hedland staff for their work.

10.5 Councillor Hunt

Councillor Hunt attended all the events that Elected Members have already mentioned including the WALGA Convention, North West Festival and the Hedland Arts Awards.

Mayor Howlett, on behalf of the Town of Port Hedland, conveyed her best wishes for Councillor Hunt's wedding on Saturday.

10.6 Councillor Melville

Councillor Melville concur with the other Elected Members. Councillor Melville enjoyed the Port Hedland Cup in the first week of August which was a great day. Councillor Melville is looking forward to the first Saturday in September for the North Pilbara Football Grand Finals at Kevin Scott Ovals.

Mayor Howlett gave her best wishes to Councillor Melville for the football grand final.

ITEM 11 PETITIONS/ DEPUTATIONS/ PRESENTATIONS/ SUBMISSIONS**11.1 Architecture Award for the Public Architecture category, from the Institute of Architects WA Chapter for Wanangkura Stadium**

The Public Architecture category was the largest category of the Architecture Awards, and was won by the Wanangkura Stadium, South Hedland.

The jury wrote "The Wanangkura Stadium makes a significant contribution to the advancement of public architecture in Western Australia. It is a powerfully contextual project, which deliberately responds to the scale of its setting and its pivotal role in the sporting, cultural and civic life of South Hedland. The community values of the town are enhanced by its identifiable, progressive, permanent presence."

The project will automatically go through to the National Awards in November in Brisbane, competing with the best of Australian architecture for 2015.

11.2 Presentation of the gifts received by the Vietnamese Consul General

The Town received the following gifts from the Vietnamese Consul General:

1. NGOC Lu Bronze Drum
2. 100% Silk Handmade Tie, Cough links and Handkerchief set
3. Two books: Vietnam Exotic Beaches and Islands and Charming Central Vietnam
4. Miscellaneous promotional materials on Vietnam

11.3 Mr Miles Mason, New Energy

Mr Mason provided an update on the Waste to Energy Project advising that EPA and DA approval had been granted and the EPC Contractor had been appointed. New Energy has signed a 20 year waste supply agreement with the City of Karratha and have funding support from the Clean Energy Finance Corporation. Once the agreement has been established with the Town of Port Hedland the project will commence. Mr Mason advised that the Waste to Energy Project is the first of its kind in Australia and Port Hedland will become the home of waste to energy in Port Hedland.

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.

ITEM 12 REPORTS OF OFFICERS**12.1 Community and Development Services****12.1.1 Sale and Amalgamation of Portion of Reserve 31895, Lot 602 Hamilton Road, South Hedland with adjoining Freehold Lot 2055 Hamilton Road, South Hedland.**

Katherine Shaw, Lands and Technical Officer
File No. 116400G and 805098G

DISCLOSURE OF INTEREST BY OFFICER

Nil.

RECOMMENDATION

That Council:

- 1. Support the excision of portion of Reserve 31895 being Lot 602 Hamilton Road, South Hedland on Deposited Plan 71984 for amalgamation into freehold Lot 2055 Hamilton Road, South Hedland on Deposited Plan 174807, as per attachment 1, in accordance with Section 51 of *the Land Administration Act 1997*;**
- 2. Support the relinquishment of the Town's Management Order over the portion of Reserve 31895 being Lot 602 Hamilton Road, South Hedland on Deposited Plan 71984, as per attachment 1, in accordance with Section 50 of the *Land Administration Act 1997*;**
- 3. Request the Chief Executive Officer, or his delegate(s), to forward a request to the Department of Lands for administering.**

201516/028 AMENDED RECOMMENDATION/ COUNCIL DECISION

MOVED: CR JACOB

SECONDED: CR HOOPER

That Council:

- 1. Support the excision of portion of Reserve 31895 being a portion of Lot 602 Hamilton Road, South Hedland on Deposited Plan 71984 for amalgamation into freehold Lot 2055 Hamilton Road, South Hedland on Deposited Plan 174807, as per attachment 1, in accordance with Section 51 of *the Land Administration Act 1997*;**
- 2. Support the relinquishment of the Town's Management Order over the portion of Reserve 31895 being a portion of Lot 602 Hamilton Road, South Hedland on Deposited Plan 71984, as per attachment 1, in accordance with Section 50 of the *Land Administration Act 1997*;**
- 3. Request the Chief Executive Officer, or his delegate(s), to forward a request to the Department of Lands for administering.**

EXECUTIVE SUMMARY

The Department of Lands have received a proposal from the Land Owners of Lot 2055 Hamilton Road, South Hedland for the excision of a portion of Reserve 31895, being portion Lot 602 Hamilton Road, South Hedland, for sale and subsequent amalgamation with their adjoining freehold land, being Lot 2055 Hamilton Road, South Hedland.

The Department of Lands have requested the Town's comment on this matter and the Town requests Council's support. It is recommended that Council support the request.

DETAILED REPORT

The Town holds a Management Order over Reserve 31895 for the purpose of 'Recreation'. Reserve 31895 houses the Wanangkura Stadium, associated sporting ovals and netball courts.

An unauthorised Grouped Dwelling was constructed to the rear of Lot 2055 Hamilton Road, South Hedland (Caltex Service Station). Approval for the Grouped Dwelling was granted by Council at the Ordinary Council Meeting on 24 September 2014.

Since the granting of the Planning Approval it has come to the Town's attention that the Grouped Dwellings have been constructed partly on Reserve 31895. The rear fence of Lot 2055 Hamilton Road, South Hedland has been encroaching into Reserve 31895 for many years. The long running encroachment is approximately 220m². The encroachment impinges into vegetation only and as a result, has no affect on any recreation activities carried out on Reserve 31895.

In order to formalise the encroachment, it is proposed that a portion of Reserve 31895 be excised and amalgamated with Lot 2055 Hamilton Road, South Hedland. The formalisation of the encroachment will have no effect on existing vegetation on the Reserve and the current fencing location will not be altered.

Please refer to Attachment 1 – Locality Plan.

This matter has been referred internally to Recreation Services and Facilities, Community Development, Strategic Planning and Technical Services. No objections have been received.

FINANCIAL and RISK IMPLICATIONS

There will be no financial implications to the Town. Reserve 31895 is a Crown Reserve and all profits from the sale will go to the State of Western Australia.

The following section of Council's Strategic Community Plan 2014 - 2024 is considered relevant to the proposal:

2. Supporting a diverse economy
- 2.1 A thriving, resilient and diverse economy

The formalisation of the encroachment will facilitate the commercial growth of Lot 2055 Hamilton Road, South Hedland.

The only risk implication is if the encroachment is not formalised, the Town will need to look at another option to mitigate the encroachment, such as Compliance action.

STATUTORY AND POLICY IMPLICATIONS

Section 51 of the *Land Administration Act 1997* establishes the procedure for cancelling, changing the purpose of or amending the boundaries of a Reserve and Section 50 of the *Land Administration Act 1997* establishes the procedure for revoking a Management Order.

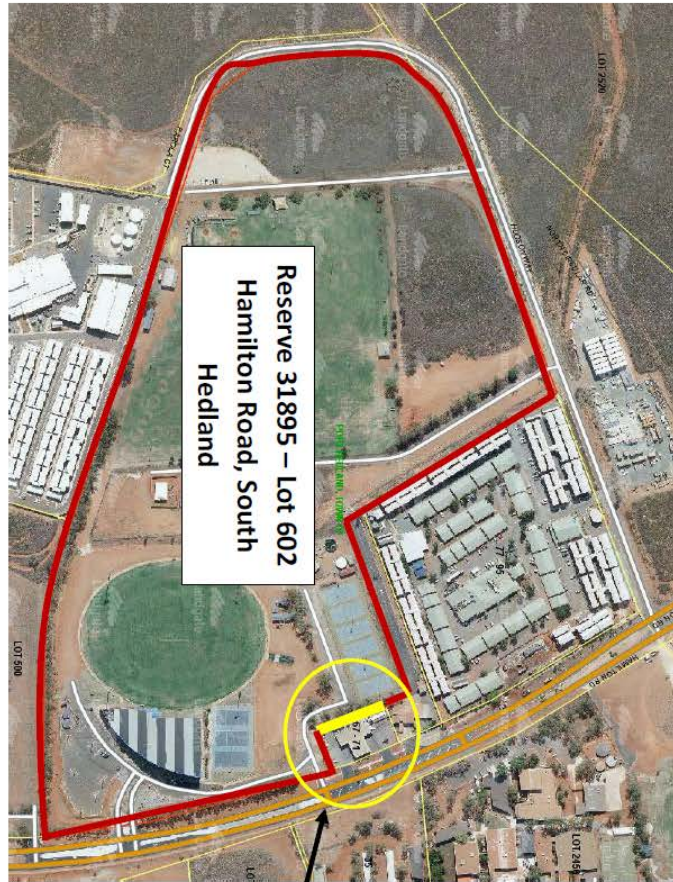
ATTACHMENTS

1. Locality Plan.

4 August 2015

ATTACHMENT 1 TO ITEM 12.1.1

Attachment 1 – Locality Plan



12.1.2 Delegated Planning & Building Approvals for July 2015

Carly Thompson, Executive Assistant – Community & Development
File No. 18/07/0002 & 07/02/0003

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/029 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HUNT

SECONDED: CR HOOPER

That Council:

- 1. Receive the Schedule of Planning and Building Approvals, Building and Planning Orders issued by Delegated Authority and the listing of current legal actions for the month of July 2015.**

CARRIED 8/0

EXECUTIVE SUMMARY

This item relates to the Planning and Building Approvals considered under Delegated Authority for the month of July 2015.

DETAILED REPORT

A listing of Planning and Building Approvals and Environmental Health, Building and Planning Orders issued by Council's Planning, Building and Environmental Health Services under Delegated Authority for the month of July 2015 are attached to this report. Further to Council's request a listing of current legal actions is also attached to this report.

FINANCIAL IMPLICATIONS

Nil

STATUTORY AND POLICY IMPLICATIONS

Town of Port Hedland Delegation Register outlines the limitations of delegated authority and requires a list of approvals made under it to be provided to Council. This report is prepared to ensure Council is advised of the details of applications which have been dealt with under delegated authority.

ATTACHMENTS

- 1. Statistics for Building, Planning and health Approvals for the month of July 2015.**

7 August 2015

ATTACHMENT 1 TO ITEM 12.1.2

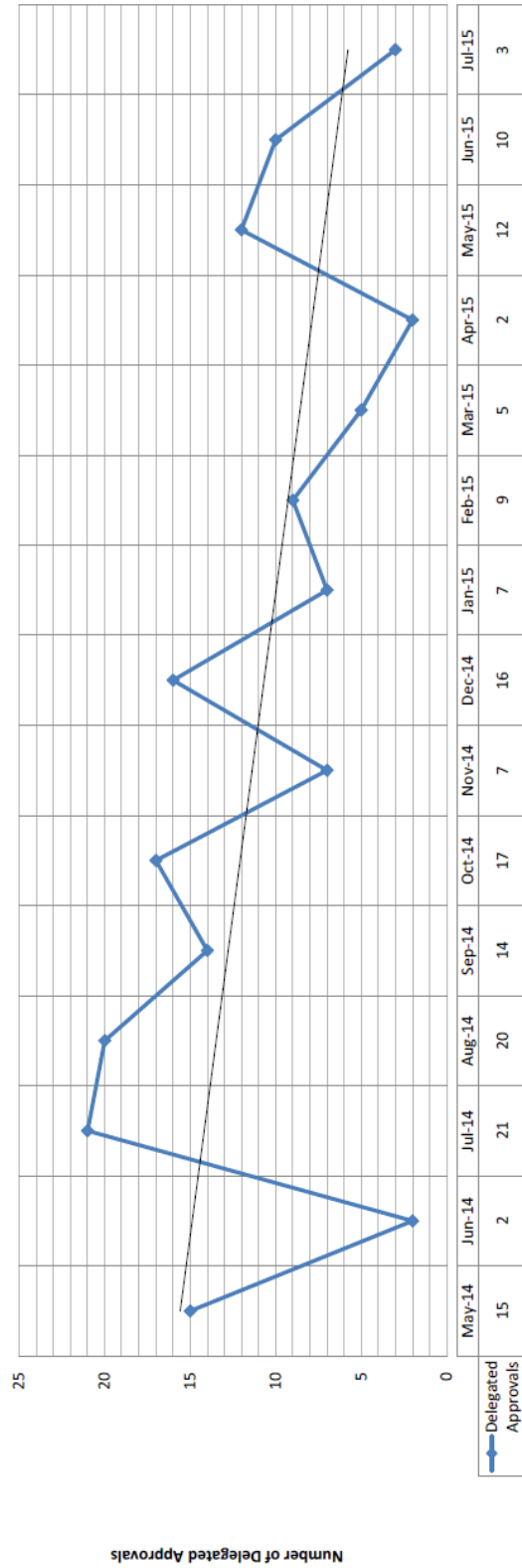
DELEGATED PLANNING APPROVALS FOR JULY 2015

APPLICATION NO.	DESCRIPTION	LOT	PROPERTY ADDRESS	DATE APPROVED	APPLICANTS NAME	DEVELOPMENT VALUE	AUTHORISING OFFICER	FEE CHARGED
2015/101	CHANGE OF USE - 'WAREHOUSE' AND 'INDUSTRY - LIGHT'	5	UNIT 5 37 PINNACLES STREET WEDGEFIELD	10/07/2015	POUND PLANNING & LAND DEVELOPMENT	\$ -	CHIEF EXECUTIVE OFFICER	YES
2015/100	CHANGE OF USE - 'WAREHOUSE' AND 'MOTOR VEHICLE AND/OR MARINE REPAIR'	4	UNIT 4 37 PINNACLES STREET WEDGEFIELD	16/07/2015	POUND PLANNING & LAND DEVELOPMENT	\$ -	CHIEF EXECUTIVE OFFICER	YES
2015/106	SIGNAGE		COOKE POINT DRIVE ROAD RESERVE	30/07/2015	FORM CONTEMPORARY CRAFT & DESIGN	\$ 7,500.00	MANAGER DEVELOPMENT SERVICES	YES
TOTAL 3						\$ 7,500.00		

Note: There were no applications approved by Council or JDAP in July.

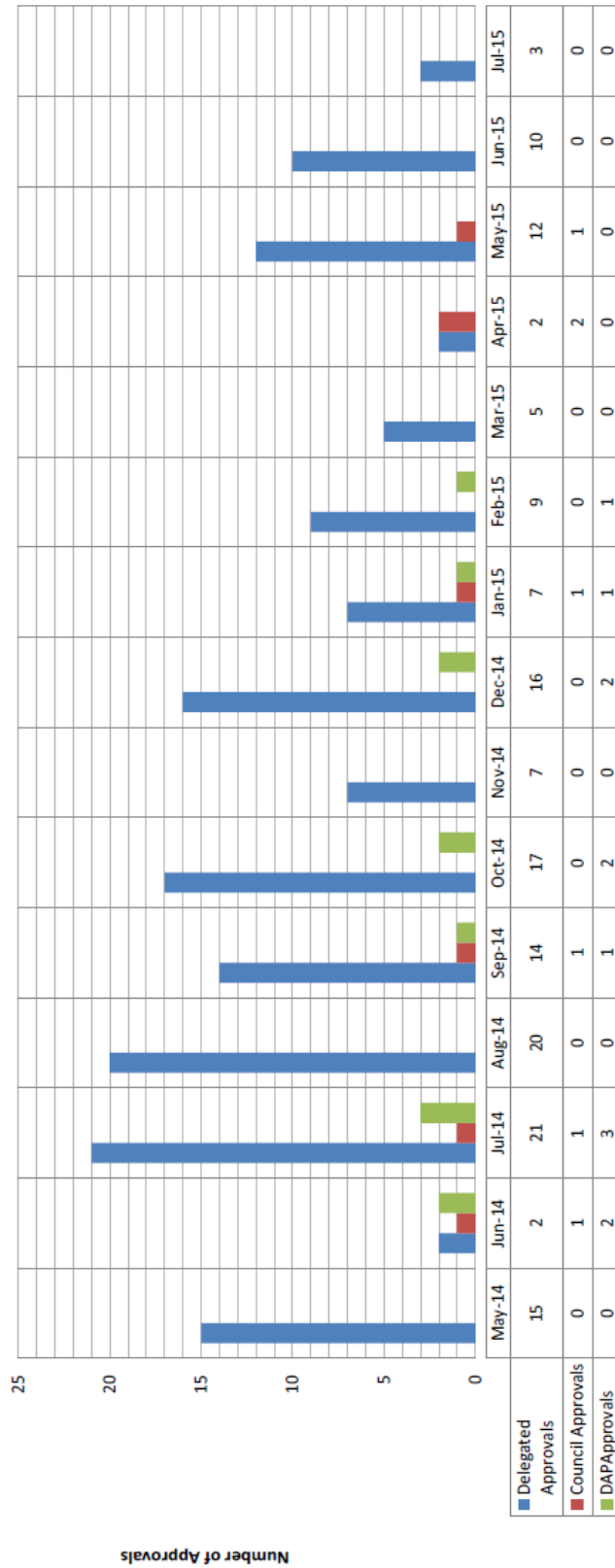
DELEGATED PLANNING APPROVALS FOR JULY 2015

Summary & Trendline of
Town Planning Delegated Approvals



COUNCIL, DELEGATED & DAP PLANNING APPROVALS FOR JULY 2015

Summary & Trendline of
Town Planning Council, Delegated & DAP Approvals



DELEGATED BUILDING APPROVALS FOR JULY 2015

BUILDING PERMITS								
Permit Number	Decision Date	Property Address	Locality	Applicant	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
15-101	16.07.2015	60 & 60A GOODE STREET	PORT HEDLAND 6721	NIELS NIELSEN	VERANDAH AND STEPS TO RESIDENCE 3	\$ 40,000.00	43	10a
15-105	21.07.2015	McLarty Boulevard Road reserve - Opposite Daglish Way	South Hedland 6722	Owen Hightower	SHELTER	\$ 10,450.00	15	10a
15-112	30.07.2015	2 BOTTLEBRUSH CRESCENT	SOUTH HEDLAND 6722	Philip J Hetherington	2 x CARPORTS	\$ 45,000.00	98	10a
15-094	01.07.2015	LOT 3278 TINDER STREET	PORT HEDLAND 6721	Town of Port Hedland	Construction of Shade structure	\$ 17,350.00	15	10b
15-097	07.07.2015	14 AUSTRALIND AVENUE	SOUTH HEDLAND 6722	Nathaniel A Bann	Retrospective approval - front fence	\$ 14,400.00	0	10b
15-098	07.07.2015	14 AUSTRALIND AVENUE	SOUTH HEDLAND 6722	Nathaniel A Bann	Retrospective approval - front boundary fence	\$ 14,400.00	0	10b
15-104	09.07.2015	Lot 11 Great Northern Highway	PORT HEDLAND 6721	Catherine Crosswell	SIGNAGE AT PORT HEDLAND INTERNATIONAL AIRPORT	\$ 35,000.00	0	10b
15-092	01.07.2015	10 ORCHID CLOSE	SOUTH HEDLAND 6722	ARB Carpentry Pty Ltd	Alterations to dwelling - roof sheeting replacement	\$ 36,982.00	0	1a
15-107	31.07.2015	11 BRODIE CRESCENT	SOUTH HEDLAND 6722	Mark Roberts	ADDITION TO SINGLE DWELLING - REAR PATIO/VERANDAH	\$ 10,000.00	14	1a
15-102	10.07.2015	60 & 60A GOODE STREET	PORT HEDLAND 6721	NIELS NIELSEN	Relocated Dwelling and shed/carpport	\$ 235,588.00	174	1a & 10a
15-103	10.07.2015	60 & 60A GOODE STREET	PORT HEDLAND 6721	NIELS NIELSEN	Existing Dwelling (No. 2) and Carpport - Retrospective	\$ 70,000.00	99	1a & 10a
15-014	24.07.2015	35 PHOSPHORUS STREET	WEDGEFIELD 6721	BUDO GROUP PTY LTD	Workshop and offices	\$ 450,000.00	675	5 & 8
15-099	09.07.2015	22 HAMILTON ROAD	SOUTH HEDLAND 6722	Castlerock Property Pty Ltd	Office Building - Stage 2	\$ 1,133,000.00	1250	5
15-096	07.07.2015	150 ANDERSON STREET	PORT HEDLAND 6721	MR Desmond Kelly	Shop fitout - Smoke mart & Giftbox	\$ 70,000.00	85	6
Total 14						\$ 2,182,170.00	2468	

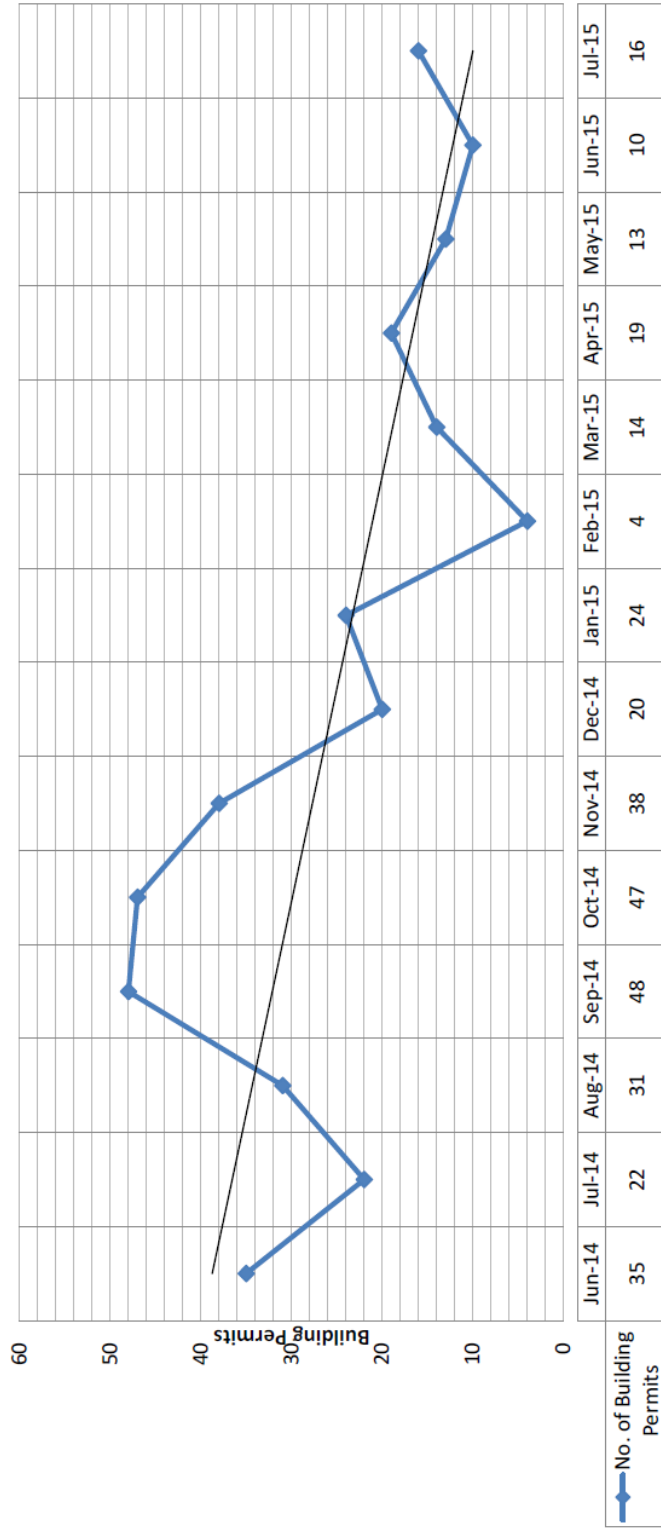
TOWN OF PORT HEDLAND CERTIFICATION	
Certificate Type	Number Issued
Certificate of Design Compliance	3
Certificate of Construction Compliance	0
Certificate Building Compliance	1
TOTAL	4

OVERVIEW SUMMARY FOR JULY 2015

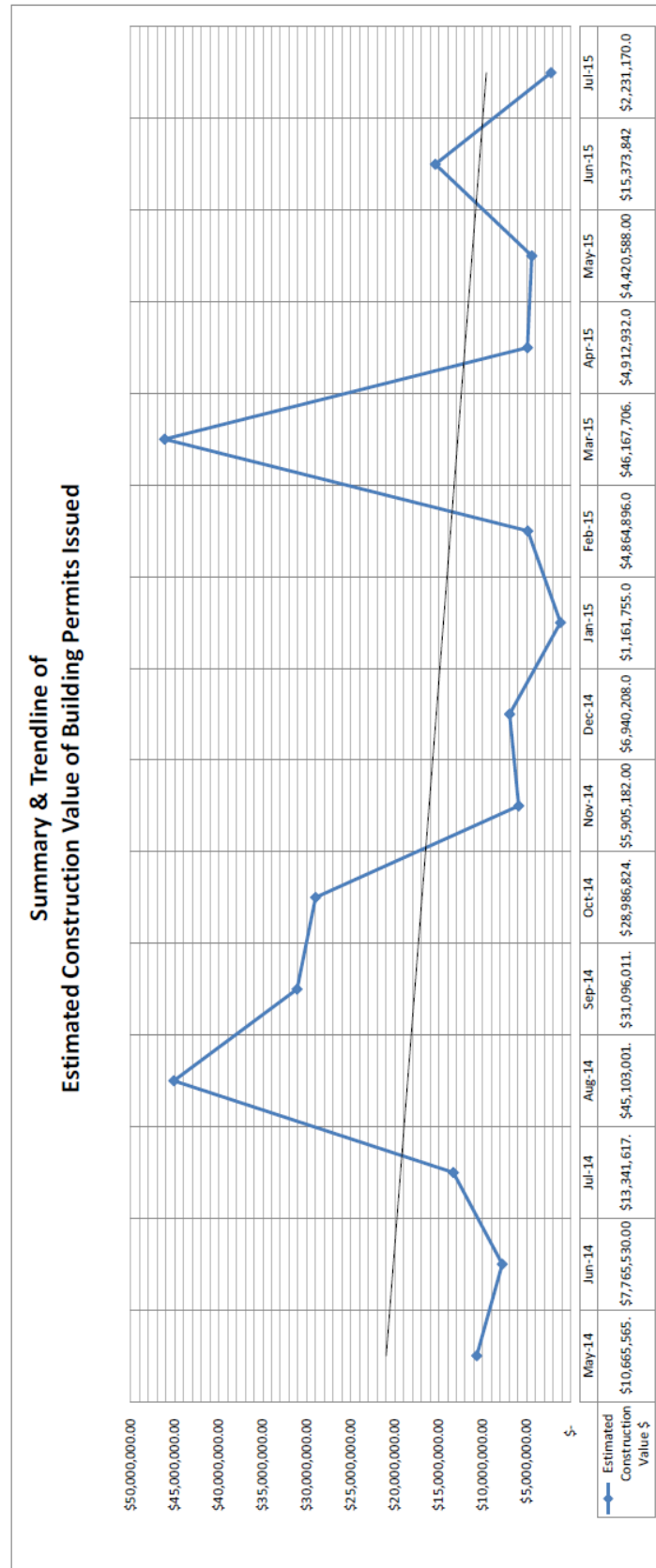
SUMMARY				
No of Permits	Permit Type	Estimated Construction Value	Floor Area in square metres	Average cost per square metre
2	Demolitions	\$49,000	1037	\$47.25
4	Dwellings	\$352,570	287	\$1,228.47
3	Class 10a	\$95,450	156	\$611.86
4	Class 10b	\$81,150	15	\$0.00
3	Commercial	\$1,653,000	2,010	\$822.39
	Strata - Occupancy	N/A	N/A	N/A
16		\$2,231,170	3,505	

BUILDING APPROVALS FOR JULY 2015

Summary & Trendline for Building Permits



BUILDING APPROVALS FOR JULY 2015



Ranger Services Monthly Statistical Information

2015	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	July-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Year Total
Camping Jobs	0	4	2	2	2	3	1						
Cat Jobs	9	12	18	23	25	22	25						
Dog Jobs	78	67	71	82	114	84	98						
Fire Jobs	16	19	7	5	6	18	22						
Litter Jobs	22	30	38	13	33	28	29						
Livestock Jobs	0	2	1	1	0	0	0						
Off road \ Vehicles Jobs	0	0	0	0	0	0	3						
Parking Jobs	47	45	29	27	70	50	30						
Abandoned \ Vehicles Jobs	42	27	47	39	34	26	10						
Wildlife Jobs (Snakes etc)	10	9	10	5	8	5	1						
Dog Health Program	0	0	0	0	0	0	0						
Dogs Impounded	34	38	40	30	44	29	49						
Cats Impounded	5	13	24	20	21	32	37						
Total Infringements	43	108	107	28	30	83	72						
Animals Adopted	10	5	4	4	12	1	6						
Fires Overtime Hrs	10.5	3.5	2	0	2	0	1						
Overtime Hrs	62	38	27	38.5	30	30	27						
Additional hrs by Contract Staff	43.5	21	17	19.5	36.5	24.5	12.5						
*Total Jobs Attended	227	215	227	177	311	243	237						

*Total Jobs Attended not reflective of the following:- Patrols of parks, reserves, foreshores & pound duties. NB: Cat Jobs relates to calls about lost, found, wanted, abandoned or feral trapped cats. Cats impounded relates to the total number of impounded cats.

CURRENT LEGAL MATTERS FOR JULY 2015

CURRENT LEGAL MATTERS			Current Status
File No.	Address	Issue	
117650G	Lot 2505 # 7 Moorambine Street, Wedgefield	Unauthorised Residential Structures	Trial adjourned until 11th September 2015.
154427G	Lot 16 # 59-61 Greenfield Street, South Hedland	Unauthorised use as a laydown and storage facility	Fourth mention on 17th August 2015.
154426G	Lot 15 # (55-57) Greenfield Street, South Hedland	Unauthorised lay down and storage facility	Adjourned until 27th August 2015.
118650C	Lot 1638 (18) Yanana Street, Wedgefield	Unauthorised development and use	Prosecution is discontinued.

12.2 Works and Services

Nil

12.3 Corporate Services**12.3.1 Interim Statement of Financial Activity for the period ended 30 June 2015**

Laura Delaney, Coordinator Financial Services
File No. 12/14/0003

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/030 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR JACOB

SECONDED: CR HUNT

That Council:

- 1. Receive the Interim Statement of Financial Activity (and supporting information) for the period ended 30 June 2015;**
- 2. Receive the Port Hedland International Airport Interim Statement of Financial Activity for the period ended 30 June 2015;**
- 3. Receive the Waste Management Interim Statement of Financial Activity for the period ended 30 June 2015;**
- 4. Note the accounts paid during June 2015 under delegated authority.**

CARRIED 8/0

EXECUTIVE SUMMARY

This report presents the Interim Statement of Financial Activity for the period ended 30 June 2015. The figures presented in this report and the attachments may change pending adjustments made as a result of end of year finalisation of accounts and completion of the Town's annual financial reports for audit by the Town's external auditors.

Supplementary information has been presented to the Council to provide further information regarding the Town's activities.

DETAILED REPORT

The Interim Statement of Financial Activity is presented in a similar format to the Rate Setting Statement as included in the 2014/15 Annual Budget. The operating section of the Interim Statement of Financial Activity is shown by program in accordance with Regulation 34 (3)(b) of the *Local Government (Financial Management) Regulations 1996*.

The following commentary is provided on variances between year to date actuals and year to date budget for the period ended 30 June 2015, noting that the end of year adjustments to accounts are still being finalised and that some of these figures may change. The table below outlines the end of year adjustments that are still pending.

Description	Comment
Governance	Final administration costs will be distributed for the 2014/15 financial year.
(Profit)/Loss on Disposal of Assets	There is a significant variance due to the recognition of sale for the Kingsford Smith Business Park lot - Bunnings.
Movement in Deferred Debtors (Rates)	Movement in Deferred Debtors (Rates) will be reconciled as part of end of financial year.
Acquisition of Infrastructure, Property, Plant & Equipment	The variance is due to the recognition of the Contributed Asset for Kingsford Smith Business Park.
Proceeds from the Disposal of Assets	There is a significant variance due to the sale proceeds for Kingsford Smith Business Park lot - Bunnings.
Contributed Assets – Grants and Contributions Capital	The variance is due to the recognition of the Contributed Asset for Kingsford Smith Business Park.
Transfers from/to Unspent Grants	Unspent Grants will be reconciled as part of end of financial year.
Transfers from Unspent Loans	Unspent Loans will be reconciled as part of end of financial year.

The net current asset position as at 30 June 2015 is \$5.763m. The unrestricted cash position as at 30 June 2015 is \$8.66m. This is calculated as follows:

	2014/15 Actual (000's)
Current Assets: Cash and Investments	\$81,133
Restricted Cash – Reserves	(\$69,050)
Restricted Cash – Unspent Grants	(\$2,614)
Restricted Cash – Unspent Loans	(\$808)
Unrestricted Cash Position as at 30 June 2015	\$8,661

It should be noted that unrestricted cash position stated above is an interim cash position and will change pending end of year adjustments and finalisation of the Town's annual financial reports.

FINANCIAL IMPLICATIONS

The Interim Statement of Financial Activity includes an actual municipal surplus carried forward of \$817k. The surplus is attributable to a number of capital projects that have been carried-over from the 13/14 financial year. These projects were considered by Council at the September 2014 Ordinary Council Meeting (OCM), with a funding requirement of \$655k from the municipal surplus carried forward. The carried forward surplus in the Amended Budget – Carryovers (Sep OCM) column has been adjusted accordingly.

The projected municipal surplus as at 30 June 2015 following the March Quarterly Budget Review (QBR) is \$1.774m. The following reconciliation is provided:

	000's
Budget Municipal Surplus Brought Forward 30 June 2015	\$1,802
Change in Net Current Assets arising from 2013/14 Carryovers	(\$655)
Change in Net Current Assets arising from September QBR	(\$86)
Change in Net Current Assets arising from December OCM	(\$75)
Change in Net Current Assets arising from December QBR	(\$325)
Change in Net Current Assets arising from March QBR	\$242
Municipal Surplus Carried Forward 1 July 2014 – Budget	\$54
Municipal Surplus Carried Forward 1 July 2014 – Actual	\$817
Amended Budget Municipal Surplus Brought Forward 30 June 2015	\$1,774

RISK IMPLICATIONS

The Town of Port Hedland is exposed to a number of financial risks in both its Annual Budget and Long Term Financial Plan (which is underpinned by some key assumptions). Most of these risks exist in respect to recurrent revenue streams which are required to meet current service levels. Any reduction in these revenue streams into the future is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements, unless the Town can replace this revenue or alternatively reduce costs.

- TWA Revenue (15/16 Budget) \$3,685,176
- Precinct 3 Lease Revenue (15/16 Budget) \$3,795,258
Lease expiry 21/06/2022
- Port Haven Lease Revenue (15/16 Budget) \$1,072,218
Lease expiry 19/03/2019
- Port Haven Car Park Lease Revenue (15/16 Budget) \$203,075
Lease expiry at end of any of the annual extended term options 19/03/2016 – 19/03/2019
- Mia Mia Lease Revenue (15/16 Budget) \$195,982
Lease expiry 09/12/2019
- Mia Mia Community Contribution \$464,844
Lease expiry 09/12/2019
- Interest on Investments (including all cash-backed Reserves with the exception of the BHP Reserve) allocated to Muni (14/15 forecast) \$3,005,000
- Airport dividend to Muni (14/15 Budget) \$3,269,000 (LTFP assumes an increase in dividend from 2018/19 of \$350k and again in 2019/20 of a further \$350k)
- \$40m in sale proceeds from Kingsford Smith Business Park to be achieved by 2022/23 (with proceeds to be transferred to Airport Reserve to meet CAPEX requirements)
- \$500k FMG Contribution to operational costs at Wanangkura Stadium

- Sustainability Partnership being negotiated with BHPBIO
- Opening of new landfill site and closure/rehabilitation of current site \$96m investment over 20 years
- \$1.5m capital funding requirement and \$1.1m recurrent funding requirement over 3 years for Scotty's Café in the event that the project proceeds without external funding

STATUTORY AND POLICY IMPLICATIONS

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires the Town to prepare a monthly Statement of Financial Activity. The monthly Statement of Financial Activity is to be presented to the Council at an ordinary meeting within 2 months after the end of the month to which the statement relates. Where the month coincides with QBR reporting (September, December, March) the Statement of Financial Activity will be incorporated in the QBR document.

The Town has a current resolution arising out of the adoption of the 2014/15 budget requiring that material budget variations be reported through to Council. Materiality being established at the lesser of 10% of the amended program budget or \$100,000 for each of the categories of Operating Revenue; Operating Expenditure; Non-Operating Revenue and Non-Operating Expenditure. Officers presented all proposed budget variations, supported by Management commentary as part of the March QBR.

Note the Interim Statement of Financial Activity includes six budget columns:

1. Original Budget;
2. Amended Budget arising from the Schedule of Budget Carryovers presented to Council at the September OCM;
3. Amended Budget arising from the September QBR;
4. Amended Budget arising from variations adopted by Council at the December OCM;
5. Amended Budget arising from the December QBR;
6. Amended Budget arising from the March QBR.

The change in budgeted net current assets as at 30 June 2015 (the last row on the Interim Statement of Financial Activity) reconciles to the Schedule of Budget Variations.

The Capital Works Program and Road Program have been incorporated into the supporting information provided to the Council. Additional documents will also be added in future months including the Grants Register.

Separate Interim Statements of Financial Activity have been prepared for the Port Hedland International Airport and Waste Management business units.

ATTACHMENTS

1. Interim Statement of Financial Activity for the Period Ended 30 June 2015 – under separate cover
2. Port Hedland International Airport Interim Statement of Financial Activity for the Period Ended 30 June 2015
3. Waste Management Interim Statement of Financial Activity for the Period Ended 30 June 2015
4. Accounts paid under delegated authority for the month of June 2015 – under separate cover

11 August 2015

ATTACHMENT 2 TO ITEM 12.3.1

TOWN OF PORT HEDLAND
 PORT HEDLAND INTERNATIONAL AIRPORT
 INTERIM STATEMENT OF FINANCIAL ACTIVITY BY PROGRAM
 FOR THE PERIOD ENDED 30 JUNE 2015

Account Description	2014/15		2014/15		2014/15		2014/15		Variance (YTD Current Budget & YTD Actuals)
	Original Budget	Current Budget	YTD Current Budget	YTD Actuals	Commitments	YTD Actuals & Commitments	(YTD Current Budget & YTD Actuals)		
Operating Revenue	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	%
Operating Expenditure	23,253	20,780	22,669	21,285	0	21,285	21,285	1,384	-6%
Operating Surplus/(Deficit)	(12,328)	(14,661)	(15,993)	(14,140)	(360)	(14,500)	(14,500)	-1,853	-12%
	10,926	6,120	6,676	7,145	-360	6,785	6,785	-469	7%
Add Back Non Cash Items									
Depreciation on Assets - Airport Maintenance	1,497	1,780	1,942	1,721	0	1,721	1,721	221	-11%
Capital									
Capital Expenditure - Work in Progress - Solar Farm - Airport Administration	0	(4,726)	(5,155)	0	0	0	0	-5,155	-100%
Capital Expenditure - Work in Progress - Carpark : Ground Transport Reconfiguration - Airport Administration	(1,000)	(250)	(273)	(117)	(132)	(249)	(249)	-156	-57%
Capital Expenditure - Buildings: Airport - Terminal Precinct - Airport Administration	(1,000)	(1,639)	(1,788)	(1,571)	(44)	(1,616)	(1,616)	-216	-12%
Capital Expenditure - Infrastructure: Airport - ResSite Quarantine Facility - Airport Administration	(600)	0	0	0	0	0	0	0	0%
Capital Expenditure - Work in Progress - Solar Farm Due Diligence & Feasibility - Airport Administration	0	(1,211)	(1,32)	(110)	(5)	(115)	(115)	-22	-16%
Capital Expenditure - Work in Progress - International Terminal Works Expansion - Airport Administration	0	(1,400)	(1,527)	(1,475)	(174)	(1,649)	(1,649)	-52	-3%
Capital Expenditure - Furniture & Equipment - IT Network Upgrade - Airport Administration	0	(100)	(109)	(97)	0	(97)	(97)	-12	-11%
Capital Expenditure - Plant And Equipment: Airport - Plant Purchases - Airport Administration	(165)	(350)	(382)	(320)	(0)	(321)	(321)	-61	-16%
Capital Expenditure - Work in Progress - Water & Sewer Services - Airport Administration	(4,900)	(300)	(327)	(70)	0	(70)	(70)	-257	-79%
Capital Expenditure - Buildings: Airport - Staff Housing Refurbishment - Airport Administration	(15)	(12)	(13)	(12)	0	(12)	(12)	-1	-9%
Capital Expenditure - Buildings: Airport - Building Upgrades - Airport Administration	0	0	0	0	(19)	0	(19)	0	0%
Capital Expenditure - Infrastructure: Airport - Bus Parking - Airport Administration	0	(270)	(295)	(270)	0	(270)	(270)	-25	-8%
Capital Expenditure - Infrastructure: Airport - Taxiway Overlay - Airport Administration	(5,000)	(100)	(109)	(31)	0	(31)	(31)	-78	-71%
Capital Expenditure - Infrastructure: Airport - Main Apron Strengthening - Airport Administration	(1,300)	(195)	(213)	(154)	(36)	(190)	(190)	-58	-27%
Capital Expenditure - Work in Progress - Intra-Airport - Perimeter Fence Upgrade and Crash Gates - Airport Administration	(1,500)	(50)	(55)	(7)	(427)	(434)	(434)	-48	-88%
Capital Expenditure - Infrastructure: Airport - Runway Resheet : Northern Apron Extension - Airport Administration	0	(100)	(109)	(53)	(26)	(79)	(79)	-56	-52%
Capital Expenditure - Infrastructure: Airport - Electrical Infrastructure - Airport Administration	(2,539)	(2,539)	(2,770)	(2,464)	(2,045)	(4,509)	(4,509)	-305	-11%
Capital Expenditure - Work in Progress - Intra- Airport - Apron Lighting Upgrades - Airport Administration	(1,300)	(20)	(22)	(3)	(3)	(5)	(5)	-19	-87%
Capital Expenditure - Infrastructure: Airport - Storm Water Drainage - Airport Administration	0	(5)	(5)	(4)	0	(4)	(4)	-1	-19%
Capital Expenditure - Furniture & Equipment: Airport - CCTV Network - Airport Administration	(150)	(150)	(164)	(128)	(192)	(128)	(128)	-35	-22%
Capital Expenditure - Work in Progress - Freight & Logistics Zone - Airport Administration	(8,360)	(510)	(556)	(318)	0	(510)	(510)	-239	-43%
Capital Expenditure - Work in Progress - Power in Push Back Equipment - Airport Administration	(765)	0	0	0	0	0	0	0	0%
Capital Expenditure - Plant & Equipment - Security Screening Equipment - Airport Administration	(500)	(300)	(327)	(284)	(9)	(293)	(293)	-43	-13%
Capital Expenditure - Work in Progress - Security Upgrades CTO - Airport Administration	(500)	(10)	(11)	(5)	0	(5)	(5)	-6	-54%
Gain on Sale of Asset - Plant: Airport - Airport Administration	15	15	16	(29)	0	(29)	(29)	46	-279%
Operating Grants Subsidies & Contributions - Government Grants - Airport Administration	8,000	50	55	(47)	0	(47)	(47)	102	-187%
Funding									
Capital Expenditure - Repayment of Debentures - Loan Principal Payments : Airport Housing (131) - Airport Administration	(42)	(42)	(45)	(42)	0	(42)	(42)	-4	-8%
Movement in Airport Reserve (Transfer Required from the Airport Reserve)	(9,198)	(5,222)	(5,697)	1,254	0	1,254	1,254	0	0%
Airport Reserve Opening Balance 1 July 2014	16,463	16,463	16,463	16,463	0	16,463	16,463	0	0%
Airport Reserve Forecast Closing Balance 30 June 2015	7,265	11,241	10,766	17,717	0	17,717	17,717	10,452	144%

ATTACHMENT 3 TO ITEM 12.3.1

TOWN OF PORT HEDLAND
WASTE MANAGEMENT
INTERIM STATEMENT OF FINANCIAL ACTIVITY BY PROGRAM
FOR THE PERIOD ENDED 30 JUNE 2015

Account Description	Original Budget		Current Budget		YTD Current Budget		YTD Actuals		Commitments		YTD Actuals & Commitments		Variance	
	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	%	\$000's
Operating Revenue														
Fees & Charges: Discretionary - Classic Collection Fees - Classic Collection	1,906	2,100	2,100	2,100	2,096	0	2,096	0	0	0	2,096	0	0%	3
Gain on Sale of Asset - Plant: Landfill - Classic Collection	1	1	1	1	(156)	0	(156)	0	0	0	(156)	0	-157.40%	157
Fees & Charges: Discretionary - Premium Collection Fees - Premium Collection	575	622	622	622	621	0	621	0	0	0	621	0	0%	0
Fees & Charges: Discretionary - Charges: Replacement Bins & Bin Hire - Premium Collection	0	16	16	16	17	0	17	0	0	0	17	0	5%	11
Total Operating Revenue - Collection	2,482	2,738	2,738	2,738	2,578	0	2,578	0	0	0	2,578	0	-6%	160
Fees & Charges: Discretionary - Tyres - Landfill Business Unit	345	80	80	80	74	0	74	0	0	0	74	0	-8%	6
Fees & Charges: Discretionary - Washdown - Landfill Business Unit	12	13	13	13	13	0	13	0	0	0	13	0	1%	(0)
Fees & Charges: Discretionary - General Tipping Fees & Scrap Metal - Landfill Business Unit	3,500	4,600	4,600	4,600	4,867	0	4,867	0	0	0	4,867	0	6%	(267)
Fees & Charges: Discretionary - Hazardous Waste/Abestos - Landfill Business Unit	850	2,100	2,100	2,100	2,228	0	2,228	0	0	0	2,228	0	6%	(128)
Fees & Charges: Discretionary - Scrap Metal Sales & Recyclables Revenue - Landfill Business Unit	30	10	10	10	3	0	3	0	0	0	3	0	-71%	7
Fees & Charges: Discretionary - Liquid Waste - Landfill Business Unit	2,900	2,510	2,510	2,510	2,570	0	2,570	0	0	0	2,570	0	2%	(60)
Non-Operating Grants Subsidies & Contributions - Department of Planning Funding - Landfill Business Unit	772	350	350	350	0	0	0	0	0	0	0	0	-100%	350
Other Revenue - Reimbursement: Staff Housing Rent - Landfill Business Unit	6	6	6	6	6	0	6	0	0	0	6	0	-4%	0
Total Operating Revenue	8,415	9,669	9,669	9,669	9,762	0	9,762	0	0	0	9,762	0	1%	(92)
Total Operating Revenue - Landfill	10,896	12,408	12,408	12,408	12,340	0	12,340	0	0	0	12,340	0	-1%	68
Operating Expenditure														
Depreciation on Assets - Classic Collection	(457)	(110)	(110)	(110)	(83)	0	(83)	0	0	0	(83)	0	-24%	(27)
Materials and Contracts - Classic Collection - Classic Collection	(456)	(280)	(280)	(280)	(245)	0	(245)	0	0	0	(245)	0	-12%	(35)
Materials and Contracts - Recovery of Plant Operating Costs: Garbage & Sanitation - Classic Collection	0	(306)	(306)	(306)	(343)	0	(343)	0	0	0	(343)	0	12%	37
Materials and Contracts - Classic MGB's Repairs Delivery - Classic Collection	(97)	(77)	(77)	(77)	(74)	0	(74)	0	0	0	(74)	0	-5%	(4)
Materials and Contracts - Bin Purchases New, Premium, Replacement, Damaged, Stolen, Parks & Reserves) - Classic Collection	(95)	(95)	(95)	(95)	(73)	0	(73)	0	0	0	(73)	0	-23%	(22)
Other Expenditure - Admin Costs Distributed - Classic Collection	(101)	(120)	(120)	(120)	(110)	0	(110)	0	0	0	(110)	0	-8%	(10)
Materials and Contracts - Waste Collection - Premium Collection	(504)	(344)	(344)	(344)	(329)	0	(329)	0	0	0	(329)	0	-4%	(15)
Materials and Contracts - Premium MGB Repairs & Delivery - Premium Collection	(50)	(50)	(50)	(50)	(55)	0	(55)	0	0	0	(55)	0	9%	5
Other Expenditure - Admin Costs Distributed - Premium Collection	(38)	(54)	(54)	(54)	(62)	0	(62)	0	0	0	(62)	0	13%	7
Total Operating Expenditure - Collection	(1,797)	(1,436)	(1,436)	(1,436)	(1,373)	(25)	(1,398)	(25)	(10)	(10)	(1,398)	(25)	-4%	(63)
Materials and Contracts - Landfill Management - Landfill Business Unit	(2,045)	(1,268)	(1,268)	(1,268)	(1,191)	0	(1,191)	0	0	0	(1,191)	0	-6%	(76)
Employee Costs - Superannuation - Landfill Business Unit	0	0	0	0	0	0	0	0	0	0	0	0	0%	2
Employee Costs - Superannuation Co Contribution - Landfill Business Unit	0	0	0	0	(0)	0	(0)	0	0	0	(0)	0	0%	0
Materials and Contracts - Building Maintenance - Landfill Business Unit	(26)	(26)	(26)	(26)	(15)	0	(15)	0	0	0	(15)	0	-39%	(10)
Insurance - Property Insurance & Pollution Legal Liability - Landfill Business Unit	(3)	(3)	(3)	(3)	(3)	0	(3)	0	0	0	(3)	0	-2%	(0)
Materials and Contracts - Cleaning - Landfill Business Unit	(6)	(7)	(7)	(7)	(7)	0	(7)	0	0	0	(7)	0	0%	(0)
Materials and Contracts - Washdown Bay Maintenance - Landfill Business Unit	(25)	(25)	(25)	(25)	(12)	0	(12)	0	0	0	(12)	0	-49%	(12)
Materials and Contracts - Road, Ground, Litter Maintenance & Repairs - Landfill Business Unit	(70)	(100)	(100)	(100)	(57)	0	(57)	0	0	0	(57)	0	-43%	(43)
Utilities - Utility Charges - Landfill Business Unit	(12)	(19)	(19)	(19)	(19)	0	(19)	0	0	0	(19)	0	4%	(4)
Materials and Contracts - Supply Clean Fill - Landfill Business Unit	(900)	(326)	(326)	(326)	(306)	0	(306)	0	0	0	(306)	0	-7%	(21)
Materials and Contracts - Office Expenses - Landfill Business Unit	(13)	(13)	(13)	(13)	(8)	0	(8)	0	0	0	(8)	0	-43%	(6)
Materials and Contracts - Recovery of Plant Operating Costs: Heavy - Landfill Business Unit	0	(706)	(706)	(706)	(820)	0	(820)	0	0	0	(820)	0	16%	115
VEH018 - CAT/EP LIFT TRACKLOADER	0	0	0	0	0	0	0	0	0	0	0	0	0%	0
Materials and Contracts - External Plant Hire - Landfill Business Unit	(100)	(130)	(130)	(130)	(99)	0	(99)	0	0	0	(99)	0	-24%	(31)
Materials and Contracts - Fire Suppression Expenses - Landfill Business Unit	(46)	(89)	(89)	(89)	(89)	0	(89)	0	0	0	(89)	0	1%	1
Materials and Contracts - Monitoring & Lifting - Landfill Business Unit	(100)	(190)	(190)	(190)	(144)	0	(144)	0	0	0	(144)	0	-24%	(46)
Materials and Contracts - Management & Business Plans - Landfill Business Unit	(43)	(43)	(43)	(43)	(39)	0	(39)	0	0	0	(39)	0	-9%	(4)
Materials and Contracts - Weighbridge Maint Costs - Landfill Business Unit	(11)	(17)	(17)	(17)	(17)	0	(17)	0	0	0	(17)	0	0%	0
Materials and Contracts - Recovery of Plant Operating Costs - Landfill Business Unit	0	(72)	(72)	(72)	(83)	0	(83)	0	0	0	(83)	0	19%	14
Materials and Contracts - Development of Landfill Master Plan - Landfill Business Unit	(722)	(862)	(862)	(862)	(888)	0	(888)	0	0	0	(888)	0	-48%	(125)
Employee Costs - Staff Housing Rental Costs - Landfill Business Unit	(90)	(54)	(54)	(54)	(54)	0	(54)	0	0	0	(54)	0	0%	(0)
Other Expenditure - Admin Costs Distributed - Landfill Business Unit	(530)	(475)	(475)	(475)	(443)	0	(443)	0	0	0	(443)	0	-7%	(32)
Total Operating Expenditure - Landfill	(4,210)	(3,921)	(3,921)	(3,921)	(3,598)	(202)	(3,800)	(202)	(202)	(202)	(3,800)	(202)	-8%	(322)

12.3.2 Policy 1/021 on Relationship Declaration Register

Josephine Bianchi, Governance Coordinator
File No. 06/03/0014

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/031 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HUNT

SECONDED: CR JACOB

That Council:

1. **Notes all submissions received in relation to the adoption of Policy 1/021 Relationship Declaration Register and associated Guidelines and Application form; and**
2. **Adopts Policy 1/021 Relationship Declaration Register and associated Guidelines and Application form.**

CARRIED 6/2

Record of votes

For	Against
Mayor Howlett	Councillor Gillingham
Councillor Jacob	Councillor Butson
Councillor Daccache	
Councillor Hooper	
Councillor Hunt	
Councillor Melville	

EXECUTIVE SUMMARY

This report requests that the Council consider the submissions received in relation to Policy 1/021 Relationship Declaration Register and associated Guidelines and Application form as a means of recognising the relationship status of couples, irrespective of gender.

In view of the high number of submissions received in support of the register, it is also recommended that the Council adopt Policy 1/021 Relationship Declaration Register and associated Guidelines and Application form.

DETAILED REPORT

Following Cr Jacob's email of 28 May 2015 requesting assistance in drafting a recommendation to Council to consider drafting a policy for relationship declaration programs, the Town commenced advertising Policy 1/021 Relationship Declaration Register via its website and a media release on 15 July 2015.

At the 27 July 2015 Ordinary Meeting the Council resolved to continue advertising Policy 1/021 Relationship Declaration Register for public comment.

The following engagement channels were utilised:

- Media Release distributed to 1000 plus stakeholders on 15 July 2015
- Hedland Highlights Advertisement in the North West Telegraph on 22 July 2015
- Hedland Highlights Advertisement in the North West Telegraph on 5 August 2015
- Mayor Spirit Radio Chat
- Facebook Posts
- Hedland Highlights newsletter to 1000 plus stakeholders on 5 August 2015
- Letters to local churches and religious groups

Public comment closed on 12 August and the following submissions were received.

IN FAVOUR OF THE RELATIONSHIP DECLARATION REGISTER POLICY

- Thirteen (13) individual submissions
- One petition signed by 80 people
- One petition signed by 34 people

AGAINST THE RELATIONSHIP DECLARATION REGISTER POLICY

- One individual submission – signed
- One individual submission – anonymous

In view of the higher number of favourable submissions received it is recommended that the Council adopt the policy and associated guidelines and application form.

FINANCIAL AND RISK IMPLICATIONS

The following fees and charges have been included and approved as part of 15/16 budget adoption:

- Application to make a Relationship Declaration \$135
- Replacement of a Declaration Certificate \$35
- Certificated Copy of Entry - Relationship Declaration Register \$35

STATUTORY AND POLICY IMPLICATIONS

It is expected that this item will cover the following aspects of the Town's strategic plan:

- 1.1 A unified community across our townships
- 1.2 A vibrant community rich in diverse cultures
- 4.2 Engage our community and stakeholders

ATTACHMENTS

1. Draft Policy 1/020 Relationship Declaration Register, Guidelines and Application Form
2. Submissions received

13 August 2015

ATTACHMENT 1 TO ITEM 12.3.2

**1/021 RELATIONSHIP DECLARATION REGISTER****Policy Objective**

To establish a confidential Relationship Declaration register as a means of recognising the relationship status of couples, irrespective of gender.

Policy Content

The Town of Port Hedland supports the establishment of a Relationship Declaration Register as a means of recognising the relationship status of couples, irrespective of gender. Under the scheme:

1. Couples living in Western Australia will be able to declare that they are partners and have this declaration recorded in the Town of Port Hedland Relationship Declaration Register;
2. Couples will be required to sign a statement stating that they are making a relationships declaration in good faith and the information they provide is true and accurate;
3. Couples who make a relationship declaration will receive a copy of their declaration in the form of a Certificate from the Town of Port Hedland;
4. Couples who wish to make a declaration and have this declaration recorded in the Town of Port Hedland Relationship Declaration Register shall agree to comply with the requirements specified in this Policy and Policy Procedure and Guidelines and pay the prescribed fee;
5. Only Couples over the age of eighteen (18) years may participate in the Town of Port Hedland Relationship Declaration Scheme.

This Policy is to be also read in conjunction with the attached Town's Policy Procedures and Guidelines.



GUIDELINES

1. Introduction

- 1.1 The Town of Port Hedland Council has adopted the Town of Port Hedland Relationship Declaration Register as a means of recognising the relationship status of couples, irrespective of gender.
- 1.2 Under the program, two people may declare that they are partners and have this declaration recorded in the Town of Port Hedland Relationship Declaration Register.
- 1.3 Applicants will be required to complete an Application form and sign a Statement stating that they are making a relationship declaration in good faith and the information they provide is true and accurate.
- 1.4 The Town of Port Hedland Council reserves the right to cease the keeping of the Relationship Declaration Register at any time.
- 1.5 While making a relationship declaration does not confer legal rights in the way marriage does, it may be used in legal proceedings that involve the interpretation or application of legislative provisions.

2. The Relationship Declaration

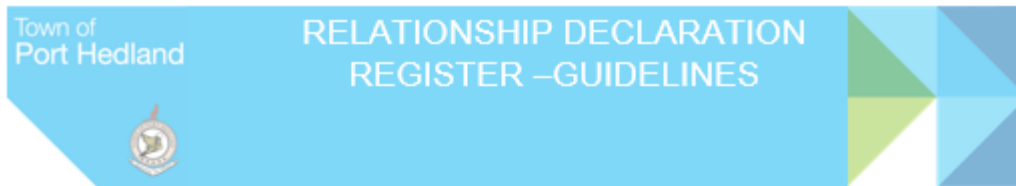
- 2.1 Couples who participate in this program will be able to make the following written declarations before a witness or witnesses:
 - They are a couple or are partners; and/or
 - The length of time they have been a couple or partners; and/or
 - They are mutually committed to sharing their lives together.
- 2.2 Couples who make a relationship declaration will receive a copy of their declaration in the form of a Certificate from the Town of Port Hedland.
- 2.3 The relationship declaration will be recorded in the Town of Port Hedland Relationship Declaration Register and issued with a registration number.

3. Confidentiality of Data

- 3.1 If the applicants consent, the Town of Port Hedland may use the information provided on an Application Form to produce anonymous statistics. By providing this information, applicants consent to it being held and used for this purpose.
- 3.2 Couples may obtain copies of their own register entry upon presentation of identification, as specified in Clause 5, and payment of the Prescribed Fee.



- 3.3 Should couples wish to make their individual entry available to a third party, they must submit a written request to the Chief Executive Officer.
- 3.4 All information provided to the Town of Port Hedland in relation to the relationship declaration process is subject to disclosure under the Freedom of Information Act and might also be disclosed to third parties such as by way of legal proceedings, including discovery proceedings in courts and tribunals.
- 4. Conditions for making a Relationship Declaration and Recording the Declaration**
- 4.1 The making of a relationship declaration is by appointment only and subject to the Town of Port Hedland receiving the completed Application Form with the required documentation and receipt of payment of the Prescribed Application Fee.
- 4.2 Applicants must complete and sign the Application Form to confirm that there are no reasons why they should not make a relationship declaration and have the declaration recorded in the Register.
- 4.3 All documents provided in a foreign language must be translated into English by an authorised translation service.
- 4.4 The Town of Port Hedland reserves the right to:
- 4.1.1 Refuse an application to make a relationship declaration where the documentation is found not to be in order; and
- 4.1.2 Subsequently note on its records of a relationship declaration any information it receives stating that false or misleading information has been provided.
- 4.5 Applicants who are already legally married or have registered a relationship with another person are not eligible to make a relationship declaration at the Town of Port Hedland.
- 4.6 All records relating to applicants will be recorded as shown in the documents provided as identification.
- 5. Proof of Identity**
- 5.1 There are number of key documents which Applicants must supply to apply for making a Relationship Declaration. Identification documents are required to be presented before approval can be granted to make a Relationship Declaration, as shown below. One document must show each applicants' signature. Only original documents will be accepted - certified copies will



not be accepted. Acceptable documents of evidence are any two (2) of the following:

- Birth certificate (not extract);
- Passport;
- Driver licence;
- Citizenship certificate.

6. Age

6.1 Persons applying to register must be aged 18 years or over on the date of application.

7. Related Persons

7.1 Relationships will not be registered if the partners are related, as specified in Section 7.2.

7.2 For the purpose of the Town of Port Hedland Relationship Declaration, a person is related to another person if:

- They are the ancestor or descendant of that person;
- They are the brother, sister, half-brother or half-sister of that person; or
- They are, or have been at any time, the adopted parent or adopted child of that person under any law of any place, whether in or out of Australia, relating to the adoption of children.

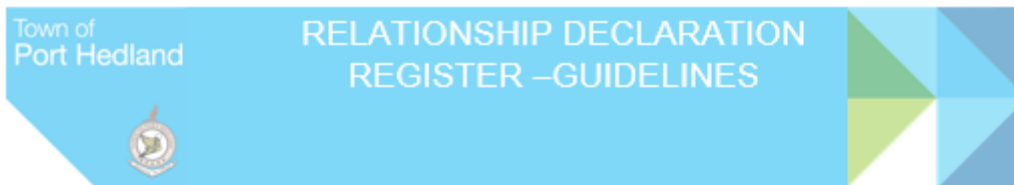
8. Previous Relationship Declarations

8.1 A person who has previously made a relationship declaration on the Town of Port Hedland Register shall not be permitted to make a relationship declaration without first having requested in writing that the termination of the previous relationship be recorded in the Register.

9. Recording the Termination of a Relationship

9.1 The Town of Port Hedland will amend the relationship declarations that individuals have made. Either or both parties to a relationship declaration may request the Town of Port Hedland to record on the Register that the relationship has terminated.

9.2 Upon receiving such a request in writing, the Chief Executive Office shall record in the register that it has received notification of the termination of the relationship. Where the notification has been received from one party only, the Applicant shall contact and provide a copy of the Notice of Termination to the other party and provide a copy of such information to the Town.



9.3 The Chief Executive Office will only amend the details in the Relationship Register, when he/she is satisfied that both parties have consented or been notified of an intention to terminate.

10. Legal Consequences of Making a Relationship Declaration

10.1 Making a relationship declaration does not change the legal status of the persons making the declaration. However, the fact that two people have made a relationship declaration may be presented as evidence of the existence of that relationship in some legal proceedings.

10.2 People contemplating making a relationship declaration should be aware that legal proceedings involving domestic relationships may be commenced under the laws of Western Australia or the Commonwealth.

10.3 The Town of Port Hedland recommends that individuals who want more information about the legal consequences of making a relationship declaration and having it recorded in the Town of Port Hedland Relationship Declaration Register should obtain their own independent legal advice.

11. Procedure for Making A Relationship Declaration

11.1 Making an Application

Couples wishing to make a relationship declaration can apply to do so by obtaining a copy of the Town of Port Hedland Relationship Declaration Register Application Form.

11.2 Submitting an Application Form

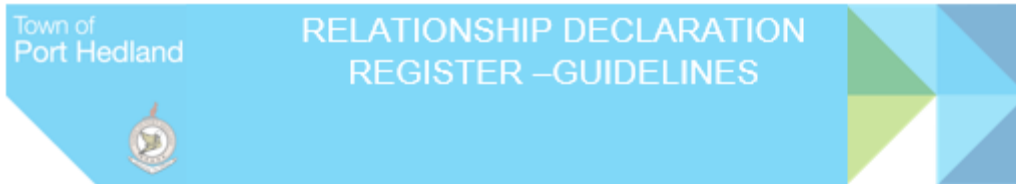
The Application Form must be completed and signed by both partners making the application and lodged in person at the Town of Port Hedland, together with the required original proof of identity documents, as specified in Section 5. Please telephone Governance to make an appointment to have your application processed and documents of proof verified. Once the Application Form has been accepted the Prescribed Fee is required to be paid.

11.3 Making an appointment

A Town Officer will contact the parties within 10 working days of the Application Form being lodged and accepted to schedule an interview. A letter will be sent to confirm an appointment for the ceremony.

11.4 Making a Payment

Prior to the Declaration being made, proof of payment of the Prescribed Fee must be provided.



11.5 Pre-Declaration Interview

During the interview, the Town of Port Hedland Chief Executive Officer (or delegate) will ascertain Application Form and all the documentation is in order.

11.6 Pre-Declaration Documentation

The Chief Executive Officer shall;

- Arrange for the necessary documentation to be prepared;
- Check the documentation and sign the Certificate; and
- Liaise with the Mayor for the scheduling of the Declaration

11.7 Making the Declaration

11.7.1 The making of the relationship declaration will be short (less than 10 minutes), after which the couple will each receive a signed copy of the Certificate.

11.7.2 At the Declaration, the Mayor or the Chief Executive Officer or delegate (as applicable) shall;

- Request that each person sign the Relationship Declaration Certificates
- Witness their signing the Relationship Declaration Certificates

11.7.3 The officiating person shall sign the Relationship Declaration Certificate at the time of reading the Declaration. The Mayor shall officiate in the first instance, however, the Chief Executive Officer may officiate where the Mayor is unavailable or when requested to do so by the Mayor.

11.7.4 Where appropriate, the Declarations will be carried out on a specific date, each month as this will allow multiple declarations to be done at the same time and will be easier to co-ordinate.

Ceremony

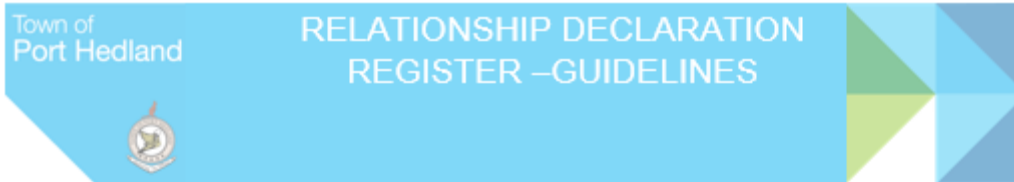
11.8 The Town does not conduct ceremonies in association with the making of relationship declarations.

11.9 Post-Declaration Administration

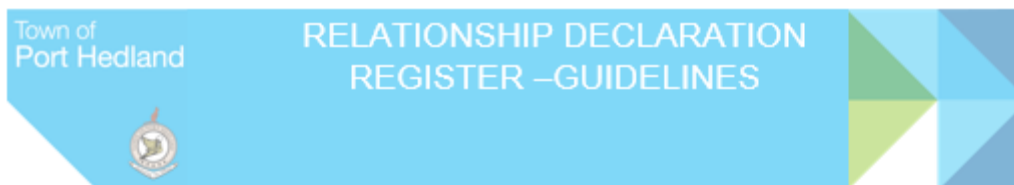
The Chief Executive Officer shall:

- Arrange for all documentation to be filed in the Confidential Register and file to be held in the Chief Executive Officers office; and
- Arrange for all electronic records to be securely maintained.

12. Prescribed Fees



- 12.1 Any person wishing to make a relationship declaration and having the declaration recorded in the Town of Port Hedland Relationship Declarations Register shall pay the Prescribed fee, as determined by the Council. The cost of a replacement copy of a Relationship Declaration Certificate shall be as prescribed by the Council.
- 12.2 No refund will be made if either person applying to make a relationship declaration decides not to proceed with making the declaration more than thirty (30) days after applying to make the declaration or fails to make the declaration.
- 12.3 Following an application, if a couple fails to make a relationship declaration, the original Application Form will be retained for a period of sixty (60) days, thereafter will be destroyed by the Chief Executive Officer (or authorised delegate).
- 12.4 The cost of a replacement Declaration Certificate or a Certified Copy of an entry in the Relationship Declaration Register shall be as prescribed by the Council.
- 12.5 The Council shall review and adopt their fees on an annual basis.



13. Town of Port Hedland Website

13.1 The Town will provide information, including an on-line application form, on the Town's website.

Further information

For further information on this program or the application process, persons may contact the Town of Port Hedland – Governance on (08) 9158 9300 or email: council@porthedland.wa.gov.au

Definitions

Nil

Council adoption date and resolution no.	
Date of adoption of amendment and resolution number do not delete the previous dates	
Relevant legislation	
Delegated authority	Nil
Business unit	Corporate Information
Directorate	Corporate Services
Review frequency	As required

Relationship Declaration Register Application Form



parties should complete this Application Form and make an appointment to lodge it at the Town of Port Hedland. **Original documents of Proof** must also be provided at the time. Please ring the Governance unit on 9158 9300 to make an appointment to lodge the Application Form.

How to complete this Application Form:

1. Read the Relationship Declaration Information Page on the Town's public website (www.porthedland.wa.gov.au) or obtain from the Town of Port Hedland Administration and Civic Centre.
2. Ensure that all fields have been filled out correctly. Please note that fields on this form marked with an * are mandatory and must be completed before submitting the Application Form.
3. Once completed, both partners must attend the Town's Administration and Civic Centre together to submit this form. Please refer to the Lodgement details section for further information.

Part 1: Applicant contact details

Please provide an address to which correspondence for both partners may be sent. All correspondence, including any original documents provided as proof of identity, will be mailed to this address.

Postal Address*

Suburb*

State*

Postcode*

Note: Before this application can be lodged at least one telephone number must be supplied.*

Home or Business Telephone Number

Mobile Number

Email Address

Part 2: Applicant Names

Your legal name(s), as they appear on your birth certificate or as changed by deed poll, must be provided and will be recorded on the Relationship Declaration Register. However, you can choose to have another name (such as a name by which you are commonly known) printed on the Declaration Certificate. Please print clearly and use block (capital) letters to complete all fields below.

	Partner 1	Partner 2
Legal First Name*	<input type="text"/>	<input type="text"/>
Legal other / middle name(s)*	<input type="text"/>	<input type="text"/>
Legal Surname*	<input type="text"/>	<input type="text"/>

Name to appear on Declaration Certificate (only complete if different to legal name)

Date of birth (DD/MM/YYYY)*

Part 3: Proof of Identity and Age

You must provide two original documents for each partner as evidence of your identity and age, in accordance with the conditions for registration set out in the Town of Port Hedland Relationships Declaration Policy. Please tick the appropriate boxes below to indicate which documents you will provide for each partner.

	Partner 1	Partner 2	Partner 1	Partner 2
Birth Certificate	<input type="checkbox"/>	<input type="checkbox"/>	Driver's Licence	<input type="checkbox"/>
Passport	<input type="checkbox"/>	<input type="checkbox"/>	Citizenship Certificate	<input type="checkbox"/>

Part 4: Position of trust declaration

Any person aged 18 years or over applying to register with a person aged under 18 years on the date of application must sign a statement that they are not in a position of trust over that person (for example a teacher of that person).

Is one applicant under 18, and one over 18 years of age? Yes No

If yes, the partner who is over 18 years of age should complete and sign the following statement:

I, , am not in a position of trust over , with whom I wish to make this declaration.

Name Date

Signature

Part 5: Declaration Preferences

Please indicate how you would like to make your declaration by ticking the applicable box below.*

Declarations will be made at the Town of Port Hedland Civic and Administration Centre McGregor Street, Port Hedland, during office hours. (8am - 4pm).

Please note, the date of the making of the declaration must be at least 10 working days after the date this application is submitted and will depend upon the availability of the Mayor.

No. of Guests attending (Max. 12 persons)

1st preference date* Date

Time

2nd preference date* Date

Time

Please indicate your preference: We would like to have our declaration to be part of a group - please note each declaration will still be read out individually.

Yes No

Please indicate your preference: We request to have our declaration as a Private and Confidential event.

Yes No

Part 6: Form of relationship declaration

Please nominate the statements you wish to make in your relationship declaration:

1. tick the appropriate statement; and
2. both partners must initial each statement.

	Tick	Partner 1 Initials	Partner 2 Initials
A. We (partner 1) and (partner 2) declare that we are partners	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
B. And that we have been partners for the past X years	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
If statement B is to be included, please indicate how many years you have been together		<input type="text"/>	
C. And we are mutually committed to sharing our lives together.	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>

Part 7: Payment details

I attach / submit payment of \$135.00 by:

Money Order (made out to the Town of Port Hedland)	<input type="checkbox"/>	Cash / EFTPOS	<input type="checkbox"/>
Personal Cheque (made out to the Town of Port Hedland)	<input type="checkbox"/>	Credit Card - Mastercard or Visa only	<input type="checkbox"/>

Note: For security reasons, the Town of Port Hedland cannot accept written credit card details. Therefore, please provide the name as displayed on your credit card and sign below to authorise the Town of Port Hedland to debit that card. The Town of Port Hedland will contact you to obtain your credit card number.

Name on card: _____

Signature: _____

Date: _____

Part 8: Applicant Declaration

Both partners must read and sign the following declaration:

We declare that the information we have provided on this Application Form is correct and that we have read and agree to the Conditions of the Relationship Declaration Program. We declare that there is no reason why we should not make a declaration about our relationship.

By providing this information we consent to it being held, used and disclosed for the purposes described above. We understand that the disclosure of information will be lawfully authorised if its disclosure is required by law or in accordance with the provisions of the Freedom of Information Act 1992.

We understand that we are entering into a voluntary commitment with our partner which does not change our legal status. We understand that the declaration we make may be tendered as evidence in legal proceedings of the existence and duration of our relationship.

We acknowledge that a Certificate of our relationship declaration will be issued by the Town of Port Hedland and handed to one of us, and that the safekeeping and use of the Declaration Certificate is the responsibility of both partners.

We understand that the Town of Port Hedland does not guarantee the accuracy of the information being held and that it reserves the right to cease the keeping of the Register at any time.

We agree to fully indemnify Town of Port Hedland and its Officers against all liability for anything done bona fide in the creation, updating and maintenance of our information provided for the purposes of the Register, and against all liability in respect of any claims, and for all loss and damage, that may arise from the use or otherwise of the Relationship Declaration.

Partner One Name

Partner One Signature*

Date

Partner Two Name

Partner Two Signature*

Date

Part 9: Procedures for Making a Relationship Declaration

9.1 Making an Application

Couples wishing to make a relationship declaration can apply to do so by obtaining a copy of the Town of Port Hedland Relationship Declaration Register Application Form.

9.2 Submitting an Application Form

The Application Form must be completed and signed by both partners making the application and lodged in person at the Town of Port Hedland to Governance, (see 9.3 "making an appointment") together with the required original proof of identity documents, as specified in Section 5.

IN PERSON: Administration and Civic Centre, McGregor Street, Port Hedland WA 6721

9.3 Making an appointment

Once you have completed the Application Form, please telephone the Governance unit on 9158 9300 to make an appointment to have your application processed and documents of proof verified.

After your Application has been accepted and the fee has been paid, a letter will be sent to the Applicants to confirm an appointment for the making of the declaration.

9.4 Making a Payment

Once the Application Form has been accepted, the Prescribed Fee is required to be paid. Prior to the Declaration being made, proof of payment of the Prescribed Fee must be provided.

9.5 Pre-Declaration Interview

During the interview, the Town of Port Hedland Chief Executive Officer (or delegate) shall ascertain that the Application Form and all the documentation is in order.

9.6 Making the Declaration

The making of the relationship declaration will be short (less than 10 minutes), after which the couple will each receive a signed copy of the Certificate.

At the Declaration, the Chief Executive Officer (or delegate) shall;

- request that they each sign the Relationship Declaration Certificates;
- witness their signing the Relationship Declaration Certificates; and
- sign the Relationship Declaration Certificate as the person officiating.

9.7 Please Note that the Town does not conduct ceremonies in association with the making of relationship declarations.

For more information regarding your application please contact the Governance unit by:
Telephone: 08 9158 9300
or visit our website: www.porthedland.wa.gov.au
Email: council@porthedland.wa.gov.au

Office use only

Receiving Officer	Date Received	Proof of age/Identification documents sighted	<input type="checkbox"/>
<input type="text"/>	<input type="text"/>		
Declaration date	Declaration Time	Declaration Venue	Town Staff Witness
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

ATTACHMENT 2 TO ITEM 12.3.2

From: Natasha Bargeus [REDACTED]
Sent: Wednesday, 15 July 2015 8:44 AM
To: Records
Subject: ICR56405 - 06/03/0014 - relationship declaration register

Happy to support this initiative.
Excellent for the regional WA and great for Port Hedland to be leading the way on this important area.
Well done.

Natasha Bargeus

[REDACTED]
This message may contain privileged and confidential information and is intended for the exclusive use of the addressee(s). You must not disclose this communication to anyone without the prior consent of the Department for Child Protection and Family Support (CPFS). If you have received this email in error, please notify us by return mail, delete it from your system and destroy all copies. CPFS has exercised care to avoid errors in the information contained in this email but does not warrant that it is error or omission free.
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-----Original Message-----

From: Laurence Leroux [REDACTED]
Sent: Wednesday, 15 July 2015 8:18 AM
To: Records
Subject: ICR56407 - 06/03/0014 - relationship register

I approve

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From: Ripp, Reginald [REDACTED]
Sent: Wednesday, 15 July 2015 8:25 AM
To: Records
Subject: ICR56406 - 06/03/0014 - Relationship Declaration Register for the Town of Port Hedland

Good morning,

I write to the Elected Members of the Town of Port Hedland Council and respectfully request that they vote yes to establishing a Relationship Declaration Register at your July meeting.

A Relationship Declaration Register would provide a means of recognising the relationship status of couples, irrespective of gender and will assist groups with advocacy work on important matters like safety and homophobia in the Community.

I commend this initiative of the Council.

Kind regards,

When you call me on [REDACTED] an Associate Business Banker will answer your call. They will be able to assist with most of your day to day enquiries on the spot. Alternately you can send your day to day banking requests and general enquiries to our email fulfilment team at [REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

Reg Ripp
[REDACTED]

-----Original Message-----

From: Craig Vincent [REDACTED]

Sent: Wednesday, 5 August 2015 8:25 PM

To: Records

Subject: ICR56907 - 06/03/0014 - Relationship register

Writing in support of the relationship register.

Good to see Port Hedland leading the way.

Regards,

Craig Vincent

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From: James Doherty [REDACTED]
Sent: Monday, 10 August 2015 7:04 AM
To: Records [REDACTED]
Subject: ICR56955 - 06/03/0014 - relationship declaration register.

Jamez Doherty 10th August 2015

[REDACTED]

Dear Elected Members,

I am writing to give my support for the policy proposing a relationship declaration register.

I believe that in this day and age of antidiscrimination, a policy such as this which is recognising people in committed relationships without discrimination to gender is the way forward and it would be wonderful to see that the Town of Port Hedland is progressive and understanding of all of its community members.

Kind Regards

Jamez Doherty

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-----Original Message-----

From: Colleen Rogers [REDACTED]
Sent: Tuesday, 11 August 2015 2:18 PM
To: Records [REDACTED]
Subject: ICR57046 - 06/03/0014 - Relationship declaration

I support the relationship declaration register for the town of Port Hedland

Thank You

Colleen Rogers

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[REDACTED]

11th August 2015

Jaimee Brensell

[REDACTED]
[REDACTED]

Dear Elected Members,

I am writing to give my support for the bill proposing a relationship declaration register. I believe that in this day and age of antidiscrimination, a bill such as this which is recognising people in committed relationships without discrimination to gender is the way forward. I am also legally married in every gay friendly state in the world but here in Australia which I call my home, it's not recognized how is that fair?

Kind Regards

Jaimee Brensell

From [REDACTED]

Sent: Tuesday, 11 August 2015 8:54 PM

To: Records [REDACTED]

Subject: ICR57044 - 06/03/0014 - Relationship dec [REDACTED]

-----Original Message-----

From: Eric Mitchell [REDACTED]
Sent: Tuesday, 11 August 2015 12:40 PM
To: Records [REDACTED]
Subject: ICR57047 - 06/03/0014 - Relationship declaration

I support the policy for relationship declaration register for the town of Port Hedland because, as a gay male I have the same rights as every straight person out there, I Ain't no tax paying second class citizen Eric Mitchell

Sent from my iPhone

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-----Original Message-----

From: Jackie [REDACTED]
Sent: Tuesday, 11 August 2015 10:31 AM
To: Records [REDACTED]
Subject: ICR57017 - 06/03/0014 - Relationship declaration

I support the policy for a registration declaration regardless of gender. Thanks for accepting my vote . Regards Jackie Hartley

Sent from my iPad

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From: Keryn [REDACTED]
Sent: Tuesday, 11 August 2015 8:56 AM
To: Records [REDACTED]
Subject: ICR57015 - 06/03/0014 - Support of Relationship Declaration Register

Good Morning,

This email is to confirm I support the relationship declaration register.

I believe no matter who you love you should be allowed the legally show it.

Regards,

Keryn Kalzee

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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Bradley Derschow

[REDACTED]
[REDACTED]

Elected Members
Town of Port Hedland
A Civic Centre
McGregor Street,
Port Hedland WA 6721

Dear Elected Members,

I am writing to give my support for the policy proposing a relationship declaration register.

I believe that in this day and age of antidiscrimination, a policy such as this which is recognising people in committed relationships without discrimination to gender is the way forward and it would be wonderful to see that the Town of Port Hedland is progressive and understanding of all of its community members.

Kind Regards

Bradley Derschow

-----Original Message-----

From: [REDACTED] Ricki Wilden [REDACTED]
Sent: Tuesday, 11 August 2015 7:42 AM
To: Records [REDACTED]
Subject: ICR57005 - 06/03/0014 - Relationship declaration register - Support for

To whom it may concern,

I support the relationship declaration register. It should not be necessary for us to have one, but as politicians are not permitted to have a conscience vote on the subject in Parliament, it's an alternative that I support.

Kind regards

Ricki Wilden

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-----Original Message-----

From: Rochellee Plumb [REDACTED]
Sent: Tuesday, 11 August 2015 5:48 AM
To: Josephine Bianchi [REDACTED]
Cc: Mal Osborne [REDACTED]
Subject: Regarding Policy 1/021 Relationship Declaration Register

Dear Mr Osborne,

I am writing in support of the above policy. It is my belief that people have a right to enjoy family relationships.

Families are made up of many different formats and have been for numerous years. Without 'family' to support, care and provide love to people, life loses all meaning.

Families should also include same sex partners.

Please register my support for Policy 1/021.

Kind Regards

Rochellee Plumb

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For more information please visit [REDACTED]
[REDACTED]

Nicola White

10th August 2015



Dear Elected Members,

I am writing to give my support for the policy proposing a relationship declaration register.

I believe that in this day and age of antidiscrimination, a policy such as this which is recognising people in committed relationships without discrimination to gender is the way forward and it would be wonderful to see that the Town of Port Hedland is progressive and understanding of all of its community members.

Kind Regards

Nicola white



2

1/021 RELATIONSHIP DECLARATION REGISTER

Policy Objective

To establish a confidential Relationship Declaration register as a means of recognising the relationship status of couples, irrespective of gender.

Policy Content

The Town of Port Hedland supports the establishment of a Relationship Declaration Register as a means of recognising the relationship status of couples, irrespective of gender. Under the scheme:

1. Couples living in Western Australia will be able to declare that they are partners and have this declaration recorded in the Town of Port Hedland Relationship Declaration Register;
2. Couples will be required to sign a statement stating that they are making a relationships declaration in good faith and the information they provide is true and accurate;
3. Couples who make a relationship declaration will receive a copy of their declaration in the form of a Certificate from the Town of Port Hedland;
4. Couples who wish to make a declaration and have this declaration recorded in the Town of Port Hedland Relationship Declaration Register shall agree to comply with the requirements specified in this Policy and Policy Procedure and Guidelines and pay the prescribed fee;
5. Only Couples over the age of eighteen (18) years may participate in the Town of Port Hedland Relationship Declaration Scheme.

This Policy is to be also read in conjunction with the attached Town's Policy Procedures and Guidelines.






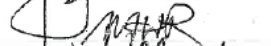
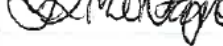

WE SUPPORT THE ADOPTION OF THE ABOVE POLICY BY THE TOWN OF PORT HEDLAND, AND PROVIDE MY DETAILS BELOW AS EVIDENCE OF MY SUPPORT.

NAME	ADDRESS	SIGNATURE
James Doherty	287/283 Collic Drive ^{StH}	
Sarah Cunningham	1/1 HOWE ST PORT HEDLAND	
Jessica Finch	53 McPherson St Port Hedland WA	
Nicola White	2 Downside Ave StH. Hedland	
Kristy Allison	190 Jibbit Way StH	
SKATS	South Hedland	
John Skats	South Hedland	
JULIE WALTON	25145 Greenfield St StH Hedland	
Josh Schatz	2 ACRO Way S-Hedland	
LAKE CARL	2 DEAMOND C. HEDLAND.	











NAME	ADDRESS	SIGNATURE
Ily Reba	33 Acacia Way South	
Trina Spickett	46 BRIDE CRES South	
Ebony Louisa	10 Weymouths rd	
Sean O'Sear	3 Yondera Cres	
CLIN MARIJIT	14 ROBERTS ST Sth Hedland	
Kate Cass	14 Roberts	
James Howard	4 MARIJITA DRIVE TRUVER RIVER	
Bridget Bransell	7 Boronia Close, South Hedland	
Celeste K	106 Reginald	
GREG BRILLIEN	37A FRATERICK STREET PORT HEDLAND	
1 M. MARIJITA	21 BARROW St Hedland	
Del Whiting	22 Moreley St Port Hedland	
Jeremy Whiting	22 Moreley St Port Hedland	
David Derham	148 Battleborough	
Kate Deyton	1 Cassia Place Sth.	
SAM KANG	2 DORICO LOOP Sth HEDLAND	
Rebecka Black	12 Cadjibut Way South Hedland	
James Richards	11 Huntlyme Cres	
Lyn Boharana	21 Styles Rd, Port Hedland	
Deb Gale	Lawson's apartment	
Kylie O'Meara	6 Egret Cresc. South Hedland	
Ash Jell	4 Steamer Ave St	
Lynne Jell	4 Starboard Ext Sth Hedland	
Luke Bush	2 Denman Place Sth Hedland	
Karen Ballantine	35 Brodie Cres Sth Hed	
Dwaine West	38A Morgan's street	
Victoria Shuter	11 Argo Way, Sth	
Bruce Reinkes	" "	
MARK HINCH	6 SPATULA COURT Sth	
JEN SCROGGIE	6 CRAIG ST, PORT HEDLAND	
M. GILL	74 SUTHERLAND ST Pt HEDLAND	
KEVIN REIN	20 ORIOLE WAY S. HEDLAND	



















NAME	ADDRESS	SIGNATURE
Trish Cithewood	126 Great Northern Highway	[Signature]
Hayley Leberio	3-5 Nairn Street	[Signature]
D M Auliffe	10 Classia Pl	[Signature]
Jason Cordwell	13 Butler Way	[Signature]
Joel Reese	6 Skippers Loop	[Signature]
Gemma Bree	12 Cooper Place	[Signature]
Raymond Woodfield	28 Hibiscus Way Forest Field	[Signature]
Tanya James	6 Hakea est	[Signature]
Wade Robinson	144 Peter Road	[Signature]
Ferri Metcalfe	35 Threadfin Loop	[Signature]
Taylah Metcalfe	35 Threadfin Loop	[Signature]
Michelle O'Meley	35 Threadfin Loop	[Signature]
Kristie Thomas	57 Lumpetti CR	[Signature]
ABBY WARHAM	17 WANGARA CR	[Signature]
Bailey Deveshon	7 Spoonbuc Crescent STH	[Signature]
MARY AGALE	44 NIX AVE	[Signature]
EMERIE AGALE	44 NIX AVE	[Signature]
FELICIA CARRIEM	2115 NORTH CIRCULAR RD	[Signature]
Caron Weyw	PO Box 2057	[Signature]
Séana McInnes	5 Bullara Place	[Signature]
Jessica Harvie	5 Bullara Place	[Signature]
Natalie Posener	3 Egret Crescent	[Signature]
Travis Elliott	11A Dongara Place STH	[Signature]
Roxy Oliver	2B Ashburton Place S.M	[Signature]
Melanie Neville	Draper Pl Sth Hedland W.A.	[Signature]
Mick Norman	" " " " "	[Signature]
Georgina DANN	12 PEPPERFLOWER WAY, STH HLD	[Signature]
S.M.H.	29 Harwell way w/field	[Signature]
Robn Daves	37 Harwell St, w/field	[Signature]
Jamika Selby	233/284 Collier Drive, Sth Hedland	[Signature]
Joel Coburn	" "	[Signature]







Page 12

NAME	ADDRESS	SIGNATURE
Tanya Mills	22 Green Pl. Sth Hedland	
Siobhan Clarke	2 Janice way, South Hedland WA 6722	
LIBBY KAREKO	5 FAIRLEAD BEND SOUTH HEDLAND WA	
XXXXXXXXXX	XXXXXXXXXX	
Sheekira Jones	Bloodwood	
ZARITA TAYLOR	Bloodwood	
Melana Richard	Bloodwood	
Kristy Montgome	Bloodwood	

Relationships are an important part of our life and makes us the people that we are. Whether you have a heterosexual relationship or a homosexual relationship recognition is a major part of your relationship. This petition is to recognise same sex relationships in Port Hedland. For more information please contact Nikki White at niki-76@hotmail.com

Name:	Address:	Signature:
JUNE DERSCHEW	7 Spornbill Cres SH	
LEONIE MURPHY	17 RAVEN ST, SHED	
FRAN HAINITZ	34 LAWSON ST SH	
ARON SMITH	2 SOMERSET Cres SH	
Nikki Tree	34 Lawson St, South Hedland	
SAMANTHA THORON	14 Smith Street, South Hedland	
Kerleigh McCowan	48 Captains St Hedland	
Chantelle Brahim	7A Dorrigo Loop, Sth Hedland	
LEAN KING	27 FAIRCROFT BEND	
Caroline Ely	69 Masters Way Sth Hedland	

Name:	Address:	Signature:
Kirsten Dyke	7 Clam Court Sth Hedland	
Peter Dyke	7 Clam Cr. Sth Hedland	
Jean Porritt	12 Starboard entrance Sth Hedland	
Stacey McKee	8 Ethric Cr Sth Hedland	
Jennifer-Lee Mills	Ge CAMPBELL Rd Sth Hedland	
Fiona Lockyer	13 TRAPINE CREES STH HED.	
Jaymi Ails	1 Albatone Way, Sth Hed	
Kevin Stokeman	Pox 1940 South Hedland	
Teagan Ramirez	7 Albatone Way, Sth Hedland	
Tania Williams	1 Sutherland Street Hedland	
Melanie Tavo	25 Baker Close, South Hedland	
Nicole Boland	681 Greene Plc, Sth Hedland	
205 Tomlinson	22 Goddard place, Sth Hedland	
Doni McMahon	9 Cwaka St, Sth Hedland	
Lisa Armstrong	9 Crake St Sth Hedland	
Chelsea Silvasi	15 Pilbara Way, Sth Hedland	
Amareno Naomann	14 Rutherford St. South Hedland	
Effe Inje	22B Roberts Street - South Hedland	

Name:	Address:	Signature:
Rosie Brown	17 Barrow Place, Shetland	
Jodi Bevic	6/18 Koolama Crescent, Shetland	
Megan Stray	4 Skipper's Loop, Shetland	
Vanessa Mainwright	20 Frisky Court, SH	
Ashley Councillor	25 Sutherland St, P.H.	
Andrew Dhu	12 Dongara Place, STL	

From: Jean Naude [REDACTED]
Sent: Wednesday, 29 July 2015 4:52 AM
To: Records
Cc: [REDACTED]
Subject: ICR56736 - 06/03/0014 - TOPH Council Relationship Register proposal

To whom it may concern

I have noted that the Town Of Port Hedland Council has embarked on what I consider to be an ill-conceived venture which, as far as I am concerned, is an attempt to front-run a very important debate which has yet to run its course here in Australia, which is the question of opening the Marriage Act up to same sex couples. I feel that there are numerous issues which need to be taken into consideration here, some of which are:

- in difficult times such as currently being experienced by the community, when budgets are under pressure due to falling revenues, service delivery is under pressure due to financial constraints, unemployment is rising, businesses in town are going under, it is disappointing that the council sees fit to waste valuable resources on something that can be seen at best as a liberal publicity stunt which will be of little benefit to the community at large;
- the council does not have a mandate from its electorate to implement a change such as this, and the entire community needs to be given a formal say as to whether it supports a decision such as this;
- the debate around this subject at Federal level still has a long way to go, and the outcome has yet to be determined, but will in all likelihood lead to a different outcome from that which is envisaged by the council, which will probably invalidate this decision in any event;
- the legal status of this register and the relationships recorded in it is at best questionable, given that the register does not constitute proof of a de facto relationship in terms of current legal requirements, and the fact that these relationships can come into existence and cease to exist with equal facility is also problematic; this raises the question of why is the council doing this anyway if it has no tangible benefit to anyone?
- The fact that officials who may be required to carry out this policy as part of their roles at the Town Of Port Hedland but who object to it for a valid reason do not have a means to opt out of being compelled to carry out this policy needs to be taken into account, as it is something that some people will find problematic and may result in their being discriminated against should they refuse to take part.

In summary, I wish to express my opposition to this policy, as it is quite plainly the wrong thing to be doing for the Town Of Port Hedland at this time. The council should concern itself with the very real issues facing the community at the moment, not trying to score cheap points in the liberal stakes in this way.

Thank you

Jean Naude
[REDACTED]
[REDACTED]
[REDACTED]

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Relationship Declaration Register - Unanimous Ratepayer – Against

I am writing in response to the proposal to establish a relationship declaration register that would recognise same-sex unions in the Town of Port Hedland. I am a ratepayer of the town of Port Hedland and reside in South Hedland. I have read the public information regarding this proposal and I am still left wondering what inequalities will be addressed by this same-sex registration. I also wish to remain anonymous. I request that the response to my questions comes from the elected councillors of the Town of Port Hedland and not the staff employed by the TOPH.

The Australian Human Rights Commission's report *Same-Sex: Same Entitlements* and a subsequent audit of Commonwealth legislation in 2009 resulted in 85 Commonwealth laws being amended to eliminate discrimination against same-sex couples and their children. This effectively removed the discrimination to enable same-sex couples and their children equal access to entitlements accessed by de facto heterosexual couples and their children. These law reforms impacted the following areas:

- Tax
- Superannuation
- Social security and family assistance
- Pharmaceutical Benefits Scheme Safety Net and Medicare Safety Net
- Aged care
- Child support
- Immigration
- Citizenship
- Veterans' affairs

Since there is no legal inequality between same-sex couples and heterosexual de-facto couples, the only actual difference is the marriage itself. In the TOPH council meeting on 29 July 2015, Gloria Jacob stated that, "...this is not an attack on the sanctity of marriage...we are entitled to the basic human right of being treated equally." Yes, that is right! And that is why the Human Rights Commission submitted the report on Same-Sex: Same Entitlements resulting in 85 changes to our laws. This was the end of any legal discrimination. So the only actual difference is the Marriage Act which would need to be redefined to accommodate same-sex couples. So yes, it does seem like an attack on the sanctity of marriage. This is a Federal government issue and the local government is not the forum for this issue.

At the council meeting, Gloria continues to say, "... For those of us who live in the community that we live in (Port Hedland), you allow us to train your children, you allow us to volunteer and contribute to many organisations in the community, you allow us to be leaders in your community but you don't allow us to express love for the person we want to express love for. We are not able to freely express love for whoever it is that we choose." This statement is evidence of the freedom and lack of discrimination within our community. As Gloria is talking about the local community she is saying that we as a community do not allow the gay and lesbian community to express love for the person they want to express love for. She has not defined, 'express love' and I ask, what does she mean? Our community of Port Hedland has no authority to legislate for same-sex marriage and this needs to be worked through in the federal arena, not our council.

If the Town of Port Hedland is trying to address an apparent inequality that exists within the Town of Port Hedland, what is that inequality?

Given that the Town of Vincent has already established a Relationship Declaration Register, which is available to all residents of Western Australia, why can't people register their unions with the Town of Vincent, especially since many of the members of PHLAGS are reported to be living outside of the Town of Port Hedland anyway or are FIFO workers.

One of the points raised by Gloria Jacob's email dated 28 May 2015 was: Support and advocate for the recognition of same sex marriage equality in Australia. The focus has been on the register itself. So what should we expect with this point? Does it mean that the TOPH is going to actively lobby the Federal Government and politicians?

Thararainail also quoted that 19 countries have same-sex marriage. Few of these countries had made the changes to their legislation prior to changing their Marriage Acts, ensuring equality for gay and lesbian couples as Australia already has.

There are currently only 4 out of 565 town/city councils in Australia that have a relationship declaration register. Perhaps they realise there are far more pressing things their councils need to focus on and I would agree with that argument.

Ratepayer and resident of the Town of Port Hedland

12.3.3 Making of Town of Port Hedland Cemetery Local Law 2015

Josephine Bianchi, Governance Coordinator
File No. 13/09/0002

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/032 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR JACOB

SECONDED: CR HUNT

That Council:

1. **Notes the submission from the Department of Local Government and Communities in relation to the proposed Town of Port Hedland Cemetery Local Law 2015;**
2. **Resolves to make the Town of Port Hedland Cemetery Local Law 2015, as per Attachment 1, in accordance with section 3.12 of the Local Government Act 1995;**
 - a) **the purpose of which is to provide for the orderly management of those Cemeteries in accordance with established plans and to create offences for inappropriate behaviour within cemetery grounds; and**
 - b) **the effect being all persons in the administration of the cemeteries, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries, are to comply with the provisions of this Local Law**
3. **Publish the *Town of Port Hedland Cemetery Local Law 2015*, as per (2) above, in the *Government Gazette* and provide copies of the local law to the Minister for Local Government;**
4. **Give local public notice after gazettal of the local law advising the date on which the local law commences;**
5. **Submit a copy of the gazetted local law, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review; and**
6. **Authorise the affixing of the Common Seal to the *Town of Port Hedland Cemetery Local Law 2015*.**

CARRIED BY ABSOLUTE MAJORITY 8/0

EXECUTIVE SUMMARY

For Council to consider the submission received from the Department of Local Government and Communities after the closure of the public submission period on the proposed *Town of Port Hedland Cemetery Local Law 2015*.

DETAILED REPORT

The proposed *Town of Port Hedland Cemetery Local Law 2015* was presented to the Council at its Ordinary meeting of 27 May 2015 for adoption to commence public advertising.

The procedure for making local laws requires Council to advertise state-wide, advising of its intention to make a local law, and invite submissions to be made on the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law. After resolving to make the local law, it must publish the local law in the *Government Gazette* and provide a copy to the Minister for Local Government. Copies of the local law along with the completed Explanatory Memorandum are to be forwarded to the Joint Standing Committee on Delegated Legislation for review. Local public notice of the commencement of the local law must occur after its gazettal.

State-wide advertising was undertaken in the West Australian on 24 June 2015, and local advertising was also undertaken in the North West Telegraph on 24 June 2015, as well as through the Town's notice boards, with the submission period for public comment closing on 6 August 2015.

At the closure of the submission period, one submission, from the Department of Local Government and Communities, was received.

The key items of the submission are addressed in the table below:

CLAUSE NO.	HEADING	PROPOSED AMENDMENT	TOWN'S POSITION
1.5	Part 1	Purpose and effect - The Town can remove this clause if it wishes as it has no legislative effect.	Noted. It is suggested that this clause remain, as it provides readers of the local law of the purpose and intent of the local law at the commencement.
1.6	Part 1	<p>Interpretation - It is suggested that all references to the 'local government' should be replaced with references to the 'Board', and a new definition of 'Board' be included.</p> <p>It is suggested that the definition of 'set fee' be changed to set fee refers to fees and charges set by</p>	<p>Agreed. This clause has been amended by inserting this definition. This change has also necessitated various consequential amendments throughout the local law where reference was made to the 'local government' and have now been replaced with 'Board'.</p> <p>Agreed. This definition has been amended as suggested.</p>

		a resolution of the Board and published in the Government Gazette under section 53 of the Act	
4.3 and 4.4	Part 4	The inclusion of these clauses may create inconsistencies with the Cemeteries Act. It is suggested that they be deleted and the Town utilise the provisions under sections 16 to 19 of the Act.	Agreed. The intent was to try and create a single reference point for all items, rather than having staff refer to the local law for certain aspects, and then have to refer to the Act for other requirements. Given the advice clauses 4.3 and 4.4 have been deleted.
7.2	Part 7	Placement of Monumental Work – It is suggested that the words ‘as determined by the local government’ be deleted. The wording of this clause will allow the Town to change the details of the offence at any time without any opportunity for scrutiny by Parliament.	Agreed. Section 30 of the Act allows the Town to approve foundations on a case by case basis, so the removal of the words ‘as determined by the local government’ will not impact on the Towns ability to ensure appropriate foundations are installed based on the merits of each application.
Schedule 1		Modified Penalties - It is suggested that the modified penalties in Schedule 1 be amended to \$50, as Section 9.17 of the LGA sets the modified penalty at 10% of the maximum fine that could be imposed by a court, that being 10% of \$500 (section 55(1)(p) of the Cemeteries Act.	Noted. The modified penalties have been amended to \$50.

The Department's suggested amendments have been incorporated into the Town's final local law.

The Town's consultant engaged to assist with the local laws has suggested the following additional amendments be made, which have been incorporated into the local law-

Definition:

Guide dog be replaced with **assistance dog** definition;

Clause 8.1 – Title be amended to be consistent with above definition amendments, and body text be simplified and reworded.

Clause 6.2(2) - This clause be deleted. Recent Joint Standing Committee advice is that section 58 fully covers all aspects in relation to reopening a grave or an exhumation, and therefore clause 6.2(2) contradicts what the Minister can do under section 58.

The amendments suggested above are considered minor in nature and will not result in a local law significantly different from that originally proposed.

To comply with the provisions of section 3.12 of the Act, when making a local law, the Presiding Person is required give notice of the purpose and effect of the proposed local law at the Council meeting where the local law is being considered. This is achieved by:

- a) ensuring that the purpose and effect of the local law is included in the agenda for that meeting; and
- b) by ensuring that the minutes of the meeting of the council include the purpose and effect of the proposed local law.

The purpose and effect of the Cemetery local law is –

Purpose – To provide for the orderly management of those Cemeteries in accordance with established plans and to create offences for inappropriate behaviour within cemetery grounds.

Effect - All persons in the administration of the cemeteries, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries, are to comply with the provisions of this Local Law.

Consultation

Internal

Consultation in relation to the proposed local law was undertaken with Councillors and the Executive Leadership Team prior to the advertising of the local law.

External

- DLG Consulting
- Department of Local Government and Communities
- Public consultation via the placement of an advertisement in the West Australian, local newspapers and a notice was also placed on local notice boards.

FINANCIAL and risk IMPLICATIONS

Gazettal of the adopted local law is required, which currently costs \$249 per page. These costs are included in the current budget.

The risk of not adopting this local law is that the Town will not have complied with the provisions included in the Local Government Act 1995 in relation to the timeframe for local laws review.

STATUTORY AND POLICY IMPLICATIONS

Section 3.12 of the Local Government Act 1995 relates to the Procedures for making of local laws.

Section 4.1 'Strategic and best practice local government administration' under 'Leading our community' of the Strategic Community Plan applies as it outlines that governance processes and associated policies and procedures align with leading practice and are up to date with legislative requirements.

ATTACHMENTS

1. Gazette ready copy of the Town of Port Hedland Cemetery Local Law 2015.
2. Email advice from the Department of Local Government and Communities.

14 August 2015

ATTACHMENT 1 TO ITEM 12.3.3

CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995

TOWN OF PORT HEDLAND

CEMETERY LOCAL LAW 2015

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Port Hedland resolved on [insert adoption resolution date here] to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law is cited as the *Town of Port Hedland Cemetery Local Law 2015*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies to the South Hedland Cemetery (Reserve No. 28672) located within the district.

1.4 Repeal of local law

The *Town of Port Hedland Local Law (Cemeteries)*, as published in the *Government Gazette* on 10 January 2000, is repealed.

1.5 Purpose and effect

- (1) The purpose of this local law is to provide for the orderly management of those Cemeteries in accordance with established plans and to create offences for inappropriate behaviour within cemetery grounds.
- (2) The effect of this local law is that all persons in the administration of the cemeteries, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries, are to comply with the provisions of this Local Law.

1.6 Interpretation

- (1) In this local law unless the context otherwise requires—

Act means the *Cemeteries Act 1986*;

Administrator includes executor and any person who, by law or practice, has the right to apply for administration, and any person having the lawful custody of the body of a deceased person;

animal means any animal;

ashes means so much of the remains of a dead body after the due processes of cremation as may be contained in a standard sized cremation urn;

assistance dog has the same meaning as is given to that expression in the *Dog Act 1976*;

authorised officer means an employee of the Board authorised by the Board for the purposes of performing any function or exercising any power conferred upon an authorised officer by this local law;

Board means the Town of Port Hedland;

burial has the same meaning as is given to it in the Act;

cemetery means any one or any part of the public cemeteries in the district of the local government, which the Governor, by order, has placed under the care control and management of the local government;

CEO means the Chief Executive Officer of the local government;

Commissioner of Police means the Commissioner of Police for the time being appointed under the

Police Act 1892 and includes any person for the time being acting in that capacity in the absence of the Commissioner of Police.

dead body has the same meaning given to it in the Act;

district means the district of the local government;

funeral includes the burial of a dead body and all associated processions and ceremonials but does not include so much of the ceremonial that is solely a religious rite;

funeral director means a person holding a current funeral director's licence;

funeral director's licence means a licence issued by the Board in accordance with clause 4.2, which entitles the holder to conduct funerals at the cemeteries;

grant means a grant issued by the Board, of an exclusive right of burial in a grave;

grave means a specified area of the cemetery for burial;

holder in relation to a grant includes-

- (a) a person issued with a grant by the Board;
- (b) a person for the time being appearing to the Board to be the holder of a grant;

local government means the Town of Port Hedland;

memorial has the same meaning as given to it in the Act;

military grave means a grave eligible for commemoration by the Office of Australian War Graves;

Minister means the Minister for Local Government;

monument includes a tombstone, vault, enclosure or other approved form of memorial;

monumental mason means a person, firm or company holding a current monumental mason's licence;

monumental mason's licence means a licence issued by the Board;

monumental work when the term is used as an abstract noun shall include the erection, alteration or removal of or other working upon a monument on a grave;

personal representative means-

- (a) the administrator or executor of an estate of a deceased person;
- (b) the person who, by law of practice, has the right to apply for administration of the estate of the deceased person; or
- (c) a person having the lawful custody of a dead body;

remains means ashes or what remains of a dead body after burial;

set fee refers to fees and charges set by a resolution of the Board and published in the *Government Gazette* under section 53 of the Act;

single funeral permit means a permit issued by the Board under section 20 or 21 of the Act which entitles the holder to conduct at the cemetery a funeral of a person named in the permit; and

vehicle has the same meaning as is given to that word in the *Road Traffic Act 1974*, as amended from time to time, and includes trail bikes, beach buggies and other recreational vehicles licensed or unlicensed, but excludes a wheel chair being used by a physically impaired person.

- (2) Unless otherwise defined herein the terms and expressions used in this local law shall have the same meaning given to them in the Act.

PART 2—ADMINISTRATION

2.1 Powers and functions of CEO

Subject to any directions given by the Board, the CEO shall exercise all the powers and functions of the Board in respect of the cemeteries.

2.2 Grant of right of burial

The Board may issue to a person a grant of right of burial, for the term specified in the Act from time to

time, upon –

- (a) written application by that person; and
- (b) payment of the set fee.

2.3 Rights of holder

- (1) Subject to this local law, to the prior approval of the Board and to the terms and conditions (if any) imposed by the Board, a grant confers on a holder, during the term of the grant, an exclusive right—
 - (a) to bury one or more dead bodies, or the ashes of one or more dead bodies, in a grave specified in the grant; and
 - (b) to carry out monumental works on the grave specified in the grant.
- (2) The Board, in its absolute discretion, may determine from time to time the number of dead bodies or ashes which may be placed in the grave.
- (3) The Board or an authorised officer may request the holder to produce the grant before the exercise of any of the rights referred to in subclause (1) and the holder shall forthwith comply with that request.

2.4 Transfer of right of burial

A transfer of right of burial is dealt with in the Act.

2.5 Protection of right of burial

A protection of right of burial is dealt with in the Act.

2.6 Surrender of right of burial

A surrender of right of burial is dealt with in the Act.

PART 3—APPLICATION FOR FUNERALS

3.1 Application for burial

- (1) A person may apply for approval to bury a dead body in the cemetery in the form determined by the Board from time to time.
- (2) An application under subclause (1) is to be accompanied by the set fee.

3.2 Applications to be accompanied by certificates etc

All applications referred to in clause 3.1 shall be accompanied by either a medical certificate of death or a Coroner's order of burial, and a certificate issued under clause 3.3, in respect of the body.

3.3 Certificate of identification

- (1) After a dead body is placed in a coffin and prior to a dead body being removed to the cemetery, a person who personally knew the deceased shall identify the dead body and shall complete a certificate of identification in the form determined by the Board from time to time, unless—
 - (a) in the opinion of the funeral director, the dead body is not in a fit state to be viewed; or
 - (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.

- (2) Where—

- (a) in the opinion of the funeral director, the dead body is not in a fit state to be viewed; or
- (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body,

then the funeral director shall complete a certificate in the form determined by the Board from time to time.

3.4 Minimum notice required

All bookings to hold a funeral shall be made with the Board at least 2 working days prior to the time proposed for burial on the application, otherwise an extra charge may be made.

3.5 Time for burials

- (1) Subject to subclause (2), a person shall only carry out a burial during the following days and hours-

- (a) Monday to Friday between 9:00 a.m. and 4:00 p.m.; or
 - (b) Saturday 9:00 a.m. and 11:00 a.m.,
- unless the Board has given written permission for an alternative date and time.
- (2) A person shall not carry out a burial on a gazetted public holiday in the State of Western Australia.

PART 4—FUNERAL DIRECTORS

4.1 Directing a funeral

A person shall not direct a funeral within a cemetery or otherwise make use of the cemetery for any purpose connected with directing the funeral unless that person is—

- (a) the funeral director;
- (b) an employee of the funeral director; or
- (c) a holder of a single funeral permit.

4.2 Funeral director's licence

- (1) The Board may, upon the receipt of an application in writing in the form determined by the Board and upon payment of a set fee, issue to an applicant a funeral director's licence authorising a holder to direct funerals within a cemetery at such times and on such days and subject to such conditions as the Board shall specify and in compliance with the provisions of this local law.
- (2) If the application referred to in subclause (1) is approved by the Board, the Board shall issue to the applicant a licence in the form determined by the Board.
- (3) A person who is the holder of a current funeral director's licence may apply for a new licence for the following year by lodging with the Board an application form and upon payment of the set fee.

4.3 Application for a single funeral permit

Every application for a single funeral permit made under section 20 or 21 of the Act shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite.

4.4 Application may be refused

The Board may refuse an application for a single funeral permit if, in the opinion of the Board, either the coffin specifications or the details of the vehicle transporting the dead body to the gravesite are not structurally sound or are otherwise inadequate or inappropriate, or on any other grounds.

4.5 Review of decision

An aggrieved person whose licence has been cancelled or suspended under this part may appeal to the State Administrative Tribunal against a decision of the Board under this part and in the manner stated in section 19 of the Act.

PART 5—FUNERALS

Division 1—General

5.1 Requirements for funerals and coffins

A person shall not bring a dead body into the cemetery unless—

- (a) the Board has approved an application for the burial of that dead body in accordance with Part 3 of this local law;
- (b) it is enclosed in a coffin which in the opinion of the Board is structurally sound and bears the name of the deceased person indelibly inscribed in legible characters on a plate on the coffin's lid; and
- (c) under the plate referred to in paragraph (b) there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10 mm in height.

5.2 Funeral processions

The time fixed by the Board for any burial shall be the time at which the funeral procession is to arrive at the cemetery gates, and, if not punctually observed, then the applicant who applied to hold the funeral under clause 3.1 shall pay the set fee for being late.

5.3 Vehicle access and speed limitations

- (1) Subject to subclause (2), every funeral procession shall enter by the principal entrance, and no vehicle except the hearse, and official mourning coaches, shall be permitted to enter the interment area.
- (2) This clause shall not apply to persons using wheelchairs or motorised wheelchairs.
- (3) Vehicles shall proceed within the cemetery by the constructed roadway or other areas designated for the use of vehicles and shall not exceed the speed indicated by signs.

5.4 Offenders may be ordered to leave

A person committing an offence under clause 5.3(3) may be ordered to leave the cemetery by the CEO or an authorised officer.

5.5 Conduct of funeral by Board

When conducting a funeral under section 22 of the Act the Board may—

- (a) require a written request for it to conduct a funeral to be lodged with it;
- (b) in its absolute discretion, charge any person requesting it to conduct a funeral the set fee for the conduct of that funeral by it;
- (c) where no fee or a reduced fee has been charged by it for the conduct of the funeral, determine the manner in which the funeral shall be conducted;
- (d) bury a dead body within cemeteries under the delegation of the Board and in conjunction with the Act;
- (e) specify an area in the cemetery where the dead body is to be buried or the ashes placed;
- (f) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this local law; and
- (g) do or require anything which it considers is necessary or convenient for the conduct of a funeral by it.

*Division 2—Placement of Ashes***5.6 Disposal of Ashes**

- (1) A personal representative of a deceased person whose body has been cremated may apply, in an application under clause 3.1 or otherwise, for permission to dispose of the ashes in the cemetery and upon payment of the set fee the Board may grant permission for the ashes to be disposed of by one of the following methods—
 - (a) niche wall;
 - (b) scattering to the winds; or
 - (c) other memorials approved by the Board.
- (2) Subject to subclauses (3) and (4), a person shall not place the ashes of a deceased person in the cemetery.
- (3) An authorised officer may place the ashes of a deceased person in a cemetery in accordance with the Board's approval provided—
 - (a) the person requesting the placement of the ashes has the permission of the Board; and
 - (b) the ashes are placed within an area set aside for that purpose by the Board.
- (4) An authorised officer may place the ashes of a deceased person within a grave in accordance with the Board approval, provided the person requesting the placement of the ashes has the written permission of the Board and the approval of the holder of the right of burial of the grave.

PART 6—BURIALS**6.1 Depth of graves**

- (1) A person shall not bury a coffin within the cemetery so that the distance from the top of the coffin to the original surface of the ground is-
 - (a) subject to paragraph (b), less than 750 mm, unless that person has the permission of an authorised officer; or
 - (b) in any circumstances less than 600 mm.
- (2) The permission of the authorised officer in subclause (1)(b) will only be granted where in the opinion of the authorised officer exceptional circumstances require granting of that permission.
- (3) Every grave prepared by the Board shall be dug at least 1.8m deep and shall not exceed 2.3m in depth, unless otherwise determined by the Board.

6.2 Re-opening a grave

If for the purpose of re-opening a grave in the cemetery, the Board finds it necessary to remove plants, grass, shrubs or other like matter from the grave, then the person ordering the re-opening of that grave shall bear the cost of the removal and any necessary reinstatement.

6.3 Exhumation of a coffin

- (1) Subject to subclause (2), a person shall not exhume a coffin in the cemetery for the purposes of re-burial within 12 months after the date of its interment.
- (2) Subclause (1) shall not apply where the exhumation is ordered or authorised pursuant to the Act.
- (3) Subject to subclause (1) and (2) prior to any other exhumation, the holder of a grant must have applied in writing to the Board requesting the exhumation and the Board has authorised the exhumation.

6.4 Opening of coffin

A person shall not open a coffin in the cemetery unless –

- (a) the coffin is opened for the purposes of the exhumation of a dead body; or
- (b) that person has produced to the Board an order signed by the Commissioner of Police and the Board has approved the opening of that coffin.

PART 7—MEMORIALS AND OTHER WORK*Division 1—General***7.1 Application for monumental work**

The Board may require the written consent of the holder of the right of burial of the grave to accompany an application under section 30 of the Act.

7.2 Placement of monumental work

Every memorial shall be placed on proper and substantial foundations.

7.3 Removal of rubbish

All refuse, rubbish or surplus material remaining after memorial works are completed under a permit issued under section 30 of the Act shall be immediately removed from the cemetery by the person carrying out the same.

7.4 Operation of work

All material required in the erection and completion of any work shall, as far as possible, be prepared before being taken to the cemetery, and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised officer shall direct.

7.5 Removal of sand, soil or loam

No sand, earth or other material shall be taken from any part of the cemetery for use in the erection of any memorial or work except with the written approval of the Board.

7.6 Hours of work

Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than during the hours of 8.00 a.m. and 6.00 p.m. on weekdays, and 8.00 a.m. and noon on Saturdays, without the written permission of the Board.

7.7 Unfinished work

Should any work by masons or others be not completed before 6:00 p.m. on weekdays and noon on Saturdays, they shall be required to leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised officer.

7.8 Use of wood

No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave without the prior approval of the Board.

7.9 Plants and trees

No trees or shrubs shall be planted on any grave or within the cemetery except such as shall be approved by the CEO.

7.10 Supervision

All workers, whether employed by the Board or by any other person, shall at all times whilst within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised officer and shall obey such directions as the CEO or an authorised officer may give.

7.11 Minor maintenance and repair works

Persons shall be permitted to carry out minor maintenance and repair works, not of a structural nature, such as cleaning, touch up painting, etc on graves, without seeking the approval of the Board.

7.12 Australian war graves

Notwithstanding anything in this local law to the contrary, the Office of Australian War Graves—

- (a) may place a memorial on a military grave; and
- (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

7.13 Placing of glass domes and vases

A person shall not place glass domes, vases or other grave ornaments outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40(2) of the Act.

*Division 2—Memorial Plaque Section***7.14 Requirements of a memorial plaque**

All memorials, placed in a memorial plaque section of the cemetery set aside by the Board, shall be supplied by the Board.

*Division 3—Licensing of Monumental Masons***7.15 Monumental mason's licence**

- (1) The Board may, upon receipt of an application in writing by any person and upon payment of the set fee issue to the applicant a monumental mason's licence.
- (2) A licence issued under subclause (1) authorises the holder to carry out monumental works within the cemetery subject to the provisions of this local law and such conditions as the Board shall specify upon the issue of that licence.

7.16 Expiry date, non-transferability

A monumental mason's licence—

- (a) shall, subject to clause 7.19, be valid from the date specified therein until 30 June the next following year; and
- (b) is not transferable.

7.17 Carrying out monumental work

A person shall not carry out monumental work within the cemetery unless that person—

- (a) is the holder of a current monumental mason's licence issued pursuant to clause 7.15 or does so as the employee of a person who holds such a licence;
- (b) is authorised by the Board to do so; or
- (c) has received from the Board permission to do so during a funeral service.

7.18 Responsibilities of the holder of a monumental mason's licence

The holder of a monumental mason's licence shall be responsible for the compliance by every person purporting to be authorised to carry out monumental works within the cemetery pursuant to that licence with all the requirements and conditions of the licence, this local law, and any other written law which may affect the carrying out of monumental works.

7.19 Cancellation of a monumental mason's licence

- (1) The Board may by notice in writing to the holder of a monumental mason's licence terminate the licence on any of the following grounds—
 - (a) that the holder of the licence has committed a breach of the requirements and conditions of the licence, this local law, or any other written law which may affect the carrying out of monumental works;
 - (b) that, in the opinion of the Board, the conduct of the holder of the licence or any person in the employ of that holder in carrying out or attempting to carry out any works within the cemetery, is inappropriate or unbecoming; or
 - (c) that the holder of the licence has purported to transfer the licence issued to that holder.
- (2) Upon the termination of a monumental mason's licence under this clause no part of any fee paid for the issue of that licence is refundable by the Board.

PART 8—GENERAL**8.1 Animals and assistance dogs**

A person shall not bring an animal into, or permit an animal to enter or remain in the cemetery, other than an 'assistance animal' as defined under section 9(2) of the *Disability Discrimination Act 1992* (Commonwealth), or with the approval of the CEO or an authorised officer.

8.2 Damaging and removing of objects

Subject to clause 8.3(3), a person shall not damage, remove or pick any tree, plant, shrub or flower in the cemetery or any other object or thing on any grave or memorial or which is the property of the Board without the permission of the Board.

8.3 Flowers

- (1) All flowers must be placed in vases or receptacles.
- (2) No person shall plant trees, shrubs or plants in the cemetery without the prior approval of the Board.
- (3) A person may remove withered flowers from a grave or memorial and these are to be placed in a receptacle provided by the Board for that purpose.

8.4 Littering and vandalism

A person shall not—

- (a) break or cause to be broken any glass, ceramic or other material in or upon the cemetery; or
- (b) discard, deposit, leave or cause to be discarded, deposited or left any refuse or litter in or upon the cemetery other than in a receptacle provided for that purpose.

8.5 Advertising

A person shall not advertise or carry on any trade, business or profession within the cemetery without the prior written approval of the Board which consent may be granted subject to such conditions as the Board

thinks fit.

8.6 Obeying signs and directions

A person shall obey all signs displayed, marked, placed or erected by the Board within the cemetery and any other lawful direction by the CEO or an authorised officer.

8.7 Removal from the cemetery

Any person failing to comply with any provisions of this local law or behaving in a manner that in the opinion of the Board, the CEO or an authorised officer is inappropriate in the cemetery may in the addition to any penalty provided by this local law, be ordered to leave the cemetery by the Board, the CEO or an authorised officer.

8.8 Fireworks or firearms

- (1) A person shall not bring or discharge any fireworks within the cemetery.
- (2) A person, except a police officer, shall not bring or discharge any firearms within the cemetery.

PART 9 - OFFENCES AND MODIFIED PENALTIES

9.1 General

A person who commits a breach of any provisions of this local law commits an offence and shall on conviction be liable to a penalty not exceeding \$500 and if the offence is a continuing one to a further penalty not exceeding \$20 for every day or part of a day during which the offence has continued.

9.2 Modified penalties

- (1) The offences specified in Schedule 1 are offences which may be dealt with under section 63 of the Act.
- (2) The modified penalty payable in respect of an offence specified in the Schedule 1 is set out in the column 4 of the Schedule 1.
- (3) The prescribed form of the infringement notice referred to in section 63(1) of the Act is set out in Schedule 2.
- (4) The prescribed form of the notice withdrawing an infringement notice referred to in section 63(3) of the Act is set out in Schedule 3.

Schedule 1 – Prescribed offences

MODIFIED PENALTIES

[cl. 9.2(1) & (2)]

Item No.	Clause	Nature of Offence	Modified Penalty
1	5.3(3)	Exceeding speed limit	\$50
2	5.3(3)	Not driving on constructed vehicle roadways	\$50
3	7.3	Not removing rubbish and surplus materials	\$50
4	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$50
5	8.1	Animal within cemetery	\$50
6	8.4	Littering and vandalism	\$50
7	8.5	Unauthorised advertising or trading	\$50
8	8.6	Disobeying sign or lawful direction	\$50
9		All other offences not specified	\$50

Schedule 2 – Form 1
INFRINGEMENT NOTICE

[cl. 9.2(3)]

TO: _____
(Name)

(Address)

It is alleged that at _____:_____ hours on _____ day
of _____ 20_____ at _____

you committed the offence indicated below by an (x) in breach of clause of the *Town of Port Hedland Cemetery Local Law 2015*.

(Authorised Officer)

Offence

- Animal within cemetery (cl. 8.1)
 - Not removing rubbish and surplus materials (cl. 7.3)
 - Exceeding speed limit (cl. 5.3(3))
 - Leaving uncompleted works in an untidy or unsafe condition (cl. 7.7)
 - Littering and vandalism (cl. 8.4)
 - Unauthorised advertising or trading (cl. 8.5)
 - Not driving on constructed vehicle areas (cl. 5.3(3))
 - Disobeying sign or lawful direction (cl. 8.6)
 - Other Offence _____
- \$ _____

You may dispose of this matter—

By payment of the penalty as shown within 21 days of the date of this notice (or the date of the giving of this notice if that is a different date) to the Chief Executive Officer of the Town of Port Hedland at Port Hedland Civic Centre, McGregor Street, Port Hedland between the hours of 8:00 a.m. to 4.00 p.m. Monday to Friday.

Please make cheques payable to the Town of Port Hedland. Payments by mail should be addressed to—

The Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

If the penalty is not paid within the time specified, then a complaint of the alleged offence may be made and heard and determined by a court.

Schedule 3 – Form 3
WITHDRAWAL OF INFRINGEMENT NOTICE

[cl. 9.2(4)]

No. _____

Date ____/____/____

To ^[1] _____

Infringement Notice No _____ dated ____/____/____ for the alleged offence of ^[2] _____

Penalty ^[3] \$ _____ is withdrawn.

(Delete whichever does not apply)

* No further action will be taken.

* It is proposed to institute court proceedings for the alleged offence.

[1] Insert name and address of alleged offender.

[2] Insert short particulars of offence alleged.

[3] Insert amount of penalty prescribed.

(Authorised Officer)

Dated [date of signing]

The Common Seal of the Town of Port Hedland was affixed by authority of a resolution of the Council in the presence of-

K HOWLETT, Mayor

M OSBORNE, Chief Executive Officer

ATTACHMENT 2 TO ITEM 12.3.3

From: Steven de la Nougerede
Sent: Tuesday, 11 August 2015 1:59 PM
To: Port Hedland
Subject: HPRM: Attn: M.J. (Mal) Osborne- Proposed Town of Port Hedland Cemetery Local Law 2015

Good Afternoon

The Department of Local Government and Communities have analysed the subject proposed local law and provide the comments attached.

Minister's Directions – pursuant to s 3.12(7) of the Local Government Act 1995

Please note: Once the Town has published a local law in the *Government Gazette*, you must comply with the requirements of the Minister's *Local Laws Explanatory Memoranda Directions 2010*. The Town, within ten working days of the gazettal publication date, needs to forward the signed EM material to the Committee at the current address -

Committee Clerk
Joint Standing Committee on Delegated Legislation
Legislative Council Committee Office
GPO Box A11
PERTH WA 6837

Tel: 9222 7300 Fax: 9222 7805
E-mail: delleg@parliament.wa.gov.au

A copy of the [Minister's Directions and EM forms](#) can be downloaded from the Department's webpage. Failure to comply with the Directions may render the local law inoperable.

My comments:

- have been provided to assist you with drafting matters;
- do not constitute legal advice;
- have been provided in good faith for your consideration; and
- should not be taken as an approval of content.

You should ensure that your proposed local law has had a detailed editorial analysis, and that the content is in accordance with your Council's policies and objectives.

If you have any additional questions, please do not hesitate to contact me.

Kind regards

Steven de la Nougerede
Legislation Officer
Local Government Legislation
Department of Local Government and Communities
Tel: +61865521759
Fax: +61 8 6552 1555

Town of Port Hedland Cemetery Local Law 2015**1. Clause 1.5 – Purpose and effect**

Clause 1.5 sets out the purpose and effect of the local law. This clause has no legislative effect and can be removed if the Town wishes.

While the *Local Government Act 1995* requires the purpose and effect to be included in the public notices relating to a proposed local law, there is no requirement to include the purpose and effect in the local law itself.

2. Clause 1.6 – Interpretation

Under the *Cemeteries Act 1986*, local governments which are vested with a cemetery are taken to have all the powers and responsibilities of a Cemetery Board. The Joint Standing Committee on Delegated Legislation has advised that local governments who manage cemeteries are a form of Cemetery Board and this should be reflected in the terminology of the local law.

It is suggested that all references to the “local government” should be replaced with references to “the Board”. It is also suggested that the following definition be added to Clause 1.6:

Board means the Town of Port Hedland

It is suggested the definition for **local government** be retained, as the term is still relevant to clause 1.3 and the meaning of “district”.

It is suggested that the definition for set fee be changed to read:

set fee refers to fees and charges set by a resolution of the Board and published in the *Government Gazette* under section 53 of the Act

3. Funeral Director’s Licences

It is suggested that Clauses 4.3 and 4.4 should be deleted.

The duration and cancellation of funeral directors licences is covered comprehensively by sections 16 to 19 of the *Cemeteries Act*.

If these clauses are retained, it will lead to the following inconsistencies:

- Clause 4.3 provides that the licence will expire on 30 June. This contradicts section 16 of the *Cemeteries Act*, which provides that the Board has the freedom to set whatever expiry date it deems appropriate, provided that the resulting licence period does not exceed a year;

- Clause 4.4 provides grounds for cancelling a licence which go beyond the list of grounds provided in clause 18(1) of the Act.

4. Clause 7.2 – Placement of monumental work

It is suggested that clause 7.2 be reviewed.

The Delegated Legislation Committee has previously requested that similar clauses be deleted from other local laws.

The clause provides that memorials must be in the form “as determined” from time to time. This will allow the Shire to change the details of the offence at any time without any opportunity for scrutiny by the Parliament.

While the Committee permits determination devices for simple administrative matters such as the format of application forms, the Committee is less likely to permit determination devices which allow the local government to change the details of offences.

If the Shire wishes to manage the foundations of monuments, it can take one of the following approaches:

- Set out the specific definition of “proper and substantial foundations” in the local law itself;
- Delete the words “as determined by the local government”; or
- Delete clause 7.2 completely and approve foundations on a case-by-case basis using section 30 of the Cemeteries Act. If a person installs a monument on a foundation not approved by the Shire, it can be taken to have been “installed without permission” contrary to section 30(2) of the Act.

5. Schedule 1 - Modified penalties

Schedule 1 currently sets a penalty of \$100 for all offences.

Under clause 55(1)(p) of the Cemeteries Act, the maximum modified penalty permitted for local laws is \$50. It is suggested that the modified penalties in Schedule 1 be amended accordingly. If this is not done, it may render the modified penalties invalid.

6. Minor edits

- Clause 4.4(1)(f) - replace “this Act” with “the Act”.
- Clause 5.4 – replace “subclause” with “clause”.
- Clause 5.5(f) - insert “and” after the semi colon.
- Clause 6.1(2) - replace “(1)(b)” with “(1)(a)”.
- Clause 6.4 – The number “(1)” can be removed, as the clause has no other subclauses.
- Clause 8.8(2) – After a person, insert “except a police officer” to account for the fact that any police officer who is called to assist at the premises will most likely be carrying a firearm.

12.4 Office of the CEO

Nil

ITEM 13 LATE ITEMS AS PERMITTED BY PRESIDING MEMBER/ COUNCIL**13.1 Award of Tender 15/09 - Construction of Pinga Street Upgrade**

Steven Ly, Project Engineer
File No. 28/01/0035

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/033 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR JACOB

SECONDED: CR DACCACHE

That Council award Request for Tender 15/09 Construction of Pinga Street to Alliance Contracting Pty Ltd for the lump sum price of \$1,794,697 (ex. GST).

CARRIED 8/0

EXECUTIVE SUMMARY

The purpose of this report is to provide a summary of the assessment of submissions received for Request for Tender (RFT) 15-09 Construction of Pinga Street Upgrade – Stage 1 (Moorambine Street to Schillaman Street) and to award the contract.

DETAILED REPORT

Pinga Street is the main access road for light and heavy vehicles from the Great Northern Highway (GNH) into Wedgefield, a light industrial area for service industries and small business supporting the mining sector. Pinga Street provides a link between Powell Road and the new GNH bypass.

Under the Main Roads Western Australia (MRWA) functional road hierarchy, Pinga Street is classified as a Local Distributor road which collects and distributes traffic within the Wedgefield industrial area and to locations external to Wedgefield. It is included in the Restricted Access Vehicle (RAV) Category 10 network.

Plans developed in 2011 proposed that Pinga Street be upgraded from a single lane carriageway to a dual lane carriageway (two lanes in each direction) to meet the future demands of the area.

As a result of the construction of the new GNH bypass, road trains are restricted from entering Wedgefield via the existing GNH and are only allowed to access the area via the new bypass. This has impacted on the traffic volumes commuting via Pinga Street.

Following the completion of the GNH Bypass, a traffic assessment report was developed by Hyder Consulting in early 2015 concluding that Pinga Street is not required to be reconstructed into a dual carriageway from a traffic capacity perspective.

Hyder undertook traffic modelling to estimate the existing and future traffic volume along Pinga Street which indicated that the traffic volume is within the current capacity of the existing road and its geometry. However, the upgrade of Pinga Street road infrastructure is still required to ensure that the carriageway width and intersection geometry meet the requirements of RAV standards, and improve the condition of existing pavement and drainage to address road safety requirements. The proposed upgrade of Pinga Street is a part of the Wedgefield Master Plan to improve the road network within Wedgefield.

The project to upgrade Pinga Street will be undertaken in two stages. Stage One (1) of the proposed construction will consist of upgrade works on Pinga Street from the Moorambine intersection to Schillaman Street Intersection. The scope of this project is as follows:

- Setting up a traffic management plan and gaining relevant approvals to maintain an open (partial) thoroughfare for the duration of the contract works;
- Removal and disposal of vegetation, debris and other deleterious and unsuitable materials;
- Upgrade of Drainage including grading of table drains, construction of box culverts, headwalls, rock protection and kerbing;
- Construction of road widening including earthworks;
- Installation of right turn pocket at intersections;
- Asphalt overlay works;
- Relocating street lights in line with the revised kerb position.

The final design of the second stage is currently in progress and it is anticipated that the construction works will commence in the new year, subject to funding approval.

Consultation

Detailed designs and cost estimates for the project were prepared in consultation with Hyder Consulting Engineers and Shawmac Consulting Engineers.

The tender assessment also involved internal staff, in accordance with the requirements of the tender policy, specifically:

- Project Engineer
- Coordinator Engineering and Projects
- Manager Property and Asset Strategy
- Director Works and Services
- Director Community and Development Services

RFT 15-09 was advertised on 23 July 2015. An optional tender briefing and site inspection was held on 30 July 2015. The tender submission deadline was 12 August 2015, with nine (9) submissions received from the following companies:

- All Earth Group Pty Ltd;
- Alliance Contracting Pty Ltd;
- DeGrey Civil Pty Ltd;
- Diverse Group Australia Pty Ltd;
- Ertech Pty Ltd;
- Jaxon Civil Pty Ltd;
- Roadline Civil Contractors Pty Ltd;
- SSP Diverse Contracting Pty Ltd; and
- Tasman Civil Pty Ltd.

Three (3) tenderers, SSP Diverse Contracting Pty Ltd, Diverse Group Australia Pty Ltd and Tasman Civil Pty Ltd provided qualified price tenders which were non-compliant with the conditions of tender.

All other six (6) submissions were deemed to be compliant and were assessed against the advertised evaluation criteria, price, relevant experience, resources and demonstrated understanding, by the tender assessment panel.

The following selection criteria was used to assess the award of the Contract as described in the tender document:

Selection Criteria	(%)
Price, inclusive of application of Regional Preference Policy	50%
Relevant Experience	15%
Tenderers Resources, Key Personnel, Skills and Experience	10%
Demonstrated Understanding	25%
	100%

The lowest price Tender (T_{lp}) shall be awarded a score of 50 for the Price criterion. To ensure that all conforming Tenders were ranked fairly and consistently, the remaining priced Tenders (T_{slp}) were awarded a score determined in the following manner: $(T_{lp} \div T_{slp}) \times 50$

Confidential attachment 1 shows the price schedules submitted by all tenderers.

The following table provides a summary of the assessment results

Tenderer / Assessment Criteria	Price (50%)	Relevant Experience (15%)	Resources (10%)	Demonstrated Understanding (25%)	Total Score (100%)
Alliance Contracting Pty Ltd	50.00	11.70	8.00	20.00	89.70
Jaxon Civil Pty Ltd	48.86	12.00	7.70	18.75	87.31
All Earth Group	39.43	11.40	7.80	16.88	75.51
Degrey Civil Pty Ltd	36.48	12.00	7.40	18.75	74.63
Ertech Pty Ltd	35.23	11.10	7.80	18.13	72.26
Roadline Contracting Pty Ltd	28.56	10.80	7.00	16.25	62.61

Price Assessment

All submissions were assessed after applying the Regional Price Preference Policy applicable to construction projects. This provides a price reduction of 5% of the applicable value up to a maximum of \$50,000 based on evidence provided in the tender submission. One submission was from a local contractor (Degrey Civil Pty Ltd), whilst others demonstrated the use of local subcontractors and suppliers. Alliance Contracting, All Earth Group, Jaxon and Ertech Pty Ltd have a depot/yard at Port Hedland. The submission prices varied from \$1.79M to \$3.13M. All submissions were reviewed for consistency and clarification.

Relevant Experience & Resource Assessment

All the tenderers demonstrated a high level of experience in road construction works and are capable of undertaking this project. The submissions received from Alliance Contracting Ltd, Jaxon Civil, Ertech, All Earth Group, DeGrey Civil demonstrated a list of projects detailing past performance delivering similar works as well as experience within Port Hedland or the Pilbara area. They also provided key personnel with resumes demonstrating qualifications and experience involved in relevant projects. Furthermore they provided comprehensive lists of plant and availability of resources to complete the project which led to good scores in this area.

Demonstrated Understanding Assessment

Alliance Contracting Pty Ltd, Jaxon Civil, All Earth Group, DeGrey Civil Pty Ltd and Ertech demonstrated an excellent level of understanding of the complexities of the project. Their submission provided a high level of detail in their methodology and approach to the project including the development of a good traffic management plan, liaising with affected business, detailed construction methodology and safety management.

The Town has emphasised the need for a well-structured Traffic Management and Stakeholder Management Plan. Pinga Street is the most utilised road in Wedgefield and an effective communications plan is required in order to ensure mitigation of any disruption to any businesses which will be affected as a result of these works.

The evaluation panel shortlisted Alliance Contracting, Jaxon Civil and All Earth Group as preferred tenderers and requested these tenders to undertake presentations. These presentations were to further respond to the proposed methodologies for the works within the contract and to ensure that the tenderer had addressed and mitigated all the risks that may occur during the construction stage.

The presentations given by Alliance Contracting and Jaxon Civil were assessed to be very competitive. Alliance Contracting has offered to deliver the works in the shortest work periods at the lowest tender price.

Alliance Contracting possess Main Roads WA R2 Road Works prequalification which assures that Alliance Contracting will deliver Main Roads quality standard of works.

The evaluation panel concluded that Alliance Contracting be the preferred tenderer for the Contract.

Community consultation

One of the key tasks in the delivery of this project is ensuring efficient and effective communication strategies to keep the community informed of any disruptions which may occur as a result of the works. It is likely that night works will be considered in the construction phase of the project. This would be managed through the relevant approvals process and increased communications.

Alliance Contracting demonstrated within their presentation that they have the ability to deliver on this aspect of the contract.

It is proposed that the community consultation element of the project be a shared responsibility between the Town and the successful tenderer in order to achieve an effective process.

On approval of the tender contract, an initial information presentation will be conducted in the format of a community barbecue with a specific target audience of the Wedgefield business community.

Recommendation

The officer's recommendation is to award the Contract for Tender 15-09 Construction of Pinga Street to Alliance Contracting. They obtained the highest score in the tender assessment and demonstrated an excellent methodology on how the project will be delivered whilst ensuring the safety of affected businesses with strategies to address minimal disruptions to the same. Officers are confident that Alliance Contracting offers the best value for money.

FINANCIAL IMPLICATIONS

At the Special Council Meeting 12 August 2015, the 2015/16 budget was adopted. As per Council Decision 201516/021, Pinga Street Upgrade budget was an approved amount of \$2,571,016.00. The contract award recommendation is within this value, therefore there is no impact on the current budget.

This budget amount of \$2,571,016 is funded by:

- Roads to Recovery - \$639,184
- Regional Road Group - \$1,283,021
- Main Roads WA - \$53,592
- Municipal \$595,219

The Town will also applying for funding of \$1,190,000 through the Heavy Vehicle Safety & Productivity program in September 2015 to seek funds towards Stage Two (2) of the project.

The Local Government Act (1995) section 3.57 and the Local Government (Functions and General) Regulations 1996 part 4, division 2 provide statutory requirements for the release, assessment and award of tenders.

RFT 15-09 was conducted in accordance with these regulations, the Towns Procurement Policy 2/007, Tender Policy 2/011 and Regional Price Preference Policy 2/016.

Sections of this report pertaining to price submissions from tenderers have been deemed confidential in accordance with the Local Government Act (1995) section 5.23 part 2(e)(iii).

Attachments

1. Layout of works
2. Price submission schedules (Confidential Under Separate Cover)

21 August 2015

ATTACHMENT 1 TO ITEM 13.1

Attachment 1 – Plan of area



ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

ITEM 15 REPORTS OF COMMITTEES

Nil

ITEM 16 CONFIDENTIAL ITEMS**201516/034 COUNCIL DECISION****MOVED: CR MELVILLE****SECONDED: CR JACOB**

That Council close the meeting to members of the public as prescribed in section 5.23(2) of the Local Government Act 1995, to enable Council to consider the following item:

16.1 The 2.3MWp Solar Farm – Execution of the Foreign Exchange and Derivatives Master Agreement(s) with the Western Australian Treasury Corporation and the Deed of Variation with the Australian Renewable Energy Agency

CARRIED 8/0

6:33pm Mayor advised that the meeting is closed to members of the public.

16.1 The 2.3MWp Solar Farm – Execution of the Foreign Exchange and Derivatives Master Agreement(s) with the Western Australian Treasury Corporation and the Deed of Variation with the Australian Renewable Energy Agency

201516/035 RECOMMENDATION/ COUNCIL DECISION**MOVED: CR HUNT****SECONDED: CR JACOB**

That Council:

- 1. Enters into a Foreign Exchange and Derivatives Master Agreement, with the Western Australian Treasury Corporation as per template document (Attachment 4);**
- 2. Approve the affixation of the Common Seal of the Town of Port Hedland to the said Foreign Exchange and Derivatives Master Agreement(s) in the presence of the Mayor and the Chief Executive Officer;**
- 3. Approve the affixation of the Common Seal of the Town of Port Hedland to the Australian Renewable Energy Agency Hedging Instrumental Deed of Variation in the presence of the Mayor and the Chief Executive Officer; and**

4. Authorise the Chief Executive Officer, or his delegate(s) to sign transaction documents under the Foreign Exchange and Derivatives Master Agreement and or to give instructions thereunder on behalf of the Town of Port Hedland.

CARRIED 8/0

201516/036 COUNCIL DECISION

MOVED: CR DACCACHE

SECONDED: CR MELVILLE

That Council open the meeting to members of the public.

CARRIED 8/0

6:34pm Mayor advised that the meeting is open to the public. Mayor read out to the public Council's decision made behind closed doors.

ITEM 17 APPLICATIONS FOR LEAVE OF ABSENCE

201516/037 COUNCIL DECISION

MOVED: CR JACOB

SECONDED: CR GILLINGHAM

That Council approve the following applications for leave of absence:

- Councillor Jacob from 2 September to 5 September 2015;
- Councillor Daccache from 29 September to 6 October 2015;
- Councillor Gillingham from 31 August to 8 September 2015;
- Councillor Hooper from 30 August to 10 September 2015;
- Councillor Hunt from 27 August to 2 September 2015;
- Mayor Howlett from 22 September to 6 October 2015.

CARRIED 8/0

ITEM 18 ATTENDANCE BY TELEPHONE/ INSTANTANEOUS COMMUNICATIONS

201516/038 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HUNT

SECONDED: CR DACCACHE

That Council:

1. Note Airport Committee decision AC201516/008; and
2. Approve Presiding Member Gloria Jacob's attendance at the Airport Committee Meeting being held on Wednesday 2 September 2015 via way of teleconference whilst in Perth, Western Australia.

CARRIED 8/0

ITEM 19 CLOSURE**19.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 23 September 2015, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 16 September 2015, commencing at 5:30pm.

19.2 Closure

There being no further business, the Mayor declared the meeting closed at 6:40pm.