



Town of Port Hedland

MINUTES

OF THE

**AIRPORT COMMITTEE
OF THE TOWN OF PORT HEDLAND COUNCIL**

HELD ON

**THURSDAY 22 MARCH 2012
AT 5:30PM**

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

Terms of Reference**Aim/Purpose**

The Airport Committee is established to ensure that the Port Hedland International Airport is recognised as a leading regional airport in the area of passenger and freight movements and customer satisfaction and to:

- Develop a comprehensive Airport Master Plan and commence implementation of key initiatives that are identified;
- Actively pursue the generation of income from a variety of sources at the Airport including through leases, rentals, advertising, freight and any other means; and
- Upgrade terminal facilities including baggage screening and departure lounges.

Membership*Elected Members:*

Councillor Arnold A Carter
Councillor Jan M Gillingham
Councillor Michael B Dziombak
Councillor Julie E Hunt
Councillor Gloria A Jacob

Community Members:

Mr Serge Doumergue
Ms Michelle Cook

Quorum

The quorum for the Committee is to be a minimum of 50% of its membership.

Delegation

- To determine whether a tender is required to be sought or not as specified in LG (F&G) Reg 11F.
- To choose tenderers for products services on behalf of the local government in accordance with LG (F&G) Reg 18.

Tenure

Ongoing

Meeting frequency

Every 4 weeks

Dates of Meetings

The following dates have been set and advertised in accordance with the Local Government Act 1995 for Airport Committee Meetings to be held at 5:30 pm in Council Chambers:

- Thursday, 22 March 2012
- Thursday, 19 April 2012
- Thursday, 24 May 2012
- Thursday, 28 June 2012
- Thursday, 26 July 2012
- Thursday, 23 August 2012
- Thursday, 27 September 2012
- Thursday, 25 October 2012
- Thursday, 22 November 2012
- Thursday, 20 December 2012
- Thursday, 24 January 2013
- Thursday, 28 February 2013
- Thursday, 28 March 2013

Responsible Officer

Director Engineering Services

(Terms of reference adopted by Council at its Ordinary Meeting held 25 January 2012. Meeting dates adopted and membership amended by Council at its Ordinary Meeting held on 14 March 2012.)

OUR COMMITMENT

To enhance social, environmental and economic well-being through leadership and working in partnership with the Community.

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NOTE: The Responsible Officer presided at the meeting until the position of Chairperson was elected in accordance with section 5.12.1 of the Local Government Act 1995.

ITEM 1 OPENING OF MEETING**1.1 Opening**

Director Engineering Services declared the meeting open at 5:30pm and acknowledged the traditional owners, the Kariyarra people.

ITEM 2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**2.1 Attendance**Committee:

Councillor Arnold A Carter
Councillor Michael B Dziombak
Councillor Julie E Hunt
Councillor Gloria A Jacob

Officers:

Mr Russell Dyer	Director Engineering Services
Mr Ayden Férdeline	Administration Officer Governance

Public Gallery:

Members of the Public	2
Members of Staff	4

2.2 Apologies

Councillor Jan M Gillingham
Mr Serge Doumergue
Ms Michelle Cook

2.3 Approved Leave of Absence

Nil

2.4 ELECTION OF CHAIR AND DEPUTY CHAIR (File No.: ADM-035)**2.4.1 Election of Chairperson**

Section 5.12 and Schedule 2.3 of the *Local Government Act 1995* (Act) requires that a committee elect a chairperson.

The appointment is for a two year term, with the position being considered following every ordinary election of the Town of Port Hedland Council. Should there be more than one nomination, it will be necessary for a secret ballot to be held to elect a committee member to the position in accordance with the *Local Government Act 1995*.

Under Schedule 2.3, Part 4 of the *Local Government Act 1995*, the procedure for electing the Chairperson is as follows:-

- (1) The committee is to elect a committee member to fill the office.
- (2) The election is to be conducted by the Chief Executive Officer in accordance with the procedure prescribed.
- (3) Nominations for the office are to be given to the Chief Executive Officer in writing, before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the Chief Executive Officer, which is to be a sufficient time after the announcement by the Chief Executive Officer that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a committee member is nominated by another committee member the Chief Executive Officer is not to accept the nomination unless the nominee has advised the Chief Executive Officer, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The committee members are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the Chief Executive Officer is to declare and give notice of the result in accordance with regulations, if any.

Votes may be cast a second time

- (1) If, when the votes cast under clause 4(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.

- (3) When the meeting resumes the committee members are to vote again on the matter by secret ballot as if they were voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

5:31pm There being no nominations received prior to the meeting commencing, the Director Engineering Services called for a secret ballot to receive nominations and votes for the office of the Chairperson of the Town of Port Hedland Council Airport Committee.

Councillor A A Carter, M B Dziombak, J E Hunt and G A Jacob placed their voting slips in the ballot box.

After counting the ballot papers, the Director Engineering Services in the presence of the Administration Officer Governance advised that the following votes were received:

- Cr A A Carter – four votes

Cr A A Carter was therefore unanimously elected to the office of the Chairperson of the Town of Port Hedland Council Airport Committee.

5:32pm Cr A A Carter assumed the chair.

2.4.2 Election of Deputy Chairperson

Committees must also elect a committee member (other than the chairperson) to fill the office of deputy chairperson, in accordance with Section 5.12 (2) and Schedule 2.3 of the *Local Government Act 1995*. The procedure for electing the deputy chairperson is identical to that of filling the office of chairperson; however, the person responsible for the running of the election process will be the newly-appointed chairperson rather than the Chief Executive Officer.

5:32pm There being no nominations received prior to the meetin commencing, the Chairperson called for a secret ballot to receive nominations and votes for the office of the Deputy Chairperson of the Town of Port Hedland Council Airport Committee.

Councillor A A Carter, M B Dziombak, J E Hunt and G A Jacob placed their voting slips in the ballot box.

After counting the ballot papers, the Chairperson in the precense of the Administration Officer Governance advised that the following votes were received:

- Cr M B Dziombak – three votes
- Cr G A Jacob – one vote

Having received a majority of the votes, the Chairperson hereby advised that Cr M B Dziombak was elected to the office of the Deputy Chairperson of the Town of Port Hedland Council Airport Committee.

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS - ON NOTICE

Nil

ITEM 4 PUBLIC TIME

5:34pm The Chairperson opened Public Question Time.

4.1 Public Question Time**4.1.1 *Mr Anthony Hudacer***

I just wanted to know if there was going to be any provision for private hangar use at the airport in the short term or in the long term.

Director Engineering Services advised that this question will be taken on notice.

5:35pm The Chairperson closed Public Question Time.

5:35pm The Chairperson opened Public Statement Time.

4.2 Public Statement Time

Nil.

5:35pm The Chairperson closed Public Statement Time.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE**5.1 *Councillor Julie E Hunt***

I have one question regarding the road leading into the airport. It previously had a street sign titled 'Walden Drive' and it was named after the first radio operator out at the airport, the daughter of whom still lives in town and has noted to me that the sign has gone missing. I have previously reported this matter to the Town and would like to find out whether the sign can be replaced?

Chairperson advised that the sign can be replaced and that the Director will take note of this request.

5.2 Councillor Michael B Dziombak

In regards to the Great Northern Highway realignment, I would like to officially ask what is the Town’s position, and whether the realignment near the airport is being considered; if so, what the status is of that?

Director Engineering Services advised that he has been in discussions with Main Roads in regards to this situation near the Airport. This matter will not be resolved as part of the Great Northern Highway realignment, but Main Roads has indicated their willingness to rectify the road so to better accomodate heavy vehicles. The Director will report back to the Committee on this matter in the future.

5.3 Councillor Arnold A Carter

What is the present situation regarding the legality of leases for the Hedland Riders Association when you consider the new road access coming in?

Director Engineering Services advised that this question will be taken on notice.

ITEM 6 DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING

Cr A A Carter	Cr M B Dziombak
Cr G A Jacob	Cr J E Hunt

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

AC201112/007 Airport Committee Decision

Moved: Cr A A Carter Seconded: Cr M B Dziombak

That the Minutes of the Airport Committee Meeting held on Thursday 22 September 2011 be confirmed as a true and correct record of proceedings.

CARRIED 4/0

ITEM 8 ANNOUNCEMENTS BY CHAIRPERSON WITHOUT DISCUSSION

Nil

ITEM 9 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

At its Ordinary Council Meeting, held 28 July 2008 Council resolved;

“200809/015 Council Decision

That Council;

authorises the CEO or his nominated officer to enter into negotiations with Polar Aviation in relation to the redevelopment of the Northern Hangar site, with a 15 + 15 year option lease in accordance with the Local Government Act, and utilise the valuation received by consultants in January 2008 as a guide.”

Twelve months subsequent to this Council Decision, a new Lease document was prepared by the Town. The terms suggested in this Lease document are as follows:

Start Date:	1 July 2009
Term:	15 years
	Option 15 years
	Option Commencement Date: 1 July 2024
Rent:	\$14,875 per annum (exc GST)

This document has never been formally executed by the Town and the Lessee currently remains in occupancy of the land in the ‘holding over’ provision of the original Lease.

In late 2010, Polar Aviation completed the redevelopment of the new hangar building, investing close to \$1 million on the project. The hangar owned by Polar Aviation situated on Council owned land is extremely well built and maintained and is an asset to the landscape of PHIA.

Consultation

Internal

- Director Engineering Services
- Manager Airport Operations

External

- Managing Director – Polar Aviation

Statutory Implications

Section 3.59 Commercial enterprises by local governments

In this section —

- (1) *acquire has a meaning that accords with the meaning of dispose; dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
- land transaction means an agreement, or several agreements for a common purpose, under which a local government is to —*
- (a) *acquire or dispose of an interest in land; or*
 - (b) *develop land;*

major land transaction means a land transaction other than an exempt land transaction if the total value of —

- (a) the consideration under the transaction; and*
- (b) anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed for the purposes of this definition;*

major trading undertaking means a trading undertaking that —

- (a) in the last completed financial year, involved; or*
- (b) in the current financial year or the financial year after the current financial year, is likely to involve, expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;*

trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of land transaction .

(2) Before it —

- (a) commences a major trading undertaking;*
- (b) enters into a major land transaction; or*
- (c) enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.*

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

- (a) its expected effect on the provision of facilities and services by the local government;*
- (b) its expected effect on other persons providing facilities and services in the district;*
- (c) its expected financial effect on the local government;*
- (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56;*
- (e) the ability of the local government to manage the undertaking or the performance of the transaction; and*
- (f) any other matter prescribed for the purposes of this subsection.*

(4) The local government is to —

- (a) give Statewide public notice stating that —*
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;*
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
 - (iii) submissions about the proposed undertaking or transaction may be made to the local government*

before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and

- (b) make a copy of the business plan available for public inspection in accordance with the notice.*
- (5) After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*
- (6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) For the purposes of this section, regulations may —*
- (a) prescribe any land transaction to be an exempt land transaction;*
- (b) prescribe any trading undertaking to be an exempt trading undertaking.*

[Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 4: Economic Development
Goal 3: Business Development
Priority 2: Review alternatives for additional business opportunities at the PHIA including air freight, aircraft maintenance, tourism and industrial uses.

Budget Implications

Polar Aviation have recently received backdated invoices to recoup the outstanding amounts pursuant to the most recent Lease document dating back to the proposed start date of the Lease, 1 July 2009. The total outstanding amount for this agreement is \$43,123.45. This amount is currently on hold until an appropriate decision is agreed to deal with the issues outlined within this item.

Should the Airport Committee resolve to pursue the recommendation to acquire the assets from Polar Aviation and enter into a fresh Lease encompassing the land and assets, relevant valuations and assessments will be brought back to the Airport Committee for further discussion.

Officer's Comment

As stated in the background of this item, the most recent Lease document prepared for the agreement between ToPH and Polar Aviation for the Northern Hangar remains unexecuted by the Town, leaving the Lessee in a state of 'holding over'. In essential terms, this makes the Lessee a monthly tenant of the Lessor on the same terms and conditions of the original, expired Lease.

Consultation between ToPH Officers and the Managing Director of Polar Aviation, has established that the terms and clauses within the unexecuted Lease document are not relevant to the required purpose of this Lease. The Lease document in its current form contains clauses to protect the Towns interest in the assets. This implication within the agreement is a grossly inaccurate representation of the facts.

The most recent Lease does not articulate that the building structures are the property of Polar Aviation. There is no clause in the Lease to address this detail adequately at the expiration of the Lease term.

It has also been recognised that the method utilised to dispose of the land by way of lease was not compliant with *Section 3.58 of the Local Government Act 1995*. Furthermore, the Lease document was prepared by ToPH Officers, using a template precedent 'Community Lease' as provided by the Towns solicitors for Lease agreements intended for Community purposes.

In conclusion, it is suggested that a fresh lease be prepared, reflective of the needs of both parties.

On consideration of the information gathered during consultation with the Lessee, Officers have devised that a beneficial proposal for both parties would be for the Town to explore the possibility of purchasing the Hangar and assets currently owned by Polar Aviation, with a view to then negotiate a new Lease agreement between the parties, encompassing all established features of the current Lease area.

Attachments

1. Images of the Northern Hangar prior to redevelopment

AC201112/008 Officer's Recommendation / Airport Committee Decision

Moved: Cr G A Jacob

Seconded: Cr M B Dziombak

That the Airport Committee:

1. **Agree for Officers to seek a Market Valuation for the Northern Hangar and Office in order to determine approximate purchase price; and**
2. **Request the Market Valuation to be brought back to the Airport Committee prior to commencement of negotiations with Polar Aviation.**

CARRIED 4/0

ATTACHMENTS TO ITEM 10.1.1







10.1.2 ***Tender for the Provision of Electrical Services at the Port Hedland International Airport (File No.: .../...)***

Officer **Russell Dyer**
Director Engineering Services

Date of Report **17 February 2012**

Disclosure of Interest by Officer **Nil**

Summary

This report is to request that the Airport Committee call a Tender for Electrical Services at the Port Hedland International Airport (PHIA).

Background

One of the requirements of the Aviation Act is that all Australian Airports should have an Airport Manual which is compliant with CASR92 MOS139. The Manual should list all services that are required to operate the Airport and include contact details. The PHIA manual currently has O'Donnell Griffin listed for Airside electrical work.

While this makes our manual compliant with CASR92 MOS139, it is a breach with Councils procurement policy as staff are required to get quotes on the following guidelines:

Pre-Procurement Requirements

Where possible, unless by Council resolution, or by requirement of legislation, Officers will follow the following minimum guidelines for inviting quotes prior to purchasing any good or service.

Purchase Value	Quotes Required (minimum)
Less than \$2,000	1 Verbal Quote
\$2000 - \$4,999	1 Written Quote
\$5,000 to \$14,999	2 Written Quotes
\$15,000 to \$49,999	3 Written Quotes
\$50,000 to \$99,999	3 Detailed Quotes, Authorised by CEO
\$100,000 and over	Tender Policy 2/011 applies

Consultation

- Manager Airport Operations

Statutory Implications

Division 2 — Tenders for providing goods or services (s. 3.57)

11. Tenders to be invited for certain contracts

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless subregulation (2) states otherwise.*
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —*
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act;*
 - (b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA;*
 - (ba) the local government intends to enter into a contract arrangement for the supply of goods or services where —*
 - (i) the supplier is either —*
 - (I) an individual whose last employer was the local government; or*
 - (II) a group, partnership or company comprising at least 75% of persons whose last employer was that local government;*
 - (ii) the contract —*
 - (I) is the first contract of that nature with that individual or group; and*
 - (II) is not to operate for more than 3 years;*
 - and*
 - (iii) the goods or services are —*
 - (I) goods or services of a type; or*
 - (II) (in the opinion of the local government) substantially similar to, or closely related to, goods or services of a type,*
that were provided by the individual (or persons) whilst employed by the local government;
 - (c) within the last 6 months —*
 - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications; or*
 - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;*
 - (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government;*

- (e) *the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government;*
- (ea) *the goods or services are to be supplied —*
 - (i) *in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and*
 - (ii) *by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;*
- (f) *the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or*
- (g) *the goods to be supplied under the contract are —*
 - (i) *petrol or oil; or*
 - (ii) *any other liquid, or any gas, used for internal combustion engines.*

[Regulation 11 amended in Gazette 29 Apr 1997 p. 2145; 26 Jun 1998 p. 3447; 25 Feb 2000 p. 970-1; 29 Jun 2001 p. 3130; 31 Mar 2005 p. 1054-5; 2 Feb 2007 p. 245-6.]

12. Anti-avoidance provision

If a local government enters into 2 or more contracts in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract, tenders are to be publicly invited according to the requirements of this Division before entering into any of the contracts regardless of the consideration.

[Regulation 12 amended in Gazette 2 Feb 2007 p. 245-6.]

13. Procedure when local government invites tenders though not required to do so

If a local government, although not required by this Division to invite tenders before entering into a contract for another person to supply goods or services, decides to invite tenders, the tenders are to be publicly invited according to the requirements of this Division.

[Regulation 13 amended in Gazette 2 Feb 2007 p. 245-6.]

14. Requirements for publicly inviting tenders

- (1) *When regulation 11(1), 12 or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.*

- (2) *If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.*
- (2a) *If a local government —*
- (a) *is required to invite a tender; or*
- (b) *not being required to invite a tender, decides to invite a tender,*
the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.
- (3) *The notice, whether under subregulation (1) or (2), is required to include —*
- (a) *a brief description of the goods or services required;*
- (b) *particulars identifying a person from whom more detailed information as to tendering may be obtained;*
- (c) *information as to where and how tenders may be submitted; and*
- (d) *the date and time after which tenders cannot be submitted.*
- (4) *In subregulation (3)(b) a reference to detailed information includes a reference to —*
- (a) *such information as the local government decides should be disclosed to those interested in submitting a tender;*
- (b) *detailed specifications of the goods or services required;*
- (c) *the criteria for deciding which tender should be accepted;*
- (d) *whether or not the local government has decided to submit a tender; and*
- (e) *whether or not the CEO has decided to allow tenders to be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.*
- (5) *After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.*

[Regulation 14 amended in Gazette 29 Jun 2001 p. 3130.]

15. *Minimum time to be allowed for submitting tenders*
- (1) *If the notice is published in the newspaper as part of giving Statewide public notice, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is first published in the newspaper as part of giving Statewide public notice.*
- (2) *If the notice is given to a person listed as an acceptable tenderer, the time specified in the notice as*

the time after which tenders cannot be submitted has to be at least 14 days after the notice is given.

16. *Receiving and opening tenders*
- (1) *The CEO is responsible for keeping any tender submitted including a tender submitted by facsimile or other electronic means in safe custody, and for ensuring that it remains confidential.*
 - (2) *Tenders are not to be opened, examined, or assessed until the time after which further tenders cannot be submitted.*
 - (3) *When tenders are opened —*
 - (a) *at least one and, if practicable, more than one employee of the local government or one person authorised by the CEO to open tenders and, if practicable, one or more other persons, is required to be present;*
 - (b) *members of the public are entitled to be present; and*
 - (c) *details of the tenders (other than the consideration sought in the tender) are to be immediately recorded in a register to be known as the tenders register.*

[Regulation 16 amended in Gazette 29 Jun 2001 p. 3131; 31 Mar 2005 p. 1055.]

17. *Tenders register*
- (1) *The CEO is responsible for keeping the tenders register and making it available for public inspection.*
 - (2) *The tenders register is to include, for each invitation to tender —*
 - (a) *a brief description of the goods or services required;*
 - (b) *particulars of the making of —*
 - (i) *the decision to invite tenders; and*
 - (ii) *if applicable, the decision to seek expressions of interest under regulation 21(1);*
 - (c) *particulars of —*
 - (i) *any notice by which expressions of interests from prospective tenderers was sought;*
 - (ii) *any person who submitted an expression of interest; and*
 - (iii) *any list of acceptable tenderers that was prepared under regulation 23(4);*
 - (d) *a copy of the notice of the invitation to tender;*
 - (e) *the name of each tenderer whose tender has been opened; and*
 - (f) *the name of any successful tenderer.*
 - (3) *The tenders register is to include for each invitation to tender the amount of the consideration or a summary of the amount of the consideration sought in the tender accepted by the local government.*

[Regulation 17 amended in Gazette 29 Jun 2001 p. 3131.]

18. *Choice of tender*
- (1) *A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.*
 - (2) *A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.*
 - (3) *If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.*
 - (4) *Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept.*
 - (4a) *To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.*
 - (5) *The local government may decline to accept any tender.*
 - (6) *If a local government has accepted a tender but acceptance of the tender does not create a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree not to enter into a contract in relation to the tender, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.*
 - (7) *If a local government has accepted a tender and acceptance of the tender creates a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree to terminate the contract, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.*

[Regulation 18 amended in Gazette 29 Jun 2001 p. 3131-2.]

19. *Tenderers to be notified of outcome*
The CEO is to give each tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted.

[Regulation 19 amended in Gazette 29 Jun 2001 p. 3132.]

20. *Variation of requirements before entry into contract*
- (1) *If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.*
- (2) *If—*
- (a) *the chosen tenderer is unable or unwilling to enter into a contract to supply the varied requirement; or*
- (b) *the local government and the chosen tenderer cannot agree on any other variation to be included in the contract as a result of the varied requirement, that tenderer ceases to be the chosen tenderer and the local government may, instead of again inviting tenders, choose the tenderer, if any, whose tender the local government considered it would be the next most advantageous to it to accept.*
- (3) *In subregulation (1) —*
- minor variation** *means a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply.*
21. *Limitation may be placed on who can tender*
- (1) *If a local government thinks that there is good reason to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services.*
- (2) *There is good reason to make a preliminary selection if, because of—*
- (a) *the nature of the goods or services required; or*
- (b) *the cost of preparing plans, specifications or other information for the purpose of adequately describing the goods or services required, it would be advantageous to the local government if tenders were invited only from persons it considers to be capable of satisfactorily supplying the goods or services.*
- (3) *If a local government decides to seek expressions of interest before inviting tenders, Statewide public notice that expressions of interest are sought is to be given.*
- (4) *The notice is required to include —*
- (a) *a brief description of the goods or services required;*
- (b) *particulars identifying a person from whom more detailed information may be obtained;*

- (c) *information as to where and how expressions of interest may be submitted; and*
- (d) *the date and time after which expressions of interest cannot be submitted.*

Policy Implications

2/007 PROCUREMENT POLICY

Strategic Planning Implications

Key Result Area 1: Infrastructure
Goal 2: Airport
Immediate Priority 2: Upgrade runways, taxiways and aprons to facilitate efficient aircraft movement.

Budget Implications

Nil

Officer's Comment

The Port Hedland International Airport currently has 54 flights a week and this will increase by another 14 flights on the 27 February 2012.

The requirements of CASR92 MOS139 are that the Port Hedland International Airport has a current Airport Manual that is compliant with the Aviation Act. While our current manual is compliant with the Aviation Act and CASR92 MOS139 we are in a position where we could breach the Town of Port Hedland's Procurement Policy and the *Local Government Act*.

To meet the requirements of the Aviation Act, the *Local Government Act* and the Town of Port Hedland's Procurement Policy it is recommended that Airport Committee call a Tender for the Provision of Electrical Services at the Port Hedland International Airport.

Attachments

Nil

AC201112/009 Officer's Recommendation / Airport Committee Decision

Moved: Cr G A Jacob

Seconded: Cr J E Hunt

That the Airport Committee call a Tender for the Provision of Electrical Services at the Port Hedland International Airport.

CARRIED 4/0

ITEM 11 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL**AC201112/010 Airport Committee Decision****Moved: Cr G A Jacob Seconded: Cr J E Hunt**

That the Responsible Officer make current, take action and report back to the Airport Committee as a matter of priority the status of all leases at the Airport, in particular reference to the lease status of Qantas, and expedite payment of all outstanding accounts.

CARRIED 4/0**AC201112/011 Airport Committee Decision****Moved: Cr A A Carter Seconded: Cr G A Jacob**

That the Responsible Officer report back to the Airport Committee the status of all commercial usage of electricity at the Port Hedland International Airport and what efforts have been made to implement these outstanding power debits.

CARRIED 4/0**ITEM 12 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN**

Nil

ITEM 13 CONFIDENTIAL ITEMS

Nil

ITEM 14 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

ITEM 15 CLOSURE**15.1 Date of Next Meeting**

The next Airport Committee Meeting of the Town of Port Hedland Council will be held on Thursday, 19 April 2012.

15.2 Closure

There being no further business, the Chairperson declared the meeting closed at 5:58pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Airport Committee at its Ordinary Meeting held on _____.

CONFIRMATION:

CHAIRPERSON

DATE