

N Octoman declares an Impartiality Interest as she is a member of the Ord River Sports Club.

Cr Cooke declared an Impartiality Interest as she is a member of the Order River Sports Club.

Cr Perry declared an Impartiality Interest as her relatives are lawyers who have assisted in lease negotiations.

12.03.06. Request for Approval to Sublease - Ord River Sports Club

DATE:	31/05/2016
AUTHOR:	Wayne Richards, Manager Community Services
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
FILE NO:	CP.07.3
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grants approval for the Ord River Sports Club Inc. Sublease of the caretaker dwelling at Lot 2313 Chestnut Avenue, Kununurra with the following conditions:

- 1. The execution of the Lease between the Shire of Wyndham East Kimberley and the Ord River Sports Club Inc.**
- 2. All terms of the relevant sublease clause within the executed lease are to be met.**
- 3. Approval from the Minister of Lands.**

Cr K Wright foreshadowed the motion that Council proceed with leasing caretaker cottage.

COUNCIL DECISION

Minute No: 11369

Moved: Cr S Cooke

Seconded: Cr B Robinson

That Council grants approval for the Ord River Sports Club Inc. Sublease of the caretaker dwelling at Lot 2313 Chestnut Avenue, Kununurra with the following conditions:

- 1. The execution of the Lease between the Shire of Wyndham East Kimberley and the Ord River Sports Club Inc.**
- 2. All terms of the relevant sublease clause within the executed lease are to be met.**
- 3. Approval from the Minister of Lands.**

Carried 5/3

For: Cr J Parker, Cr N Perry, Cr E Bolto, Cr S Cooke, Cr B Robinson

Against: Cr K Wright, Cr S Rushby, Cr D Spackman

PURPOSE

For Council to consider the request from the Ord River Sports Club (ORSC) to sublease the caretaker's unit.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practice

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

On 6 April 2016 the President of the ORSC requested a letter of approval from the Shire to sublease the caretaker's residence at Lot 2313 Chestnut Drive. The Shire sought legal advice regarding the ability to sublease prior to the lease being finalised. The advice received regarding this matter is attached (confidential Attachment 1).

The ORSC is currently a tenant at will with terms of any subletting arrangement as per Section 4 f of the the expired 1989 lease (Attachment 1).

Under the proposed lease, subleasing is addressed in section 15.4 (Attachment 2). These terms are not relevant if the ORSC were to enter into a sublease prior to the signing of this lease.

STATUTORY IMPLICATIONS

Town Planning Scheme No. 7 – Kununurra and Environs

The land, being portion of Reserve 33112, is Scheme Reserve for the purpose of Parks and Recreation under Town Planning Scheme No. 7 – Kununurra and Environs.

The objective of the Parks and Recreation reserve is *'to identify and protect land utilised or intending to be utilised for local recreational needs'*.

Clause 2.2.1 of TPS states that where an application for Planning Approval is made with respect to land within a Scheme Reserve, the Council shall have regard to the ultimate purposes intended for the Reserve.

The Scheme defines a caretakers dwelling as *"a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office, rural activity or recreation area carried on or existing on the same site"*.

Land Administration Act 1997

Reserve 33112 is reserved under the *Land Administration Act 1997* (LAA) for the purpose of Sporting Club and Associated Activities.

The Shire holds the management order for this reserve with power to lease for a maximum term of 21 years, subject to consent of the Minister for Lands.

POLICY IMPLICATIONS

Subleasing is addressed in Council Policy CP/PMG 3780 Leasing of Council Managed Reserve Land - Community

- 8.8 Sub-leasing in principal is not supported unless it is required to enable multipurpose use of facilities or collocation. Sub-leasing agreements are not to be entered into without prior permission from the Shire and Minister for Lands.

FINANCIAL IMPLICATIONS

On 13 May 2016, the Shire received notification that the Ord River Sports Club intends to seek legal representation regarding this matter. This notification is attached (confidential Attachment 4). The financial implications of this matter are unknown.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability

Objective 1.4: Business innovation, efficiency and improved service

Strategy 1.4.1: Ensure legislative compliance and follow best practice principles in planning and service delivery

RISK IMPLICATIONS

Financial and resource cost to the Shire if sublease agreement requires amendment, or creates issues at a later date.

COMMUNITY ENGAGEMENT

There is no community consultation required in relation to this item.

COMMENTS

The sublease clauses from both the 1989 lease and the draft lease make it clear that the Shire has been, and will continue to be supportive of the ORSC subleasing in accordance with the Reserve purpose. The presence of a caretaker provides additional security, improves maintenance of the grounds and buildings and reduces maintenance costs for the Club.

The issue with this request is however, as identified in the legal advice, that allowing a sublease while there is no formal lease in place has the potential to create significant implications on the Club, the Shire and the tenant if the terms of the draft lease were changed or the lease was not to proceed. The new draft lease sets out the conditions that will be applicable for future sublease approval. Should these conditions not be met, or changed prior to finalisation, or the lease terminated while a sublease is in place, this could create a range of issues for all parties involved.

It is understood, that the ORSC wish to progress the sublease as a matter of urgency prior to the Lease being executed. Should Council resolve to progress the sublease prior to the signing of the new Lease, the process will be:

- Ord River Sports Club to prepare the sublease and supporting paperwork in accordance with clause 15.4 of the draft lease.
- This is to be presented to the next available Ordinary Council Meeting for consideration and if then approved, seek approval from the Minister for Lands.

ATTACHMENTS - Item 12.03.6

Attachment 1 - ORSC Lease - 1989

Attachment 2 - Draft ORSC Lease excerpt section 15.4

Confidential Attachment 1 - Legal advice received regarding sublease of ORSC caretakers unit.

Confidential Attachment 2 - Notification of intent to take legal action regarding Sublease process

- 1 9 8 9 -

SHIRE OF WYNDHAM/EAST KIMBERLEY

- and -

ORD RIVER SPORTS CLUB (INC.)

L E A S E

\$1 Pa.

*21 years Comm 20/4/88
2009*

NORTHMORE HALE DAVY & LEAKE

THIS AGREEMENT is made the 12th day of July 1989

B E T W E E N :

The persons or bodies specified in Item 1 of the Schedule ("the Lessor")

and

The persons or bodies specified in Item 2 of the Schedule ("the Lessee")

W H E R E A S :

- A. The land described in Item 3 of the Schedule ("the Land") is vested in the Lessor for the purpose specified in Item 4 of the Schedule.
- B. The Lessor leased to the Lessee ("the Former Lease") the land together with all buildings, improvements, fixtures and fitting thereon ("the premises") at the rental and on the terms and conditions therein contained.
- C. The Lessee is now desirous of surrendering the premises and entering into a new Lease and the Lessor has agreed to accept surrender of the premises and grant a new Lease ("the Lease") of the premises subject to the giving of all approvals required by law at the rental and on the terms and conditions herein contained.
- D. The Minister of Land Administration has granted approval of the Lease by the Lessor to the Lessee of the premises.
- E. The Lessee requested the Lessor to raise three loans for the purpose of development and improvements to the premises on the land which the Lessor agreed to do subject to the consent of the Governor and the Minister and upon the

Lessee undertaking to repay the loans with interest. The Lessor has paid to the Lessee the amount raised by the loans and by a Deed dated the *12th day of July* 1989 between the Lessor and the Lessee ("the Deed") the Lessee has agreed to pay to the Lessor all instalments of principal and interest due with respect to the loans.

NOW THIS AGREEMENT WITNESSES as follows:-

SURRENDER

1. In consideration of the premises the Lessee hereby conveys and surrenders to the Lessor the premises to the intent that the term of years granted by the Former Lease shall from and including the 26th day of April 1988 be extinguished in the reversion expectant thereon.

LESSEE'S OBLIGATIONS

2. Nothing herein contained or done or omitted to be done hereunder or otherwise shall release or discharge the Lessee from or prejudice or affect the obligations and the liability to observe perform fulfil and keep all and singular the covenants agreements and conditions on the part of the Lessee in the Former Lease with respect to the premises up to the date of surrender specified in clause 1 hereof.

LEASE

3. The Lessor HEREBY LEASES the premises to the Lessee for the term specified in Item 5 of the Schedule commencing on the date specified in Item 6 of the Schedule the Lessee YIELDING AND PAYING THEREFOR an annual rental of ONE DOLLAR (\$1.00) payable on demand.

LESSEE'S COVENANTS

4. The Lessee HEREBY COVENANTS with the Lessor as follows:

Payment of Rent

(a) To pay the Lessor the rent hereby reserved at the times and in the manner provided herein.

Rates, Taxes & Outgoings

(b) To pay and discharge all rates and taxes including land tax assessed or charged in respect of the premises and all other outgoings, including without limitation all telephone, electricity, gas, water, rubbish collection and sewerage charges, levied, charged or imposed upon the premises or any part thereof or arising out of the use thereof and whether expressed to be payable by the owner or occupier thereof.

Maintenance, Repairs & Painting

(c) To keep and maintain every part of the premises and all additions thereto and all lighting and electrical installations and all drainage and all other fixtures and fittings in good and substantial repair, order and condition to a standard acceptable to the Lessor (and to effect such structural alterations as are necessary) and to paint all such parts of the exterior and interior of any building forming part of the premises as are now painted or are usually painted at such times and in accordance with the directions of the Lessor.

Cleaning

(d) At its own expense during the term at all times to

keep and maintain the premises well cleansed and drained and in good sanitary condition to a standard acceptable to the Lessor and properly disinfected, free from rubbish, refuse and disused material of any kind.

Entry by Lessor to View

- (e) To permit the Lessor, its officers, members or agents at all reasonable times with or without workmen or others to enter the premises to view the state of repair and condition thereof and to forthwith carry out any repairs, cleaning, painting or other works for which the Lessee is responsible under this Lease in accordance with any notice in writing given to the Lessee or left on the premises by the Lessor.

Abatement of Nuisances

- (f) Not to do or leave undone any act matter or thing which may be or be deemed to be a nuisance within the meaning of the Local Government Act, the Health Act, the Factories and Shops Act or any other Act or under any by-laws or regulations applicable to the premises or the use or occupation thereof by the Lessee and forthwith to abate any such nuisance or alleged nuisance.
- (g) To ensure that the premises are not used in any manner which may be or become a nuisance disturbance or annoyance to the quiet and comfort of any occupier of any land in the vicinity of the premises and on being required to do so by the Lessor a member of the Lessor's Council or any officer of the Lessor to forthwith abate any such nuisance, disturbance or annoyance.

Pests

- (h) To keep all buildings on the premises free of ants, pests and vermin.

Disorderly Behaviour

- (i) To prevent disorderly behaviour and indecent language in the premises at all times during the day and night.

Compliance with Statutes

- (j) At its own expense to comply with, carry out and perform the requirements of the Local Government Act, the Health Act and all other Acts, town planning schemes, by-laws or regulations or of any requisitions or orders thereunder applicable to the premises or the use or occupation thereof.

Permitted Use

- (k) To use the premises solely for the purpose specified in Item 7 of the Schedule.

Prohibited Use

- (l) Not to use the premises for any business or commercial use without the prior written consent of the Lessor or for any illegal or immoral purpose.

Insurance

- (m) To pay to the Lessor on demand the cost to the Lessor of insuring and keeping insured for the full value thereof all buildings, erections or other improvements comprised in the premises including any plate glass therein (if any) in the names of the Lessor and the Lessee for their respective interests

with an insurance company nominated by the Lessor against fire, storm, tempest, earthquake, malicious damage and such other risks as the Lessor shall determine and to allow the Lessor to hold every insurance policy therefor.

- (n) To effect and keep in force throughout the term a public risk policy of insurance in an amount of not less than ONE MILLION DOLLARS (\$1,000,000.00) and to produce to the Lessor on request a certificate of the currency of that policy.
- (o) Not to do or suffer to be done anything whereby any policy of insurance in respect of the premises may become void or voidable or whereby the rate or premium thereon may be increased and if any increased premium shall be payable by reason of any acts or defaults of the Lessee (including absence from the premises) under this sub-clause then to pay to the Lessor on demand the amounts by which such premium shall be increased.
- (p) At its own expense to make such amendments alterations and additions to the premises as shall be required by any requisitions or requirements of the Insurance Council of Australia or other body or authority having power or control over electrical installations or fixtures or dealing with insurance matters.

Indemnity

- (q) To indemnify the Lessor and keep the Lessor indemnified from and against all claims, demands, writs, summonses, actions, suits, proceedings, judgments, orders, decrees, damages, costs, losses and expenses of any nature whatsoever which the Lessor may suffer or incur in connection with the loss of life, personal injury or damage to property arising from or out of any occurrence in upon or at the premises or

the use by the Lessee of the premises or any part or to any person or the property of any person using or entering or near any entrance to the premises or occasioned (wheresoever it may occur) wholly or in part by any act, neglect, default or omission by the Lessee its agents, contractors, servants, workmen, customers, members or any other person or persons using or upon the premises with its consent or approval expressed or implied.

Alterations & Improvements

- (r) Not without the prior written consent of the Lessor to erect or suffer to be erected any building or structure on the premises or to make or suffer to be made any alteration in or additions to any building or any other improvements to the premises or to remove any such improvements or to cut maim or injure or suffer to be cut maimed or injured any of the walls or timbers thereof.

Sale of Liquor

- (s) Not to sell or permit the sale of any spiritous or fermented liquors on the premises or any part thereof other than under a valid licence issued in pursuance of the Liquor Licensing Act 1988, and then only with the prior written consent of the Lessor.

Assignment or Subletting

- (t) Not to assign, sublet or part with the possession of the premises or any part thereof without the consent in writing of the Lessor and the Minister for Lands first had and obtained and it is HEREBY DECLARED that Sections 80 and 82 of the Property Law Act 1969 are expressly excluded.

Signs

- (u) Not without the prior written consent of the Lessor to affix or exhibit or permit to be affixed to or exhibited upon any part of the exterior of the premises or in any place visible from beyond the premises any placard, sign, poster, hoarding or advertisement.

Legal Costs

- (v) To pay the costs (on the scale applicable to the Lessor) of and incidental to the negotiations and instructions for and the preparation, completion and stamping of this Lease (including stamp duty) and all counterparts and copies thereof and also all costs, charges and expenses (including solicitors' costs and surveyors' fees) incurred by the Lessor for the purpose of or incidental to the preparation and service of any notice under Section 81 or any other section of the Property Law Act 1969 requiring the Lessee to remedy a breach of any of the covenants herein contained.

Delivery Up of Possession

- (w) At the expiry or sooner determination of the term peaceably and quietly to deliver up possession of the premises and all furniture, fixtures and fittings belonging thereto in such good and tenantable repair, order and condition as shall be consistent with the covenants herein contained in that behalf PROVIDED THAT forthwith upon the expiry or sooner determination of the term the Lessee shall remove any tenant's fixtures and fittings and shall make good any damage caused to the premises in so doing.

Disposal of Waste Water

- (x) To ensure that waste water and effluent are disposed of in a manner approved by the Lessor.

Connection with Sewer

- (y) To forthwith comply with any demand made by the Lessor (or the relevant local authority) to the Lessee that the premises be drained into a sewer and that drains and fittings be constructed to connect with the sewer.

Septic Disposal System

- (z) To ensure that any septic disposal system is installed in the manner and place and generally in accordance with the directions of the Lessor.

Removal of Trees, Shrubs and Plants

- (aa) Not to remove or interfere with in any way any tree, shrub or plant on the premises unless in accordance with the approval of the Lessor.

Removal of Rocks and Earth

- (bb) Not to excavate or remove any rock, stone, clay, sand, gravel or earth from the premises without the approval of the Lessor.

Provision of Vehicle Parking

- (cc) To forthwith comply with the directions of the Lessor to provide and maintain areas on the premises for vehicle parking and not to provide any such areas other than in accordance with the directions of the Lessor.

Access by Approved Roads and Ways

(dd) To ensure that access by vehicles to, from and across the premises is only by means of roads or ways approved by the Lessor.

Disused Vehicles, Machinery, Boats and Materials

(ee) Not to deposit, leave or store any vehicle, machinery, boat or material which is disused or which in the opinion of the Lessor detracts from the aesthetic visual impact of the premises and to forthwith comply with the director of the Lessor for the removal of the same.

Directions Relating to Town Planning Scheme Objectives

(ff) To forthwith comply with any direction of the Lessor for the achievement of any objective expressed in any town planning scheme in force with respect to the premises or any land including the premises.

LESSOR'S COVENANT - QUIET POSSESSION

5. The Lessor HEREBY COVENANTS with the Lessee that the Lessee paying the rental hereby reserved and observing and performing the covenants herein expressed and implied and on the Lessee's part to be observed and performed shall during the term and any extension thereof quietly enjoy the use and occupation of the premises without interruption by the Lessor or any person lawfully claiming through or under the Lessor.

MUTUAL AGREEMENTS

6. IT IS HEREBY MUTUALLY AGREED as follows:

Default by Lessee

(a) If:

- (i) any rent hereby reserved or any part thereof shall at any time be in arrears for fourteen (14) days after the same shall have become due (whether or not any formal or legal demand is made therefor);
- (ii) (subject to the provisions of the Bankruptcy Act 1966) the Lessee becomes bankrupt or suffers the Lessee's interest in this Lease to be taken in execution or being a company calls a meeting of its creditors, has a receiver appointed, goes into liquidation or has any order made against it for winding up of the Lessee;
- (iii) the Lessee calls a meeting of the Lessee's creditors or makes any composition or arrangement with or assignment for the benefit of its creditors or suffers any execution under any legal process to issue or be levied upon or against any of the Lessee's goods or chattels;
- (iv) the Lessee breaches or fails to observe or perform any other covenant condition or stipulation in the Deed expressed or implied and on the part of the Lessee to be observed or performed;
- (v) the Lessee breaches or fails to observe and perform any covenant condition or stipulation herein expressed or implied and on the part of the Lessee to be observed or performed and the Lessee fails to remedy such breach if it is capable of remedy and to make reasonable compensation in money to the Lessor for the breach within fourteen (14) days (which the

parties hereto expressly agree shall be a reasonable period) or such further time as the Lessor may allow after the service of the notice required by Section 81 of the Property Law Act; or

(vi) the Lessee (being an incorporated association) makes or resolves to make any alteration, amendment or addition to its objects without the prior written approval of the Lessor,

THEN this Lease and the term shall at the option of the Lessor cease, determine and be absolutely void and the Lessor may thereupon without notice re-enter upon, occupy and resume possession of the premises in the name of the whole but without releasing the Lessee from liability for rent accrued up to such determination or for any antecedent breach of covenant and for the purpose of such re-entry the Lessor and all persons authorised by the Lessor may break open any inner or outer door, gate or fastening or obstruction and forcibly eject or put out the Lessee and any licensee and all furniture, property or thing belonging to the Lessee and the Licensee found thereon without being liable to any action for trespass, assault or other proceedings whatsoever for so doing but with liberty to plead the leave and licence hereby given in bar of any such action or proceedings if any such action or proceedings is brought or instituted.

Destruction of Premises

(b) Subject to paragraph (c) of this Clause, if the premises or any part thereof shall be burned down, destroyed or damaged by fire so as to render the same unfit for the purpose permitted by this Lease then in such case (unless the insurance of the premises shall have been forfeited or become null or void or the payment of any moneys payable under such insurance be refused or withheld through any act or default of the

Lessee or its members, agents, servants, invitees or licensees) the rental hereby reserved or a fair and just proportion thereof according to the nature and extent of the damage sustained shall cease to be payable until the premises shall have been rebuilt and rendered fit for the purpose permitted by this Lease. In case of difference touching this paragraph such difference shall be referred to the award of a single arbitrator if the parties can agree upon one and otherwise to two arbitrators one to be appointed by the Lessor and the other by the Lessee and their umpire (to be appointed before proceeding with the arbitration) and in either case in accordance with the provisions of the Commercial Arbitration Act 1985 or any modification or re-enactment thereof for the time being in force PROVIDED THAT in the event of such difference no part of the said rental shall be allowed by the Lessor to the Lessee as aforesaid but the Lessee shall continue to pay the rental in full until the date of the award of such arbitrator whereupon the Lessor shall refund to the Lessee free of interest any rental which according to such award shall have been overpaid. In any such arbitration each party shall be entitled to be represented by a duly qualified legal practitioner and this Clause shall be deemed to be the agreement in writing referred to in Section 20 of the Commercial Arbitration Act 1985 in respect of such representation.

- (c) If the premises or any substantial part thereof be burnt down, destroyed or damaged so as to be wholly unfit for occupation or use this Lease may at the option of the Lessor (such option to be declared in writing within twenty eight (28) days after such destruction) be determined the Lessee in that event paying the rental hereby reserved up to such determination and all moneys paid or payable under any policy of insurance effected in respect of the premises shall belong to the Lessor absolutely.

Entry by Lessor

- (d) (i) If the Lessee shall fail to duly and punctually observe or perform any covenant, condition or agreement herein expressed or implied and on the part of the Lessee to be observed and performed the Lessor shall be entitled to carry out the observance or performance of such covenant, condition or agreement and for such purpose the Lessor the Lessor's agents, workmen or architects may if necessary, enter the premises or any part thereof and the cost and expense incurred in such observance or performance together with the interest shall be a debt due by the Lessee to the Lessor and shall be payable on demand and may be recovered by the Lessor in the same manner as if such debt were for rent due under this Lease in arrear by action in law and such cost expense and interest shall be a charge on the term.
- (ii) The interest referred to in sub-paragraph (i) shall be calculated from and including the date on which payment is demanded to and including the actual date of payment at the rate of interest charged on the date of demand by the Lessor's bankers for overdraft accommodation equal to the amount outstanding.

Holding Over

- (e) If the Lessee shall upon the expiration of the term hold over the demised premises a tenancy from year to year shall not thereby be presumed but the tenancy shall in such event be and continue to be a tenancy from week to week at the rental then payable but otherwise upon the terms and conditions herein contained insofar as they are applicable and shall be

determinable at the expiration of one week's notice by either party to the other at any time.

Service of Notices

- (f) All notices, consents and approvals or any demand to be given to or made upon the Lessee shall be in writing and may be signed by the Lessor or its solicitors or agents and all such notices or demands shall be considered as having been properly served upon the Lessee if delivered to the Lessee at the premises or posted to the Lessee by prepaid registered post addressed to the premises and if served by post shall be conclusively deemed to be served upon and be received by the Lessee at the expiration of the next day following the day when the same shall be posted.

Headings

- (g) The headings appearing in this Lease are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of the clauses of this lease nor in any way affect this Lease.

Definitions

- (h) Whenever herein appearing unless repugnant to the sense or context:
- "Lessee" shall include each person or body named in this Lease as Lessee and where two or more persons are Lessees shall include them jointly and severally.
- "Lessor" shall include each person or body named in this Lease as Lessor.
- Words importing the masculine gender shall include the feminine gender and shall also have application to corporations.
- Words importing the plural number shall include the singular number and words importing the singular number shall include the plural number.

References to statutes shall include all statutes amending the statutes referred to or passed in lieu thereof.

ESSENTIAL TERMS

7. The covenants by the Lessee hereinbefore contained to pay rent and rates, taxes and outgoings in respect of the premises at the time and in the manner therein respectively prescribed are essential terms of this Lease and any breach of any of those covenants shall be regarded by the Lessor and the Lessee as a fundamental breach by the Lessee of this Lease. Should the Lessor determine this Lease following such a breach then (without prejudicing or limiting any other right or remedy of the Lessor arising from such breach or otherwise under this Lease) the Lessor shall be entitled to recover from the Lessee and the Lessee hereby covenants to pay to the Lessor as and by way of liquidated damages for such breach the rent, rates, taxes and outgoings which would have been payable by the Lessee for the unexpired residue of the term of this Lease remaining after such determination after making allowance therefor which the Lessor by taking reasonable steps to relet the premises obtains or could reasonably be expected to obtain by reletting the premises for such unexpired residue of the term hereof on reasonable terms as to rental and otherwise PROVIDED THAT :

- (a) any such reletting shall not be required to be on like terms as are herein expressed and implied;
- (b) the acceptance by the Lessor of arrears or any late payment of the rent, rates, taxes or outgoings shall not constitute a waiver of the essentiality of the Lessee's obligations to make such payments;
- (c) the Lessor's entitlement to recover damages as aforesaid shall not be prejudiced or limited if :

- (i) the Lessee abandons or vacates the premises;
 - (ii) the Lessor elects to re-enter the premises or to determine this Lease;
 - (iii) the Lessor accepts the Lessee's repudiation of this Lease; or
 - (iv) the parties' conduct constitutes a surrender by operation of law;
- (d) the Lessor shall be entitled to institute proceedings to recover damages as aforesaid either before or after any of the events or matters referred to in sub-paragraph (c);
- (e) any conduct by the Lessor to mitigate damages shall not of itself constitute acceptance of the Lessee's breach or repudiation or a surrender by operation of law; and
- (f) nothing herein expressed or implied shall be construed to mean that no other covenant herein on the part of the Lessee to be observed or performed may be an essential term.

EXECUTED as a Deed.

THE SCHEDULE

Item 1

Lessor's Name & Address

Shire of Wyndham East Kimberley
 PO Box 614
 KUNUNURRA WA 6743

Item 2

Lessee's Name & Address

Ord River Sports Club Inc.
PO Box 54
KUNUNURRA WA 6743

Item 3

Description of the Land

Reserve No. 33112, Kununurra

Item 4

Purpose for which the Land is Vested

Club and Club premises site.

Item 5

Term of the Lease

21 years

Item 6

Commencement Date

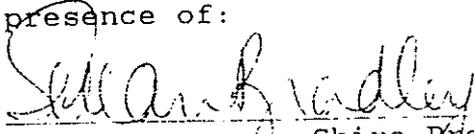
26th April 1988

Item 7

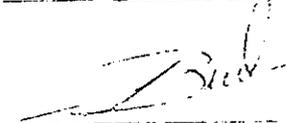
Permitted Use

Sporting Club & Associated Activities

THE COMMON SEAL of SHIRE OF)
WYNDHAM-EAST KIMBERLEY was)
hereunto affixed in the)
presence of:)



Shire President



Shire Clerk



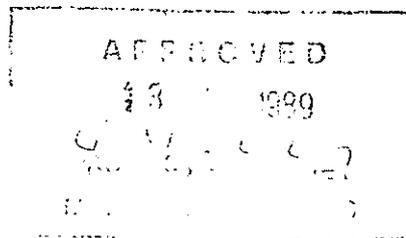
THE COMMON SEAL of THE ORD)
RIVER SPORTS CLUB (INC.) was)
hereunto affixed by order of)
the Committee in the presence)
of:)



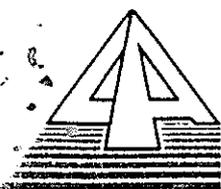
President



Vice President



MHW92013/BCD151



Department of
LAND ADMINISTRATION

Your Ref: CD1/39

Our Ref: 2742/65 CA:JP

Telephone: 323 1614

Enquiries: C. ABEY

SHIRE CLERK
SHIRE OF WYNDHAM-EAST KIMBERLEY
PO BOX 614
KUNUNURRA WA 6743

Dear Sir

RESERVE NO. 29799 - KUNUNURRA LOT 77

I advise for your information that Executive Council has approved of the amendment of Reserve No. 29799 (Kununurra Lot 77) "Recreation" to exclude that portion now comprised in Lot 2313 and of its area being reduced accordingly.

Notice to this effect will be published in the Government Gazette dated March 14, 1991 and I enclose a print showing the said reserve.

Yours faithfully

R. PUMPHREY
ACTING MANAGER
ACQUISITIONS, ROADS AND RESERVES
LAND OPERATIONS DIVISION

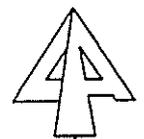
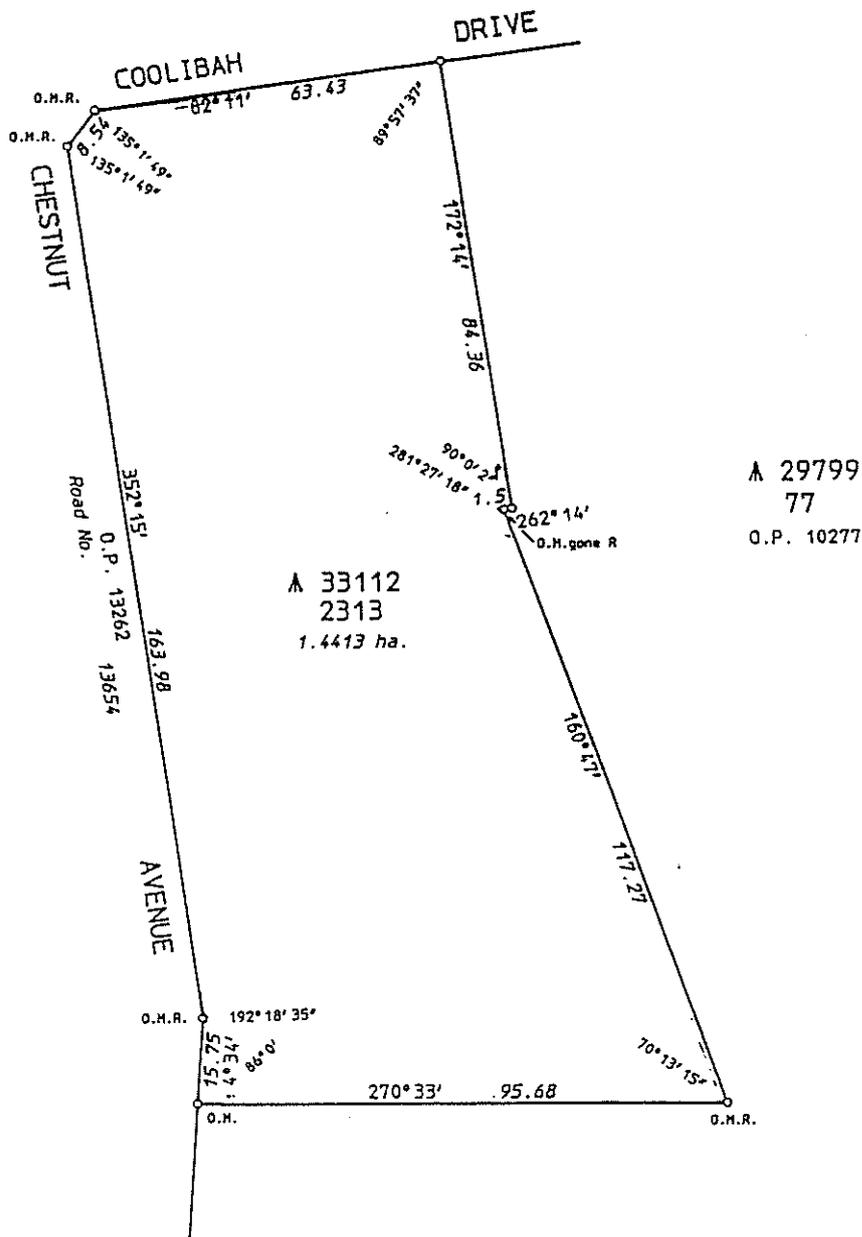
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TABLE	COMMITTEE
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**TABLED AT MEETING
OF COUNCIL HELD**
 -- APR 1991



LAND DISTRICT KING	KUNUNURRA LOT 2313		FILE No. 2742/965
			SCALE 1:1000 All measurements in metres
SURVEYOR'S CERTIFICATE I hereby certify that this survey was performed by me personally (or under my personal supervision, inspection and field check), in strict accordance with the Licensed Surveyors (Guidance of Surveyors) Regulations. Licensed Surveyor. Date	Azimuth observed at or assumed from Surveyor Field Book No. Page Public Plan Reference Index Plan	Calc. Bk. No. M. KITIS Fol Compared with F.B. <i>Bibb</i> 13-77-99 Examined. <i>Bibb</i> 13-77-99 In order for certification. Date	DIAGRAM CERTIFIED CORRECT Authorized Land Officer Date Recorded on Public Plan Registered R.F.P. 20-7-89 On Key Plan KUNUNURRA 2000 D179/23.17 DEPT. OF LAND ADMINISTRATION DIAGRAM 89192

The Lessee will not be in breach of the covenant in clause 15.1 in respect of an assignment if the Lessor consents to the assignment. The Lessor will not unreasonably withhold consent if the following criteria are satisfied:

- (a) the Lessee satisfies the Lessor that:
 - (i) the proposed assignee is a respectable and responsible person of good financial standing, with sound business acumen, with adequate business experience and who is capable of meeting all the financial commitments of the Lessee under this Lease;
 - (ii) there is no Rent or other money payable under this Lease due but unpaid; and
 - (iii) there is no unremedied breach of the Lessee's Obligations and there have been no substantial breaches of the Lessee's Obligations during the Term;
- (b) the Lessee procures the execution by the proposed assignee of an assignment of lease prepared by the Lessor's solicitors at the Lessee's cost which contains terms acceptable to the Lessor, including:
 - (i) a covenant by the proposed assignee with the Lessor to pay all Rent and other money payable under this Lease; and
 - (ii) a covenant by the proposed assignee to observe and perform all of the Lessee's Obligations;
- (c) if the proposed assignee is a company, the directors or substantial shareholders of the company at the option of the Lessor guarantee to the Lessor the observance and performance of all of the Lessee's Obligations including payment of the Rent and other money payable under this Lease;
- (d) the Lessee agrees that the covenants of the assignee are independent of the covenants of the Lessee in this Lease and will not release or relieve the Lessee from the Lessee's Obligations and the Lessee acknowledges that the Lessee will continue to be fully responsible for the Lessee's Obligations notwithstanding the assignment of the Lease to the proposed assignee, particularly on the occurrence of an Event of Default by the proposed assignee or any other party; and
- (e) the Minister consents in writing to the proposed assignment of the Lease pursuant to section 18 of the LAA.

15.4 Lessor may consent to sublease

The Lessee will not be in breach of the covenant in clause 15.1 in respect of a sublease of the whole or part of the Leased Premises and the Lessee's Building and Fixtures if the Lessor consents to the sublease. The Lessor will not unreasonably withhold consent if the following criteria are satisfied:

- (a) the Lessee satisfies the Lessor that:
 - (i) the proposed sub lessee is a respectable and responsible person of a good financial standing, with sound business

acumen, with adequate business experience and who is capable of meeting all the financial commitments of the sub lessee under a sublease of this Lease;

- (ii) the sublease will be granted without any fine or premium, and at a rent per square metre of the subleased area at least equal to the Rent payable under this Lease;
 - (iii) there is no Rent or other money payable under this Lease due but unpaid; and
 - (iv) there is no unremedied breach of the Lessee's Obligations and there have been no substantial breaches of the Lessee's Obligations during the Term;
- (b) the Lessee procures the execution by the proposed sub lessee of a sublease approved by the Lessor or the Lessor's solicitors at the Lessee's cost which contains terms consistent in all respects with this Lease and acceptable to the Lessor;
 - (c) if the proposed sub lessee is a company, the directors or substantial shareholders of the company at the option of the Lessor guarantee to the Lessor the observance and performance by the proposed sub lessee of all of the Lessee's Obligations as if the proposed sub lessee were named in this Lease as the Lessee;
 - (d) the Lessee agrees that the covenants of the sub lessee are independent of the covenants of the Lessee in this Lease and will not release or relieve the Lessee from the Lessee's Obligations and the Lessee acknowledges that the Lessee will continue to be fully responsible for the Lessee's Obligations notwithstanding the sublease of the Lease to the proposed sub lessee, particularly on the occurrence of an Event of Default by the proposed sub lessee or any other party; and
 - (e) the Minister consents to the proposed sublease of the Leased Premises in accordance with section 18 of the LAA.

15.5 Lessor may consent to charge

- (a) The Lessee will not be in breach of the covenant in clause 15.1 in respect of a charge or mortgage if the Lessee obtains the Lessor's consent to that charge or mortgage.
- (b) The Lessor may consent to, or refuse to give its consent to, a charge or mortgage in its absolute discretion.

15.6 Compliance with Acts

The Lessor and the Lessee acknowledge that if in granting its consent to any assignment or sublease the Lessor has to first comply with or satisfy any obligations or requirements under any Written Law, including but not limited to section 3.58 of the *Local Government Act 1995* (WA) and regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996* ("Assignment/Sublease Condition Precedent"), then the Lessor's consent is made expressly conditional upon and subject to satisfaction of the Assignment/Sublease Condition Precedent.

15.7 Requirements before approval

12.03.07. Wild West Entertainment Fun Fair Temporary Caravan park Licence

DATE:	31/05/2016
AUTHOR:	Chiquita dos Reis, Environmental Health Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
FILE NO:	PH.12.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grant a temporary caravan park licence to Wild West Entertainment for 8 short stay sites in Kununurra and Wyndham from 31 May to 4 June 2016 and 5 June to 9 June 2016 respectively, subject to the following conditions:

1. Only event participants and staff associated with the Carnival are to be accommodated in the park.
2. Participants and staff are to utilise the existing ablution facilities at the Kununurra and Wyndham Town Ovals.
3. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.
4. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from site.
5. Fire extinguisher/s are to be located within 90 metres of every site.

COUNCIL DECISION

Minute No: 11370

Moved: Cr E Bolto

Seconded: Cr B Robinson

That Council grant a temporary caravan park licence to Wild West Entertainment for 8 short stay sites in Kununurra and Wyndham from 31 May to 4 June 2016 and 5 June to 9 June 2016 respectively, subject to the following conditions:

- 1. Only event participants and staff associated with the Carnival are to be accommodated in the park.**
- 2. Participants and staff are to utilise the existing ablution facilities at the Kununurra and Wyndham Town Ovals.**
- 3. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.**
- 4. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from site.**
- 5. Fire extinguisher/s are to be located within 90 metres of every site.**

Carried 8/0

PURPOSE

For Council to consider an application made by Wild West Entertainment for a Temporary Caravan Park and Camping Ground Licence at the Kununurra and Wyndham Town Ovals.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Wild West Entertainment Fun Fair is an annual event held at the Town Ovals in Kununurra and Wyndham. In 2016 the event will run from 1 June to 4 June 2016 in Kununurra and from 6 June to 8 June 2016 in Wyndham. As part of the event a number of participants travel to Kununurra and Wyndham to take part in the carnival. Wild West Entertainment have applied for a temporary caravan park and camping ground licence from 31 May to 4 June 2016 at the Kununurra Town Oval and from 5 June to 9 June 2016 at the Wyndham Town Oval.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995 (the Act)

- s. 7(5) Before granting a licence a local government must ensure that —*
- (a) the applicant has complied with the requirements of this Act;*

(b) the applicant is the owner of the land on which the facility is situated, or is to be situated, or has the written approval of the owner of that land to apply for a licence.

Caravan Parks and Camping Grounds Regulations 1997 (the Regulations)

r. 47. Applications not dealt with within time are taken to be refused

(1) If within —

(a) 63 days of receiving an application for a licence; or

(b) 35 days of receiving an application for a renewal of a licence, the local government to which the application was made has not informed the applicant whether or not the application has been granted, the applicant may give the chief executive officer of the local government a notice requiring the local government to inform the applicant, within 14 days, whether or not the application is granted.

(2) If within 14 days after receiving a notice referred to in subregulation (1), the local government has not informed the applicant whether or not the application is granted, the local government is to be taken to have refused the application and the applicant may make an application for review to the State Administrative Tribunal under section 27 of the Act.

r. 54 Temporary licence

(1) A local government may, on payment of the fee set out in item 3 of Schedule 3, grant a temporary licence for a facility which is to remain in force for such period of less than one year, as is provided in the licence.

(2) A local government is to endorse on a temporary licence for a facility as conditions of the licence —

(a) the maximum number of sites that may be used at the facility;

(b) the maximum number of sites of particular types that may be used at the facility; and

(c) the services and facilities that are to be provided.

POLICY IMPLICATIONS

Council Policy CP/HTH-3762 Licensing of Temporary Caravan Parks and Camping Grounds (the Policy)

Council Policy CP/HTH-3762 provides guidelines for the approval of temporary licences. The policy provides for reduction in the amenity requirements of the Regulations which is considered appropriate as temporary licences are usually issued only for a short time.

Guiding Statement 2 of the Policy requires the applicant to detail the need for a temporary facility with particular due regard to:

- providing justification for the temporary facility (why it's needed, the main users)
- impact on existing caravan parks and camping grounds within a 50km radius

FINANCIAL IMPLICATIONS

If Wild West Entertainment Fun Fair is granted a temporary licence they will be invoiced for a licence fee to be calculated in accordance with Schedule 3 of the Regulations. For 8 short stay sites for 10 nights the minimum fee of \$100 will be applicable.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure

Objective 2.4: Access to appropriate health, family and community services

Strategy 2.4.2 : Ensure community compliance with Environmental Health regulations

RISK IMPLICATIONS

Strategic Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

To be licenced as a Caravan Park and Camping Ground compliance must be demonstrated with the Policy and the Regulations.

The proposed caravan park licence meets the requirements of the Policy with respect to Guiding Statement 2:

- Justification - The need for the licence is to accommodate event participants and allow them to be near their equipment for the duration of their stay in Kununurra and Wyndham.
- Impact on existing parks - the licence will accommodate only event participants who travel to Kununurra and Wyndham for the purpose of participating in the Carnival. It is not considered to have a negative impact on existing parks and is not competing for the normal tourist market.

The justification and short duration of the proposed licence makes it acceptable for Council to approve lesser services and facilities as part of the licence in accordance with the Policy

ATTACHMENTS

There are no attachments associated with the report.

12.03.08. Community Service Policy Reviews

DATE:	31/05/2016
AUTHOR:	Wayne Richards, Manager Community Services
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
FILE NO:	CM.11.2
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Adopts the reviewed CP/COM 3580 Community Development Policy as detailed in Attachment 1.**
- 2. Revokes Council Policy CP/COM 3581 Council Community Facilities Policy.**

COUNCIL DECISION

Minute No: 11371

**Moved: Cr B Robinson
Seconded: Cr S Cooke**

That Council:

- 1. Adopts the reviewed CP/COM 3580 Community Development Policy as detailed in Attachment 1.**
- 2. Revokes Council Policy CP/COM 3581 Council Community Facilities Policy.**

Carried 8/0

PURPOSE

For Council to consider the adoption of the reviewed CP/COM 3580 Community Development Policy (Attachment 1), and revoking of CP/COM 3581 Council Community Facilities Policy (Attachment 2).

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Adoption of Reviewed CP/COM 3580 Community Development Policy

Council's Community Development Policy was presented to the 29 March 2016 Ordinary Council Meeting for approval to advertise. The Policy was advertised on the Shire Website, Facebook Page and Kimberley Echo with the closing date for submissions 20 May 2016. No submissions were received.

Revocation of CP/COM 3581 Council Community Facilities Policy

Council's Community Facility Policy was initially adopted in June 2010. The purpose of the Policy was to provide guiding principles for how Community Facilities were managed and in particular, how fees were set.

On 28 January 2014 Council adopted CP/FIN 3211 Fees and Charges Pricing Policy (Attachment 3). This Policy expanded on the principles for setting fees and charges making a portion of the Community Facilities Policy somewhat duplicative.

While some elements of the Community Facilities Policy were still relevant, it is believed that these have been captured within the reviewed CP/COM 3580 Community Development Policy. These elements include:

- Promoting efficiency and accessibility
- Consideration of a variety of user groups
- Disability access
- Future planning
- Service levels.

Therefore with adoption of CP/COM 3580 Community Development Policy, CP/COM 3581 Community Facilities Policy is now redundant.

STATUTORY IMPLICATIONS

Local Government Act 1995

2.7 Role of council

(1) The council –

- (a) governs the local government's affairs; and
- (b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to –

- (a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.

POLICY IMPLICATIONS

This item seeks to adopt the reviewed CP/COM 3580 Community Development Policy, and revoke CP/COM 3581 Council Community Facilities Policy.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

1 Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability.

1.4 Business innovation, efficiency and improved service.

1.4.1 Ensure legislative compliance and follow best practice principles in planning and service delivery.

RISK IMPLICATIONS

Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Controls: Review policies and procedures in accordance with review schedule.

COMMUNITY ENGAGEMENT

The Policy was advertised on the Shire Website, Facebook Page and Kimberley Echo with the closing date for submissions 20 May 2016. No submissions were received.

COMMENTS

A number of changes were made to the existing policy, in particular a change in title from Community Services to Community Development. The amendments reflect the changing perception of Local Government from the "primary provider of needs not met" to a partner in building the capacity and strength of the community, and supporting the community to meet the needs of all its members.

This review, and resultant reviewed Policy, was influenced by the August 2015 document produced by the Department of Local Government and Communities "Community Development: A Guide for Local Government Elected Members".

ATTACHMENTS - Item 12.03.08

Attachment 1 - Reviewed CP/COM 3580 Community Development Policy

Attachment 2 - CP/COM 3581 Community Facilities Policy

Attachment 3 - CP/FIN 3211 Fees and Charges Pricing Policy



POLICY NO	CP/COM - 3580	
POLICY	Community Development Policy	
RESPONSIBLE DIRECTORATE	Community Development	
RESPONSIBLE OFFICER	Director Community Development	
COUNCIL ADOPTION	Date: 22 June 2010	Resolution No: Insert Here
REVIEWED/MODIFIED	Date: 17 April 2012	Resolution No:
	Date:	Resolution No:
REVIEW DUE	Date:	
LEGISLATION	<i>Local Government Act 1995, Sections 3.1 and 3.18</i>	
RELATED POLICIES	Disability Access and Inclusion Plan Community Grant Scheme Community Engagement Policy Strategic Rating Policy	
RELATED ORGANISATIONAL DIRECTIVES		

PURPOSE:

To implement a Community Development approach which empowers and strengthens the Community, encourages collaborative practices and celebrates the diversity of our Community.

DEFINITIONS:

Community: There are many definitions of the term community. For the purpose of this Policy, 'Community' refers to the people living, working, and visiting within the spatial boundaries of the Shire of Wyndham East Kimberley.

Community Services Community services and facilities targeted to support the general community, or particular groups within the community including but not limited to:

- children and youth
- older people
- people from culturally and linguistically diverse backgrounds
- Aboriginal people
- people with disability

Community Resilience: The ability of a community to bounce back from adversity.

Strong Community: A community that is able to meet the needs of its members.

Capacity Building: Increasing the ability of the community to self-support, for the community to have the capability to meet its own needs.

Community empowerment: enabling the community to increase control over their lives. Community involvement in the provision of infrastructure and services that leads to a sense of ownership.

POLICY STATEMENTS:

The Shire of Wyndham East Kimberley will:

- Effectively engage with the community to establish wants and needs.
- Thoroughly explore the wants and needs of the community including:
 - Identifying the appropriate Shire role in addressing these wants and needs;
 - Identifying any gaps or duplication in service provision;
 - Prioritising these wants and needs;
 - Identifying best practice for addressing community needs and service provision; and
 - Scrutinising and documenting the financial and resource implications of the provision of community services, facilities and initiatives including whole of life costs
- Document these wants and needs via the Strategic Community Plan and more broadly, through the Shire's Integrated Planning Framework
- Develop and maintain strategies for key aspects of Community Services that are incorporated as informing strategies in the Shire's Integrated Planning Framework. These Strategies include:
 - Youth Services
 - Disability Access and Inclusion
 - Community Safety
 - Recreation and Leisure
 - Public Open Space
 - Arts and Culture
- Ensure the development, management and operation of community facilities is strategic and planned with continuous improvement sought
- Build the capacity of the community and support the development and/or maintenance of a diverse range of external services delivered by the community-based sector through:
 - facilitating community leases;
 - providing financial support through the Community Grant Scheme;
 - providing community facilities
 - assisting external organisations to build resilience and good governance; and
 - reducing barriers to organisations being able to carry out their community functions where possible.
- Collaborate with other agencies, organisations and groups promoting partnership approaches to service delivery

Outcomes

- A wide variety of high quality services available within the Shire
- Increased community strength and resilience
- Effective and efficient Shire community service delivery

EXPLANATORY NOTES:

Local Government responsibility for Community Services is very broadly given by the Local Government Act 1995:

3.18 (2) *In performing its essential functions, a local government may provide services and facilities*

3.18 (3) *A local government is to satisfy itself that services and facilities that it provides –*

(a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;

(b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State any other body or person, whether public or private; and

(c) are managed efficiently and effectively.

In a broad sense, the Shire of Wyndham East Kimberley is not legislatively bound to provide specific community services. It is therefore at Councils' discretion which services are provided and the level of service offered.

It is important for the Community, and Shire to have a wide range of high quality services available within the Community. These services can improve the quality of life for residents through:

- Improving health and wellbeing
- Increasing general happiness and enjoyment
- Improving the local economy
- Increasing community safety.

The needs (and wants) of any community are often varied and extensive. In addition, community needs are often complex. Given that resources are finite it is typically not possible to meet everyone's wants and needs.

With such complexity, it is essential that the Shire has a strategic approach and clear procedures for delivering community services. This Policy provides strategic direction for Council and Shire staff on the manner in which the Shire will approach Community Development for the community of the Shire of Wyndham East Kimberley.

A key component of this Policy is the recognition that the Shire does not need to provide all of these services; it is the Shire's role to create an environment where these services are present within the Community. This is done through building the capacity of the Community.

As detailed within the Department for Local Government and Communities document "Community Development: A Guide for Local Members" (August 2015):

Community Development needs to:

- *Allow for the identification of local needs;*
- *Support the voicing of local concerns;*
- *Facilitate flexibility, autonomy and local control of community groups ; and*
- *Enable people to 'do things' at a local level to improve their communities.*

RISK:

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.



OBJECTIVE:

To provide guidance in the management and operations of Shire community facilities and equipment. This guidance will consider the needs of both the community and the Shire of Wyndham East Kimberley both at the present day and into the future.

The 5 key principles considered are:

- Equity: Fair and equal access and charges for all users of Shire facilities.*
- Capacity to Pay: Fair pricing with consideration of the ability of an individual, group or organisation to pay the fee in reasonable circumstances.*
- Community Benefit: The benefit gained through use of the facility including but not limited to; social interaction, physical activity, education, personal development.*
- Compliance: Operating within all relevant regulations and laws by both the Shire and users of the facilities.*
- Transparency and Accountability: Management practices and operations will be conducted in an open and accountable manner.*

POLICY:

Scope & Limitations

This policy covers Shire facilities, infrastructure and equipment such as community buildings, sporting facilities and parks.

For the purposes of facility and equipment hire, the definitions of user groups are:

Not for profit/Non-Government:

Registered as not for profit with the Australian Taxation Office

or

Incorporated sporting groups or community service organisations (as defined by their constitution).

Commercial/Government/Private:

All groups not classified as Not for Profit as defined above

or

All Government Agencies

or

A group with the primary function of promoting religious or political beliefs

or

Any private function not hired on behalf of a group or organisation

Youth Service Providers:

All groups that deliver service targeting young people within the age range of 10 to 24

and
Must be defined as Not for profit/Non-Government
or
Specific registered youth agencies

Evidence of above user group status may be requested by the Shire.

Background

Community facilities are in most cases run at a cost to the Shire. The provision of these facilities is essential to the community and therefore it is acknowledged that a level of subsidy is necessary.

It is therefore important to ensure that the Shire's ongoing commitment to providing good quality community facilities is documented, and that a desired level of service provision is maintained.

Guiding Statement

All Shire community facilities will:

- Operate within all relevant regulations and laws;
- Maintain a high level of Occupational Health and Safety at all times;
- Have fees and charges reviewed by Council annually. Fees and charges should promote equitable access to all user groups while providing a satisfactory level of cost recovery;
- Set opening hours and conditions of use in a manner that ensures the efficient operation of the facility, while promoting maximal use and an acceptable level of accessibility by the community;
- Consider a variety of user groups and the needs of the community as a whole;
- Give consideration to disability access;
- Maintain a high level of cleanliness both internally and externally;
- Promote use to all members of the community;
- Safely provide the service that it is designed for;
- Plan for the future needs of the community;
- Be aesthetically pleasing, and;
- Represent the Shire in a positive and professional manner

Outcomes

Shire community facilities will be functional, allowing safe use for the purposes of their design enabling users to provide a wide range of quality services, events and activities. Fees should ensure that users of the facility contribute to the cost of providing the facility, while not being prohibitive to use of the facility.

GOVERNANCE REFERENCES

Statutory Compliance	Local Government Act 1995, Sections 3.1 and 3.18.
Industry Compliance	WA Department of Health Code of Practice for the design, construction, operation management and maintenance of Aquatic Facilities
Organisational Compliance	Guidelines for policy development and review of the Council Policy Manual (adopted by Council 17 November 2009, Minute 8910).
Process Links	AP/REC 4500 Seasonal Oval Use Policy and AP/REC 4501 Shire Facility Casual Use Policy. Adopted Fees and Charges Standard Operating Guidelines

POLICY ADMINISTRATION

Directorate		Officer Title		Contact:	
Community Development		Director Community Development		Ext:151 Ext:171	
Date Effective	22 June 2010				
Date Adopted	22 June 2010	Last Reviewed	17/04/2012 — Minute; 9748		
Risk Rating	Low	Review Cycle	Annual	Next Due	April 2013 May 2014



POLICY NO	CP-FIN 3211	
POLICY	Fees and Charges Pricing Policy	
RESPONSIBLE DIRECTORATE	Corporate Services	
RESPONSIBLE OFFICER	Director Corporate Services	
COUNCIL ADOPTION	Date: 28/01/2014	Resolution No: 10293
REVIEWED/MODIFIED	Date: 23/03/2015	Resolution No:
	Date:	Resolution No:
REVIEW DUE	Date: March 2016	
LEGISLATION	<i>Local Government Act 1995 – Sections 6.16, 6.17, 6.18; A New Tax System (Goods and Services Tax) Act 1999; A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2011 (No. 1);</i>	
RELATED POLICIES	Competition Principles Agreement – 11 April 1995 (As amended to 13 April 2007) – <i>Currently under review by the Australian Government.</i>	
RELATED PROCEDURES	Fees and Charges Review Guidelines	

PURPOSE:

The purpose of this policy is for the Council to ensure that the Shire's fees and charges are determined utilising key principles that ensure fair and reasonable charging to the community for the goods and services that the Shire provides.

DEFINITION:

All definitions are provided within the text of this document.

POLICY STATEMENTS:

The pricing principles and pricing basis are to apply to all fees and charges where possible, or unless legislation determines otherwise.

The Council will consider the following principles when imposing fees and charges:

1. Cost Reflective Pricing and Future Considerations
2. Community Expectations or Values
3. Comparison with Alternative Provider
4. Equity
5. Removal of Cross Subsidies
6. Predictability
7. Administrative Simplicity
8. Compliance with the *Trade Practices Act 1974* and the National Competition Policy requirements

1. COST REFLECTIVE PRICING AND FUTURE CONSIDERATIONS

Fees and charges have important implications for resource allocation and value for money for the community. Cost reflective pricing can help ensure the Council's resources are best utilised to meet its community needs.

Section 6.17(1)(a) of the *Local Government Act 1995* requires the Council to consider "the cost to the local government of providing the service or goods". The Council will therefore consider the income anticipated from the imposition of the charge and the anticipated expenditure of administering the service.

Full cost recovery includes those costs both directly and indirectly associated with providing the good or service including capital costs (Examples of direct and indirect cost components are outlined in Table A below). Council's view is that full cost recovery, where appropriate, also contributes to achieving allocative efficiency – where resources are optimally allocated to benefit society and where the value consumers place on a good or service equals the cost of production.

Council may also consider the future plans for the services that are being provided, particularly in relation to assets including facilities, and consider the impact of asset management costs in the future.

The *Local Government Act 1995*, section 6.17(3) states that "the basis for determining a fee or charge is not to be limited to the cost of providing the service or goods..." other than in particular circumstances, therefore allowing for fees and charges to be in excess of full cost recovery.

To this end, section 6.17(2) of the *Local Government Act 1995* also provides that "a higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently."

Council will consider these options in determining the fees or charges to be imposed taking into account the situation that may surround the matter (eg. Additional labour hours may be required to provide the expedited service).

Table A

COMPONENTS OF COST		
TYPE OF COST	CATEGORIES	EXAMPLES
Indirect		
Costs that are not directly attributable to an activity – often referred to as overheads	Administrative Expenses	<ul style="list-style-type: none"> • Cost of printing the annual report
	Capital	<ul style="list-style-type: none"> • Computers for corporate staff • Furniture for corporate office
	Materials and Supplies	<ul style="list-style-type: none"> • Stationery used by corporate services staff
	Labour	<ul style="list-style-type: none"> • Remuneration of corporate staff

Direct		
Costs that can be readily and unequivocally attributed to a service or activity because they are incurred exclusively for that particular product/activity	Capital	<ul style="list-style-type: none"> • Depreciation or lease costs of specific-purpose buildings, vehicles, computers, and other equipment used directly in delivering services
	Administrative Expenses	<ul style="list-style-type: none"> • Transport, accommodation and meal expenses for service delivery staff • service-related publications
	Materials and Supplies	<ul style="list-style-type: none"> • Spare parts, inventory, fuel
	Labour	<ul style="list-style-type: none"> • Salaries and wages of 'works unit' employees, payments to contractors and service providers

Source: Victorian Auditor-General's Office.

2. COMMUNITY EXPECTATIONS OR VALUES

Each community member or group clearly places a "value" or level of importance on the goods and services that the Shire provides. This "value" will be dependent upon the strength of the benefits that it provides to the community member or group.

Section 6.17(1)(b) of the *Local Government Act 1995* requires the Shire to take into consideration "*the importance of the service or goods to the community*" in determining the amount of a fee or charge for a service or goods.

Council will continue to work with the community to ascertain their views on the importance of services or goods provided to the community.

3. COMPARISON WITH EXTERNAL PROVIDER

A comparison of fees and charges that are imposed by other Council's and service providers will be undertaken where possible.

4. EQUITY

Under the 'user pays' principle, the community should pay according to the level of benefits accrued to them. The Council has considered the following four levels of benefit that will be used when determining the pricing basis.

1. Public Benefit – the service provides a broad community benefit.
2. Private Benefit – the service benefits particular users making a contribution to their individual income, welfare or profits generally without any broader benefits to the community.
3. Shared Benefit – the service provides both community benefits and a private benefit.
4. Regulatory – fee or charge that is fixed by legislation.

5. REMOVAL OF CROSS SUBSIDIES

Cross subsidies exist where the price charged for one service is set below its cost and the price charged for another service is set above its cost to the extent that the overall costs are recovered.

Cross subsidies distort pricing causing an inefficient allocation of resources, and are not considered the most efficient way to achieve equity or efficient practices.

Where possible, Council will minimise cross subsidies between services or groups of consumers.

6. PREDICTABILITY

The fees and charges will be reviewed and adopted by Council at a minimum of 3 months prior to their commencement, where possible. This will ensure that the community has knowledge and certainty of the fees and charges which will allow the community to make more informed decisions.

7. ADMINISTRATIVE SIMPLICITY

The charging of fees and charges will be simple to administer therefore minimising administrative costs, while ensuring compliance with the applicable legislation.

8. COMPLIANCE WITH THE *TRADE PRACTICES ACT 1974* AND THE NATIONAL COMPETITION POLICY

The National Competition Policy competitive neutrality reforms are focused on the significant business activities of all local governments. The *Local Government Act 1995* only requires the application of full cost pricing to council business activities having a turnover in excess of \$200,000. Even then, competitive neutrality is only to be applied to the extent it can be demonstrated the benefits of implementation outweigh the costs.

The aim of the National Competition Policy is to create a level playing field by requiring Councils to adjust their service prices to neutralise any competitive advantages when competing with the private sector.

Council will consider the requirements of the *Trade Practices Act 1974* and the National Competition Policy when determining fees and charges associated with its significant business activities.

OUTCOMES

The principles have been applied, and the benefits have been allocated a pricing basis by the Council as a guide in setting fees and charges.

Benefits and Pricing Basis Used by the Shire

Benefits	Pricing Basis
1. Public Benefit – service provides a broad community benefit and therefore full cost recovery should not apply. Partial cost recovery could apply in some circumstances.	Zero to partial cost recovery
2. Private Benefit – service benefits particular users making a contribution to their individual income, welfare or profits generally without any broader benefits to the community.*	Full Cost Recovery
3. Shared Benefit – service provides both community benefits and a private benefit.	Partial Cost Recovery
4. Regulatory – fee or charge fixed by legislation	100% of Regulatory Fee or Charge

** Note that for the Private Benefit Category, 3 additional Pricing Basis classifications may be considered by Council being:*

- 1. Full Cost Recovery + Possible Mark Up*
- 2. Full Cost Recovery + Possible Future Consideration*
- 3. Full Cost Recovery + Possible Mark Up and/or Possible Future Consideration*

Application of Pricing Basis to Good & Services

Service	Principle	Basis of Cost
Rates Enquiries	Private Benefit	Full Cost Recovery
Professional Staff Time	Private Benefit	Full Cost Recovery
Number Plates	Private Benefit	Full Cost Recovery
Photocopying	Private Benefit	Full Cost Recovery
Sale of List of Owner/Occupiers and Council Minutes/Agendas	Private Benefit	Full Cost Recovery
Other Council Publications (ie. rate books, Local Laws, Tender documents etc)	Private Benefit	Full Cost Recovery
Dog Pound	Shared Benefit	Partial Cost Recovery
Dog Tags	Shared Benefit	Partial Cost Recovery
Dog Registration and Infringements	Regulatory	100% of Regulatory Fee or Charge
Dog Seizure Fees	Private Benefit	Full Cost Recovery
Cat Pound	Shared Benefit	Partial Cost Recovery
Cat Registration and Infringements	Regulatory	100% of Regulatory Fee or Charge
Cat Seizure Fees	Private Benefit	Full Cost Recovery
Towing and Poundage Charges	Private Benefit	Full Cost Recovery
Road Closures and Traffic Management	Shared Benefit	Partial Cost Recovery
Bushfire Infringements	Regulatory	100% of Regulatory Fee or Charge
Caravan Parks & Camping Grounds	Regulatory	100% of Regulatory Fee or Charge
Building Control (applications, licences, levies etc)	Regulatory	100% of Regulatory Fee or Charge
Building Control – Private Certification	Private Benefit	Full Cost Recovery
Signage Approvals	Private Benefit	Full Cost Recovery
Deposits and Bonds	Private Benefit	Full Cost Recovery
Water Charges – Non Commercial	Shared Benefit	Partial Cost Recovery

Service	Principle	Basis of Cost
Water Charges – Commercial	Private Benefit	Full Cost Recovery
Food Registrations, Applications and Other Charges	Private Benefit	Full Cost Recovery
Development Applications	Regulatory	100% of Regulatory Fee or Charge
Subdivision Applications	Regulatory	100% of Regulatory Fee or Charge
Private Works	Private Benefit	Full Cost Recovery + Possible Mark Up
Site Inspections	Private Benefit	Full Cost Recovery + Possible Mark Up
Plant Hire	Private Benefit	Full Cost Recovery + Possible Mark Up
Rubbish Charges	Private Benefit	Full Cost Recovery
Landfill Charges	Private Benefit	Full Cost Recovery + Possible Future Consideration
Cemetery Fees	Private Benefit	Full Cost Recovery
Civic Centre	Shared Benefit	Zero to full cost recovery depending on usage
Trading in Thoroughfares and Public Places	Private Benefit	Full Cost Recovery
Sport Association Ground Hire	Shared Benefit	Partial Cost Recovery
Casual Ground Hire	Shared Benefit	Partial Cost Recovery
Library	Shared Benefit	Partial Cost Recovery
Airport	Private Benefit	Full Cost Recovery + Possible Future Consideration
Child Care	Shared Benefit	Partial Cost Recovery
Non Sporting Activity Facility Hire – Non Commercial	Shared Benefit	Partial Cost Recovery
Non Sporting Activity Facility Hire – Commercial	Private Benefit	Full Cost Recovery
Sporting Activity Facility Hire – Non Commercial	Shared Benefit	Partial Cost Recovery
Sporting Activity Facility Hire – Commercial	Private Benefit	Full Cost Recovery
Cleaning Charges	Private Benefit	Full Cost Recovery

Service	Principle	Basis of Cost
Gymnasium Entry Fees	Private Benefit	Full Cost Recovery + Possible Mark Up and/or Possible Future Consideration
Swimming Complex Entry Fees	Shared Benefit	Partial Cost Recovery
Leisure Centre Entry Fees	Private Benefit	Full Cost Recovery + Possible Mark Up and/or Possible Future Consideration
Kiosk Sales at Leisure Centre	Private Benefit	Full Cost Recovery + Possible Mark Up
Leasing – Commercial	Private Benefit	Full Cost Recovery
Leasing – Community	Shared Benefit	Partial Cost Recovery

GST Disclaimer

A goods and services tax (GST) applies to a number of goods and/or services supplied by the Shire. In accordance with the new tax legislation the prices shown for goods and/or services are the GST inclusive price.

Some goods and/or services supplied by the Shire have been declared “GST free” or excluded under Division 81 of the legislation. Those goods and /or services which are “GST free” or excluded from GST are indicated in the Schedule of Fees and Charges as GST not applying.

The Shire reviews all fees to determine if they are subject to GST. If a fee is subsequently proven not to be subject to GST, then that fee will be amended by reducing the GST to nil. Conversely if the Shire is advised that a fee which is shown as being not subjected to GST becomes subject to GST then the fee will be increased but only to the extent of the GST.

EXPLANATORY NOTES:

BACKGROUND

Fees and charges are important to ratepayers and to the users of services. From a ratepayer’s viewpoint, fee revenue supplements, and therefore ought to reduce, the rate burden. If fees and charges revenue do not keep pace with increases in the cost of service provision, or if fees are set only to partially recover costs, then the cost burden can fall back onto the ratepayer.

From the service user’s viewpoint, the fee or charge acts as a price signal about the cost and value of resources used to produce the service. It also creates a user expectation that appropriate service standards will be set and met.

The *Local Government Act 1995*, section 6.16 provides a local government with the power to impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

In determining the amount of a fee or charge for a service or for goods, the Council, in accordance with section 6.17 of the *Local Government Act 1995*, must take into account:

- (a) *The cost to the local government of providing the service or goods; and*
- (b) *The importance of the service or goods to the community; and*
- (c) *The price at which the service or goods could be provided by an alternative provider.*

The additional principles contained in this Policy are to ensure that there is a reasonable approach utilised when developing the fees and charges that the Shire charges to the community. This approach is also equitable and transparent where the community can refer to these principles and better understand the reasoning behind why fees have been established the way they are.

TRANSITIONARY PERIOD

A number of the pricing principles will be difficult to achieve in their entirety and to their full extent in time for the adoption of the annual budget.

Council therefore commits to continuously working through these principles.

RISK:

Risk: Inability to fund the infrastructure gap.

Control: Develop LTFFP to ensure critical assets maintained in Annual Budgets.

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.

12.03.09. Unify Gathering -Temporary Caravan Park Licence

DATE:	31/05/2016
AUTHOR:	Chiquita dos Reis, Environmental Health Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
FILE NO:	PH.12.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grant a temporary caravan park licence to the Unify Event Group for 50 short stay sites from 17 June to 21 June 2016, subject to the following conditions:

- 1. Only participants and staff associated with the event are to be accommodated in the park.**
- 2. The following minimum ablution facilities are to be available for the duration of the licence: 3 toilets, 3 hand basins and 3 showers.**
- 3. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.**
- 4. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from site.**
- 5. Fire extinguisher/s are to be located within 90 metres of every site.**

COUNCIL DECISION

Minute No: 11372

Moved: Cr E Bolto

Seconded: Cr B Robinson

That Council grant a temporary caravan park licence to the Unify Event Group for 50 short stay sites from 17 June to 21 June 2016, subject to the following conditions:

1. Only participants and staff associated with the event are to be accommodated in the park.
2. The following minimum ablution facilities are to be available for the duration of the licence: 3 toilets, 3 hand basins and 3 showers.
3. All wastewater (including sullage water) is to be collected and removed from site to be disposed of at an approved wastewater dump point.
4. Rubbish bins are to be sealed and provided within 90 metres of every site. All rubbish to be removed from site.
5. Fire extinguisher/s are to be located within 90 metres of every site.

Carried 8/0

PURPOSE

For Council to consider an application made by the Unify Event Group for a Temporary Caravan Park and Camping Ground Licence at Lot 580 Packsaddle Road, Kununurra.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Shire is currently assessing an application for a public event called Unify Gathering to be held at Lot 580 Packsaddle Road Kununurra from 17 June to 21 June 2016. The festival will bring together local families to camp onsite and participate in talks, workshops and other activities. The Unify Event Group have applied for a temporary caravan park licence to accommodate 150 staff and participants for the duration of the festival.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995 (the Act)

s. 7(5) Before granting a licence a local government must ensure that —

- (a) the applicant has complied with the requirements of this Act;*
- (b) the applicant is the owner of the land on which the facility is situated, or is to be situated, or has the written approval of the owner of that land to apply for a licence.*

Caravan Parks and Camping Grounds Regulations 1997 (the Regulations)

r. 47. Applications not dealt with within time are taken to be refused

(1) If within —

- (a) 63 days of receiving an application for a licence; or
- (b) 35 days of receiving an application for a renewal of a licence, the local government to which the application was made has not informed the applicant whether or not the application has been granted, the applicant may give the chief executive officer of the local government a notice requiring the local government to inform the applicant, within 14 days, whether or not the application is granted.

(2) If within 14 days after receiving a notice referred to in subregulation (1), the local government has not informed the applicant whether or not the application is granted, the local government is to be taken to have refused the application and the applicant may make an application for review to the State Administrative Tribunal under section 27 of the Act.

r. 54 Temporary licence

(1) A local government may, on payment of the fee set out in item 3 of Schedule 3, grant a temporary licence for a facility which is to remain in force for such period of less than one year, as is provided in the licence.

(2) A local government is to endorse on a temporary licence for a facility as conditions of the licence —

- (a) the maximum number of sites that may be used at the facility;
- (b) the maximum number of sites of particular types that may be used at the facility;

and

- (c) the services and facilities that are to be provided.

POLICY IMPLICATIONS

Council Policy CP/HTH-3762 Licensing of Temporary Caravan Parks and Camping Grounds (the Policy)

Council Policy CP/HTH-3762 provides guidelines for the approval of temporary licences. The policy provides for reduction in the amenity requirements of the Regulations which is considered appropriate as temporary licences are usually issued only for a short time.

Guiding Statement 2 of the Policy requires the applicant to detail the need for a temporary facility with particular due regard to:

- providing justification for the temporary facility (why it's needed, the main users)
- impact on existing caravan parks and camping grounds within a 50km radius

FINANCIAL IMPLICATIONS

If Unify Event Group is granted a temporary licence they will be invoiced for a licence fee to be calculated in accordance with Schedule 3 of the Regulations. For 50 short stay sites for 5 nights, the minimum fee of \$100 will be applicable.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure

Objective 2.4: Access to appropriate health, family and community services

Strategy 2.4.2 : Ensure community compliance with Environmental Health regulations

RISK IMPLICATIONS

Strategic Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

COMMUNITY ENGAGEMENT

The Shire of Wyndham East Kimberley's CP/GOV-3100 Community Engagement Policy has been considered in relation to this item.

No community engagement is required

COMMENTS

To be licenced as a Caravan Park and Camping Ground compliance must be demonstrated with the Policy and the Regulations.

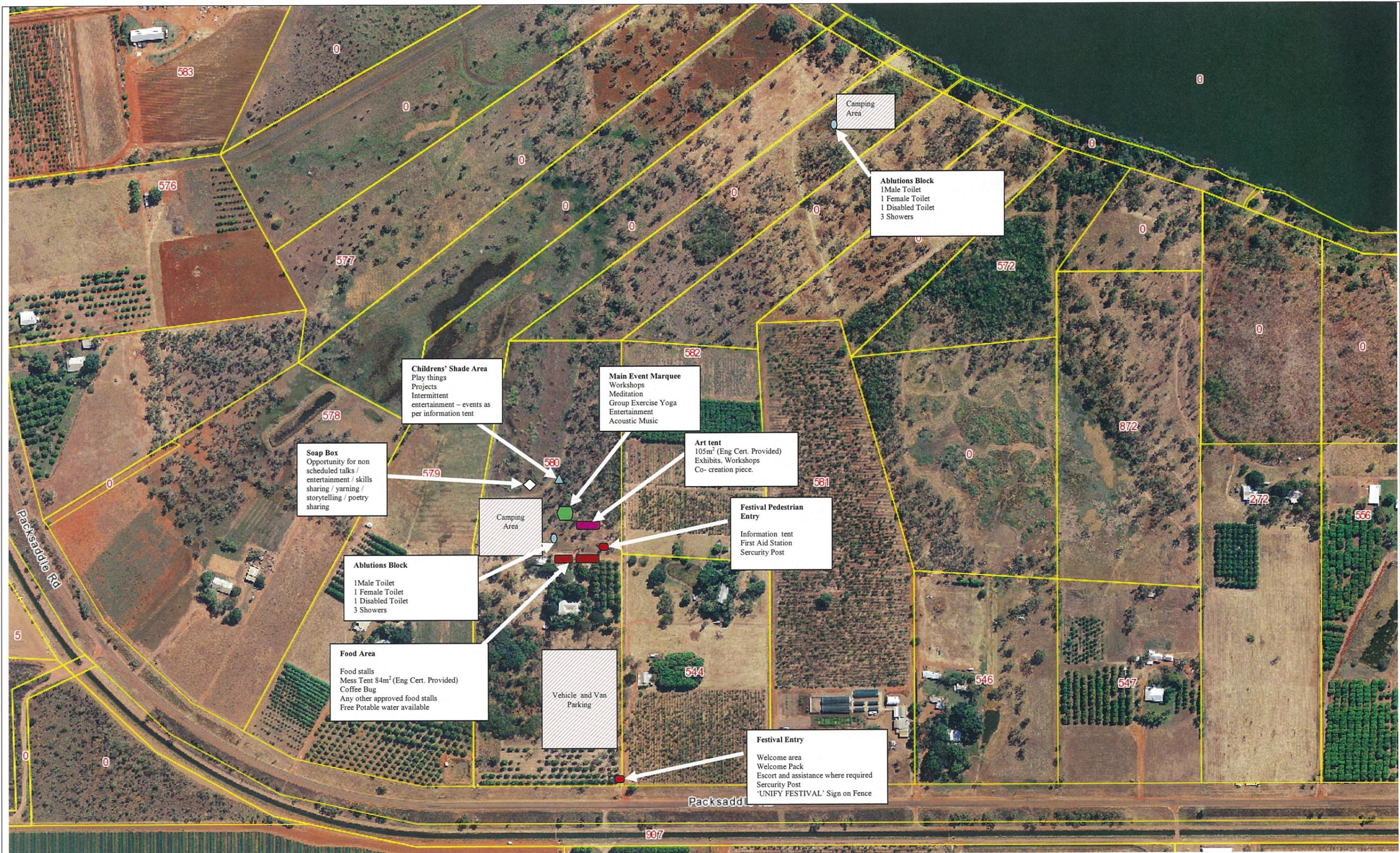
The proposed caravan park licence meets the requirements of the Policy with respect to Guiding Statement 2:

- Justification - The need for the licence is to accommodate event staff and participants to allow them to participate in talks and workshops for the duration of the event.
- Impact on existing parks - the licence will accommodate only event participants for the purpose of participating in the gathering. It is not considered to have a negative impact on existing parks and is not competing for the normal tourist market.

The justification and short duration of the proposed licence makes it acceptable for Council to approve lesser services and facilities as part of the licence in accordance with the Policy

ATTACHMENTS - Item 12.03.9

Attachment 1 - Site Plan



The Shire of Wyndham East Kimberley does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that DMS shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.

Monday, 11 April 2016

1:4904



12.03.10. Proposed North Kimberley Marine Park - written submission to public comment period

DATE:	31/05/2016
AUTHOR:	Roy Adam, Planning Officer
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
FILE NO:	EM.11.3
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorses the written submission on the proposed North Kimberley Marine Park - indicative joint management plan 2016 as outlined in Attachment 1.

COUNCIL DECISION

Minute No: 11373

Moved: Cr K Wright

Seconded: Cr E Bolto

That Council endorses the written submission on the proposed North Kimberley Marine Park - indicative joint management plan 2016 as outlined in Attachment 1.

Carried 8/0

PURPOSE

For Council to endorse the Shire's response to the Marine Parks and Reserve Authority concerning the proposed North Kimberley Marine Park.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Advocator - advocate and support initiatives on behalf of the community and the Kimberley.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The proposed North Kimberley Marine Park indicative joint management plan 2016 contains operational plans and performance assessment tools in creating a land-sea management document.

The Marine Parks and Reserves Authority are the statutory agency (MPRA) and the vesting authority for Western Australian marine parks and reserves reserved under the provisions of the *Conservation and Land Management Act 1984*.

The Authority's primary role is the development of policies and the review and auditing of management plans for marine reserves. The MPRA also oversees and audits the implementation of these plans by the Department of Parks and Wildlife with participation by the community, other government agencies and stakeholders.

STATUTORY IMPLICATIONS

Notification to the Shire is required under s14 (3A) of the *Conservation and Land Management Act 1984*.

(3A) Notification of a proposal to make an order under section 13(1) shall be given to the local government of each district which is contiguous to the proposed reserve, park or management area.

Given the scheduling of Council meetings the Shire has been granted permission to respond to the public comment period following the advertised submission closing date of 20 May 2016.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability

Objective 1.3: Advocacy of East Kimberley issues and opportunities at regional, state and national levels

Strategy 1.3.1 : Actively provide input to decision making at the Regional, State and Federal levels on behalf of the community

RISK IMPLICATIONS

Nil.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The proposed marine park is along the Shire's entire coastline and in a planning sense it may have implications for development assessment - particularly in the form of referral advice being sought from other agencies such as the Department of Parks and Wildlife.

A useful list of the permitted uses for the park is illustrated on page 38 at "Table 5 - Summary of permitted uses for the proposed North Kimberley Marine Park". An overall map of the park is represented on page 40 "Map 7 - Proposed management zoning for the proposed North Kimberley Marine Park".

ATTACHMENTS - Item 12.03.10

Attachment 1 - Draft response to the MPRA

Attachment 2 - Notification letter from the MPRA

Attachment 3 - North Kimberley Marine Park - Indicative joint management plan 2016

Our Ref: EM.11.3: TP3560
Enquiries: Roy Adam

Planning Branch
Department of Parks and Wildlife
Locked Bag 104
Bentley Delivery Centre WA 6983

Attention: Chris Doepel

Dear Chris

Re: Proposed North Kimberley Marine Park - indicative joint management plan 2016

Thank you for your letter on the proposed North Kimberley Marine Park and the indicative joint management plan 2016 (IJMP).

It is acknowledged that section 14 (3A) of the *Conservation and Land Management Act 1984* describes the requirement to notify a contiguous local government where a marine reserve is proposed. In this regard the Shire's coastal boundary is to be entirely bounded by the reserve.

Separately and in previous planning documents the Shire has noted the importance of the marine park waters. The Local Planning Strategy 2006 and draft 2016 version both describe the coastal environment and in particular its value for tourism and transport activities. The IJMP is considered generally compatible in these respects.

In addition the Shire's draft Local Planning Scheme No. 9 proposes land use and development controls throughout the Shire area. This Scheme requires that certain forms of use and development obtain Shire consent. Several of these possibilities as described in the Scheme (e.g. eco-tourism, agriculture, and abattoir) are likely to be of relevance to the IJMP with regard to emissions management, built form and other factors.

This connection of land use to the marine environment is reflected on page 25 (amongst others) of the IJMP. It notes that "*Land management of river catchments and areas adjacent to the marine park will also be critical for protection of the marine park's natural values. There are several current and proposed conservation reserves and parks adjacent to the proposed marine park, which will facilitate integrated land-sea management*".

In consideration of the above it would appear useful for the Shire to liaise with a partner agency such as the Department of Parks and Wildlife in the assessment of certain development applications adjoining the future marine park. The Shire would like to acknowledge this referral arrangement. It is open to receiving further comment on this as necessary.

In other respects the Shire recognises that it may be requested to collaborate with stakeholder agencies in the implementation of the plan. In particular the issues and strategies relating to "*People on country*" (recreation, tourism and community values) on page 29 are of relevance to the Shire's role in the community.

It is noted that there is potential for oil and gas projects as well as other income-generating development off the east Kimberley coast. Oil and gas is specifically mentioned at page 16 of the draft. A number of commercial activities are further listed at “Permitted uses – Table 5” (pg. 38).

In this respect Table 5 includes “*Ground-disturbing mineral and petroleum exploration and development*” and allocates this as “No” in three of the four park zones. It is listed as “Assess” in the General Use zone which comprises approximately 65 percent of the park.

The Shire is generally supportive of the benefits such economically beneficial projects bring to the region. As such it does not support commercial activities being prohibited due to the gazettal of the Marine Park.

Yours sincerely

Carl Askew
Chief Executive Officer

03 MAR 2016



Contact: Roanna Goater
Phone: +61 8 9219 9121
Email: Roanna.goater@dpaw.wa.gov.au
Our Ref: 2010/002/-9/503

Mr Carl Askew
Chief Executive Officer
Shire of Wyndham/East Kimberley
PO Box 614
KUNUNURRA 6743

Dear Mr Askew

On 16 February 2016, the Minister for Environment formally released the *Proposed North Kimberley Marine Park indicative joint management plan 2015* for a statutory three month public submission period.

The proposed North Kimberley Marine Park is being developed in consultation with Wunambal Gaambera, Balangarra, Ngarinyin and Miriwung Gajerrong traditional owners and will help to conserve the region's outstanding natural and cultural values and enhance opportunities for tourism and recreation. Established under the Kimberley Science and Conservation Strategy, the proposed marine park will contribute to the creation of one of the world's largest networks of jointly managed, interconnected marine and terrestrial reserves.

This letter notifies you of the proposals, as required under section 14(3A) of the *Conservation and Land Management Act 1984* (CALM Act). We have also attached a copy of the indicative joint management plan for your information as required under Section 59 (2) of the CALM Act. Digital copies of the plan, along with the online submission form are available at www.dpaw.wa.gov.au/northkimberley

While we are encouraging the use of the online submission form, written submissions may be posted to:

Planning Branch
Department of Parks and Wildlife
Locked Bag 104
Bentley Delivery Centre WA 6983

We welcome any comments you may have on the plan during the public comment period which closes on **20 May 2016**.

Yours sincerely

A handwritten signature in black ink that reads 'Christopher Doepel'.

Chris Doepel
DEPUTY CHAIR
MARINE PARKS AND RESERVES AUTHORITY
24 February 2016

Marine Parks and Reserves Authority, Locked Bag 104, Bentley Delivery Centre, WA 6983.



Proposed North Kimberley Marine Park

Indicative joint management plan 2016



Department of
Parks and Wildlife

Minutes Ordinary Council Meeting



MPRA
MARINE PARKS &
RESERVES AUTHORITY
31 May 2016

**Kimberley Science and
Conservation Strategy Parks**
Page 371 of 788

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KENSINGTON WA 6151

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WARNING: This plan may contain names and images of deceased Aboriginal people.

This work is copyright. All traditional and cultural knowledge in this joint management plan is the cultural and intellectual property of traditional owners and is published with the consent of the representative Aboriginal Corporation on their behalf. Written consent from Aboriginal Corporations must be obtained for use or reproduction of any such materials. Any unauthorised dealing is a serious breach of customary law and may also breach the *Copyright Act 1968* (Cth).

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This plan was developed by the Department of Parks and Wildlife in consultation with traditional owners and on behalf of the Marine Parks and Reserves Authority. Amendments to the *Conservation and Land Management Act 1984* will establish the Conservation and Parks Commission which will replace the Marine Parks and Reserves Authority and the Conservation Commission of Western Australia. The statutory responsibilities and functions of the Marine Parks and Reserves Authority, such as those referred to in this plan, will be undertaken by the new Conservation and Parks Commission.

Questions regarding this plan should be directed to:
Planning Branch
Department of Parks and Wildlife
17 Dick Perry Avenue Kensington WA 6151
Locked Bag 104 Bentley Delivery Centre WA 6983
Phone (08) 9334 0498

The recommended reference for this publication is:
Department of Parks and Wildlife 2016, *Proposed North Kimberley Marine Park indicative joint management plan 2016*, Department of Parks and Wildlife, Perth.

This document is available in alternative formats on request.



Invitation to comment

This indicative joint management plan has been released for a three month period to provide the public with an opportunity to comment on how the proposed marine park is proposed to be managed over the next ten years.

To ensure your submission is as effective as possible:

- be clear and concise
- refer your points to the page numbers or specific sections in the plan
- say whether you agree or disagree with any or all of the management arrangements – clearly state your reasons, particularly if you disagree
- give sources of information where possible
- suggest alternatives for those aspects of the plan with which you disagree.

The indicative joint management plan will be reviewed in light of the submissions, according to the criteria outlined below. A summary of public submissions will be made available along with the final management plan.

The indicative joint management plan may be amended if a submission:

- provides additional information of direct relevance to management
- indicates a change in (or clarifies) government legislation or management policy
- proposes strategies that would better achieve management objectives
- indicates omissions, inaccuracies or a lack of clarity.

The indicative joint management plan may not be amended if a submission:

- clearly supports proposals in the plan or makes general or neutral statements
- refers to issues beyond the scope of the plan
- refers to issues that are already noted within the plan or already considered during its preparation
- is one among several widely divergent viewpoints received on the topic but the approach in the plan is still considered the best option
- contributes options that are not feasible (generally due to conflict with legislation or government policy)
- is based on unclear or factually incorrect information.

Submissions should be made online at www.dpaw.wa.gov.au/northkimberley

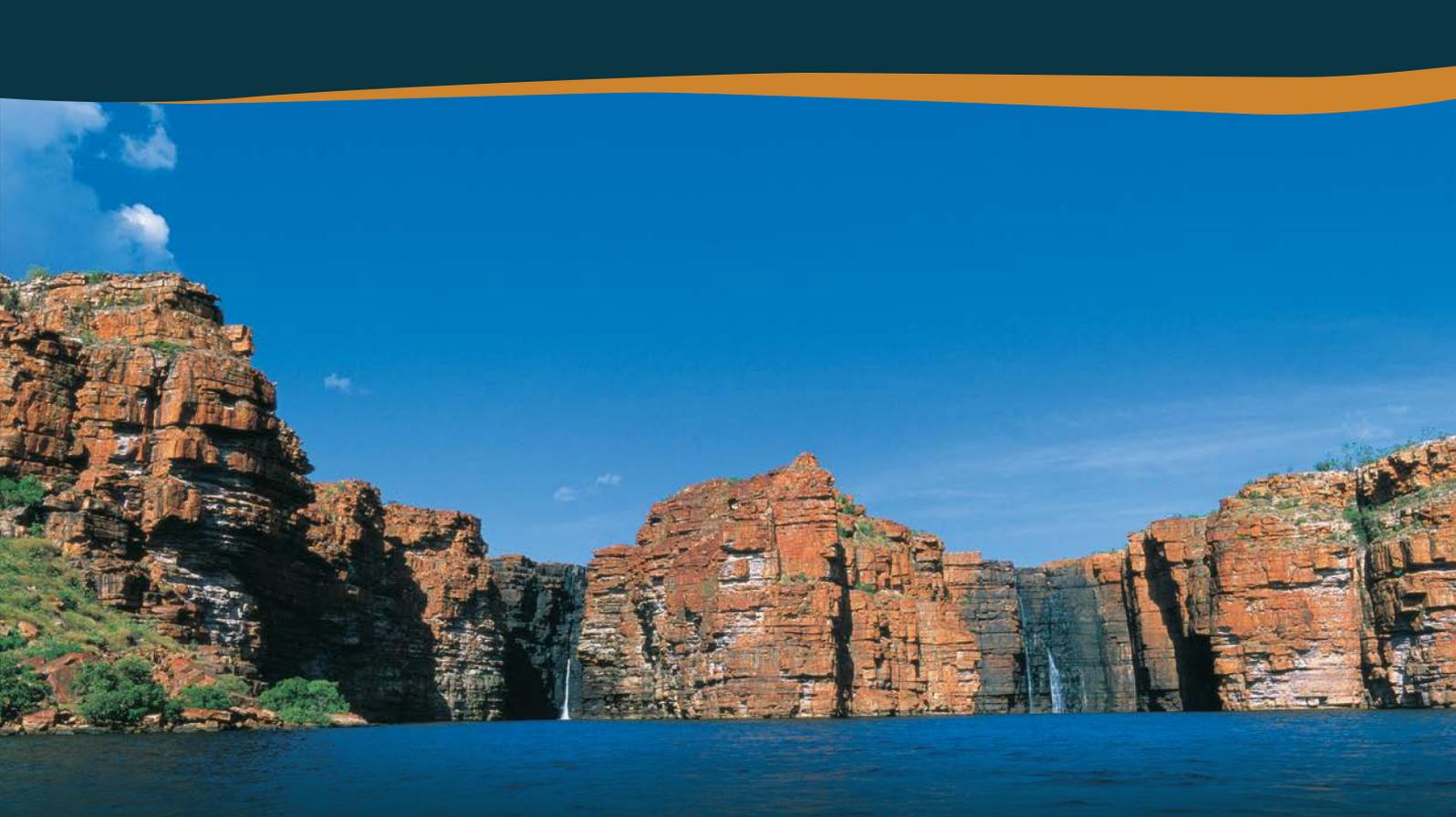
Alternatively, you can write to:

Planning Branch
Department of Parks and Wildlife
Locked Bag 104
Bentley Delivery Centre WA 6983

Above: Prince Frederick Harbour. Photo – Parks and Wildlife

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1. The management plan

Purpose of the plan

The indicative joint management plan aims to conserve the values of the proposed marine park for future generations. It states objectives and targets to be met and proposes management strategies to be implemented over the 10 year life of the plan.

The final plan will guide the development of operational documents that provide more specific direction to on-ground management actions. Performance assessment processes at both the management plan and operational levels will ensure management is adaptive.

The management of the proposed marine park will be integrated with the Lalang-garram / Camden Sound Marine Park and proposed Lalang-garram / Horizontal Falls and North Lalang-garram marine parks. The plan aims to complement the management objectives and strategies outlined in the management plans for these parks.

This plan reflects the values, aspirations and management objectives articulated in a number of traditional owner documents such as the *North Kimberley Saltwater Country Plan*, *Wunambal Gaambera (Uunguu)*, *Balangarra* and *Wilinggin healthy country plans* and joint management guidelines.

Term of the plan

The final joint management plan will guide management of the proposed marine park for 10 years, or until a new joint management plan is prepared under the *Conservation and Land Management Act 1984* (CALM Act). If a revised plan does not occur by the end of this plan's specified lifespan, the plan will remain in force in its original form.



Structure of the plan

An outcome-based management framework has been used to develop this plan. This involves evaluating the effectiveness of management actions in achieving the stated management objectives and targets to enable ongoing adaptive management. A summary of the parts of the plan is provided in the figure below.



Performance assessment

Management objectives, management strategies and key performance indicators are used to assess implementation of the plan. The key values of the planning area and the associated key performance indicators highlight management priorities. The prioritisation process for implementing the plan also occurs in the development of associated operational plans that provide more specific on-ground management direction. Performance assessment processes will also feed into adaptive management at both the strategic and operational planning level (detailed in Chapter 7: Monitoring, evaluation and reporting).



Headland near the entrance of the Hunter River. Photo – Andrew Halford/Parks and Wildlife



Naturalists Island. Photo – Anna Smith/Parks and Wildlife

2. Introduction

The north Kimberley coast is one of the last remaining unspoilt coastlines on Earth, and is recognised as one of the world's most ecologically diverse marine areas. The region is rich in Aboriginal culture, with traditional owners continuing to practise traditional law and customs in the world's oldest continuous culture (Rasmussen *et al.* 2011). Kimberley Aboriginal people have a cultural, spiritual and social connection to country that exists and adapts with time and place and is embedded in the land and seascapes. It is proposed that the North Kimberley Marine Park will be jointly managed with traditional owners through the establishment of joint management arrangements. The long-standing connections, rights and interests of traditional owners have been recognised through native title determinations for the lands and waters in and adjacent to the proposed North Kimberley Marine Park for the Wunambal Gaambera, Balanggarra, Ngarinyin and Miriuwung Gajerrong people.

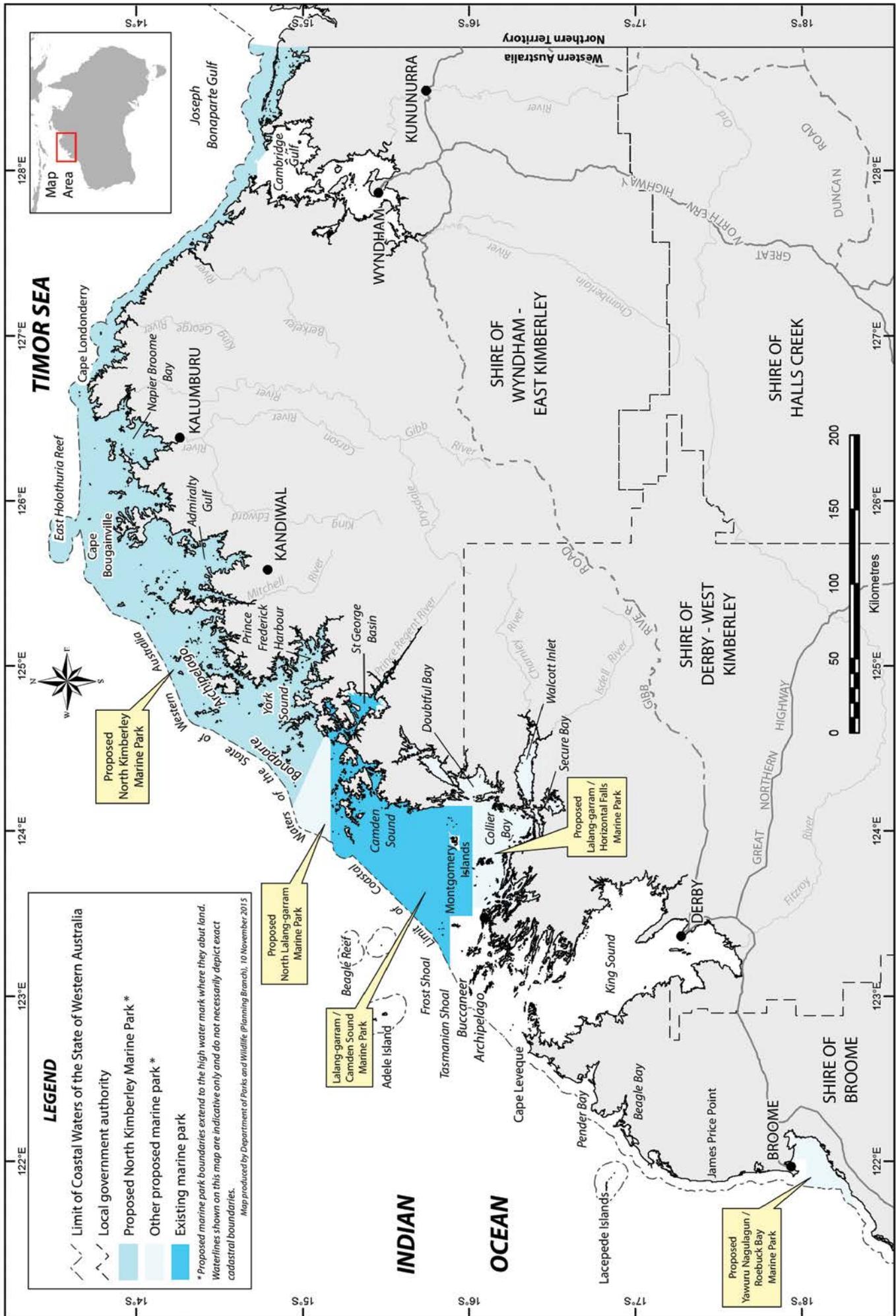
The geomorphology of the Kimberley gives rise to dramatic landscapes and a complex variety of marine habitats. There are more than 1000 islands within the boundaries of the proposed North Kimberley Marine Park, each providing an array of intertidal and subtidal habitats. The coral reefs of the north Kimberley have the greatest diversity in Western Australia and are some of the most pristine and remarkable reefs in the world (Richards *et al.* 2015, Wilkinson 2008). Large estuaries, mudflats and extensive mangrove forests support many threatened, protected and culturally important species such as dugongs, turtles and sawfish. The proposed marine park aims to conserve and enhance these values for the benefit of present and future generations.

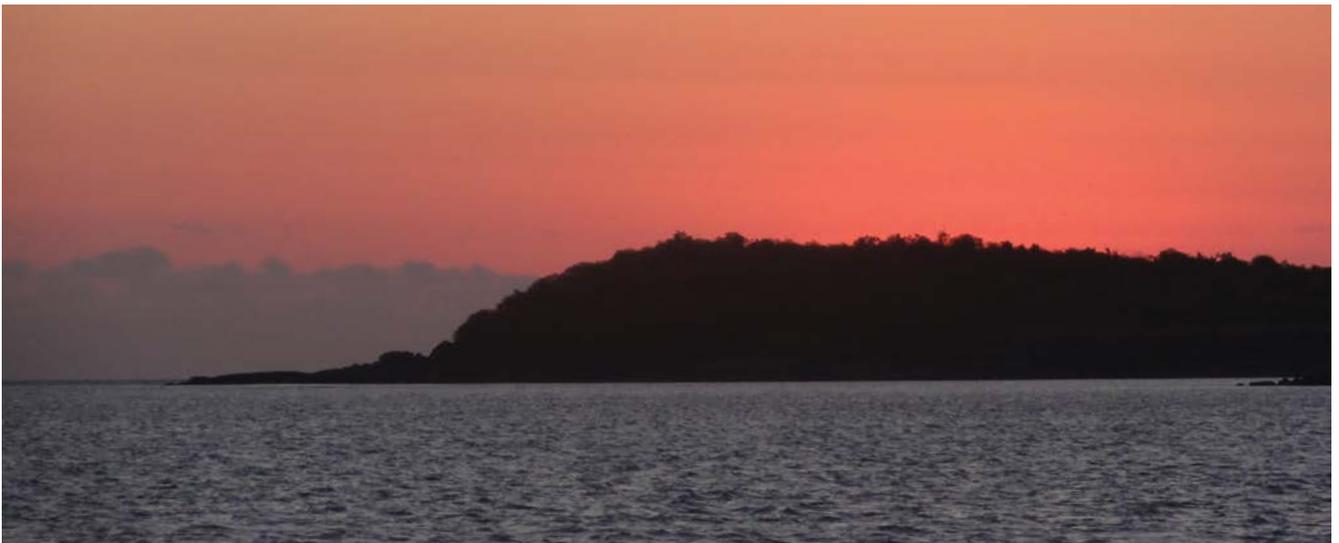
The *Kimberley Science and Conservation Strategy* is a commitment by the State Government to recognise and conserve the globally significant natural and cultural values of the area. The strategy provides for the creation of one of the world's largest networks of interconnected marine and terrestrial reserves. The proposed Great Kimberley Marine Park will consist of the proposed North Kimberley Marine Park together with the existing Lalang-garram / Camden Sound Marine Park, the proposed North Lalang-garram and the proposed Lalang-garram / Horizontal Falls marine parks (see Map 1). The proposed North Kimberley Marine Park will span around 1,845,000ha, and comprise more than half of the proposed Great Kimberley Marine Park.

The extraordinary landscape of the north Kimberley attracts increasing numbers of tourists from around the globe. Marine and national parks, wildlife, scenic beauty and other natural attractions underpin a valuable and expanding nature-based tourism industry. The Kimberley attracts some 313,000 domestic and 35,600 international visitors annually, accounting for approximately 2.5 million visitor nights and \$333M in visitor spend (Tourism WA 2014). Management of the proposed park aims to achieve important social and economic outcomes by providing increased opportunities for Aboriginal involvement and employment in land and sea management, and by promoting sensitive nature and culture based tourism while protecting park values.

The proposed marine park will be the second largest State marine park in Australia and seven times the size of Ningaloo Marine Park. The addition of the proposed marine park will increase the total area of the State's existing marine parks and reserves by more than 70%. It will enhance opportunities for recreation and tourism, research and education, and protection of the area's cultural and natural values.

Map 1 Locality of the proposed North Kimberley Marine Park





South Coronation Island. Photo – Sarah Bignell/Parks and Wildlife

3. Planning area

The proposed marine park is located in the Indian Ocean and the Timor Sea in the waters of Western Australia's Kimberley region. It extends north-east from York Sound, around Cape Londonderry and the Joseph Bonaparte Gulf to the Western Australian/Northern Territory border, and from the mainland high water mark to the limit of State coastal waters. The marine park covers approximately 1,845,000ha with its south-western boundary located about 270km north-east of Derby.

The north Kimberley lies within the broader North-West Marine Provincial Bioregion which is characterised by a large area of continental shelf and continental slope. The proposed marine park spans three marine bioregions: Kimberley, Bonaparte Gulf and Cambridge-Bonaparte as defined by the Integrated Marine and Coastal Regionalisation of Australia (IMCRA Version 4).

The boundaries of the proposed marine park and surrounding tenures are outlined in Maps 2 and 3. Sections of the proposed marine park are adjacent to other terrestrial conservation reserves including Prince Regent National Park, Mitchell River National Park, Mijing Conservation Park and the proposed Cape Domett, Cape Londonderry and Kimberley national parks.

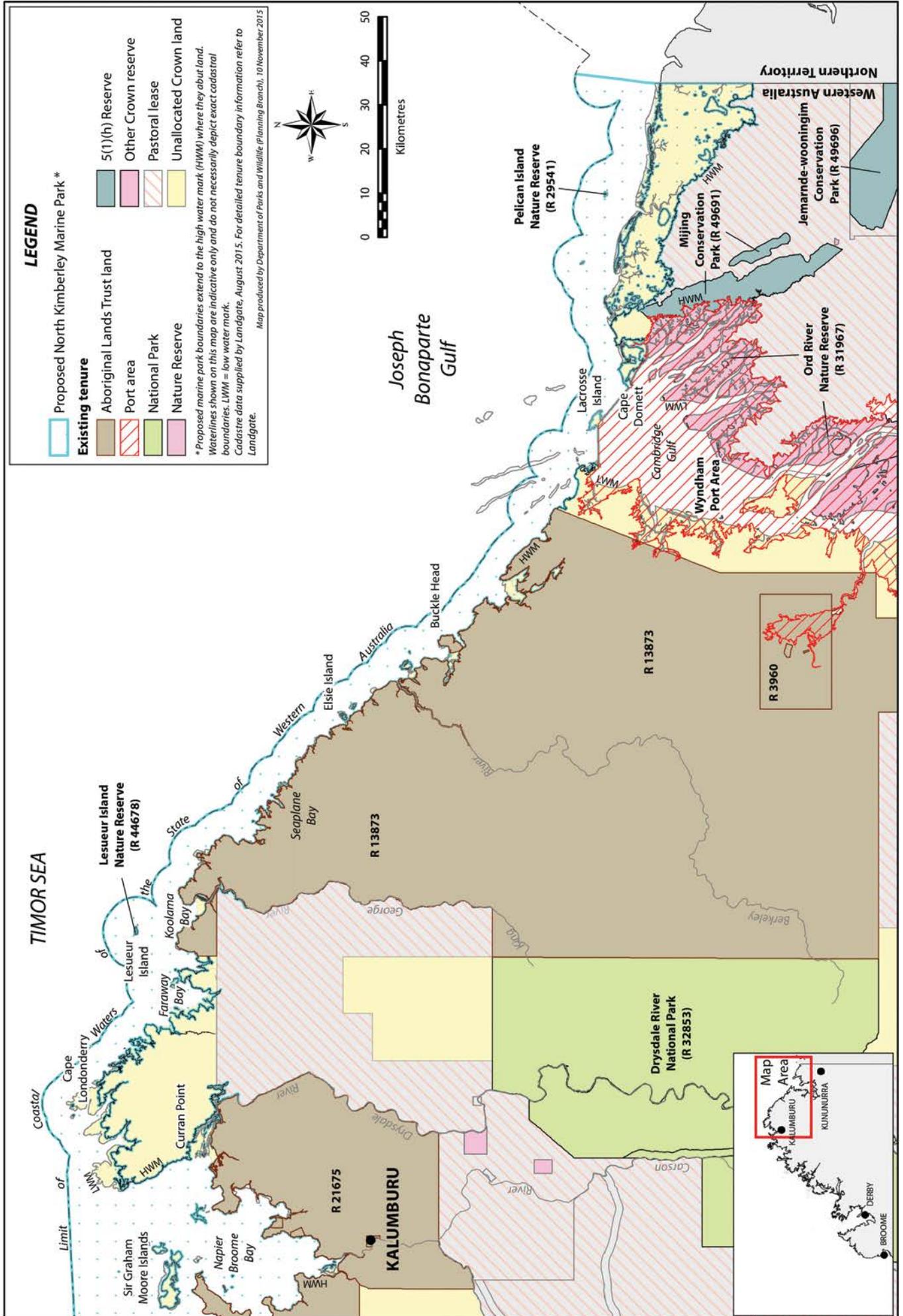
This plan outlines the intention for the proposed marine park to extend to the high water mark where possible, subject to adjacent tenure and addressing native title requirements under the *Commonwealth Native Title Act 1993* (Native Title Act). The native title determination areas are shown in Map 4.

The proposed marine park will be gazetted as a Class A marine park. Class A reservation provides the highest security of tenure.



Left: Blue-green chromis and corals. Photo – John Huisman Right: Tawny nurse shark. Photo – Anna Smith/Parks and Wildlife

Map 3 Tenure within and adjacent to the proposed park – east



4. Management direction



Cape Londonderry. Photo – Anna Smith/Parks and Wildlife

4.1 Vision for the proposed North Kimberley Marine Park

A place where traditional owners and Parks and Wildlife work together with the wider community to create a park where the natural and cultural values are protected, respected and celebrated by all.

4.2 Strategic objectives

The strategic objectives provide broad direction for management. They guide the development of the management objectives, zoning and strategies.



Increase understanding of the values of the proposed parks through research and monitoring to support effective adaptive management

4.3 Values

Aboriginal cultural and heritage values

Aboriginal people have had a continuous association with the north Kimberley saltwater country for thousands of years. The saltwater people of the region continue to rely on coastal and marine environments and resources in the north Kimberley for their livelihoods, their cultural identity, health and wellbeing, and economy.

The Wunambal Gaambera, Balanggarra, Ngarinyin, and Miriuwung and Gajerrong people have traditional country in the area of the proposed marine park recognised through determined native title rights and interests based on strong and ongoing cultural connections to the north Kimberley.

Aboriginal people have a deep spiritual connection to country through their Dreaming narratives. Importantly, the events of the Dreaming resonate in the present. Ancestral creator beings continue to inhabit the country where they manifest themselves as rock art, stone arrangements and other tangible and intangible features of the land and sea (Vigilante *et al.* 2013).

Under traditional law, Aboriginal people have a cultural responsibility to care for country and ensure their culture and knowledge is passed on to future generations. They do this through customary activities which include hunting for food, visiting important cultural places, making medicines, keeping rock art fresh, managing country through fire at the right time of year and engaging in ceremonial events. These customary activities help Aboriginal people maintain their traditional relationships with their land and sea country, share knowledge and participate in traditional practices.

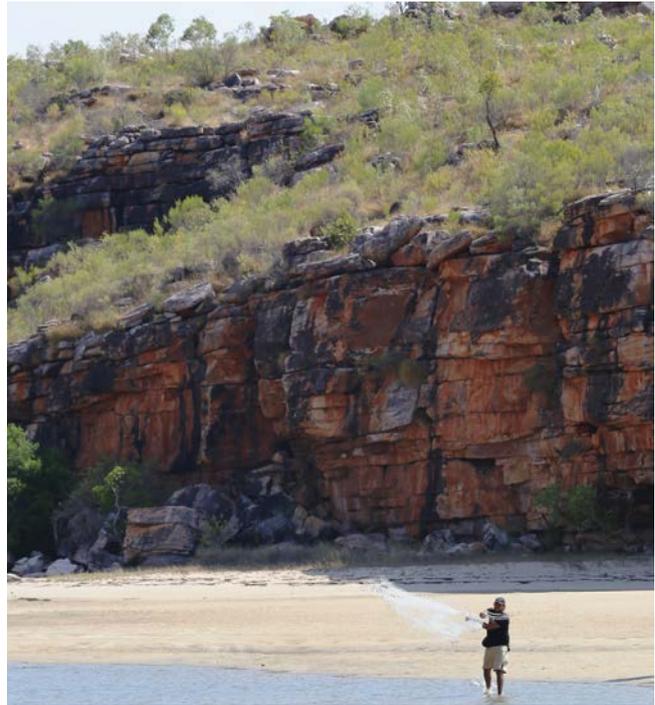
This plan proposes objectives and strategies to assist traditional owners achieve and sustain these values and responsibilities. Management arrangements for the cultural and natural values aim to preserve, foster, advance and monitor the health of traditional owners' living cultural landscapes, traditional knowledge, customary practices, enjoyment and use of country and being responsible for country.

Wunambal Gaambera country extends from south of Prince Frederick Harbour to Napier Broome Bay, and covers about 2.5 million hectares of land and *wundaagu* (sea). Much of Wunambal Gaambera country is included in the Unguu Indigenous Protected Area (IPA). *Unguu* means 'living home' – it is all the things in Wunambal Gaambera country and has been the home of their ancestors for thousands of years. For Wunambal Gaambera people, *Unguu* is part of *Lalai*, the story of how and when their country was made. Wunambal Gaambera traditional owners follow the laws and beliefs of the *Wunggurr* (the creator snake) and *Wanjina* (the creator ancestors) (Wunambal Gaambera Aboriginal Corporation 2010).

"Some *Wunggurr* from the saltwater still live in the *wundaagu* (sea) and can be seen as waves, tides and currents. The heads, tails and backbones of *Wunggurr* are the islands we see today." (Wunambal Gaambera Aboriginal Corporation 2010).

The Wunambal Gaambera people have strong traditions for collecting and harvesting fish and other seafoods from the *wundaagu* and *warruru* (reefs) for food, medicine and bait. These traditions from the *Lalai* are in their songs, oral traditions and paintings.

The culture of the Wanjina Wunggurr is shared across the Wunambal Gaambera people and the Ngarinyin people of Wilinggin country. Ngarinyin people believe that the *Wanjina* are their ancestors, who came and 'put themselves' in the rock when the world was soft. *Wunggurr* is the rainbow serpent, who usually lives in deepwater pools and is close to the *Wanjina*.



Traditional owner collecting bait. Photo – Chris Nutt/Parks and Wildlife

Wanjina Wunggurr culture is strong when we are on country, in our living home, our *Unguu*, learning about country, passing on knowledge about how to burn country, hunt, fish, collect, prepare and cook bush tucker the right way.

Wunambal Gaambera Healthy Country Plan

Wilinggin country includes a small area of the Roe River in Prince Frederick Harbour. The Ngarinyin country that makes up the Wilinggin Determined Area is divided into smaller areas of country called *dambun*, or clan estates, by anthropologists. The names of the clans are based on the *gi* or totem of a particular part of country. The area of Ngarinyin country that overlaps with the marine park is part of the Walinjaro Burri nation.

Balanggarra *gra* (land and sea country) stretches from Napier Broome Bay to Cambridge Gulf and Wyndham, covering about 2.6 million hectares. *Balanggarra* means 'one mob together for country'. The Balanggarra IPA covers a large portion of the Balanggarra people's *gra*, including some parts of sea country.

The actions of creator beings of the Dreaming narratives give Balanggarra people their law, rules and responsibilities for looking after culture, plants, animals and country. Two important Dreaming narratives are *Wungkurr* (rainbow serpent) and *Wolara* (the creator). A male and female *Wungkurr* travelled from Sir Graham Moore Island in the far west of their country to King George Falls to become the majestic twin waterfalls. *Wolara* made the saltwater as he 'poled his canoe' in the coastal regions. Some of the islands are where his pole touched the seabed (Balanggarra IPA factsheet, Balanggarra Aboriginal Corporation / Kimberley Land Council 2011).

The northern part of Balanggarra is 'blue water' country and includes Cape Londonderry, several rivers such as the lower Drysdale and King George, reefs and offshore islands, like Sir Graham Moore and the Governor islands. Fishing and sea hunting remain very important to Balanggarra people. They have many traditional stories for *abil* (dugong) and *mangkuru manya* (marine turtles), and their cultural use is interwoven with their traditional lifestyle.

Miriuwung Gajerrong country extends from Cambridge Gulf into the Northern Territory. The Miriuwung Gajerrong people have lived for thousands of years by the Law, languages and ceremonies established by their ancestral beings who were created during the *Ngarranggarni* (the Dreaming). Within their culture, Miriuwung Gajerrong people inherit specific group and personal relationships, as well as rights and responsibilities to particular tracts of country known as *Dawang*. *Dawawang* are the people within a group who can speak for that part of their country, that *Dawang*. *Dawang* groups are responsible for the upkeep of the land and protection of sites of cultural significance for community according to traditional laws and customs handed down from the *Ngarranggarni* (Miriuwung-Gajerrong Cultural Planning Framework, Hill *et al.* 2008). The *Dawang* responsible for the saltwater country included in the proposed marine park are *Wardanybeng* and *Dulbung*.



King George River in Balanggarra country. Photo – Carolyn Thomson-Dans/Parks and Wildlife

"We have to look after our country and our old people and important places in our country. Some of us are the 'blue water mob' and some of us are the 'brown water mob' but we come together as one mob, 'Balanggarra' for all our country because we all follow the same rules, our rules for country and for family."

Balanggarra Healthy Country Plan



Flatback turtle hatchlings at Cape Domett. Photo – Andrea Whiting

Natural values of land and sea country

The north Kimberley sea country is remote, with extraordinary interconnected cultural and biodiversity values. The complex geomorphology gives rise to dramatic landscapes and a complex array of marine habitats which are influenced by the macro-tidal regime (5-10m) and low wave energy of the area (Duke *et al.* 2010). The coastline is highly complex and consists of many islands, bays and estuaries with mangroves, sandy beaches, coral reefs, rocky reefs, seagrass meadows and sponge gardens.

Rivers and estuaries are important features of the Kimberley, influencing much of the coastline. The rivers are characterised by wet season floods, which create impressive waterfalls as they flow over sheer cliffs to the sea. The King George River plunges into tidal waters over sandstone cliffs 100m high to create King George Falls, the State's highest twin waterfalls. The run-off from north Kimberley rivers generally has a high, nutrient-rich, sediment load which, when combined with tidal mixing, significantly influences the low-nutrient waters of the Kimberley region (Wood and Mills 2008, Keesing 2014).

The proposed park is dotted with thousands of islands with diverse and rich habitats. Marine turtle nesting and breeding sites for sea and shorebirds have been identified on the majority of the islands in the Kimberley, and fringing reefs line the shores of almost all the islands in the Kimberley bioregion (Wilson 2013). The productive deep waters that surround the islands and open sea reefs provide foraging habitat for whales and pelagic finfish such as mackerel. The complex coastline of the mainland also creates a rich mosaic of habitats and communities. The intertidal reefs, for example, of the convoluted coastline and islands (such as Jar Island) of Vansittart Bay are noted as being extremely rich in biodiversity (Walker *et al.* 1996) and this area is known to be important for dugongs, snubfin dolphins and humpback dolphins (Wunambal Gaambera Aboriginal Corporation 2010).

The diverse habitats of the Kimberley – on the mainland, surrounding islands and offshore – are connected through a variety of ecological processes. Mangroves, for example, play a critical role in capturing sediment from run-off water, which allows other habitat types such as coral reef and seagrass beds to thrive in clearer waters. Many species also move between different habitats such as mangroves, seagrass and macroalgal beds, and coral reef at critical life stages. It has been shown in north-western Australia that targeted fish species such as spangled emperor (*Lethrinus nebulosus*) and bluebone (*Choerodon schoenleinii*), settle as juveniles on macroalgae and seagrass beds before moving to offshore habitats such as coral reefs (Wilson *et al.* 2015).

Emerging research shows that some of the most significant and extensive habitats in the Kimberley, created by hard and soft corals, sponges and other subtidal filter-feeding communities, are flourishing in environmental conditions that are often considered extreme with respect to temperature, turbidity and exposure. Understanding how these complex communities interact and persist in this hostile environment may have broader consequences for understanding responses to climate change generally.

Several natural values have been identified as performance indicators. These will guide a prioritised monitoring program to ensure management is effective. These values have been selected because of their high cultural, ecological and social value and/or because they are under the greatest threat (Simpson *et al.* 2015). These indicators have been developed to align with the 'targets' from the healthy country plans, which have been identified by traditional owner groups as the most important for keeping country healthy. Values identified as performance indicators are listed below and further information on specific measures and targets for each value are provided in Chapter 6.



Corals. Photo – Andrew Halford/Parks and Wildlife



Christmas tree worms. Photo – John Huisman



Sargassum. Photo – John Huisman

- **Coral reefs** are among the most productive and species-rich ecosystems on earth and the Kimberley has the richest coral fauna, in both species and genera, of any North West Shelf bioregion (Wilson 2013) (Map 5). An exceptional diversity of hard coral has been documented at islands in the northern Bonaparte Archipelago, including more than 210 species on the Maret Islands (Richards *et al.* 2015). Coral reefs globally are threatened by shifts in environmental regimes caused by a changing climate (Hughes *et al.* 2003) and the north Kimberley is within an area of increasing heat stress (Halpern *et al.* 2015).
- **Marine turtle species** identified in Western Australia include green turtles, flatback turtles, loggerhead turtles, hawksbill turtles, leatherback turtles and olive ridley turtles (Limpus 2009). Marine turtles are culturally important to Aboriginal saltwater people and integral to their stories, songlines, ceremonies and food (Wunambal Gaambera Aboriginal Corporation 2010, Balangarra Aboriginal Corporation / Kimberley Land Council 2011). The flatback turtle is endemic to Australia and the Cape Domett nesting population is one of the largest, with several thousand turtles nesting annually (Whiting *et al.* 2008).
- **Dugongs** are most often found in protected shallow bays with deeper channels nearby where they can feed on their preferred diet of seagrass but still escape to deeper water if they encounter predators. Australia contains the majority of the world's population of dugongs although accurate population estimates are lacking for the Kimberley region (Marsh *et al.* 2011). Dugongs are culturally important to Aboriginal coastal communities and are a highly valued traditional food (Wunambal Gaambera Aboriginal Corporation 2010, Balangarra Aboriginal Corporation / Kimberley Land Council 2011). Indigenous knowledge will be integral to understanding the species, their seasonal movement patterns and changes over time.
- **Seagrass and macroalgal communities** are important sources of primary productivity in the north Kimberley marine ecosystem. They provide vital habitat for juvenile fish, turtles and dugongs. Meadows of seagrass, and many turtles and dugongs, can be found around Cape Londonderry (Balangarra Aboriginal Corporation / Kimberley Land Council 2011). No systematic surveys of seagrass or macroalgal communities have been undertaken across the Kimberley.



Mangrove on Maret Islands. Photo – John Huisman

- **Mangroves and saltmarshes** provide nutrients to surrounding waters, as well as important habitat and nursery areas for fish and invertebrates. The north Kimberley contains the most species rich system of mangroves in the world (Cresswell and Seminiuk 2011). Prince Frederick Harbour has the second greatest area of mangrove forest in the Kimberley bioregion. The mangrove and estuarine habitats of the north Kimberley support a range of threatened, protected and culturally important species including estuarine crocodiles, turtles, dolphins, sawfish, mud crabs and fish. Mangroves may be affected by changes in freshwater flow and sedimentation as well as changes in sea level. All of these processes will be influenced by climate change, which represents the greatest threat to the diverse and extensive system of mangroves along the north Kimberley coast.

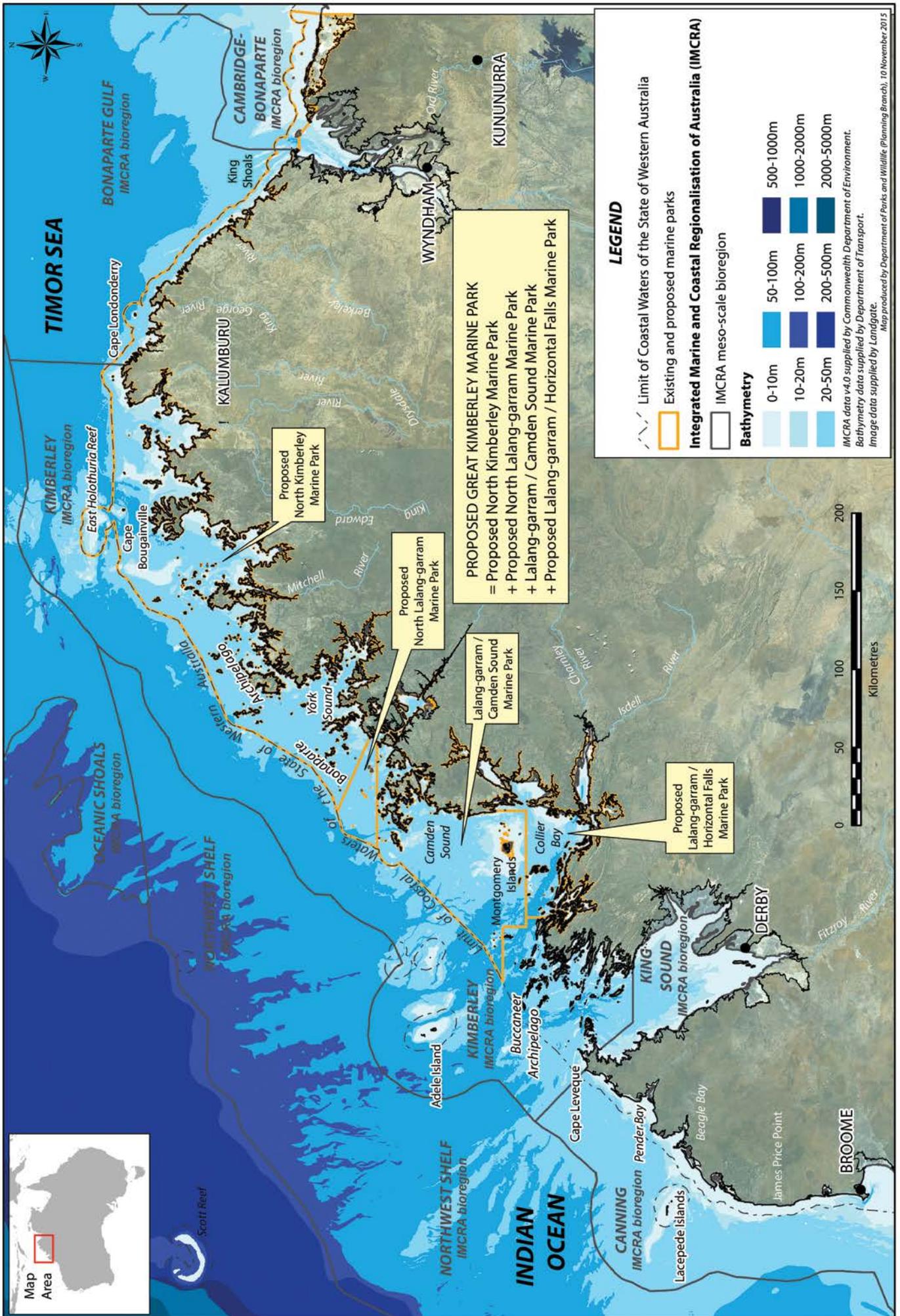


Mangroves and saltmarshes. Photo – Anna Smith/Parks and Wildlife

- **Finfish** are diverse in the proposed marine park. Many nearshore species are targeted by commercial and recreational fishers, particularly barramundi (*Lates calcarifer*), threadfin salmon (*Polydactylus macrochir*) and mangrove jack (*Lutjanus argentimaculatus*). Fish are also an important resource for coastal Aboriginal communities. The region also represents a globally significant area for sawfish (Stevens *et al.* 2005), which are currently listed as 'vulnerable' under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.
- **Water and sediment quality** is essential to maintain healthy ecosystems. Rivers are considered the largest potential source of nutrients and sediment for inner shelf waters of the proposed marine park (Brodie and Mitchell 2005) and future changes in water quality conditions may reflect the nature and intensity of land use. The accumulation of plastic debris is recognised nationally as a key threatening process, even in remote areas such as the Kimberley (Wilcox *et al.* 2015). Other sources of potential water contamination exist from oil and gas developments in neighbouring Commonwealth waters (such as at the Browse Basin).

Species of special conservation interest include those that are protected under State or Commonwealth legislation and species listed as having special conservation status (e.g. threatened or vulnerable). These species include sea snakes, snubfin and humpback dolphins, and estuarine crocodiles. The Kimberley has the world's highest recorded diversity of sea snakes supporting more than one third of all known species, with at least three species found only in the region (Somaweera and Sanders 2015). Sea snakes occur in the proposed marine park, however, little is known about their populations. Snubfin and humpback dolphins are found throughout the proposed marine park, such as at Vansittart Bay (Wunambal Gaambera Aboriginal Corporation 2010), Napier Broome Bay and Berkeley River mouth (Balangarra Aboriginal Corporation / Kimberley Land Council 2011). Estuarine crocodiles are apex predators and are important for maintaining the natural balance of wetland ecosystems. They are found throughout the proposed park in estuarine areas, nearshore waters, oceanic waters and on islands (Seminiuk *et al.* 2011).

Map 5 Marine bioregions and the proposed Great Kimberley Marine Park





Kimberley expedition cruising. Photo – Chris Nutt/Parks and Wildlife

Social values (recreation, tourism and community values)

The proposed park features spectacular scenery, diverse wildlife and cultural heritage which provide excellent opportunities for nature based and cultural recreational activities and tourism experiences (Map 6). Tourism is a significant industry for the Kimberley, generating economic, social and employment benefits for the region's communities. Tourism related infrastructure, amenities, events and services provide benefits for regional communities, adding to the social fabric of towns and making them more attractive places to live and work. It is estimated that in 2012 approximately 2500 people were directly employed and a further 1000-1500 people were indirectly employed in tourism in the Kimberley (Tourism WA 2014). The developing nature and culture-based tourism industry provides excellent opportunities to contribute to social, economic and environmental outcomes for the Kimberley.

The expedition cruise boat industry operates in the dry season (April to October) between Broome and Wyndham or Darwin, and offers multi-day tours. Vessels range from small fishing and sightseeing tour boats to large luxury cruise ships carrying around 100 passengers. A recent study estimates the Kimberley cruise tourism expenditure for 2016 will be around \$63 million (Carlsen 2015). Models employed for this study estimate this expenditure would result in additional benefits to the Kimberley coast economy of up to \$28 million and 220 jobs. Visitors also access the coast by road, although a four-wheel drive is required. Each year more than 1000 people visit the coast near Kalumburu¹, where tourism camps are situated. A number of remote coastal camps and lodges provide unique wilderness tourism products, allowing visitors to experience spectacular scenery, wildlife watching and excellent fishing. Scenic flights and heli-fishing expeditions offer a spectacular way to enjoy the Kimberley coast and operate in connection with coastal accommodation or cruise boats, as well as from Broome, Derby, Kununurra and the Mitchell Plateau. Mungalalu-Truscott airbase provides logistics to offshore oil and gas operations and has the potential to be a tourism access hub. The Wunambal Gaambera Aboriginal Corporation Garmbemirri Ranger Camp near the airfield provides a base for ranger operations and visiting researchers.

Remote towns and communities close to the park are strongly connected to the saltwater and depend on the area for fishing, hunting and recreational activities. The largest settlement is the Aboriginal community of Kalumburu, situated on the banks of the King Edward River. The community of approximately 400 residents relies on King Edward River and Napier Broome Bay to provide



Coastal area around the King George River mouth. Photo – Chris Nutt/Parks and Wildlife

¹ Entry permits are required for transit through Aboriginal Reserves, including Kalumburu, and can be obtained from the Department of Aboriginal Affairs.

a source of fresh food. The area holds significant cultural and recreational values for the community. The Aboriginal community of Kandiwal is located in a remote part of the Kimberley some 250km north of the Gibb River Road (Map 6). Community members regularly fish and hunt in the area around Port Warrender, which is one of only four coastal areas accessible by vehicle in the north Kimberley.

The nearest towns to the proposed park are Wyndham and Kununurra, with populations of approximately 800 and 7000 people respectively. Residents of these towns travel by boat to the east Kimberley coast to enjoy excellent fishing, relax in the spectacular scenery and visit popular camping spots. Map 6 provides a general overview of key destinations and attractions within the proposed park.

The remote and spectacular north Kimberley holds intrinsic value for both the local and broader (including international) community (Strickland-Munro *et al.* 2014). Protecting this wilderness, rich in cultural and natural values, is recognised as being important, even by those who will never directly gain from it as a resource (for example, by visiting the area).



East Montalivet Island. Photo – John Huisman

Economic and resource use

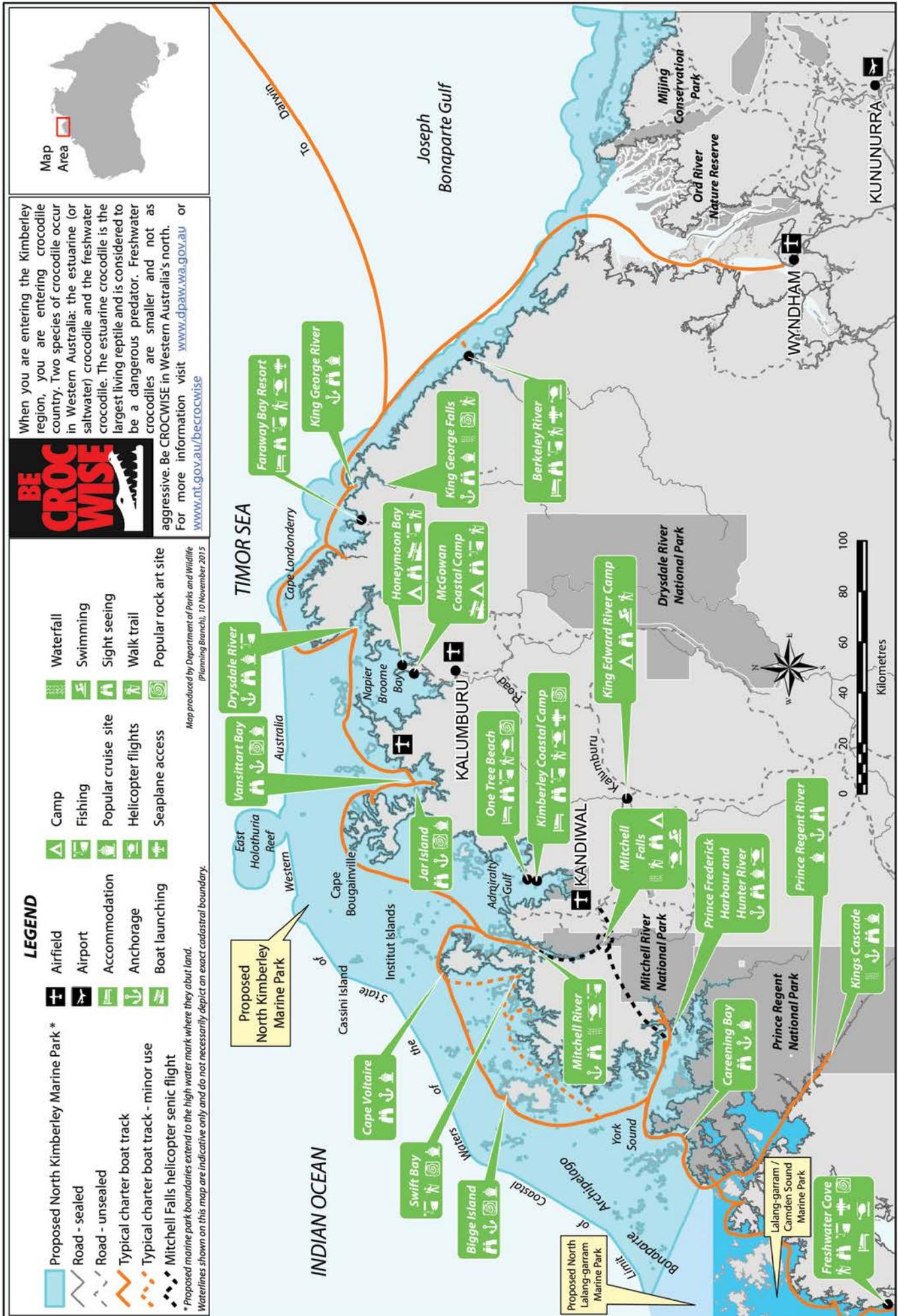
The commercial fishing industry in the proposed marine park provides regional economic benefits, employment opportunities and fresh fish to regional towns. Commercial fisheries operating in the proposed park include the Kimberley Gillnet and Barramundi Managed Fishery, Mackerel Managed Fishery, Kimberley Prawn Managed Fishery, Beche de mer Fishery and a developing Mud Crab Fishery. Other fisheries licensed to operate in the region include the Northern Demersal Scalefish Fishery, the Marine Aquarium Fishery and the Specimen Shell Managed Fishery, however, there is currently minimal fishing effort in the marine park. The Joint Authority Northern Shark Fishery has been inactive since 2008. The Kimberley region is important for pearl production and there are several pearling leases in the proposed marine park.

There are no current mineral interests in the proposed marine park, but significant interests and operations exist in adjacent areas along the coast, on islands and in Commonwealth waters further offshore. Mining tenements exist on the Montalivet Islands, Crystal Head, Port Warrender, Cape Bougainville and Cape Londonderry, and an exploration tenement (diamonds) exists over Commonwealth waters in the Joseph Bonaparte Gulf. Nickel, copper and cobalt concentrate extracted from adjacent areas is transported through the proposed marine park to Wyndham for export. Adjacent Commonwealth waters hold significant petroleum resources and there is currently an application for a petroleum exploration permit (onshore) which overlays a portion of the proposed sanctuary zone near the eastern boundary. The mining and petroleum industries are large contributors to regional, state and national economies, providing new investment, infrastructure development, employment and a range of other socio-economic benefits.



Mackerel. Photo – Clay Bryce

Map 6 Tourism destinations and attractions





Miriuwung Gajerrong traditional owners. Photo – Holger Woyt/Parks and Wildlife

5. Management context

5.1 Legislative context

The proposed marine park will be managed in accordance with the provisions of the CALM Act, *Wildlife Conservation Act 1950*, Department of Parks and Wildlife (Parks and Wildlife) policy and other relevant legislation mentioned throughout this plan.²

The creation of the proposed park helps fulfil Australia's responsibilities under several international conventions, such as the Convention on Biological Diversity, and supports the International Union for the Conservation of Nature's Protected Areas Program. The proposed marine park will contribute to the National Representative System of Marine Protected Areas.

The Department of Fisheries (DoF) will continue to manage fisheries in the marine park and all commercial and recreational fishing activity remains subject to the *Fish Resources Management Act 1994*. DoF will also continue to manage pearling under the *Pearling Act 1990*.

5.2 Joint management

The lands and waters of the proposed marine park are highly significant to the culture and heritage of the Wunambal Gaambera, Balanggarra, Ngarinyin, and Miriuwung Gajerrong people. In recognition of the significant cultural values and ongoing connection and responsibilities to these lands and waters, it is proposed to jointly manage the marine park with traditional owners. Joint management will provide the opportunity for Parks and Wildlife and traditional owners to work together, with the wider community, to achieve the cultural, ecological and social management objectives set out in this plan. Traditional knowledge and understanding of the saltwater country will be incorporated into the management of the proposed marine park, and traditional owners will be actively involved in managing the area.

Traditional owners have determined native title rights and interests based on strong and ongoing cultural connections over their land and saltwater country. This plan does not provide any additional restrictions on the exercise of native title rights save to the extent otherwise agreed by native title holders and in accordance with the CALM Act and Conservation and Land Management Regulations 2002. Determined native title rights within the proposed marine park include the right to:

- enter, travel and remain on the waters
- hunt, fish, gather and use resources for personal, domestic and communal needs
- undertake cultural activities
- take and use water.

² Relevant legislation and policies can be found on the Parks and Wildlife website at www.dpaw.wa.gov.au/about-us/36-policies-and-legislation.

The Western Australian Government is negotiating Indigenous Land Use Agreements (ILUAs) with Wunambal Gaambera Aboriginal Corporation, Wilinggin Aboriginal Corporation, Balangarra Aboriginal Corporation and Yawoorroong Miriuwung Gajerrong Yirrgab Noong Dawang Aboriginal Corporation under the Native Title Act. The ILUAs will provide for the valid creation of the marine park in accordance with the Native Title Act and provide the commitment that the park will be jointly managed.

Subject to successful ILUA negotiations, joint management with traditional owners will be given effect under the CALM Act through section 56A Joint Management Agreements (JMAs), which will be attached to the final management plan. Joint management can commence once the proposed marine park has been created and the JMAs have been signed and attached to the final management plan. Each JMA will establish a Joint Management Body (JMB) with representatives from the relevant Aboriginal Corporation and Parks and Wildlife to manage the proposed marine park in accordance with the agreement and the CALM Act.

The JMBs will oversee management of the proposed park, make management decisions, provide strategic input into how management strategies are implemented, and monitor implementation of the plan.

5.3 Implementation

Operational responsibility for implementing the management plan will be coordinated by the Parks and Wildlife East Kimberley District Office under the guidance of the JMBs and as agreed in the JMAs. Other agencies may also be required to provide support, as necessary, to implement the action within the scope of their statutory responsibilities. Where other agencies are required to support implementation of a management strategy, their name is listed in brackets next to the strategy. Where an agency or body is required to take a lead role in strategy implementation, their name (or acronym) is in bold in the proposed management tables in Chapter 6. For all other strategies, Parks and Wildlife is the lead agency.

A Memorandum of Understanding has been developed between the Minister for Environment and the Minister for Fisheries to establish principles of cooperation and integration between Parks and Wildlife and DoF in the management of the State's marine parks and reserves. Collaborative operational plans will be developed to ensure efficient and effective delivery of a range of programs where there is shared agency responsibility or mutual interest, including education, compliance, research and monitoring.



Conducting drop camera surveys at Cape Talbot. Photo – Chris Nutt/Parks and Wildlife



Wunambal Gaambera Traditional Owner Jazlyn Phillips takes water samples in the proposed North Kimberley Marine Park. Photo – Anna Smith/Parks and Wildlife

6. Proposed management

Objectives and strategies have been developed to address management issues that have been identified for the marine park. The subsections below summarise the main challenges and opportunities faced, and how the proposed management will respond to these. A risk assessment was used to identify and analyse current and future pressures on natural values (and thus challenges faced), such as climate change.

Targets and performance measures have been specified for a selection of key values, known as performance indicators, against which management effectiveness will be assessed. The performance indicators have been selected to reflect the highest management priorities of the MPRA, traditional owners, Parks and Wildlife and the community.

6.1 Connection to country (cultural values)

Joint management of the marine park will provide opportunities for Aboriginal people to fulfil their cultural obligations to look after country, record and share culture and language, and pass traditional knowledge onto future generations. The JMBs will oversee management of the proposed park, make management decisions, provide strategic input into how management strategies are implemented and monitor implementation of the plan.

One priority is to establish appropriate visitation protocols so that people are being respectful when visiting country to protect and conserve the unique ecological and cultural values of the park, in particular sensitive cultural sites. Parks and Wildlife will work in partnership with traditional owners to develop visitor management and access arrangements that are culturally appropriate.

Table 1 Proposed management of cultural values

Management issues	Management objectives	Management strategies
<ul style="list-style-type: none"> Managing inappropriate visitation to protect important cultural places. Providing visitors with the opportunity to learn and experience Aboriginal culture to build respect, recognition and understanding. Recording traditional knowledge and maintaining traditional owner rights to own knowledge. Sharing traditional knowledge between generations to keep law and culture strong. Providing employment and training opportunities for Aboriginal people to manage country. Caring for country to maintain healthy populations of plants and animals. 	<ul style="list-style-type: none"> To ensure that Aboriginal culture and heritage sites in the marine park are protected and conserved. To support traditional owner connection to country including spiritual and cultural values. To facilitate and maintain the opportunity for Aboriginal people to fulfil their cultural obligations as protectors and managers of their country. To provide recognition of and support for traditional owner rights to continue customary practices and to benefit from their country consistent with the purpose of the proposed marine park. 	<ol style="list-style-type: none"> Support traditional owners to undertake cultural planning to record the culture and heritage values of the proposed parks to inform management. Develop and apply management targets and performance measures for Aboriginal culture and heritage values. Develop protocols for the recording, storage and use of cultural information to protect the intellectual property rights of traditional owners and address confidentiality requirements. Integrate traditional or cultural knowledge with contemporary research and monitoring, such as by ensuring traditional owners are given opportunities to participate in research programs. Develop and implement protocols to ensure research is conducted in a culturally appropriate manner. Develop and implement tools to measure and monitor impacts on cultural heritage values and sites and implement strategies to address issues where appropriate. Develop and implement cultural awareness communication tools, emphasising the importance of cultural and heritage values. Regulate access to culturally sensitive sites in the marine park that traditional owners consider unsuitable for visitation (through commercial operator licences, by regulation or other mechanisms as relevant). Support the declaration of the marine park as an IPA, where relevant. Continue to support and develop ranger programs. Identify opportunities to provide employment, business and training for traditional owners on country (such as cultural and eco-tourism businesses). Support traditional owners to manage sustainable populations of traditionally hunted species, such as making sure research and monitoring programs provide information to traditional owners on the health of local populations of hunted species. Integrate traditional or cultural knowledge with contemporary research and monitoring.
 <p data-bbox="124 1727 877 1758">Holothuria Reef, Wunambal Gaambera country. Photo – Anna Smith/Parks and Wildlife</p>		
<p>Key performance indicator</p>		
Target	To be developed with traditional owners	
Performance measure	To be developed with traditional owners	
Reporting	Every five years	

6.2 Caring for country (natural values)

Maintaining the current condition of the natural values, both for their intrinsic value and for the cultural, recreational and commercial benefits they provide, is a key focus for management of the proposed marine park. A knowledge base of biodiversity, key ecological processes and human-induced pressures on these values is required to support effective adaptive management. Research will be a strong focus for the implementation of the management plan and will be designed to fill key knowledge gaps.

As part of the *Kimberley Science and Conservation Strategy*, the State Government has provided significant funding of \$14.2 million for a major marine science program in the Kimberley, with 10 partner agencies working on 26 research projects along the 13,500km Kimberley coastline (see www.wamsi.org.au). Building partnerships with traditional owners, communities, tourism operators and industry to deliver research outcomes is essential and will also influence the success in the uptake of research findings.

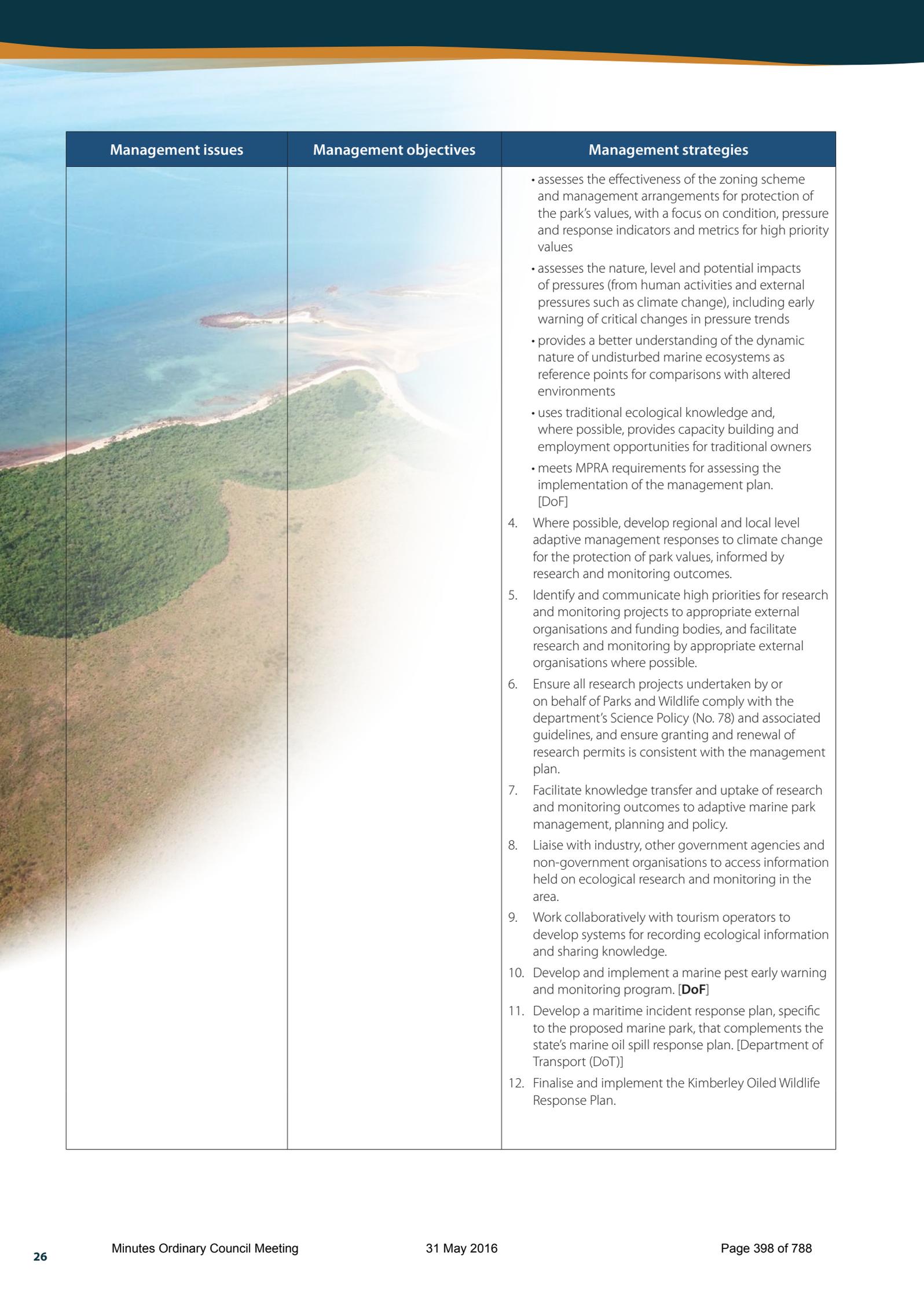
One of the major pressures on natural values is climate change, as the marine environment of the Kimberley is highly vulnerable to projected climate change effects (Halpern *et al.* 2015, Climate Commission Secretariat 2011). The significant challenge for marine park management is that climate change impacts are occurring at the same time as a range of other human-induced pressures, such as land degradation resulting in increased levels of sediment. This convergence of multiple pressures places vulnerable habitats, such as coral reefs, under considerable pressure. The management response will focus on zoning as a tool to maintain or improve the resilience of ecosystems susceptible to climate change, and will include a network of sanctuary and special purpose zones to protect vulnerable habitats from multiple pressures. Research to improve understanding and identify appropriate climate change adaptation strategies will also play an important role.

Land management of river catchments and areas adjacent to the marine park will also be critical for protection of the marine park's natural values. There are several current and proposed conservation reserves and parks adjacent to the proposed marine park, which will facilitate integrated land-sea management.

The following management issues, objectives and strategies have been developed to align with the targets and issues highlighted in the healthy country plans prepared by traditional owners.

Table 2 Proposed management of natural values

Management issues	Management objectives	Management strategies
<ul style="list-style-type: none"> Caring for country to maintain healthy populations of plants and animals. A significant challenge is the current lack of knowledge about natural values, and human-induced pressures on these. Climate change is a major pressure already affecting the natural values of the park. Other potential and current pressures include: <ul style="list-style-type: none"> recreational and commercial fishing, aquaculture and pearling plastic debris major oil spills or pollution events, e.g. from large industrial vessels minor oil spills, e.g. at refuelling sites within the park biosecurity risks. There will be opportunities for two-way learning by involving the local communities and traditional owners in research projects and monitoring programs. 	<ul style="list-style-type: none"> Natural values are not significantly impacted by human activities in the marine park and baseline status is maintained (or improved) across their natural range. Obtain an adequate biophysical, social and cultural knowledge base of values to support future management requirements. Acquire adequate knowledge of the implications of climate change and develop applicable management strategies within the marine park. Investigate the extent and significance of current impacts and potential pressures, and if necessary implement management strategies. Increase local community and visitor knowledge of the cultural, ecological and social importance of key natural values. 	<ol style="list-style-type: none"> Implement the zoning scheme for the proposed marine park (refer to the zoning section on pages 31–44) [DoF]. Prepare and implement a coordinated and prioritised research plan (in collaboration with the Western Australian Marine Science Institution [WAMSI]). The research plan will seek to: <ul style="list-style-type: none"> improve knowledge and understanding of the abundance, distribution and natural variability of natural values, and how potential pressures affect natural values in the proposed marine park improve understanding of key ecological processes, such as connectivity and terrestrial–marine linkages assess the extent of human usage and potential impacts on biodiversity improve understanding of ecological implications and potential adaptations to climate change establish baselines for key performance indicators (refer to the 'interim targets' below). [DoF – in relation to important habitat for fish, sharks and rays] Develop and implement a coordinated and prioritised monitoring program for the proposed marine park that:



Management issues	Management objectives	Management strategies
		<ul style="list-style-type: none"> • assesses the effectiveness of the zoning scheme and management arrangements for protection of the park’s values, with a focus on condition, pressure and response indicators and metrics for high priority values • assesses the nature, level and potential impacts of pressures (from human activities and external pressures such as climate change), including early warning of critical changes in pressure trends • provides a better understanding of the dynamic nature of undisturbed marine ecosystems as reference points for comparisons with altered environments • uses traditional ecological knowledge and, where possible, provides capacity building and employment opportunities for traditional owners • meets MPRA requirements for assessing the implementation of the management plan. [DoF] <ol style="list-style-type: none"> 4. Where possible, develop regional and local level adaptive management responses to climate change for the protection of park values, informed by research and monitoring outcomes. 5. Identify and communicate high priorities for research and monitoring projects to appropriate external organisations and funding bodies, and facilitate research and monitoring by appropriate external organisations where possible. 6. Ensure all research projects undertaken by or on behalf of Parks and Wildlife comply with the department’s Science Policy (No. 78) and associated guidelines, and ensure granting and renewal of research permits is consistent with the management plan. 7. Facilitate knowledge transfer and uptake of research and monitoring outcomes to adaptive marine park management, planning and policy. 8. Liaise with industry, other government agencies and non-government organisations to access information held on ecological research and monitoring in the area. 9. Work collaboratively with tourism operators to develop systems for recording ecological information and sharing knowledge. 10. Develop and implement a marine pest early warning and monitoring program. [DoF] 11. Develop a maritime incident response plan, specific to the proposed marine park, that complements the state’s marine oil spill response plan. [Department of Transport (DoT)] 12. Finalise and implement the Kimberley Oiled Wildlife Response Plan.

All key performance indicators	
Interim target	Determine baseline ³ condition of key performance indicators
Coral reef communities	
Target	Sanctuary zones, special purpose zones (recreation and conservation) and special purpose zones (cultural heritage) – No change in community composition or loss of cover relative to baseline levels due to human activities in the proposed marine park ⁴ . General use zones – No change in community composition or loss of cover relative to baseline levels due to human activities in the proposed marine park, except in areas approved by the appropriate government regulatory authority ⁵ .
Performance measure	1. Community composition 2. Live coral cover
Reporting	To be determined
Mangrove and saltmarsh communities	
Target	Sanctuary zones, special purpose zones (recreation and conservation) and special purpose zones (cultural heritage) – No change in community composition or loss of extent and density of mangrove and saltmarsh communities as a result of human activities in the proposed marine park ⁴ . General use zones – No change in community composition or loss of extent and density relative to baseline levels due to human activities in the proposed marine park, except in areas approved by the appropriate government regulatory authority ⁶ .
Performance measure	1. Community composition 2. Extent 3. Density
Reporting	To be determined
Seagrass and macroalgae communities	
Target	Sanctuary zones, special purpose zones (recreation and conservation) and special purpose zones (cultural heritage) – No loss of distribution or community composition relative to baseline levels due to human activities in the proposed marine park ⁴ . General use zones – No loss of community composition; and no loss of distribution relative to baseline levels due to human activities in the proposed marine park, except in areas approved by the appropriate government regulatory authority ⁶ .
Performance measure	1. Community composition 2. Distribution
Reporting	To be determined
Turtles	
Target	All zones – No loss of abundance of nesting turtles or breeding success as a result of human activities ^{4,6} , or feral animal predation in the proposed marine park.
Performance measure	1. Population indices
Reporting	To be determined
Dugongs	
Target	All zones – No loss of abundance or change in distribution relative to baseline levels due to human activities ^{4,6} in the proposed marine park.
Performance measure	1. Abundance 2. Distribution
Reporting	To be determined

³ Baseline refers to the starting point (a certain date or state) against which the changes in the condition of a variable or a set of variables are measured. For the proposed North Kimberley Marine Park, the assessment of baseline status for all of the key performance indicators is the interim target.

⁴ Excludes loss of a minor or transient nature.

⁵ Acceptable limits of change to be determined following the development of baselines.

⁶ Excludes loss as a result of sustainable customary take.

Finfish	
Targets	<p>All zones – No loss of finfish diversity as a result of human activities^{4,6} in the proposed marine park.</p> <p>Sanctuary zones – No change in distribution, loss of abundance or change in size composition of finfish species relative to baseline³ levels due to human activities in the proposed marine park.</p> <p>Special purpose zones (recreation and conservation), special purpose zones (cultural heritage) and general use zones;</p> <ol style="list-style-type: none"> 1. No loss of non-targeted finfish abundance as a result of human activities within the proposed marine park. 2. Management targets for targeted finfish species to be determined in consultation with DoF (in its role as the lead agency for managing fisheries), the community and stakeholders.
Performance measure	1. Community composition 2. Abundance
Reporting	To be determined
Water and sediment quality	
Targets	<p>Sanctuary zones – No significant change relative to baseline levels due to human activities in the proposed marine park⁴.</p> <p>Special purpose zones (recreation and conservation), special purpose zones (cultural heritage) and general use zones – No change relative to baseline levels due to human activities in the proposed marine park, except in areas approved by the appropriate government regulatory authority⁶.</p>
Performance measure	1. Nutrients 2. Toxicants 3. Pathogens 4. Litter
Reporting	To be determined



Recreational fishing in the proposed park. Photo – Carolyn Thomson-Dans/Parks and Wildlife

6.3 People on country (recreation, tourism and community values)

Visitation to the proposed marine park is expected to increase over time as the Kimberley's reputation as a premier destination for cultural and nature-based tourism continues to develop. The growing nature-based economy provides significant opportunities to contribute to social, economic and environmental outcomes. Use and visitation will require careful management to ensure that the ecological, cultural and social values of the proposed marine park are conserved, and that visitor experiences are maintained. The expansive and remote nature of the proposed park also adds further challenges for management.

Proposed future management focuses on working collaboratively with communities and tourism operators to foster a sense of custodianship of this amazing place, and to provide visitors with the opportunity to learn about and experience the park's incredible natural and cultural values. It will be essential to closely monitor growth in user numbers, the status of values at the most popular visitor sites and the effectiveness of the management strategies in place.

The remote nature of the proposed marine park and the many natural hazards that exist within the area pose a significant risk to the unwary visitor. Parks and Wildlife will work with relevant JMBs to undertake periodic assessments of visitor risk and mitigate identified risks wherever possible.

Table 3 Proposed management of recreation, tourism and community values

Management issues	Management objectives	Management strategies
<ul style="list-style-type: none"> Maintaining the quality of the tourism and recreation experience (including recreational fishing). Providing visitors with educational and interpretive material to enhance their experience and increase understanding of the park's values. Ensuring that park users understand the requirements to access adjacent areas. Ensuring the safety of visitors to the proposed marine parks, especially in high risk areas. Ensuring tourism activities do not adversely affect cultural, natural and other commercial, recreational and tourism values. 	<ul style="list-style-type: none"> To promote visitor access to and enjoyment of the proposed marine park while maintaining the outstanding cultural and natural values. To increase community understanding and appreciation of the proposed marine park's values and support for management arrangements. To support continued enjoyment of recreational fishing opportunities within the marine park while maintaining the outstanding cultural and natural values. To minimise risks to visitors, and encourage appropriate visitor behaviour. 	<ol style="list-style-type: none"> Engage with tourism operators and facilitate the establishment of high quality commercial tourism operations that: <ul style="list-style-type: none"> demonstrate a commitment to protect and promote the proposed park's cultural, natural, recreation and tourism values ensure staff and passengers behave appropriately and respectfully at cultural sites conduct operations according to Parks and Wildlife policy and licence conditions. [Tourism WA] Prepare education and interpretative material to: <ul style="list-style-type: none"> increase visitor enjoyment and safety provide information on natural and cultural values, including research and monitoring outputs reduce impacts on sites ensure visitors are aware of cultural laws and protocols encourage appropriate behaviour including compliance with the management plan. Work with peak bodies and tourism providers to highlight the unique fishing experiences available in the Kimberley, and to raise awareness of sustainable fishing practices and fishing restrictions. [DoF] Conduct periodic assessments and monitoring to determine the effect of management arrangements on visitor safety, and adapt management strategies as required. Implement a collaborative education and compliance program to maximise compliance with the management plan (including commercial operator license conditions), such as undertaking patrols. Adapt management strategies to address any non-compliance issues. [DoF] Investigate whether populations of recreationally targeted species are sustainable in the proposed marine park and undertake adaptive management strategies if required. [DoF] Ensure granting and renewal of commercial tour operator licences is consistent with the management plan and contains appropriate conditions. Assess the need for a mooring and anchoring plan and prepare and implement if necessary. Facilitate cross-authorisation of enforcement officers as appropriate. [DoF, DoT]
 <p>Cruising Prince Frederick Harbour. Photo – Tourism WA</p>		
Performance indicator	Performance measure	Target
Visitor satisfaction	Visitor satisfaction (e.g. experiences and expectations) as determined by the Visitor Monitoring Program ⁷	Visitor satisfaction level is 85% or above.
Visitor safety	Number of reported incidents relating to visitor safety	Number of incidents per capita relating to visitor safety decreases compared to baseline levels.

⁷ See parks.dpaw.wa.gov.au/for-business/dpaw-visitor-monitoring-program for more information

6.4 Using resources from country (sustainable resource use)

Our social, economic and environmental wellbeing depends on the sustainable management of natural resources. Understanding the marine environment, and having the right information available to make decisions for the long term, is fundamental to effective resource management. The main focus of management for the proposed marine park will be working with other agencies, institutions and industry members to address key knowledge and capability gaps (for example, refer to *The Blueprint for Marine Science 2050*). Working in collaboration with industry is also essential to finding effective management solutions to issues, such as the risk of by-catch from commercial fishing.

Table 4 Proposed management of commercial values

Commercial fishing and pearling		
Management issues	Management objective	Management strategies
<ul style="list-style-type: none"> Working in collaboration to identify management solutions, where necessary. Ensuring commercial fishers are aware of and comply with management arrangements and zoning, and conduct activities in a culturally sensitive manner. 	To recognise and allow for commercial fishing and pearling operations whilst maintaining the cultural and natural values of the proposed marine park.	<ol style="list-style-type: none"> Ensure commercial fishers are aware of the zoning scheme and any restrictions that may apply to their activities in the proposed marine park, and monitor compliance. [DoF] Monitor commercial fishing catch and effort in the proposed marine park and report the results to Parks and Wildlife, the JMB and the MPRA. [DoF] Work in collaboration with commercial fishers to investigate the extent and significance of interactions between commercial fishing and protected species and, where required, develop appropriate management strategies. [DoF] Work with commercial fishers to ensure commercial fishing activities are conducted in a culturally sensitive manner. [DoF] Identify opportunities for collaboration with fishers in developing and implementing management actions. [DoF].

Mineral extraction (oil, gas and mining)		
Management issues	Management objective	Management strategies
<ul style="list-style-type: none"> Ensuring that mineral exploration and development proposals in and adjacent to the proposed park are assessed and managed in recognition of marine park values. 	To ensure industry and associated activities are managed in a manner consistent with the objectives of the proposed marine park.	<ol style="list-style-type: none"> Provide formal advice to the MPRA and EPA for the environmental assessment of proposed mineral, petroleum and pipeline activities in and adjacent to the proposed marine park. [DMP, DoF, Office of the Environmental Protection Authority (OEPA)] Provide advice on the assessment, setting of conditions, and monitoring and reporting requirements for mineral, petroleum and pipeline activities consistent with management objectives and management targets for the proposed marine park. [DMP, OEPA] Consider the quality of the remote seascapes of the proposed marine park in site planning and assessment of development proposals. Monitor commercial operations to ensure compliance with licence conditions. [DMP] Work with industry to ensure commercial activities are conducted in a culturally sensitive manner. [DMP] Where appropriate, liaise with industry to gain access to information held on ecological research and monitoring in the area.



Nesting tern colony on Sterna Island in the proposed Institut Islands Special Purpose Zone. Photo – Holger Woyt/Parks and Wildlife

6.5 Zoning and permitted uses

Zoning design

Multiple use zoning helps to manage and protect the values of the marine park that people enjoy. Zoning is a key strategy for protecting the health and resilience of the area, while supporting ongoing tourism and recreation, commercial activities and fishing.

The CALM Act requires marine parks to be zoned as one or a combination of sanctuary, recreation, special purpose or general use zones.⁸ The zones provide for varying levels of conservation, recreational and commercial use. Through multiple-use zoning, marine parks will provide economic, recreational and cultural benefits for local communities, as well as environmental benefits. Where possible and appropriate, the development of marine park zoning seeks to accommodate existing uses. The zoning scheme complements other management strategies proposed for the marine park.

The proposed zoning scheme for this park should be considered in the context of the zoning schemes for other marine parks within the region. It has been developed using a network based approach, building on the outcomes of the Lalang-garram / Camden Sound Marine Park and the proposed Lalang-garram / Horizontal Falls and North Lalang-garram marine parks.

The zoning scheme has been designed to:

- include a system of comprehensive and representative 'no-take' or sanctuary areas for the primary purpose of marine biodiversity conservation and increasing resilience to natural and human disturbances
- take special account of the needs of vulnerable species and the current or projected future pressures on these species
- protect and conserve the value of the proposed marine park to the culture and heritage of Aboriginal people
- provide opportunities for recreation and tourism, and allow for ongoing sustainable commercial use
- provide areas relatively free of human impact for research and monitoring, nature appreciation and education
- apply the precautionary principle
- minimise impacts on the existing uses
- be simple for users to understand
- complement proposed or existing terrestrial parks and reserves
- be one in a complementary suite of management mechanisms for the marine park.

⁸ For more information on zone types, go to: www.dpaw.wa.gov.au/management/marine/marine-parks-and-reserves/71-know-your-zones

Proposed zoning scheme

The zoning scheme for the proposed North Kimberley Marine Park is shown in Maps 7–11 and a summary of the activities permitted in each zone is presented in Table 5. The proposed zoning scheme comprises:

- eight sanctuary zones covering approximately 387,200ha or 21% of the park
- eight special purpose zones (recreation and conservation) covering approximately 218,400ha or 12% of the park
- three special purpose zones (cultural heritage) covering approximately 44,000ha or 2% of the park
- general use in the remainder of the park, covering approximately 1,195,300ha or 65% of the park.

Special purpose zones (recreation and conservation) acknowledge the high recreational and cultural value of the area and allow for compatible commercial activities whilst providing enhanced protection and conservation for ecological values. Within these zones, people can continue to enjoy recreational activities such as fishing. Commercial prawn trawling and commercial gillnet fishing are not permitted within these zones, to provide increased protection to important ecological values such as seagrass and macroalgae, finfish, turtles and crocodiles.

Special purpose zones (cultural heritage) provide for the recognition and protection of sites of high cultural significance to the traditional owners. They provide a focus for increased education and interpretive information about traditional owner connection to country and culturally significant areas. This is intended to increase visitor respect for these areas and to encourage culturally appropriate behaviour. Within these zones, people can continue to enjoy recreational activities, such as fishing, and sustainable commercial uses. See Table 5 for further information on permitted activities and uses.

The proposed sanctuary zones play a central role in protecting areas of critical habitat to maintain the healthy functioning of the complex ecosystems that make up the marine park. Sanctuary zones act as benchmarks to compare to other areas with similar habitats and ecosystems that are subject to extractive use. This allows managers to gain a better understanding of local and regional pressures on the marine environment over time. As such, sanctuary zones provide important opportunities for education, research and monitoring.

Formal names for individual zones will be developed during the finalisation of the plan, including the use of Aboriginal names where appropriate.

Proposed Coronation Islands Sanctuary Zone

The proposed Coronation Islands Sanctuary Zone will protect an archipelago of more than 40 islands, with representative examples of a diverse range of habitats. The offshore islands are fringed by diverse intertidal platforms, coral reef and sandy beaches, and are surrounded by sheltered subtidal habitats, such as seagrass and macroalgae, and productive deep-water habitats associated with the edge of the continental shelf. This zone will protect an important area for turtles (Wunambal Gaambera Aboriginal Corporation 2010) and many of the islands support turtle nesting. Pods of humpback whales, including mothers and calves, have been observed in this area which is thought to provide an area for feeding and resting following calving (Commie-Grieg and Abdo (eds) 2014). The proposed Coronation Islands Sanctuary Zone provides for conservation, recreation and tourism.

Proposed Prince Frederick Harbour Sanctuary Zone

The spectacular Prince Frederick Harbour Sanctuary Zone encompasses diverse mangrove covered tidal flats. The proposed sanctuary zone includes important nursery habitat for prized finfish such as barramundi and threadfin salmon. Two major rivers (Hunter and Roe rivers) feed into this area, which is adjacent to a deep water channel created by a drowned river valley. With such unique geomorphological features, the zone will likely play an important role in connectivity, and benefit finfish species dependent on habitat within the zone for critical life stages, such as threadfin salmon. Mangrove communities provide important habitat and refuge areas for a variety of species, which in turn support wildlife viewing, and commercial and recreational fishing in areas adjacent to the zone.



Prince Frederick Harbour. Photo – David Pearson/Parks and Wildlife

Proposed Bigge Island Sanctuary Zone

This proposed sanctuary zone, stretching from the western side of the island to the mainland, includes representative examples of coral reef communities (intertidal and subtidal), filter-feeding communities, sandy beaches, mudflats and significant mangrove communities on Bigge Island and the mainland coastline to the east. The area is important for turtle nesting, dugongs and dolphins (Wunambal Gaambera Aboriginal Corporation 2010, Comrie-Grieg and Abdo (eds) 2014). The zone has been designed to include the most significant and diverse range of habitats for conservation and tourism, while avoiding areas important for recreation (including fishing) on the north-west corner of the island.

Proposed Long Reef and East Holothuria Reef Sanctuary Zone

This sanctuary zone will encompass two of the largest biogenic reef structures found within the proposed Great Kimberley Marine Park. Long Reef is an emergent reef of some 150km rising out of approximately 30m water depth. The reef supports 'exceptionally rare' coral habitats (Richards *et al.* 2015) and a high diversity of soft and hard corals. Corals are vital components of the nearshore Kimberley ecosystem and play an important role in carbon cycling and primary productivity. They provide critical habitat for a huge range of marine plants and animals. Many species rely on the East Holothuria Reef and Long Reef for sustenance and refuge at particular life stages, migrating between these reefs and other habitats, including green and flatback turtles and lesser frigatebirds (Commonwealth of Australia 2011).

Proposed Drysdale River Sanctuary Zone

The Drysdale River drains the heart of the north Kimberley, and is the third longest river in the Kimberley. The Drysdale River constitutes the largest system of river pools in the high rainfall north-west of the Kimberley (NLWRA 2002) and includes a complex range of wetland habitats (noted as Wetlands of National Significance; CSIRO 2009). This zone is proposed to protect representative areas of wetland and estuarine habitat, including critical nursery areas for mangrove jack and other finfish, and important habitat for saltwater crocodiles, sawfish, mud crabs and more than 20 species of waterbird (Department of Environment 2005).

Proposed Cape Londonderry Sanctuary Zone

This proposed sanctuary zone will provide increased protection for some of the most remarkable fringing reef communities in the park. Extensive coral reef structures occur amongst large mudflats, mangrove forests and



Bigge Island. Photo – Landgate



East Holothuria Reef. Photo – Anna Smith/Parks and Wildlife



Proposed Drysdale River Sanctuary Zone.
Photo – Holger Woyt/Parks and Wildlife

sandy beaches. Preliminary observations suggest that future research of these reef systems is likely to reveal highly unusual ecological processes that are perhaps without parallel elsewhere in Australia (Wilson *et al.* 2011). The zone also includes a section of Sahul Shelf which is a Commonwealth 'key ecological feature' (Commonwealth of Australia 2011). The carbonate banks and terrace system of the Sahul Shelf are regionally important because of their role in enhancing biodiversity and local productivity relative to their surrounds. The area provides critical habitat for green turtles, snubfin dolphins, seabirds and dugongs (Balanggarra Aboriginal Corporation / Kimberley Land Council 2011, Commonwealth of Australia 2011), and has the highest diversity of fish recorded in the Kimberley (Walker *et al.* 1996). The area is highly significant to the Balanggarra people: "*Rinjiibarda bindingei* is a reef to the north of Cape Londonderry where the Dreaming Star 'fell down' to become the very shiny and highly prized, ritually and socially important pearl shell" (Balanggarra Aboriginal Corporation / Kimberley Land Council 2011).

Proposed King Shoals Sanctuary Zone

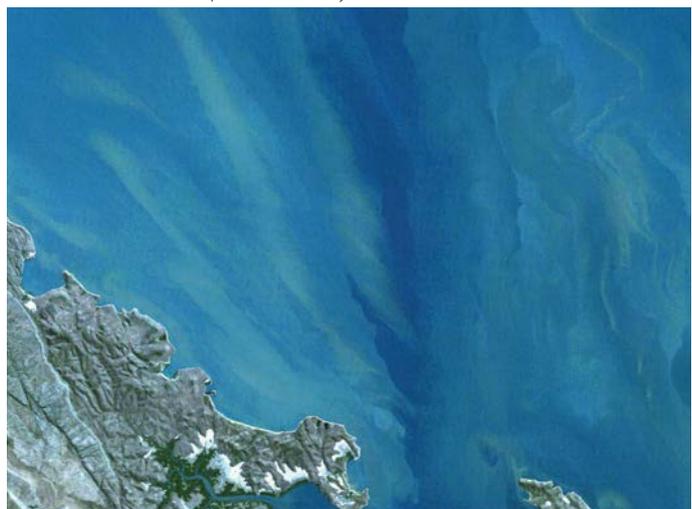
The King Shoals Sanctuary Zone includes some of the Kimberley's only mapped tidal sand waves and sand banks, as well as carbonate banks (a key ecological feature of the region; Commonwealth of Australia 2011) and deep waters. Carbonate banks are thought to support a high diversity of organisms including reef fish, sponges, soft and hard corals, gorgonians, bryozoans, ascidians and other filter feeders. The banks are likely to be foraging areas for flatback turtles. The zone also provides protection for threatened species such as green and freshwater sawfish which occur in the area (Commonwealth of Australia 2011).

Proposed WA Border Sanctuary Zone

The WA border zone has a low relief coastline with fringing mangroves and very wide salt flats. This swampy coastline and the shallow nearshore waters of the Cambridge Gulf comprise a major distinctive coastal type unique to the 'Top End' of Australia and different from any other area in the proposed marine park. The mangrove and muddy intertidal flats in this zone support microscopic algae which are considered to be one of the most important primary producers in the Kimberley. These microalgae provide food for sediment infauna such as small nematodes, crustaceans and filter-feeding molluscs, and this creates important feeding habitat for migratory shorebirds. The murky nearshore waters provide exceptional habitat for sawfish and snubfin dolphins, and the small creeks and mangrove habitat support targeted species such as barramundi, threadfin salmon and mud crabs. There are petroleum interests overlaying the zone and in the vicinity.



Cape Londonderry. Photo – Anna Smith/Parks and Wildlife



King Shoals. Photo – Landgate



Creeks and mudflats on the WA and NT border. Photo – Landgate

Proposed Careening Bay Special Purpose Zone (recreation and conservation)

The zone is proposed to provide improved protection for mangroves, intertidal flats, sandy beaches and species inhabiting these areas (such as turtles). This area provides for recreation and tourism, and includes safe anchorages for people to use when visiting the historic Mermaid Boab Tree. The location of this zone adjacent to Prince Regent National Park, which protects the catchment area of the Prince Regent River, provides excellent opportunities for integrated land-sea management to protect the area's threatened and priority wildlife.

Proposed Port Warrender Special Purpose Zone (recreation and conservation)

The proposed Port Warrender Special Purpose Zone contains representative areas of a wide range of habitat types, including exposed rocky headlands and coral reef, sandy beaches, and diverse mangrove communities and extensive mudflats associated with the Lawley River delta. The zone provides for the conservation of and increased protection for threatened and priority wildlife including 20 shorebird and tern species, estuarine crocodiles, coastal dolphins and finfish (*A Directory of Important Wetlands in Australia*, plus others). Port Warrender is one of the few areas accessible by road within the proposed park. There are also two coastal camps offering ecotourism experiences. This zone supports ongoing use by local communities and tourism, including recreational fishing and nature appreciation.

Proposed Drysdale River and Napier Broome Bay Special Purpose Zone (recreation and conservation)

Drysdale River has 5,670ha of Wetlands of National Significance (CSIRO 2009) and provides critical habitat for a range of important fauna, including saltwater crocodiles, sawfish, mud crabs, mangrove jack and Queensland groper. The broader area of Napier Broome Bay includes a unique deep water 'basin' and diverse intertidal habitats. The zone encompasses significant areas of cultural importance for Wunambal Gaambera and Balanggarra people. The area is also of high significance to the Aboriginal community of Kalumburu and is one of few areas of the proposed marine park with road access. This zone is proposed to provide for the conservation of and increased protection for ecologically, culturally and socially important wildlife such as snubfin and humpback dolphins, dugongs and finfish, while allowing for ongoing recreational and tourism activities.



Careening Bay. Photo – Carolyn Thomson-Dans/Parks and Wildlife



Port Warrender. Photo – Holger Woyt/Parks and Wildlife



Drysdale River. Photo – Holger Woyt/Parks and Wildlife



Sir Graham Moore Island. Photo – Ray Masini

Proposed Sir Graham Moore Islands Special Purpose Zone (recreation and conservation)

This zone encompasses Sir Graham Moore and nearby Scorpion islands just north of the Anjo Peninsula. The southern and eastern shorelines are made up of long sweeping sandy beaches and rocky coves, while the northern shoreline has coral reefs which support a diversity of soft and hard corals. This reef area is important for crayfish, crab and turtle species. Beaches on the island are frequented by nesting turtles as well as providing unique sand dune vegetation communities.

This special purpose zone provides for the conservation of ecologically and culturally important habitats, communities and species, whilst continuing to allow for recreational and tourism.

Proposed King George River Special Purpose Zone (recreation and conservation)

The zone includes a transect from the coast to offshore, encompassing habitats at different depths, from the estuarine habitats of King George River to fringing coral reef communities and deep subtidal habitats around Lesueur Island. The extraordinary King George River is a popular tourism attraction due to its spectacular scenery and the opportunity for wildlife watching. The river is of high cultural significance to the Balanggarra people, for whom the King George Falls are the male and female *Wungkurr*. The surrounding coastline adds to the attraction of the area, including cliffs, gorges, mangrove-lined bays and vast sand dunes. This proposed special purpose zone provides for the conservation of ecologically and culturally important habitats, communities and species, including dugongs, turtles, and humpback and snubfin dolphins, whilst continuing to allow for recreation and tourism.



King George River. Photo – Chris Nutt/Parks and Wildlife

Proposed Berkeley River Special Purpose Zone (recreation and conservation)

This proposed special purpose zone encompasses the renowned cultural, natural and social values of the Berkeley River and its surrounds. The whole river system and Reveley Island have particular cultural significance to Balanggarra people (Balanggarra Aboriginal Corporation / Kimberley Land Council 2011). The zone represents a range of



Berkeley River. Photo – Chris Nutt/Parks and Wildlife



Cape Domett. Photo – Andrea Whiting

habitats including tidal flats and creek estuaries important for shorebirds and finfish, seagrass beds where dugongs feed, and ancient sand dunes and beaches where flatback turtles nest. The area is also known to provide important habitat for snubfin dolphins. About 170km north-west of Wyndham the area offers opportunities for recreation and tourism. This special purpose zone provides for the conservation of ecologically and culturally important marine ecosystems, including habitat for dugongs, flatback turtles, snubfin dolphins and lesser crested terns, whilst continuing to allow for recreation and tourism.

Proposed Institut Islands Special Purpose Zone (recreation and conservation)

The proposed Institut Islands Special Purpose Zone (recreation and conservation) covers an area of complex island, intertidal and subtidal habitats and has been recognised for its outstanding natural values by the Western Australian Museum. The offshore islands and northern part of the Cape Voltaire peninsula are fringed with diverse intertidal coral reefs as well as sandy beaches which are used for turtle nesting. Many of the islands, including Sterna Island, are important bird nesting sites. The subtidal environment features unique geomorphology such as pinnacles, banks and shoals which provide for a diverse array of depth classes and ecological communities. This zone aims to recognise and protect these values while continuing to allow for ongoing recreational and tourism activities such as recreational fishing.



Institut Islands. Photo – Holger Woyt/Parks and Wildlife

Proposed Cape Domett Special Purpose Zone (recreation and conservation)

The proposed Cape Domett Special Purpose Zone provides protection for a globally significant nesting area for flatback turtles. The muddy waters, which are strongly influenced by run-off from the Cambridge Gulf as well as tides, provide excellent habitat for sawfish and snubfin dolphins. This zone provides for the conservation of an ecologically and culturally important marine ecosystem, whilst continuing to allow for sustainable recreation and tourism. The need for temporal closures or vehicle access restrictions in this zone will be investigated during management plan implementation.

Proposed special purpose zones (cultural heritage)

Three special purpose zones (cultural heritage) are proposed within Wunambal Gaambera sea country: Prince Frederick Harbour, Mitchell River and Vansittart Bay.

These areas provide for the recognition and protection of sites and places of high cultural significance to Wunambal Gaambera traditional owners. Hunter River estuary and Mitchell River estuary are inhabited by the *Wunggurr* (creator snake). The lower Vansittart Bay area is the resting place of an important *Kaiara* (sea *Wanjina*). These special purpose zones will help ensure that *Wanjina* Wunggurr Law and culture is maintained and passed on to future generations of traditional owners, as well as being acknowledged and respected by visitors to these areas.

Permitted uses

The activities and uses table (Table 5) summarises the range of permitted activities across the zone types of the proposed marine park. Marine park users should be aware that many of the listed activities are also regulated under complementary legislation and regulations – for example, regulations regarding wildlife interactions, the disposal of sullage, and size and bag limits for recreational fishing. The CALM Act and Wildlife Conservation Regulations 2002 require some activities (e.g. commercial tourism, research) to obtain a licence to operate in marine parks.

The implementation of this joint management plan may require management actions such as temporal closures. Development of these management actions will aim to limit the impacts on the permitted activities whilst meeting the management objectives. An activity marked as 'assess' indicates an assessment is required by the appropriate agencies in accordance with relevant legislation and the management objectives and targets in this plan.

Table 5 Summary of permitted uses for the proposed North Kimberley Marine Park

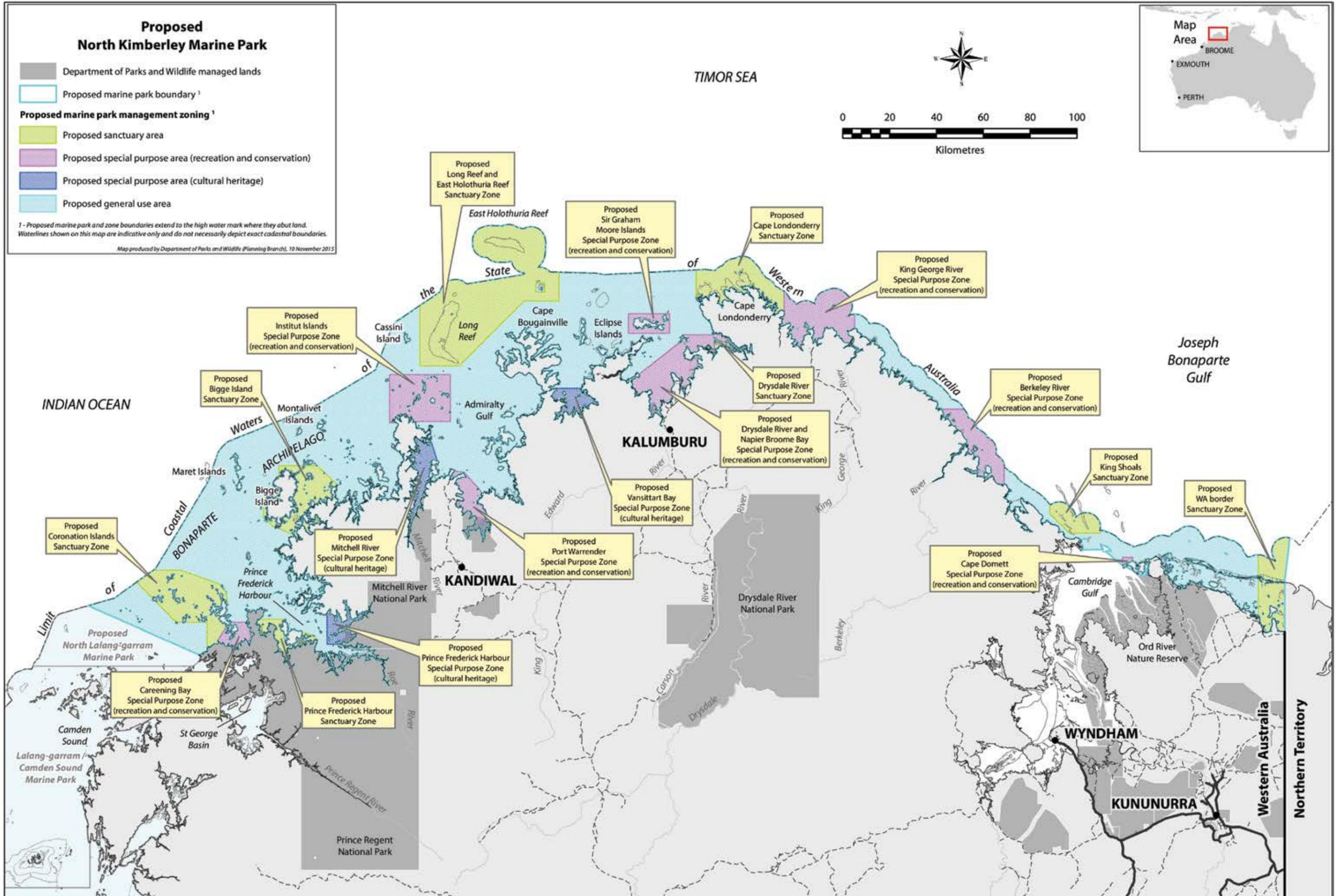
Activity	Sanctuary zones	Special purpose zone (recreation and conservation)	Special purpose zone (cultural heritage)	General use zones
Customary				
Customary activities (e.g. hunting and fishing)	Yes	Yes	Yes	Yes
Commercial				
Commercial gillnet fishing	No	No	Yes	Yes
Commercial prawn trawl fishing	No	No	Yes	Yes
Commercial fishing (other than gillnet and prawn trawl)	No	Yes	Yes	Yes
Commercial specimen shell and marine aquarium collecting	No	Yes	Yes	Yes
Pearling	No	Assess	Yes	Yes
Aquaculture	No	Assess	Assess	Yes
Scenic flights (charter)	Yes	Yes	Yes	Yes
Ground-disturbing mineral and petroleum exploration and development [a]	No	No	No	Assess
Non-ground-disturbing geophysical surveys [b]	Assess	Assess	Assess	Assess
Ship loading and other mining related infrastructure (e.g. ship loading docks, cabling or pipelines)	No	No	No	Assess
General marine infrastructure (e.g. groynes or jetties)	No	Assess	Assess	Assess
Artificial structures (e.g. artificial reefs)	No	No	No	Assess
Dredging and dredge spoil dumping	No	No	No	Assess
Charter tour operators – fishing	No	Yes	Yes	Yes
Charter tour operators – non-extractive (e.g. wildlife viewing)	Yes	Yes	Yes	Yes
Wildlife/fish feeding	No	No	No	No

Activity	Sanctuary zones	Special purpose zones (recreation and conservation)	Special purpose zones (cultural heritage)	General use zones
Recreational				
Boating (motorised and non-motorised)	Yes	Yes	Yes	Yes
Nature appreciation and wildlife viewing	Yes	Yes	Yes	Yes
Shore and boat fishing	No	Yes	Yes	Yes
Other use				
Vessel transit	Yes	Yes	Yes	Yes
Navigation aids	Yes	Yes	Yes	Yes
Research and monitoring	Yes	Yes	Yes	Yes
Anchoring (soft bottom only)	Yes	Yes	Yes	Yes
Seaplane landing	Assess	Assess	Assess	Yes
Vessel sewage discharge	No	Yes [c]	Yes [c]	Yes [c]
Permitted activities provisions				
<p>[a] Ground-disturbing mineral and petroleum exploration and development activities include any activity that disturbs the seabed and/or subsoil within the marine park (e.g. drilling).</p> <p>[b] Geophysical surveys such as aeromagnetics will be assessed by the Department of Mines and Petroleum.</p> <p>[c] Impacts will be monitored and managed in accordance with applicable legislation.</p>				

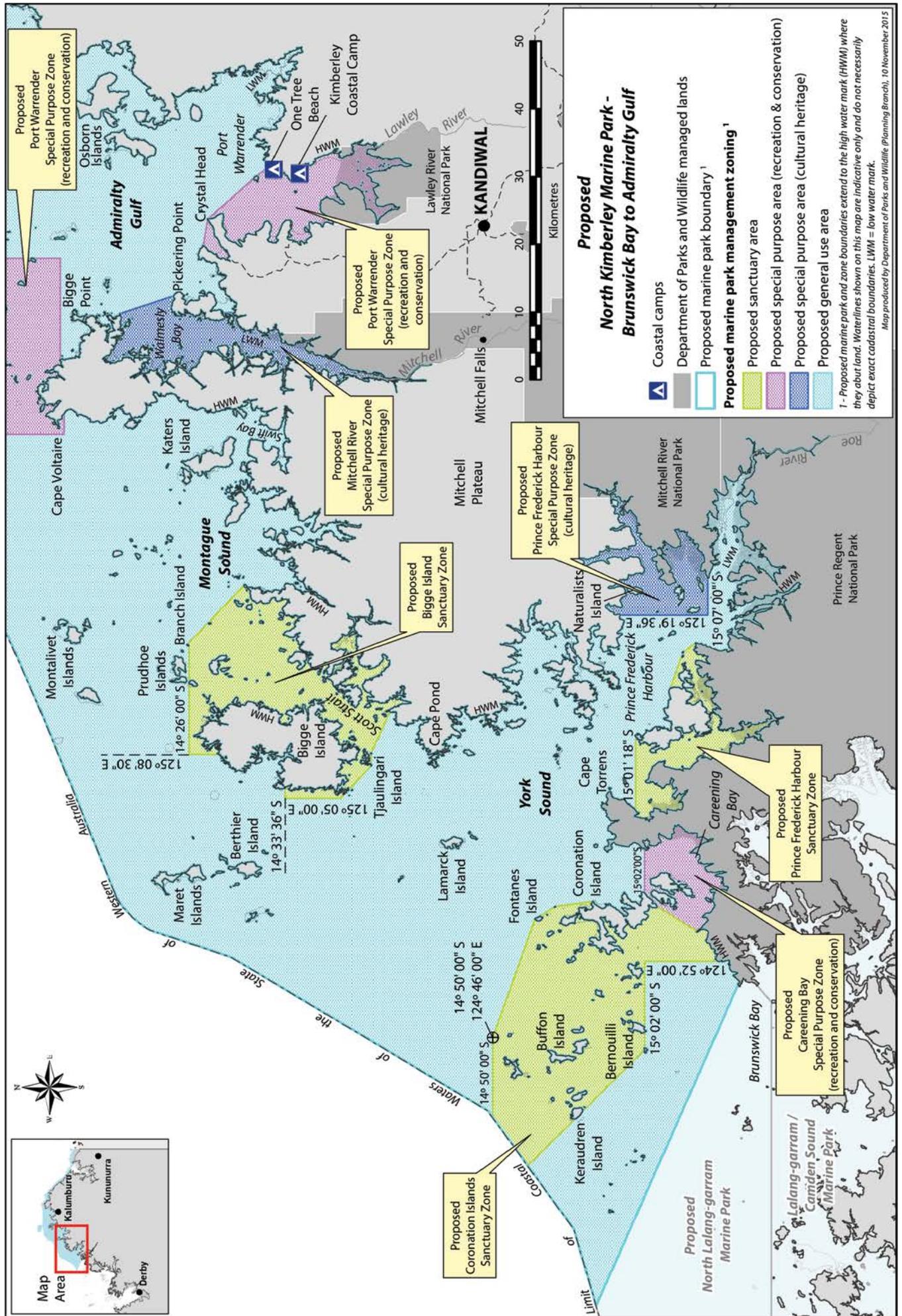


Hunter River in Prince Frederick Harbour. Photo – Holger Woyt/Parks and Wildlife

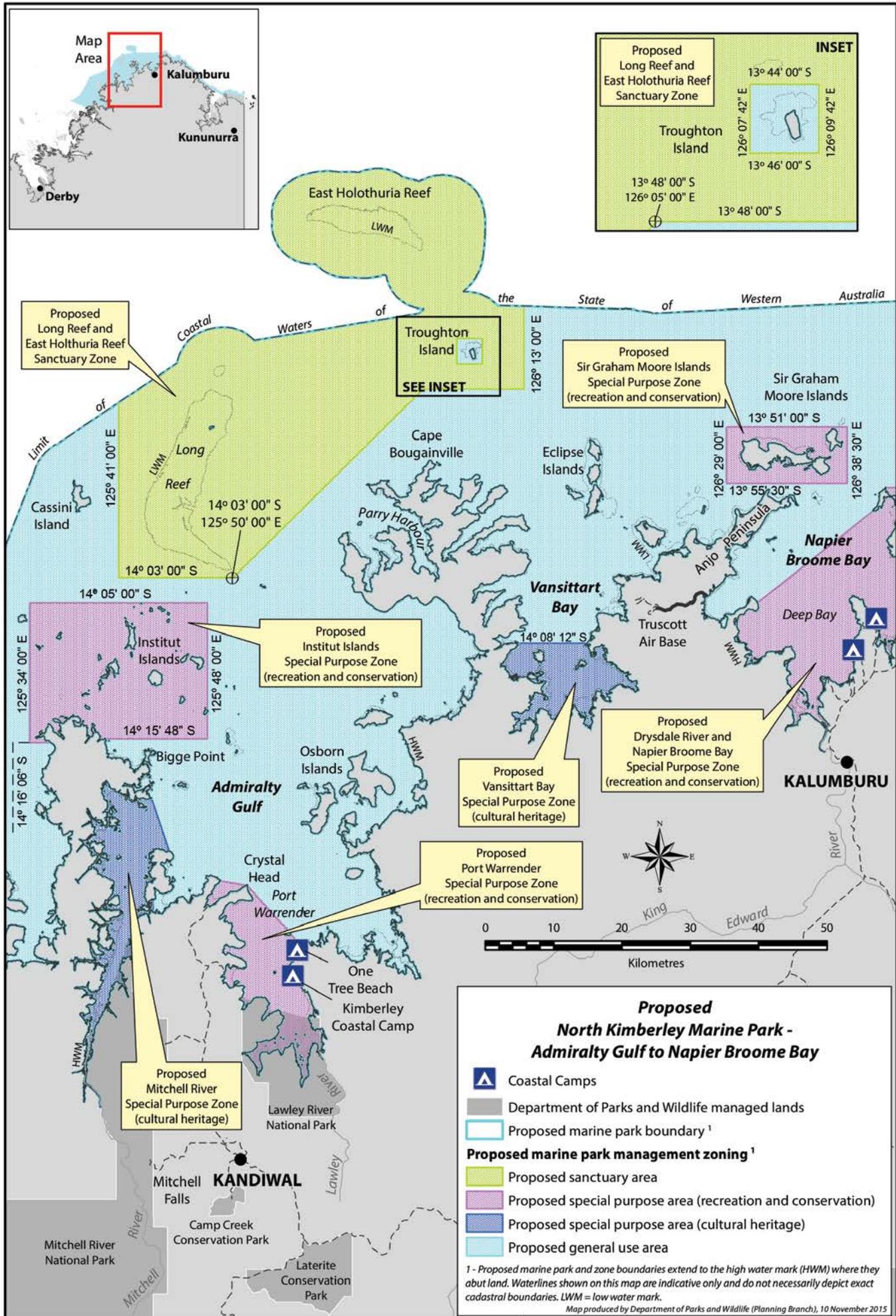
Map 7 Proposed management zoning for the proposed North Kimberley Marine Park



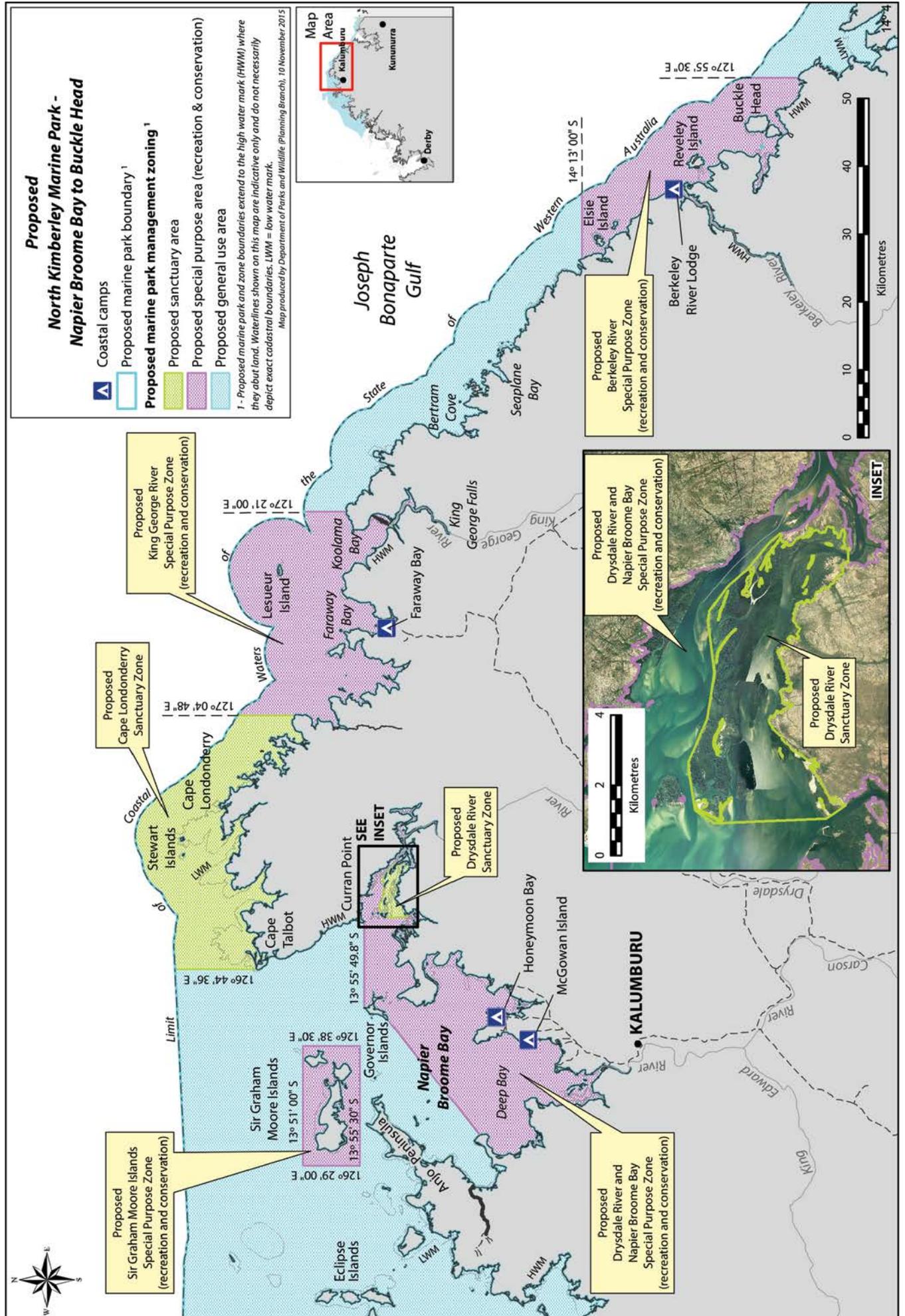
Map 8 Proposed boundary and management zoning for the proposed North Kimberley Marine Park – south-west



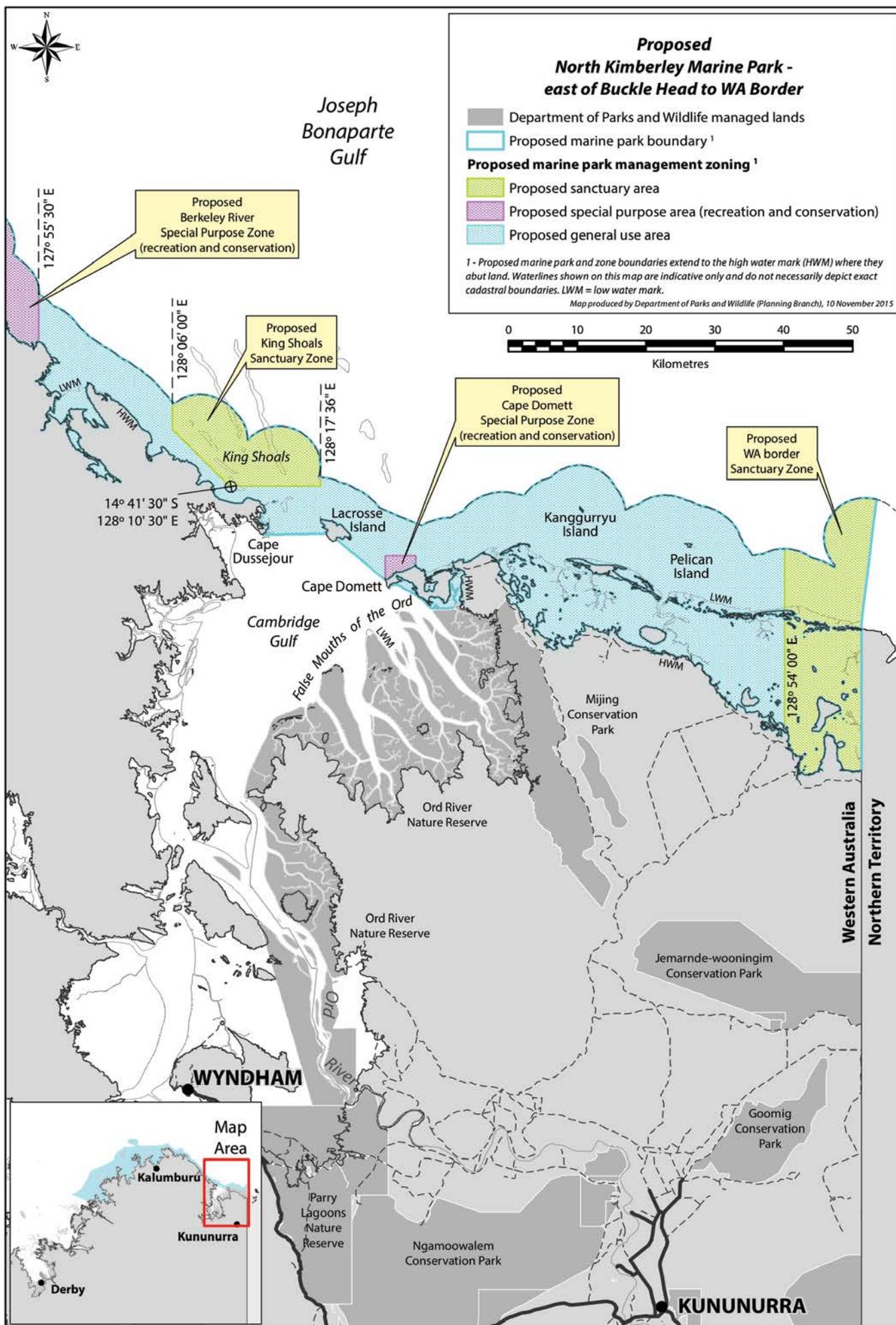
Map 9 Proposed boundary and management zoning for the proposed North Kimberley Marine Park – north-west



Map 10 Proposed boundary and management zoning for the proposed North Kimberley Marine Park – north-east



Map 11 Proposed boundary and management zoning for the proposed North Kimberley Marine Park – south-east





Miriuwung Gajerrong traditional owners monitoring turtle nests. Photo – Corrine Severin

7. Monitoring, evaluation and reporting

Progress towards achieving the objectives and targets is demonstrated by regular monitoring, evaluation and reporting to investigate the effectiveness of management strategies and identify opportunities for improvement. Monitoring refers to ongoing and systematic collection of routine quantitative data and qualitative information. Evaluation and reporting refers to collating and communicating this information to systematically investigate the effectiveness of management activities. Adaptive management is the subsequent revision of management strategies based on the monitoring information and its evaluation.

7.1 Monitoring

A systematic marine monitoring program is progressively being implemented by Parks and Wildlife across WA's network of marine parks and reserves (Western Australian Marine Monitoring Program) to improve the understanding of management effectiveness, and to inform future management decisions. Monitoring will focus on determining trends in key ecological, cultural and social values within a 'condition-pressure-management response' framework that measures the 'health' of values against defined management targets. Where required, interim management targets will be developed or further refined to reflect meaningful short-term steps in achieving the longer term management targets and reserve objectives.

The delivery of the monitoring program will be undertaken by Parks and Wildlife in collaboration with joint management partners, Aboriginal ranger groups, DoF for fisheries related aspects, and through external providers such as the North Australian Indigenous Land and Sea Management Alliance, CSIRO, Australian Institute of Marine Science, universities and community groups where appropriate. Chapter 6 (Proposed management) details the performance indicators for cultural, ecological and social values.

The Parks and Wildlife Visitor Monitoring Program collects information about visitor use and visitor feedback that is used to assess visitor needs and expectations, as well as satisfaction with recreation and tourism facilities and services provided by Parks and Wildlife.

The annual visitor survey provides feedback from visitors about the main purpose of their visit, the activities undertaken during the visit and their overall level of satisfaction during their visit. The survey also provides feedback from visitors about important management issues within these areas. The information collected aids in the planning and management of these recreation areas for issues such as site planning and design, visitor communications, business and marketing plans and performance evaluation.

7.2 Evaluation and reporting

The management strategies outlined in the management plan will be implemented primarily through the annual works programs of Parks and Wildlife's East Kimberley District, Marine Science Program and other specialist branches in collaboration with joint management partners. The East Kimberley District will prepare an annual review of the implementation of the management plan for consideration by the JMBs and the MPRA, who will oversee the management of the proposed marine park. Key parts of the annual review will include:

- progress in implementing management plan strategies
- assessment of value condition, the pressures acting on values, management response and management effectiveness
- identifying issues affecting implementation
- resource allocation.

The MPRA is responsible for conducting periodic assessments in accordance with section 26B(1)(f)(iii) of the CALM Act. The audit process has been formulated in conjunction with Parks and Wildlife and is guided by an audit policy and a performance assessment framework. The JMBs and Parks and Wildlife will provide information to enable an assessment of the plan's implementation.

The zoning scheme and management plan can be amended through a formal public consultation process and does not require Parliamentary consideration. Any substantial change to the management plan requires a statutory two-month public comment period and approvals from the Minister for Environment, Minister for Fisheries and Minister for Mines and Petroleum.



Balanggarra traditional owners, Parks and Wildlife planners and scientists in the proposed King George River Special Purpose Zone.

Photo – Chris Nutt/Parks and Wildlife



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12.03.11. Reduction/waiver of regulated charges for approval of long-life battery smoke detectors in communities

DATE:	31/05/2016
AUTHOR:	Sharon McLachlan, Senior Building Surveyor
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
ASSESSMENT NO:	A6264, A2256, A6266, A6269, A5174, A6268, A516, A510, A2020, A5238, A6270, A3087, A1507, A1684, A511, A5603, A2319, A5761, A2482 & A2574
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council request the CEO to advise the Department of Housing that the Shire Fee for the approval service of long-life battery smoke detectors will be \$174.40 per "unique/reverse floor plan" basis per community.

Cr B Robinson foreshadows a motion:

That Council request the CEO to advise the Department of Housing that the Shire Fee for the approval service of long-life battery smoke detectors will be \$174.40 per building, and not as requested per property identity (per community).

COUNCIL DECISION

Minute No: 11374

Moved: Cr S Cooke
Seconded: Cr K Wright

That Council request the CEO to advise the Department of Housing that the Shire Fee for the approval service of long-life battery smoke detectors will be \$174.40 per "unique/reverse floor plan" basis per community.

Lost 0/8

COUNCIL DECISION

Minute No: 11375

Moved: Cr B Robinson

Seconded: Cr N Perry

That Council request the CEO to advise the Department of Housing that the Shire Fee for the approval service of long-life battery smoke detectors will be \$174.40 per building and not as requested per property identity (per community).

Carried 8/0

REASON FOR VARYING OFFICER'S RECOMMENDATION

As a Council we need to be consistent and to offer a different fee structure to the Housing Authority is not appropriate.

PURPOSE

For Council to consider a request from Government of Western Australia, Housing Authority to the Shire to consider a reduction/waiver of regulated charges for the approval of long life battery powered smoke alarms on a Community basis in lieu of the regulated per application charge.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Shire has received a request from the Government of Western Australia - Housing Authority to reduce fees charged for the approval of installation of 10-year long life lithium battery smoke detectors in lieu of hard-wired smoke detectors on a charge per community in lieu of the charge per application.

With reference to *WA Building Regulations 2012 Part 4 Division 3 regulation 31*, the term "application" is defined as per building and not per property identity (as would be a community on the one Location or Lot).

Please refer to Attachment 2 for a table listing the Communities, the number of affected dwellings and the monetary values of the local government options of "Per Community", "Per Unique Floor Plan" and "Per Dwelling".

The Housing Authority is requesting that the Shire consider the fee of \$174.40 per Community, totalling \$3,488.00 (equating to approx \$13.11 per application) whereas the maximum fee per application would be \$46,390.40.

In assessing each application, consideration would be given to each floor plan and the proposed location of the smoke detector(s) in relationship to the kitchen and bedrooms.

STATUTORY IMPLICATIONS

Regulation 61 Local government approval of battery powered smoke alarms

WA Building Regulations 2012 Part 8 Division 3 regulation 61 prescribes:

61. Local government approval of battery powered smoke alarms

- (1) *The local government of the district in which a dwelling is located may approve of the use, in the dwelling or a part of the dwelling, of a battery powered smoke alarm (rather than one that is connected to the mains power supply) if satisfied that, at the time of giving the approval, installing a smoke alarm connected to the mains power supply would involve —*
 - (a) *a sufficient problem of a structural nature; or*
 - (b) *a sufficient problem of any other nature, the cause of which is not within the control of the owner.*
- (2) *The local government may give its approval in relation to an alarm that was installed before the approval is to be given.*
- (3) *An application for approval must be made in the manner and form approved by the local government, and must include or be accompanied by —*
 - (a) *the plans and information required by the local government; and*
 - (b) *the fee set by the local government, which cannot exceed \$174.40.*
- (4) *The local government is to be taken to have refused approval if it has not made a decision whether to give approval within 35 days after the later of —*
 - (a) *the day on which the person made the application for approval; or*
 - (b) *the day on which the person complied with a, or the latest, request by the local government for further plans or information.*

WA Building Regulations 2012 Part 4 Division 3 regulation 31 defines “application”:

31. *Term used: application In this Division —*

“application”, *in relation to a building standard, means —*

- (a) *an application for a declaration that the building standard does not apply to the building, incidental structure or demolition work that is the subject of the application; or*
- (b) *an application for a declaration that the building standard applies in a modified way to the building, incidental structure or demolition work that is the subject of the application.*

Local Government Act 1995

6.12 *Power to defer, grant discounts, waive or write off debts*

- (1) *Subject to subsection (2) and any other written law, a local government may -*
- (b) *wave or grant concessions in relation to any amount of money, which is owed to the local government.*

POLICY IMPLICATIONS

Council Policy *CP/FIN-3211 Fees and Charges Pricing* is relevant.

The fee is a legislated maximum fee per the WA Building Regulations 2012.

FINANCIAL IMPLICATIONS

The fee is a legislated maximum fee per the WA Building Regulations 2012.

The Housing Authority is seeking a discounted charge of \$3,488.00 in lieu of the maximum fee per legislation which could be charged of \$46,390.40.

In consideration that several of the floor plans within a Community are identical (or a reverse image), a further consideration is given for a sum for assessment of a unique floor plan per Community, an estimated number of unique floor plans would be approximately 180 which equates to total fee of \$31,500.00.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability

Objective 1.4: Business innovation, efficiency and improved services

Strategy 1.4.1 : Ensure legislative compliance and follow best practice principles in planning and service delivery

Strategy 1.4.2 : Improve the efficiency and productivity of Shire services

Strategy 1.4.3 : Maintain Council's long term financial viability

Strategy 1.4.4 : Deliver cost effective and efficient corporate services

RISK IMPLICATIONS

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures (eg building, planning, health, childcare) in accordance with review schedule.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Consideration has been given to the officers time to assess and provide the approvals, on a “Community”, “per dwelling” and “per unique floor plan/community” basis.

The implementation of the WA Building Act 2011 and WA Building Regulations 2012 in April 2012 enabled Government departments to lodge Building Permit applications with the State Permit Authority. The State Permit Authority, being a permit issuing authority, does not have the enabling legislation to undertake the assessment and approval of the battery smoke detectors which is a Building Surveying certifying role.

The Department of Housing request of charging the legislated fee of \$174.40 per community is significantly undervaluing the level of service required to provide the assessment and approval for each dwelling on each community.

ATTACHMENTS - Item 12.03.11

Attachment 1 - Letter dated 14 April 2016 from Housing Authority (I-35578)

Attachment 2 - Community Smoke Alarms Property Table



Government of **Western Australia**
Housing Authority

OPENING DOORS
To Affordable Housing



COMTBC
I-35578

Shire of Wyndham-East Kimberley
PO Box 614
Kununurra WA 6743

21 APR 2016

Dear Sir / Madam,

Request for Approval: Installation of Battery Powered Smoke Alarms

The Housing Authority through agreements provides property and tenancy management services on housing in specified remote Aboriginal communities throughout the State.

The Housing Authority is investigating opportunities to ensure that smoke alarm devices in properties it manages are at all times operational and compliant to legislation.

Currently, approximately 20% of all smoke alarms installed in properties in communities managed by the Authority are replaced each year. The replacement cost for the smoke alarms is expensive due to the frequency and high travel costs being incurred for each replacement.

The high replacement rate is in the majority attributed to intermittent power supply at communities leading to hard-wired smoke alarms emitting a loud and continuous warning alert, which in turn leads to the tenant permanently disabling the alarm.

Housing has assessed various smoke alarm options with the intent of reducing ongoing maintenances costs while maintaining the priority of tenant safety and compliance with the Building Regulations (2012).

The preferred option of Housing is to install a 10-year lithium battery smoke alarm (specifically the Brooks EIB605TYC) in place of hard wired smoke alarms across all houses it manages in discrete Aboriginal communities.

In accordance with Section 61 of the Building Regulations 2012, the Housing Authority is seeking the approval of the Shire of Wyndham-East Kimberley at the following discrete Aboriginal Communities:



COMMUNITY	NUMBER OF PROPERTIES
Cockatoo Springs	4
Emu Creek	9
Four Mile	4
Galburang	2
Guda Guda	13
Hollow Springs	1
Kalumburu	80
Mandangala	15
Mirima	30
Molly Springs	6
Mud Springs	5
Munthanmar	5
Nulleywah	25
Warrayu	10
Woolah	17
Wuggubun	10
Yirralalem	3
Dodnun	9
Kandiwal	4
Ngallagunda	14

We note that the Regulations do provide for the relevant Local Government Authority to prescribe a form on which application must be made, and to charge a fee of \$174.40 per application. We seek your support in applying this fee on a per community basis to assist in keeping the administrative costs of this project to a minimum.

Can you please provide advice on any prescribed form or application process that exists for the Shire of Wyndham-East Kimberley, and also provide an invoice for the fees that would be payable by the Housing Authority for making application. We would appreciate your advice by Friday 6th May 2016, as we are planning to commence installations in June 2016.

If you would like to discuss this matter, please contact Anthony Beor on (08) 6217-6257

Yours sincerely

CHERYL WALLACE
MANAGER ABORIGINAL HOUSING MANAGEMENT SERVICES

14 April 2016

COMMUNITY SMOKE ALARMS PROPERTY TABLE

COMMUNITY	Assess No	Number of Properties / Dwellings	Estimated number of unique floor plans	Value @ \$174.40 per community	Value @ \$174.40 per unique floor plan / community	Value @ \$174.40 per property/dwelling
Cockatoo Springs	A6264	4	3	\$174.40	\$ 523.20	\$ 697.60
Emu Creek	A2256	9	7	\$174.40	\$ 1,220.80	\$ 1,569.60
Four Mile	A6266	4	3	\$174.40	\$ 523.20	\$ 697.60
Gulberang	A6269	2	2	\$174.40	\$ 348.80	\$ 348.80
Guda Guda	A5174	13	9	\$174.40	\$ 1,569.60	\$ 2,267.20
Hollow Springs	A6268	1	1	\$174.40	\$ 174.40	\$ 174.40
Kalumburu	A516	80	50	\$174.40	\$ 8,720.00	\$ 13,952.00
Mandangala	A510	15	10	\$174.40	\$ 1,744.00	\$ 2,616.00
Mirima	A2020	30	20	\$174.40	\$ 3,488.00	\$ 5,232.00
Molly Springs	A5238	6	4	\$174.40	\$ 697.60	\$ 1,046.40
Mud Springs	A6270	5	3	\$174.40	\$ 523.20	\$ 872.00
Munthanmar	A3087	5	3	\$174.40	\$ 523.20	\$ 872.00
Nulleywah	A1507	25	18	\$174.40	\$ 3,139.20	\$ 4,360.00
Warrayu	A1684	10	8	\$174.40	\$ 1,395.20	\$ 1,744.00
Woolah	A511	17	12	\$174.40	\$ 2,092.80	\$ 2,964.80
Wuggubun	A5603	10	7	\$174.40	\$ 1,220.80	\$ 1,744.00
Yirralalem	A2319	3	2	\$174.40	\$ 348.80	\$ 523.20
Dodnun	A5761	9	6	\$174.40	\$ 1,046.40	\$ 1,569.60
Kandiwal	A2482	4	3	\$174.40	\$ 523.20	\$ 697.60
Ngallagunda	A2574	14	10	\$174.40	\$ 1,744.00	\$ 2,441.60
TOTALS		266	181	\$3,488.00	\$ 31,566.40	\$ 46,390.40

**Note: This item was dealt with early to allow resident to take children home*

12.03.12. Request to Sublease Wyndham Childcare Centre

DATE:	31/05/2016
AUTHOR:	Wayne Richards, Manager Community Services
RESPONSIBLE OFFICER:	Louise Gee, Director Community Development
ASSESSMENT NO:	A1813
FILE NO:	CP.07.19
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Authorises an amendment to the Lease for Reserve 28976, 44 Koolama St, Wyndham. This amendment is to remove "for non-profit making community purposes" from clause 24.3 (a), subject to approval from One Tree Community Services and the Minister for Lands.**
- 2. Requests the Chief Executive Officer to write to the Department of Lands to seek consent on behalf of the Minister for Lands for the sub lease of Reserve 28976, 44 Koolama St, Wyndham for the purposes of providing long day care child care services.**

COUNCIL DECISION

Minute No: 11376

Moved: Cr E Bolto

Seconded: Cr N Perry

That Council:

- 1. Authorises an amendment to the Lease for Reserve 28976, 44 Koolama St, Wyndham. This amendment is to remove “for non-profit making community purposes” from clause 24.3 (a), subject to approval from One Tree Community Services and the Minister for Lands.**
- 2. Requests the Chief Executive Officer to write to the Department of Lands to seek consent on behalf of the Minister for Lands for the sub lease of Reserve 28976, 44 Koolama St, Wyndham for the purposes of providing long day care child care services.**

Carried 8/0

PURPOSE

For Council to consider granting permission to sub-lease Reserve 28976, 44 Koolama St, Wyndham for the purpose of providing long day care.

NATURE OF COUNCIL’S ROLE IN THE MATTER

Provider - Provider of physical infrastructure and essential services.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Reserve 28976, Lot 827, 46 Koolama St (Wyndham Childcare Centre) is currently leased to One Tree Community Services (formerly Children's Services Support Unit (CSSU)).

In October 2015 One Tree advised that under their management model the service was not financially sustainable and requested permission to sublease the facility to an “In-Venue” care operator. This was considered at the 27 October 2015 Ordinary Council Meeting with Council resolving to allow One Tree Community Services to sub lease Reserve 28976, 44 Koolama St, Wyndham for the purposes of providing in-venue child care services.

In February 2016, One Tree advised parents and users of the Service that the long day care model would cease on 8 April 2016 and One Tree would transition to the in-venue care model previously approved. It is understood that One Tree had providers that were interested however none have come to fruition. The service has therefore not operated since 8 April 2016.

On 4 May 2016 the Shire was approached with a proposal to “take over” the lease for the purpose of providing long day care. One Tree advised that they are willing to terminate the lease for this to occur if required.

The process for entering into a lease was discussed however as this process can be lengthy, the applicant requested other options to allow the service to open sooner. All long term options rely on the completion of a Tender process or public advertising under 3.58 (2) be and 3.58 (3) of the Local Government Act 1995 respectively, however given the information required and timeframe for direct advertising it is recommended that a Tender process is conducted. Prior to tendering, the existing lease with One Tree would need to be terminated. This five year lease expires in February 2020. The current Lease with CSSU contains a clause allowing either party to cancel the lease should the service not be viable, clause 28.1 states:

“Notwithstanding any other provision of this Lease, the Parties agree that subject to (2) of this clause, either party may terminate this Lease upon (90) days written notice to the other party in the event the service provided by the lessee is no longer considered by the parties to be viable.”

A summary of the possible short term options available to the applicant is below:

Option	Notes
Sublease and provide in venue care	The applicant is not approved to offer in venue care, only long day care
Sublease and provide long day care	Requires the development of a sublease between One Tree and the applicant. Requires approval from the Minister for Lands.
Hire of building	Not possible, the Department of Education have advised that service approval will not be granted until a long term agreement is in place.

STATUTORY IMPLICATIONS

Local Government Act 1995, s. 3.58

3.58. Disposing of property

In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not; **property** includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to

- (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

POLICY IMPLICATIONS

Sub lease:

While the Lease will remain with the not-for-profit organisation One Tree, the long day care provider will be classified as a commercial enterprise. Council must therefore consider section 6 of Policy CP/PMG-3780 Leasing of Council Managed Reserve Land – Community:

6. Commercial Activity

It is recognised that in certain circumstances it is appropriate for the leased community facility to be utilised to generate profit, where that profit is used to support the lessee.

Council shall determine when profit generating uses are acceptable having regard for the following:

- (a) The use is ancillary and/or complementary to the main use*
- (b) The use is supported by the reserve purpose*
- (c) The use provides an additional service not otherwise provided*
- (d) The community benefit outweighs the competitive advantage*
- (e) The use does not contravene any written law*
- (f) The use is not considered a nuisance or an unacceptable negative impact*
- (g) If the use is competing with a commercial enterprise*

The sublease would be in accordance with all but one of these terms:

is ancillary and/or complementary to the main use	No
is supported by the reserve purpose	Yes
use provides an additional service not otherwise provided	Yes
community benefit outweighs the competitive advantage	Yes
does not contravene any written law	No
is not considered a nuisance or an unacceptable negative impact	No
is competing with a commercial enterprise	No

Direct Lease:

Any Tender conducted will take place in accordance with Council Policy CP/FIN 3204 Purchasing.

Dependant on the outcome of the Tender, a lease for the Operation and Management of the Wyndham Childcare Facility will be developed based on either CP/PMG 3780 Leasing of Council Managed Reserve - Community, or CP/PMG 3781 Leasing of Council Managed Reserve - Commercial.

FINANCIAL IMPLICATIONS

A sub lease between One Tree and the applicant is expected to have no financial implications on the Shire. Costs associated with the development of a sub lease agreement are the responsibility of the Lessee.

Should the existing lease with One Tree be terminated and no subsequent lessee be engaged, the Shire will cease to receive income from the Koolama St Unit until a new tenant moves in. Currently this is rented to One Tree at \$200/wk. In addition the Shire would become responsible for the operational costs of the facility including utilities, cleaning, maintenance, and gardening. While this cost is expected to be minimal given the facility would be vacant, these are costs not currently budgeted for.

Should the Shire proceed with a direct lease with the applicant, the terms of the lease would need to be negotiated with terms drafted in accordance with the Council's Commercial Leasing Policy. This may result in a significant increase in income to the Shire as lease rental would be based on a valuation and the lessee will be required to pay rates.

In addition, the applicant has expressed an interest in leasing the Koolama St Unit currently leased to One Tree. Rent for this unit would be set, based on a valuation.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure

Objective 2.4: High standard of health and community facilities and services available to all residents

Strategy 2.4.3: Support early childhood and family support services

RISK IMPLICATIONS

Inability to deliver service levels expected by the community.

COMMUNITY ENGAGEMENT

Regarding a direct lease, community engagement with regard to a future lease of the Child Care Centre will take place through a Tender process.

COMMENTS

As listed above, there are several options available to the applicant to provide child care from the Wyndham Childcare Centre. The applicant's preferred option is to enter into a lease with the Shire for the purpose of providing long day care.

Direct Lease:

As discussed above, a direct lease relies on the completion of a tender process or public advertising under 3.58 (2) (b) and 3.58 (3) of the Local Government Act 1995 respectively, however given the information required and timeframe for direct advertising it is recommended that a Tender process is conducted. A Council resolution is not required for this process to commence however prior to tendering; the existing lease with One Tree would need to be terminated.

This option has two main drawbacks. Firstly the option requires the termination of the existing lease with One Tree and a Tender selection process. Should no Tender be awarded (the applicant not be agreeable to terms or change their mind), the Shire risks returning to having full responsibility for the facility.

Secondly, the fact that the proposal (and likely Tender) has been received from a private enterprise as opposed to a not-for-profit organisation. This means that, in accordance with Council Policy CP/PMG 3781 Leasing of Council Managed Reserve - Commercial, the lease will include the requirement for the lessee to pay a rental based on a valuation of the property and the requirement to pay rates.

Sublease:

Given the length of time it will take to conduct the statutory processes for a Tender, the applicant has requested approval to sub lease for the purpose of providing long day care as an interim option.

This is allowable under the Local Government Act and Shire Policies, however would require amendment to Clause 24.3 of the existing lease with One Tree, which can be done with their mutual agreement.

24.3 Lessor's Consent to Assignment and Sub-letting

Provided all parties whose consent is required, under this Lease or at law, to an assignment or Sub-Letting, give their consent and any assignment or sublease is for a purpose consistent with the use of the Premises permitted by this Lease then the Lessor may not unreasonably withhold its consent to the assignment or Sub Letting of the leasehold estate created by this Lease if:

- (a) the proposed assignees or sublessee is a respectable and responsible person of good financial standing capable of continuing the permitted use for non-profit making community purposes;*
- (b) all Amounts payable due and payable have been paid and there is no existing unremedied breach, whether notified to the Lessee or not, of any of the Lessee's Covenants;*
- (c) the Lessee procures the execution by:
 - (i) the proposed assignee of a deed of assignment; or*
 - (ii) the proposed sublessee of a deed of sublease,*to which the Lessor is a party and which deed is prepared and completed by the Lessor's solicitors; and*
- (d) the assignment contains a covenant by the assignee or sublessee with the Lessor to pay all amounts Payable and to perform and observe all the Lessee's Covenants.*

The removal of "for non-profit making community purposes" from clause 24.3 (a) would allow this sublease to comply.

The Shire is providing a level of subsidy to the Lessee, and this subsidy may be passed on to a "commercial/private operator". Under the lease and the Community Lease Policy this is allowable on the basis that the community benefit outweighs any commercial advantage, and that the use is not competing with a commercial enterprise (there is no other child care provider in Wyndham). It is however, recommended that this sub lease be reviewed after 12 months should the proposed arrangement extend for this period of time to monitor the community benefit and commercial advantage.

One additional positive of this option is that the sub lease approval would be transferrable to any other provider if the current applicant decides not to proceed. One Tree and the applicant have advised that they are willing to enter into this arrangement.

Summary:

Based on the information above, the recommended action is to commence the process of approving a sub lease for the purpose of providing long day care with the arrangement to be reviewed after 12 months.

It is also recommended that the Shire delay the commencement of a direct lease process until the terms of the sub lease arrangement are finalised. This will allow an informed decision to be made by all parties on whether the cancellation of the existing lease, and Tender process for a new lease is the most appropriate action.

ATTACHMENTS

Nil

12.04. CORPORATE SERVICES

Cr S Cooke declared a Financial Interest as her husband's business does work for the Shire and as such if this policy were to be adopted they could potentially benefit from the Regional Price Preference.

Cr S Cooke left the Council Chambers at 7:02pm.

12.04.1. Draft Council Policy CP/FIN-3217 Regional Price Preference for Community Engagement

DATE:	31 May 2016
AUTHOR:	Jesse Johnson, Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Natalie Octoman, Director Corporate Services
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Council:

- 1. Endorses the Draft *CP/FIN 3217 Regional Price Preference Policy* for public comment;**
- 2. Endorses statewide public notice of the Shire's intention to adopt a regional price preference policy and invite comment on the draft policy for a four (4) week public comment period; and**
- 3. Endorses public consultation in accordance with the community engagement plan.**

COUNCIL DECISION

Minute No: 11377

Moved: Cr B Robinson

Seconded: Cr K Wright

That the Council:

- 1. Endorses the Draft *CP/FIN 3217 Regional Price Preference Policy* for public comment;**
- 2. Endorses statewide public notice of the Shire's intention to adopt a regional price preference policy and invite comment on the draft policy for a four (4) week public comment period; and**
- 3. Endorses public consultation in accordance with the community engagement plan.**

Carried 7/0

Cr S Cooke returned to the Council Chambers at 7:04pm.

PURPOSE

For the Council to consider the Draft Regional Price Preference Policy for community engagement in accordance with the legislation.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices.

Regulator - enforce state legislation and local laws.

Advocator - advocate and support initiatives on behalf of the community and the Kimberley.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In February 2000, the *Local Government (Functions and General) Regulations 1996* were amended to allow non-metropolitan local governments to offer a price preference to regional businesses during the tender assessment process.

A price preference can only be applied if the local authority has adopted a Regional Price Preference Policy.

At the 2016 Annual General Meeting the matter was raised and endorsed 23/1 and was subsequently considered by Council at the March Ordinary meeting (Minute 11316), where Council voted 7/0 that a Regional Price Preference Policy be prepared for consideration by Council.

At the May 2016 Council Briefing, a presentation on the Regional Price Preference Policy was provided to elected members. The presentation outlined the legislative requirements around the adoption of a Regional Price Preference Policy, the options available for the Council to consider, and likely financial implications to the Shire of adopting the Policy.

A regional price preference may be given by a local government located outside of the metropolitan area to a regional tender in accordance with Part 4A of the *Local Government (Functions and General) Regulation 1996*.

The *Regulations* state a supplier is regarded as being a regional tenderer if:

- (a) that supplier has been operating a business continuously out of premises in the appropriate region for at least 6 months before the time after which further tenders cannot be submitted; or
- (b) some or all of the goods or services are to be supplied from regional sources.

The local government may give a preference to a regional tenderer by assessing the tender as if the price bids were reduced by:

- (a) up to 10% — where the contract is for goods or services, up to a maximum price reduction of \$50 000; or
- (b) up to 5% — where the contract is for construction (building) services, up to a maximum price reduction of \$50 000; or
- (c) up to 10% — where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500 000, if the local government is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the local government.

A Regional Price Preference Policy aims to support local business by seeking to maximise the use of local businesses in goods, services or works purchased or contracted by the Shire by providing an assessment price discount to local businesses, allowing them to be more competitive against non-regional based bidders.

In adopting a Regional Price Preference Policy, it indicates that the Council is willing to pay more for goods/services/works to ensure contracts are awarded to business located within the Shire boundaries.

Table 1 demonstrates the application of the regional price preference. Tender 1 is from a Regional Business (as defined by the Council in its policy). Tender 2 is from a metropolitan based business which uses goods and services sourced from the metropolitan area.

Tenders Received	Price of Tender	Price Reduction at 5% Rate of Preference	Adjusted Price for Evaluation Purposes	Most competitive Tender based on price assessment	Cost Implication to the Shire
Tender 1	\$350,000	\$17,500 (5% of \$350,000)	\$332,500 (\$350,000 – \$17,500)	Tender 1	\$15,000 (\$350,000 - \$335,000)
Tender 2	\$335,000	No preference applicable	\$335,000		

As can be seen from the table, in terms of price, the tender from the Regional Business (Tender 1) is the most advantageous once the preference has been applied.

It is important to note that price is only one consideration in Value for Money assessments and regional businesses will still need to demonstrate value for money across other assessment criteria.

STATUTORY IMPLICATIONS

Local Government (Functions and General) Regulations 1996 Part 4A Regional Price Preference

24E. Regional price preference policies for local government

- (1) *Where a local government intends to give a regional price preference in relation to a process, the local government is to —*
- (a) *prepare a proposed regional price preference policy (if no policy has yet been adopted for that kind of contract); and*
 - (b) *give Statewide public notice of the intention to have a regional price preference policy and include in that notice —*
 - (i) *the region to which the policy is to relate; and*
 - (ii) *details of where a complete copy of the proposed policy may be obtained; and*
 - (iii) *a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions; and*
 - (c) *make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice.*
- (2) *A regional price preference policy may be expressed to be —*
- (h) *for different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;*
 - (i) *for different goods or services within a single contract or various contracts;*

(j) *for different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders (subject to the limits imposed by regulation 24D),*
or for any combination of those factors.

(3) *A region specified under this Part —*
(a) *must be (or include) the entire district of the local government; and*
(b) *cannot include a part of the metropolitan area.*

(4) *A policy cannot be adopted by a local government until the local government has considered all submissions that are received in relation to the proposed policy and, if that consideration results in significant changes to the proposed policy, then the local government must again give Statewide public notice of the altered proposed regional price preference policy.*

24F. *Adoption and notice of regional price preference policy*

(1) *A policy cannot be adopted by a local government until at least 4 weeks after the publication of the Statewide notice of the proposed policy.*

(2) *An adopted policy must state —*

- (a) *the region or regions within which each aspect of it is to be applied; and*
- (b) *the types and nature of businesses that may be considered for each type of preference; and*
- (c) *whether the policy applies to —*
 - (i) *different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;*
 - (ii) *different goods or services within a single contract or various contracts;*
 - (iii) *different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders,*

or to any combination of those factors.

(3) *An adopted policy cannot be applied until the local government gives Statewide notice that it has adopted that policy.*

(4) *The local government is to ensure that a copy of an adopted regional price preference policy is*

- (a) *included with any specifications for tenders to which the policy applies; and*
- (b) *made available in accordance with regulation 29 of the Local Government (Administration) Regulations 1996.*

24G. *Adopted regional price preference policy, effect of*
A local government that has adopted a regional price preference policy in relation to a certain type of contract may choose not to apply that policy to a particular tender in the future for a contract of that type but, unless it does so, the policy is to apply to all like tenders.

POLICY IMPLICATIONS

If the Council supports the Officer's recommendation, the Shire will implement the community engagement plan and will comply with the *Regulations* by providing statewide public notice of the Council's intention to have a Regional Price Preference Policy and inviting comment on the draft Policy. The Officer will then report back to Council on the outcomes of the public consultation period prior to presenting the Policy to Council for adoption.

Following adoption, the Regional Price Preference Policy will be applied to quotations and tenders as specified in the Policy.

FINANCIAL IMPLICATIONS

The implementation of the Regional Price Preference Policy will have financial implications, in that the Shire is willing to accept higher priced quotation/tender bids in an effort to maximise the use of local businesses for the supply of goods/services or works.

The financial implications are estimated and will vary depending on the percentage preference adopted. The estimated financial implications (worst case scenario) are as follows:

- 2% preference - \$127,000 cost to the Shire
- 5% preference - \$320,000 cost to the Shire
- 7% preference - \$446,000 cost to the Shire
- 10% preference - \$638,000 cost to the Shire

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability

Objective 1.4: Business innovation, efficiency and improved services

Strategy 1.4.1 : Ensure legislative compliance and follow best practice principles in planning and service delivery

Strategy 1.4.2 : Improve the efficiency and productivity of Shire services

Strategy 1.4.4 : Deliver cost effective and efficient corporate services

Strategy 2.1.1 : Encourage a mix of businesses that meet community needs

RISK IMPLICATIONS

Risk: Inability to deliver levels of service expected by the community.

Control: Current budget and service levels.

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with the Shire's Community Engagement Guidelines and will include:

- Statewide public notice of the intent to have a regional price preference policy and inviting submissions for comment
- Media release
- Community Contact email
- SWEK News
- Advertisement in the Kimberley Echo
- Direct Mail drop to the East Kimberley Chamber of Commerce and Kimberley Small Business Support
- Development of a fact sheet and
- Development of a comment questionnaire using an online survey program

COMMENTS

The economic downturn across the country has had flow-on impacts to the businesses within the Shire. At both the Annual General Meeting of Electors in 2015 and 2016, community members were inquiring as to whether the Council had a Regional Price Preference Policy in order to support local businesses. At the time, the Shire did not have the capacity within the current resources to develop a Policy and undertake the appropriate legislative processes. With the approval of a new position for the 2015/16 Budget, this has now been possible.

The information provided at the briefing to elected members was very clear in that implementing such a Policy will have financial implications for the Shire. Officers also provided clear examples of where this would have occurred just recently. The total impact however, is unknown at this stage given it would depend on who quotes or tenders for works.

It is interesting to note that from the 2014/15 total payments made to creditors, 49% valued at \$6,381,541 were paid to businesses based in Kununurra and Wyndham, while the remaining 51% of payments \$6,563,791 were to businesses outside of the Shire within WA and across other States. The support the Shire provides to the local economy is therefore already significant, even without a Regional Price Preference Policy in place.

At the briefing, officers highlighted that while the legislation only currently applies to tenders, a Regional Price Preference Policy that is only applicable to tenders would not have a significant impact on the smaller businesses across the Shire. This is particularly the case given that most of the purchasing activity occurs through requests for quotations and not tenders. If the Council clearly wanted to assist the local economy, then applying the Policy to requests for quotations over \$10,000 would have a more beneficial impact, and is allowable within a Policy.

While there will be a cost in implementing this Policy, it is not something that can be taken into account in the budget process as you cannot assume that local businesses will be

awarded particular services or works to be undertaken, nor that their prices would in fact be higher. While it is clear that it will cost the Shire, the only method to managing this in the upcoming year will be to assess where the Policy has been applied and the Shire has paid more for a service, and essentially reduce the scope of works or services remaining to be undertaken in each case. As the worst case scenario highlighted above, this may result in a reduction of up to over \$320,000 (based on a preference rate of 5%) in the level of services that the Shire can provide to the community.

If the Council endorse the Policy for advertising and subsequently adopt the Policy for implementation after considering the public submissions, internal processes will be modified to ensure that any such cost to the Shire is captured. A briefing will then be provided to the Council prior to the end of the 2016/17 financial year in order to determine whether the Policy should remain in place, or whether the additional cost is too prohibitive for the provision of services to the community given the community's level of expectation around service delivery.

ATTACHMENTS - Item 12.04.1

Attachment 1 - Draft Council Policy *CP/FIN 3217 Regional Price Preference*

Attachment 2 - Community Engagement Plan



POLICY NO	CP/FIN-3217	
POLICY	Regional Price Preference	
RESPONSIBLE DIRECTORATE	Corporate Services	
RESPONSIBLE OFFICER	Director Corporate Services	
COUNCIL ADOPTION	Date:	Resolution No:
REVIEWED/MODIFIED	Date:	Resolution No:
	Date:	Resolution No:
REVIEW DUE	Date:	
LEGISLATION	<ol style="list-style-type: none"> 1. Local Government Act 1995 – Sections 3.57, 5.41 2. Local Government (Functions and General) Regulations 1996 – Part 4A – Regional Price Preference 3. State Records Act 2000 	
RELATED POLICIES	<ol style="list-style-type: none"> 1. RM1 – Records Management 2. CP/FIN-3204 Purchasing Policy 	
RELATED PROCEDURES	<ol style="list-style-type: none"> 1. Code of Conduct for Council Members, Committee Members and Employees 2. Audit (Finance and Risk) Committee Terms of Reference 3. Organisational Directive – Purchasing Process (currently being developed) 	

1. PURPOSE:

The purpose of the Shire of Wyndham East Kimberley Regional Price Preference Policy is to promote and support local businesses and the community by giving preferential consideration to Regional Tenderer's when considering the provision of goods and services via tender and quotation.

2. DEFINITIONS:

Prescribed Area is the Shire of Wyndham East Kimberley.

Regional Business Preference is defined as an incentive for businesses located with the Prescribed Area.

Regional Price Preference is defined as the willingness to pay a higher price for the procurement of goods and/or services that are supplied by a Regional Tenderer.

Regional Business is a business that meets the following conditions:

- (a) A permanent office in the Prescribed Area for at least six (6) months prior to the closing date of quotations/tenders.

3. POLICY STATEMENTS:

3.1 Regional Business Preference

This preference enables businesses within the Prescribed Area to claim a price preference for their whole bid, regardless of the origin of the labour or materials, as all labour and materials are deemed to be regional content.

The preference will apply to all quotations of \$10,000 or greater, and all tenders invited by the Shire of Wyndham East Kimberley.

To qualify as a Regional Business, a supplier must meet the following conditions:

- (a) A permanent office in the Prescribed Area for at least six (6) months prior to the closing date of tenders.

In order for the policy to apply, the Regional Business is required to provide to the Shire written evidence within the submission which demonstrates compliance with the above criteria.

The price of the bids from the Regional Business will be reduced (for evaluation purposes only), by the amounts set out in section 3.2 of this policy.

3.2 Price Preference

Preference will be given to a Regional Business by assessing their submission as if the price bids were reduced by:

- (a) 5% (up to a maximum price reduction of \$25,000) for goods and/or services; or
- (b) 2.5% (up to a maximum price reduction of \$25,000) for construction (building) services; or
- (c) 5% (up to a maximum price reduction of \$25,000) for goods and/or services (including construction (building) services) if tenders are being sought for the first time for goods or services currently undertaken by Council.

3.3 Value for Money

Whilst price is a competitive consideration in the provision of goods and/or services via quotation/tender, it is only one aspect of the evaluation process. Value for Money principles, as described within CP/FIN-3204 Purchasing Policy, will be employed by assessing the price component in conjunction with the quotation/tender selection criteria and requirements.

4. EXPLANATORY NOTES

4.1 Example of the Application of the Regional Price Preference Policy

Example 1

Consider a scenario where the following two tenders, to supply goods or services, are received by a local government that has chosen a 5% rate of preference.

- Tender 1 is from a Regional Business (as defined by the Council in its policy).
- Tender 2 is from a metropolitan based firm and uses goods and services sourced from the metropolitan area.

Tenders Received	Price of Tender	Price Reduction at 5% Rate of reference	Adjusted Price for Evaluation Purposes
Tender 1	\$170,000	\$8,500 (5% of \$170,000)	\$161,500 (\$170,000 – \$8,500)
Tender 2	\$163,000	No preference applicable	\$163,000

As can be seen from the table, in terms of price, the tender from the Regional Business (Tender 1) is the most advantageous once the preference has been applied.

In February 2000, the *Local Government (Functions and General) Regulations 1996* were amended to allow non-metropolitan local governments to offer a price preference to regional

suppliers when deciding which Tender to accept. A price preference can only be applied if a local government authority has adopted a regional price preference policy.

4.2 Legislation

Local Government (Functions and General) Regulations 1996 Part 4A

24A. Application of this Part

The provisions of Part 4 may be varied in accordance with this Part, if the local government is located outside the metropolitan area and intends to give a regional price preference in accordance with this Part.

24B. Terms used

(1) *In this Part —*

regional price preference, in relation to a tender submitted by a regional tenderer, involves assessing the tender as if the proposed tender price were discounted in accordance with regulation 24D;

regional tenderer means a supplier of goods or services who satisfies the criteria in subregulation (2).

(2) *A supplier of goods or services who submits a tender is regarded as being a regional tenderer for the purposes of this Part if —*

(a) *that supplier has been operating a business continuously out of premises in the appropriate region for at least 6 months before the time after which further tenders cannot be submitted; or*

(b) *some or all of the goods or services are to be supplied from regional sources.*

24C. Regional price preference may be given

A local government located outside the metropolitan area may give a regional price preference to a regional tenderer in accordance with this Part.

24D. Discounts permitted for regional price preferences

(1) *A preference may be given to a regional tenderer by assessing the tender from that regional tenderer as if the price bids were reduced by —*

(a) *up to 10% — where the contract is for goods or services, up to a maximum price reduction of \$50 000; or*

(b) *up to 5% — where the contract is for construction (building) services, up to a maximum price reduction of \$50 000; or*

(c) *up to 10% — where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500 000, if the local government is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the local government.*

(2) *Although goods or services that form a part of a tender submitted by a tenderer (who is a regional tenderer by virtue of regulation 24B(2)(b)) may be —*

(a) *wholly supplied from regional sources; or*

(b) *partly supplied from regional sources, and partly supplied from non-regional sources,*

only those goods or services identified in the tender as being from regional sources may be included in the discounted calculations that form a part of the assessments of a tender when a regional price preference policy is in operation.

- (3) Despite subregulation (1), price is only one of the factors to be assessed when the local government is to decide which of the tenders it thinks would be most advantageous to that local government to accept under regulation 18(4).

24E. Regional price preference policies for local governments

- (1) Where a local government intends to give a regional price preference in relation to a process, the local government is to —
- (a) prepare a proposed regional price preference policy (if no policy has yet been adopted for that kind of contract); and
 - (b) give Statewide public notice of the intention to have a regional price preference policy and include in that notice —
 - (i) the region to which the policy is to relate; and
 - (ii) details of where a complete copy of the proposed policy may be obtained; and
 - (iii) a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions;
- and
- (c) make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice.
- (2) A regional price preference policy may be expressed to be —
- (a) for different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;
 - (b) for different goods or services within a single contract or various contracts;
 - (c) for different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders (subject to the limits imposed by regulation 24D),

or for any combination of those factors.

- (3) A region specified under this Part —
- (a) must be (or include) the entire district of the local government; and
 - (b) cannot include a part of the metropolitan area.
- (4) A policy cannot be adopted by a local government until the local government has considered all submissions that are received in relation to the proposed policy and, if that consideration results in significant changes to the proposed policy, then the local government must again give Statewide public notice of the altered proposed regional price preference policy.

24F. Adoption and notice of regional price preference policy

- (1) A policy cannot be adopted by a local government until at least 4 weeks after the publication of the Statewide notice of the proposed policy.
- (2) An adopted policy must state —
- (a) the region or regions within which each aspect of it is to be applied; and

- (b) *the types and nature of businesses that may be considered for each type of preference; and*
 - (c) *whether the policy applies to —*
 - (i) *different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;*
 - (ii) *different goods or services within a single contract or various contracts;*
 - (iii) *different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders,*
- or to any combination of those factors.*
- (3) *An adopted policy cannot be applied until the local government gives Statewide notice that it has adopted that policy.*
 - (4) *The local government is to ensure that a copy of an adopted regional price preference policy is —*
 - (a) *included with any specifications for tenders to which the policy applies; and*
 - (b) *made available in accordance with regulation 29 of the Local Government (Administration) Regulations 1996.*

24G. Adopted regional price preference policy, effect of

A local government that has adopted a regional price preference policy in relation to a certain type of contract may choose not to apply that policy to a particular tender in the future for a contract of that type but, unless it does so, the policy is to apply to all like tenders.

RISK:

Risk: Inability to fund the infrastructure gap.

Control: Develop LTFP to ensure critical assets maintained in Annual Budgets.

Risk: Inability to deliver levels of service expected by the community.

Control: Current budget and service levels.

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.



SHIRE OF WYNDHAM | EAST KIMBERLEY

Community Engagement Guidelines



PO Box 614 Kununurra 6743
115 Coolibah Drive
KUNUNURRA

Koolama Street WYNDHAM

T | 9168 4100

F | 9168 1798

E | mail@swek.wa.gov.au

W | www.swek.wa.gov.au

8.00am - 4.00pm MON - FRI

Introduction

Community engagement is crucial to effective, transparent and accountable governance in the public, community and private sectors. Effective engagement generates better decisions and can deliver more sustainable economic, environmental, social and cultural outcomes. Meaningful community engagement seeks to address barriers and build the capacity and confidence of all people to participate in and negotiate and partner with institutions that affect their lives.

These guidelines are to be used in conjunction with the Shire's CP/GOV-3100 Community Engagement Policy.

Community engagement level can only be determined on a 'case by case' basis, and therefore it is important to consider how much the project will impact the community when making a recommendation.

Shire Commitment to Engagement

Through community consultation in the development of the Shire's Strategic Community Plan 2012 – 2022, it was evident that two way communications with the Shire where the community has the opportunity to be actively involved in Council planning and decision making was a high priority. As a result, the following has been included in the Strategic Community Plan:

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational development.

Objective 1.1: Strong community engagement

Strategy 1.1.1: Investigate and implement options to encourage and integrate community input in Council planning, policies and decision making

Strategy 1.1.2: Improve planning processes to ensure broader engagement and identification of relevant issues from all parties.

Resources:

It is everyone's responsibility to ensure that the Shire achieves its objectives with regard to Community Engagement.

That said, the Shire's Community Development Officer will play a key role in ensuring these objectives are achieved through providing advice and guidance on Engagement practices, in particular in relation to the IAP2 framework.

How does the Shire engage with the community?

The Shire of Wyndham East Kimberley recognises the importance of inclusiveness of community engagement, in particular young people, people from diverse cultural backgrounds and people with disability. Engagement strategies will consider inclusiveness with a commitment to ensuring all members of the community are able to participate.

The Shire's approach to community engagement is based on the International Association of Public Participation's (IAP2) Spectrum. IAP2 views public participation as any process that involves the public in problem solving or decision making and uses public input to make decisions.

IAP2 Public Participation Spectrum

	Inform	Consult	Involve	Collaborate	Empower
Community Participation Goal	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	To obtain feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Promise to the Community	We will keep you informed	We will keep you informed, listen to and acknowledge aspirations and provide feedback on how public input influenced the decision	We will work with you to ensure that your concerns and aspirations are reflected in the alternatives developed and provide feedback on how community input influenced the decision	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide
Example Techniques	Fact sheets Websites Open houses	Public comment Focus groups Surveys Public meetings	Workshops Deliberative polling	Advisory committees Consensus building Participatory decision making	Citizen juries Ballots Delegated decision

How do we determine the level of community engagement required?

The level of community engagement required for a project can only be determined on a 'case by case' basis. It is important to consider how much the project will impact the community when making a recommendation. To assist with determining the required level, it is suggested that the Project Manager refers to Appendix 1: Project Expectations Worksheet.

What are techniques should be used to engage with the community?

Once the level of community engagement for the project has been determined, the Project Manager must then consider what engagement strategies will be required to provide the best outcome. To assist with determining which engagement strategies are best, it is suggested that the Project Manager refers to Appendix 2: Engagement Matrix.

If the Project Manager requires further information on any of the listed engagement strategies, or would like information on alternative strategies, please see the Shire's Community Development Officer.

Process

1. Where any project or decision has an impact on the Community, the Project Manager must consider the level of community engagement that is required (using the IAP2 Spectrum as a guide). To assist with determining the required level, the Project Manager can use the Project Expectations Worksheet.
2. Once the required level of community engagement for the project has been determined, the Project Manager must then consider what engagement strategies will be required to provide the best outcome. The Project Manager can use the Engagement Matrix to assist with the selecting the engagement strategies.
3. If required, the Project Manager will develop a Community Engagement Plan based on the IAP2 framework.
 - The Community Development Officer may provide advice and guidance with this process and methods.
 - For projects requiring complex engagement strategies, the Community Development Officer may develop these in consultation with the Project Manager.
4. Once the Plan has been confirmed, the community will be notified of the level of community engagement that will be required within the decision-making process and why this was chosen.
5. Community Consultation is a standing item on all Council Meeting Item and Council Briefing Item templates. Details of consultation will be provided to Council on relevant Council Reports.
6. It is recommended that each community consultation process be evaluated by the Project Manager once completed for quality improvement purposes. Evaluations should be recorded for future reference. To assist with this process please refer to the Evaluation Worksheet.

Other Documentation:

Templates:

- Project Expectations Worksheet
- Community Engagement Plan Template
- Community Engagement Process Review template

For additional information and guidance, please refer to the following documents:

- IAP2 Core Values for the Practice of Public Participation
- IAP2 Code of Ethics for Public Participation Practitioners
- IAP2 Public Participation Spectrum
- AA1000 Stakeholder Engagement Standard
- Community engagement techniques toolkit

Appendix 1.

Project Expectations Worksheet

Directions: Complete the table and follow instructions as a guide to determine the level of community engagement required for your project.

Assessment Questions	Very Low	Low	Moderate	High	Very High
What level of public participation is legally required for the project?			X		
To what extent do you believe the public could help improve the outcome of this project?			X		
At what level do you perceive public interest in this project?			X		
What is the potential for the public to influence the decision-making process?			X		
What level of media interest do you anticipate?		X			
What is the likelihood that the decision-makers will give full consideration to public input?				X	
What level of resources is likely to be available to support public participation?		X			
What is the anticipated level of political controversy?			X		
Total per column:		2	5	1	
Multiply each column by the following	x1	x2	x3	x4	x5
Result per column		4	15	4	
Combined score of all column =	23				
Divide combined score by 8	23 / 8				
End Result =	2.87				

Scale:

- 1 – 2 = Very low – Low. Spectrum recommendation at least “Inform”
- 2 – 3 = Low – Moderate. Spectrum recommendation at least “Consult”
- 3 – 4 = Moderate – High. Spectrum recommendation is “Involve”
- 4 – 5 = High – Very High. Spectrum recommendation is a minimum of “Involve”; consider opportunities for “Collaborate” or “Empower”

Appendix 2.

Engagement Matrix

There are 5 levels of Community Engagement, as per the IAP2 Public Participation Spectrum – Inform, Consult, Involve, Collaborate, and Empower. The following matrix assists in determining what engagement strategies are required for each level of community engagement.

KEY	
M	Mandatory. These activities <u>must be</u> undertaken
R	Recommended. Consider using these activities
O	Optional. These activities may be appropriate depending on the project, time & budget allocation

Engagement Strategies	Inform	Consult	Involve	Collaborate	Empower
SWEK Website – Latest News Page	M	M	M	M	M
SWEK Facebook Page	M	M	M	M	M
Internal Email	R	M	M	M	M
Executive Management Team	M	M	M	M	M
Councillor Communique	M	M	M	M	M
Council Briefings / Meetings	R	M	M	M	M
Public Notice	O	R	M	M	M
Community Contact Email	O	R	M	M	M
Media Press Release	O	R	M	M	M
SWEK News (The Kimberley Echo)	O	R	M	M	M
Kimberley Echo Line / Display Advertisement		O	R	M	M
West Australian Line / Display Advertisement	O	O	R	R	R
Direct Mail, Mail Drops	O	O	M	M	M
Fact Sheets, Q&As	O	R	R	R	R
Information Booths at Fairs or Events	O	R	M	M	M
Surveys / Comment Forms	O	M	M	R	R
Interviews	O	R	M	M	M
Public Meetings	O	R	M	M	M
Workshops	O	R	M	M	R
Advisory Groups / Committees	O	R	R	M	M
Citizen Juries	O	O	O	R	R
Focus Groups	O	R	M	M	M
World Cafes	O	O	R	R	R

The level of engagement and engagement strategies for your project will need to be recorded in the Community Engagement Plan. If you require further information on any of the above listed engagement strategies, or would like information on alternative strategies, please see the Shire's Community Development Officer.

Appendix 3.

Community Engagement Plan Template

Project Name: Regional Price Preference Policy

Date: _____

Project Manager: Jesse Johnson (Senior Procurement and Contracts Officer)

Why is this Project Required?	To support local businesses within the Shire of Wyndham East Kimberley through the adoption of a Policy which provides a price preference to regional businesses to enable them to be more competitive against non-regional business during quote/tender assessments
Who are the Decision Makers for the Project?	Council
What needs to be decided / changed?	Adoption of a Policy and a consensus on the details of the Policy

Engagement Parameters

Geographic Boundaries	Shire of Wyndham East Kimberley
Legislative	State wide public notice and a 4 week public comments period must be observed prior to policy adoption as per the Local Government (Form and Functions) Regulations
Timeline for Project	Adoption of a Policy by the end of August 2016
Budgetary	\$4000 – 8000 Dependent on number of public comment periods required
Non-Negotiables of Project	State wide advertising 4 week comments period
Negotiables of Project	Details of Adopted Policy

Level of Community Engagement: Consult

Stakeholder List

Organisation / Association	Name	Phone Number/s	Address / Email	Comments
Various local businesses in the Shire of Wyndham East Kimberley	Various	-	-	Local industry
Community	-	-	-	Local Community
Council	-	-	-	Council
Kununurra Chamber of Commerce & Industry				Chamber of Commerce
Kimberley Small Business Support		1300 339 641	manager@ksbs.com.au	Small Business Support

Engagement Timeline

Project Stage	Stage	Objectives	Stakeholders					Strategies	Timeframe	Responsible Officer/s
			Local Industry	Local Community	Council	Cha. commerce	Small business support			
Advertisement	2	Provide notice of the draft Regional Price Preference Policy and the 4 week public feedback period	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> - Advertisement in the West Australian, the Kimberley Echo and the Shire's Facebook Page once a week for 3 weeks, providing notice and inviting comment. - Public Notice on the Shire's noticeboard (Wyndham and Kununurra administration and library) and website - Media release - Email to Community Contact Email List - Mail out to East Kimberley Chamber of Commerce and Kimberley Small Business Support - Draft policy available for viewing on the councils website or hard copies available for collection at the Shire's administration offices - Production of a fact sheet available on the Council's website and via collection at the shires administration offices - Comments welcomed using an electronic survey formulated within SurveyMonkey 	Within 2 weeks of council endorsing draft Policy for Public advertising	<p>Jesse Johnson Senior Procurement and Contracts officer</p> <p>Debbie McCallum, Governance Officer</p>
Review	3	Review of all public comments following completion of public comments period	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> - Collaboration of comments - Presentation to council briefing of collaborated comments - Briefing discussion around changes (if necessary) 	<p>Within 4 weeks following closure of comments period</p> <p>End of June 2016</p>	Jesse Johnson Senior Procurement and Contracts Officer

Advertisement	4	In the event of significant Policy changes, repeat stages 2 and 3 with amended policy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Implementation	5.	Policy adoption	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Report to Council for Policy Adoption	July or August OCM	Jesse Johnson Senior Procurement and Contracts Officer
Implementation	6.	Public Notice of Policy Adoption	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	- Advertisement in the Kimberley Echo, the Shire's website and Facebook Page, providing notice of Policy Adoption	Within 3 business days of Council Adoption	Jesse Johnson Senior Procurement and Contracts officer Debbie McCallum, Governance Officer

Appendix 4.

Community Engagement Process Review Template

Project: _____

Project Manager: _____

1	Did the Engagement Plan meet the needs of the project?	Yes / No
2	If no, how could the plan be improved?	
3	Did the Engagement Strategies meeting the needs of the target audience?	Yes / No
4	If no, how could these strategies be improved to better meet the audience's needs?	
5	What went according to plan?	
6	What didn't go according to plan?	
7	What would you do differently next time?	
8	What aspects of the Project changed as a result of the community being engaged?	
9	Did the engagement make an impact on the stakeholders' views and/or decision?	Yes / No
10	Did the engagement make an impact on the Council's views and/or decision?	Yes / No
11	Overall how well do you think the project went?	Not Well / Average / Very Well
12	Further comments:	

Signed: _____

Date: _____

12.04.2. List of Accounts Paid from Municipal Fund and Trust Fund

DATE:	31 May 2016
AUTHOR:	Linzi Makin, Creditors Officer
RESPONSIBLE OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	FM.09.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the listing of accounts paid from the Municipal and Trust funds, being:	
Municipal EFT 126124 – 126314 (06 April – 28 April 16)	\$ 942,251.10
Municipal cheques 51296 - 51312 (06 April – 28 April 16)	\$ 113,990.61
Trust cheques 872 - 882 (07 April – 21 April 16)	\$ 8,083.60
Trust EFT 501143 – 501158 (01 April – 27 April 16)	\$ 9,789.20
Payroll (13 April – 27 April 16)	\$ 459,807.98
Direct bank debits (01 April – 28 April 16)	\$ 136,252.98
TOTAL	\$ 1,670,175.47

COUNCIL DECISION

Minute No: 11378

Moved: Cr B Robinson

Seconded: Cr N Perry

That Council receives the listing of accounts paid from the Municipal and Trust funds, being:

Municipal EFT 126124 – 126314 (06 April – 28 April 16)	\$ 942,251.10
Municipal cheques 51296 - 51312 (06 April – 28 April 16)	\$ 113,990.61
Trust cheques 872 - 882 (07 April – 21 April 16)	\$ 8,083.60
Trust EFT 501143 – 501158 (01 April – 27 April 16)	\$ 9,789.20
Payroll (13 April – 27 April 16)	\$ 459,807.98
Direct bank debits (01 April – 28 April 16)	\$ 136,252.98
TOTAL	\$ 1,670,175.47

Carried 8/0

PURPOSE

To present the listing of accounts paid from the Municipal Fund and Trust Fund in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register 2015/16 which was adopted by the Council on the 22 September 2015, the Council has delegated to the CEO the exercise of its power under regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

STATUTORY IMPLICATIONS

Local Government Act 1995 – section 5.42

Local Government (Financial Management) Regulations 1996 – Regulations 5, 11, 12, 12(1)(a) and 13.

POLICY IMPLICATIONS

Sub-delegation 12 “Payments from the Municipal Fund and Trust Fund” applies subject to compliance with Council Policy CP/FIN-3204 Purchasing.

FINANCIAL IMPLICATIONS

Ongoing management of the Shire’s funds by providing the Council with sufficient information to monitor and review payments made.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability

Objective 1.4: Business innovation, efficiency and improved service

Strategy 1.4.1 : Ensure legislative compliance and follow best practice principles in planning and service delivery

Strategy 1.4.3: Maintain Council's long term financial viability

RISK IMPLICATIONS

Strategic Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

In accordance with statutory requirements, each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled each month showing: the payee’s name, amount of payment, date of payment and sufficient information to identify the transaction. The list is to be presented at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

ATTACHMENTS - Item 12.04.2

Attachment 1 - List of Accounts Paid from Municipal Fund and Trust Fund.

ATTACHMENT 1**LIST OF ACCOUNTS SUBMITTED TO COUNCIL 31 MAY 2016**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT126124	06/04/2016	AERODROME MANAGEMENT SERVICES	SITE INVESTIGATION & PAVEMENT RESEAL DESIGN - WYNDHAM AIRPORT	4,973.74
EFT126125	06/04/2016	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	74.10
EFT126126	06/04/2016	AUST LOCAL GOVT JOB DIRECTORY	ADVERTISING - RECRUITMENT	594.00
EFT126127	06/04/2016	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	40.00
EFT126128	06/04/2016	BEST IT & BUSINESS SOLUTIONS PTY LTD	PRINTING COSTS - KUNUNURRA AND WYNDHAM ADMIN FEB 16	2,240.45
EFT126129	06/04/2016	COCA-COLA AMATIL	PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE	285.55
EFT126130	06/04/2016	CROCODILE SIGNS PTY LTD	SIGNAGE - KUNUNURRA LEISURE CENTRE	50.60
EFT126131	06/04/2016	AUTO TOW & REPAIR	REPAIRS - P144	345.35
EFT126132	06/04/2016	EAST KIMBERLEY HARDWARE	PLUMBING PARTS - STAFF HOUSING	55.10
EFT126133	06/04/2016	EAST KIMBERLEY PLUMBING	REPAIRS TO LEAKING PIPE IN WALL - KUNUNURRA LEISURE CENTRE	678.92
EFT126134	06/04/2016	EMILY WARMINGTON OCCUP. THERAP.	WORKERS COMPENSATION - TREATMENT SESSIONS	210.00
EFT126135	06/04/2016	FRANMOR CONSTRUCTIONS PTY LTD	REPLACE TOILET CEILING - KUNUNURRA VISITORS CENTRE	1,237.00
EFT126136	06/04/2016	IBAC PLUMBING PTY LTD	PLUMBING WORKS AT PUBLIC TOILET - MESSMATE WAY	255.42
EFT126137	06/04/2016	ICE AGE AIRCONDITIONING	REPAIRS TO AIRCONDITIONER - KUNUNURRA DEPOT	99.00
EFT126138	06/04/2016	IMAGESOURCE	BILINGUAL BUSINESS CARDS & NAME BADGES - ELECTED MEMBERS	231.00
EFT126139	06/04/2016	IXOM OPERATIONS PTY LTD	STORAGE AND HANDLING OF CHLORINE - WYNDHAM POOL	427.96
EFT126140	06/04/2016	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	74.10
EFT126141	06/04/2016	JORRITSMA H & CO	PLUMBING SUPPLIES - STAFF HOUSING	189.00
EFT126142	06/04/2016	KUNUNURRA CHAMBER OF COMMERCE	COMMUNITY QUICK GRANT	550.00
EFT126143	06/04/2016	KUNUNURRA RURAL TRADERS	FIRE HOSE REEL SERVICE - KUNUNURRA VISITORS CENTRE	30.00
EFT126144	06/04/2016	L3 COMMUNICATIONS AUST PTY LTD	SUPPLY OF SAMPLE TRAPS & EXPLOSIVES VERIFICATION KIT - EKR AIRPORT	1,104.40
EFT126145	06/04/2016	LAWRENCE & HANSON GROUP	SUPPLY OF LAMPS - KUNUNURRA YOUTH CENTRE & WYNDHAM REC CENTRE	759.71
EFT126146	06/04/2016	MRB PLUMBING PTY LTD	SUPPLY AND INSTALL EYE WASH & SAFETY SHOWER - WYNDHAM DEPOT	2,409.00
EFT126147	06/04/2016	MIRIMA COUNCIL ABORIGINAL CORP.	PURCHASE OF BOOKS FROM LANGUAGE CENTRE - KUNUNURRA LIBRARY	132.00
EFT126148	06/04/2016	MOONLIGHT BAY SUITES	ACCOMMODATION-ELECTED MEMBER-14/3/16 REGIONAL RD GROUP MEETING	153.00
EFT126149	06/04/2016	ORDCO	PEST AND WEED CONTROL - KUNUNURRA DEPOT	847.00
EFT126150	06/04/2016	QUICK CORPORATE AUSTRALIA	STATIONERY & SUPPLIES - WYNDHAM POOL AND KUNUNURRA ADMIN	974.06
EFT126151	06/04/2016	TNT AUSTRALIA PTY LIMITED	FREIGHT- KUNUNURRA - PERTH - HEALTH SAMPLES	278.31
EFT126152	06/04/2016	ROSE & CROWN HOTEL	ACCOM. AND MEALS - STAFF MEMBER - ATTEND TRAINING 29/02 - 12/03/16	2,337.00
EFT126153	06/04/2016	VISIMAX	EMERGENCY LIGHTS - P144	523.70

EFT126154	06/04/2016	VORGE PTY LTD	PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE	605.00
EFT126155	06/04/2016	WILD MANGO	CATERING - COUNCIL BRIEFING SESSION - 9/3/16	352.00
EFT126156	06/04/2016	WORLEY PARSONS SERVICES PTY LTD	RFQ10 15/16 - VARIATON 1 - ENGINEERING SERVICES LILY CREEK BOAT RAMP	4,468.75
EFT126157	14/04/2016	AMPAC DEBT RECOVERY (WA) PTY LTD	DEBT COLLECTION COMMISSIONS AND COSTS - MARCH 2016	544.96
EFT126158	14/04/2016	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	414.27
EFT126159	14/04/2016	AERODROME MANAGEMENT SERVICES	ANNUAL AERODROME SAFETY INSPECTION - WYNDHAM & KUNUNURRA	7,785.71
EFT126160	14/04/2016	ALL HOURS SECURITY	SECURITY MONITORING & PATROLS - KNX ADMIN, KLC & WYNDHAM ADMIN	8,879.64
EFT126161	14/04/2016	AUST LOCAL GOVT JOB DIRECTORY	ADVERTISING - RECRUITMENT	297.00
EFT126162	14/04/2016	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	154.80
EFT126163	14/04/2016	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	77,693.00
EFT126164	14/04/2016	AUTO TOW & REPAIR	SERVICE AND PARTS - P130	1,207.39
EFT126165	14/04/2016	BROOME TOYOTA	RFQ19 15/16 - SUPPLY, REGISTRATION & DELIVERY -P144	38,622.38
EFT126166	14/04/2016	BLACKWOODS	PARTS AND SAFETY EQUIPMENT - KUNUNURRA DEPOT	180.80
EFT126167	14/04/2016	BOAB AIRCONDITIONING	SUPPLY & INSTALL REPLACEMENT AIRCONDITIONER - KNX AIRPORT	5,060.00
EFT126168	14/04/2016	BUDGET RENT A CAR	CAR RENTAL - STAFF MEMBER ATTENDING TRAINING - 13/3/16 - 19/3/16	569.42
EFT126169	14/04/2016	BUSHCAMP SURPLUS STORE	PROTECTIVE CLOTHING - OUTDOOR WORKFORCE	600.50
EFT126170	14/04/2016	C & S JOLLY ELECTRICS PTY LTD	LIGHT MAINTENANCE - KUNUNURRA LEISURE CENTRE	318.15
EFT126171	14/04/2016	CABCHARGE	ACCOUNT KEEPING FEE - MARCH 2016	6.00
EFT126172	14/04/2016	CAPS HIRE	EXCAVATOR HIRE - DRAIN MAINTENANCE - KUNUNURRA DEPOT	275.00
EFT126173	14/04/2016	CARPET, VINYL & TILE CENTRE	SUPPLY OF VINYL & PAINTS - STAFF HOUSING	1,611.05
EFT126174	14/04/2016	CITY OF KARRATHA	LICENCE FEES - CERT. OF DESIGN COMPLIANCE FOR BUILDING APP. 101949	990.82
EFT126175	14/04/2016	CROCODILE SIGNS PTY LTD	DOUBLE SIDED SIGN - DEPT OF PARKS & WILDLIFE - IVANHOE RD	233.20
EFT126176	14/04/2016	DSC CONTRACTING	INSPECTION OF DURESS ALARM KUNUNURRA ADMINISTRATION BUILDING	390.50
EFT126177	14/04/2016	DAVEY TYRE & BATTERY SERVICE	REPLACEMENT TYRES AND PUNCTURE REPAIR - P130 & P309	1,270.20
EFT126178	14/04/2016	DELRON CLEANING PTY LTD	CONTRACT CLEANING - KNX ADMIN, KYC, KLC, CHANGE RMS & TOILETS KNX	14,568.38
EFT126179	14/04/2016	EK ENGINEERING	REPAIRS - P136	429.00
EFT126180	14/04/2016	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS - KUNUNURRA ADMINISTRATION AND DEPOT	369.20
EFT126181	14/04/2016	EAST KIMBERLEY PLUMBING	ANNUAL BACKFLOW TESTING OF STANDPIPE - COVERLEY ST WYNDHAM	313.50
EFT126182	14/04/2016	ENGINEERED WATER SOLUTIONS P/L	SUPPLY, FABRICATE AND INSTALL CLEATS - LILY CREEK LAGOON BOAT RAMP	484.00
EFT126183	14/04/2016	FIGLEAF POOL PRODUCTS	POOL PLANT EQUIPMENT - WYNDHAM AND KUNUNURRA POOLS	3,967.20
EFT126184	14/04/2016	FRONTIER POST & NEWS	POSTAGE & STATIONERY - MARCH 2016 & AUGUST 2015 - WYNDHAM ADMIN.	54.25
EFT126185	14/04/2016	GYMCARE	ANTIBACTERIAL GYM WIPES - KUNUNURRA LEISURE CENTRE	242.00
EFT126186	14/04/2016	HEALTH INSURANCE FUND OF AUST	PAYROLL DEDUCTIONS	66.25
EFT126187	14/04/2016	IBAC PLUMBING PTY LTD	PLUMBING WORKS - PUBLIC TOILETS - WHITEGUM PARK KUNUNURRA	134.20

EFT126188	14/04/2016	J. CAV ELECTRICAL	REPLACEMENT OF ENTRANCE LIGHTS AND LABOUR - TED BIRCH REC. CENTRE	441.80
EFT126189	14/04/2016	JAB INDUSTRIES	SUPPLY 20.2 TONNE OF GRAVEL - MAINTENANCE GRADING - WEABER PLAIN RD	224.40
EFT126190	14/04/2016	KIMBERLEY PUMPING SERVICE	SUPPLY FITTINGS AND REPAIR FRACTURED MAINS - COOLIBAH DV KUNUNURRA	682.00
EFT126191	14/04/2016	KUNUNURRA HOME & GARDEN	GAS - STAFF HOUSING	330.00
EFT126192	14/04/2016	KUNUNURRA WATER SKI CLUB	ANNUAL COMMUNITY GRANT	4,246.00
EFT126193	14/04/2016	LANDGATE	GROSS RENTAL VALUATIONS, RURAL UVS - 16/01/16 - 12/02/16	961.92
EFT126194	14/04/2016	LAWRENCE & HANSON GROUP	DIFFUSER GLOBE - KUNUNURRA LEISURE CENTRE	74.62
EFT126195	14/04/2016	MRB PLUMBING PTY LTD	PLUMBING WORK - KUNUNURRA DEPOT	744.98
EFT126196	14/04/2016	MAXXIA	PAYROLL DEDUCTIONS	5,840.77
EFT126197	14/04/2016	METALAND KUNUNURRA	NEETASCREEN RAILS & OTHER MINOR EQUIPMENT-STAFF HSING & KNX DEPOT	503.67
EFT126198	14/04/2016	OFFICE NATIONAL KUNUNURRA	STATIONERY SUPPLIES - WYNDHAM ADMINISTRATION	236.05
EFT126199	14/04/2016	ORD AGRICULTURAL EQUIPMENT	REPLACEMENT PARTS - P356, P495 & P492	692.17
EFT126200	14/04/2016	ORD FUEL SUPPLIES	BULK DIESEL, GREASE CARTRIDGES - KUNUNURRA DEPOT, P356 &P357	7,879.37
EFT126201	14/04/2016	ORD MACHINING	PARTS - P385	783.20
EFT126202	14/04/2016	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	184.50
EFT126203	14/04/2016	ROCKSTAR MEDIA	PHOTOGRAPHY AUSTRALIAN CITIZENSHIP CEREMONY - 21/03/2016	165.00
EFT126204	14/04/2016	SETON AUSTRALIA	SIGNAGE - POOL SAFETY SIGNS - WYNDHAM POOL	337.15
EFT126205	14/04/2016	SHELF SUPPLY	PROTECTIVE CLOTHING - OUTDOOR WORKFORCE	375.00
EFT126206	14/04/2016	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	385.00
EFT126207	14/04/2016	STATE LIBRARY OF WESTERN AUSTRALIA	LOST LIBRARY BOOKS - KUNUNURRA LIBRARY	1,491.60
EFT126208	14/04/2016	SUNNY SIGN COMPANY PTY LTD	PARKING SIGNAGE - EAST KIMBERLEY REGIONAL AIRPORT	536.25
EFT126209	14/04/2016	TUCKERBOX STORES	PROVISIONS AND MATERIALS - KNX ADMIN, EKR AIRPORT, KNX LIBRARY & KLC	653.21
EFT126210	14/04/2016	TYREPLUS KUNUNURRA	REPLACEMENT TYRE - P138	100.00
EFT126211	14/04/2016	VANDERFIELD NORTHWEST PTY LTD	REPLACEMENT PARTS - P135, P138, P394, P387	669.33
EFT126212	14/04/2016	WESTRAC EQUIPMENT PTY LTD	PARTS AND LABOUR - P488	319.44
EFT126213	14/04/2016	WEST AUSTRALIAN NEWSPAPERS LTD	ADVERTISING - RECRUITMENT, SWEK NEWS FEBRUARY 2016	2,638.49
EFT126214	14/04/2016	WYNDHAM SUPERMARKET	PROVISIONS AND MATERIAL - WYNDHAM ADMIN	221.79
EFT126215	21/04/2016	AUST PERFORMING RIGHT ASSOC. LTD	LICENCE FEES - KLC, WYN REC CNT, PETER REID MEM. HALL 01/07/15-30/06/16	240.34
EFT126216	21/04/2016	ALLGEAR MOTORCYCLES	PARTS - P356	125.05
EFT126217	21/04/2016	AUSTRALIAN AIRPORTS ASSOCIATION	AIRPORT OPERATIONS EXHIBITION - REGISTRATION FEE - 25 & 26 MAY 2016	990.00
EFT126218	21/04/2016	AUSTRALIAN TAXATION OFFICE	BAS PAYMENT - MARCH 2016	20,895.00
EFT126219	21/04/2016	BOC LIMITED	INDUSTRIAL BOTTLE RENTAL - MARCH 2016	297.98
EFT126220	21/04/2016	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	48.00
EFT126221	21/04/2016	BEING THERE SOLUTIONS PTY LTD	VIDEO CONFERENCING SUBSCRIPTION - MARCH 2016	1,650.00

EFT126222	21/04/2016	COCA-COLA AMATIL	PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE	235.94
EFT126223	21/04/2016	DSC CONTRACTING	REPLACE AND REPAIR ITEMS - KNX ADMIN, KNX LANDFILL & EKR AIRPORT	1,458.60
EFT126224	21/04/2016	DY-MARK (WA) PTY LTD	REPLACE LINE MARKING SPRAYS - WYNDHAM DEPOT	667.01
EFT126225	21/04/2016	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	300.00
EFT126226	21/04/2016	EK ENGINEERING	ANIMAL MANAGEMENT CAGES AND CONSTRUCTION OF SHOVEL RACK - P144	1,003.75
EFT126227	21/04/2016	EAST KIMBERLEY HARDWARE	METAL DOOR FRAME AND DOOR - KUNUNURRA ADMINISTRATION BUILDING	371.80
EFT126228	21/04/2016	EXPRESS VIRTUAL MEETINGS	TELECONFERENCE CHARGES - MARCH 2016	92.54
EFT126229	21/04/2016	GUYMER CONCRETING AND LABOUR	CONCRETE CUTTING AND REMOVAL, REPLACEMENT PAVERS-KNX LEISURE CNT	665.50
EFT126230	21/04/2016	HART SPORT	BASKETBALL AND VOLLEYBALL EQUIPMENT - KUNUNURRA LEISURE CENTRE	305.90
EFT126231	21/04/2016	INSYNC SURVEYS	STAFF SURVEY - FOCUS GROUP & ACTION PLANNING 2015 FINAL INSTALMENT	3,382.50
EFT126232	21/04/2016	JASON SIGNMAKERS LTD	RANGER STICKERS & STRIPING - P142, P144, P387	1,415.37
EFT126233	21/04/2016	KIMBERLEY GROUP TRAINING	CATERING AFTER HOURS MEETING - EAST KIMBERLEY REGIONAL AIRPORT	33.50
EFT126234	21/04/2016	KIMBERLEY KOOL AIRCONDITIONING	REPAIRS TO AIRCONDITIONING UNITS - EK REGIONAL AIRPORT	2,116.00
EFT126235	21/04/2016	KIMBERLEY MARKETING	PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE	180.03
EFT126236	21/04/2016	KIMBERLEY MOTORS	FUEL COSTS - FEBRUARY 2016	2,120.08
EFT126237	21/04/2016	KIMBERLEY TREE SERVICES PTY LTD	TREE LOPPING AND REMOVAL OF WASTE - TOWN OVAL KUNUNURRA	850.00
EFT126238	21/04/2016	KUNUNURRA COURIERS	DRINKING WATER - KUNUNURRA LANDFILL - JAN - FEB 16	406.00
EFT126239	21/04/2016	KUNUNURRA HOME & GARDEN	STORAGE CONTAINER AND PLANT - KLC POOL AND KNX AIRPORT	141.00
EFT126240	21/04/2016	KUNUNURRA LOCK & KEY	REPLACE LOCK ON FEMALE TOILET, REPLACE KEY FOR LIGHTBOX - TOWN OVAL	397.00
EFT126241	21/04/2016	LANDGATE	MINING TENEMENTS SCHEDULE - 04/02/2016 - 03/03/2016	37.50
EFT126242	21/04/2016	LAWRENCE & HANSON GROUP	PURCHASE OF MAINTENANCE MATERIALS - KLC AND KUNUNURRA ADMIN.	438.23
EFT126243	21/04/2016	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	192.79
EFT126244	21/04/2016	MCDOWALL AFFLECK PTY LTD	PROGRESS PMT - RFQ26 2015/16 , DRAINAGE AND SEAL DESIGN - KNX & WYN	4,540.42
EFT126245	21/04/2016	ORD RIVER ELECTRICS	INSPECT AND REPORT CONDITION OF OVAL LIGHTS - WYNDHAM OVAL	253.00
EFT126246	21/04/2016	ORDCO	WEED CONTROL - EAST KIMBERLEY REGIONAL AIRPORT	995.50
EFT126247	21/04/2016	ROYAL LIFE SAVING (WA BRANCH)	BANNERS AND SWIM SCHOOL CERTIFICATES - WYNDHAM POOL AND KLC	628.00
EFT126248	21/04/2016	SIGMA CHEMICALS	POOL CLEANER - KUNUNURRA LEISURE CENTRE	9,680.00
EFT126249	21/04/2016	ST JOHN AMBULANCE	SNAKE BITE FIRST AID KITS X 2	30.00
EFT126250	21/04/2016	STATE LIBRARY OF WESTERN AUSTRALIA	FREIGHT 2015 -16 CHARGES FOR INTER-LIBRARY LOAN DELIVERY - KNX LIBRARY	1,853.91
EFT126251	21/04/2016	TNT AUSTRALIA PTY LIMITED	FREIGHT - KNX - PERTH - HEALTH SAMPLES	91.76
EFT126252	21/04/2016	TOX FREE AUSTRALIA PTY LTD	BIN & SKIP EMPITES - KLC AND KNX DEPOT MARCH 2016	1,296.40
EFT126253	21/04/2016	VANDERFIELD NORTHWEST PTY LTD	SERVICE - P117	1,170.05
EFT126254	21/04/2016	WARINGARRI MEDIA ABORIGINAL CORP	RADIO ADVERTISING - FIGHT THE BITE MOSQUITO CAMPAIGN	1,804.00
EFT126255	21/04/2016	WYNDHAM PLUMBING & GAS PTY LTD	SERVICE STOVE - STAFF HOUSING	222.75

EFT126256	21/04/2016	WYNDHAM SUPERMARKET	PROVISIONS AND MATERIALS - WYNDHAM ADMINISTRATION	240.56
EFT126257	28/04/2016	ASK WASTE MANAGEMENT	OPERATIONAL ADVICE & ONSITE VISIT KNX & WYN LANDFILL SITES - 14-17/3/16	7,788.37
EFT126258	28/04/2016	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	414.27
EFT126259	28/04/2016	ALLGEAR MOTORCYCLES	PARTS - P356	167.50
EFT126260	28/04/2016	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	154.80
EFT126261	28/04/2016	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	82,652.00
EFT126262	28/04/2016	BEST IT & BUSINESS SOLUTIONS PTY LTD	PRINTING COSTS - KUNUNURRA AND WYNDHAM ADMIN - MARCH 16	1,973.55
EFT126263	28/04/2016	BLACKWOODS	PARTS INCLUDING OXY REGULATOR - KUNUNURRA LANDFILL	550.00
EFT126264	28/04/2016	BOAB AIRCONDITIONING	REPLACEMENT ICE MACHINES - WYNDHAM DEPOT AND KUNUNURRA DEPOT	6,660.00
EFT126265	28/04/2016	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	33.00
EFT126266	28/04/2016	CARPET, VINYL & TILE CENTRE	REPAIR CARPET - KUNUNURRA OUTDOOR CRICKET PITCHES	1,023.00
EFT126267	28/04/2016	COATES HIRE OPERATIONS PTY LTD	GENERATOR HIRE - WYNDHAM LANDFILL - MARCH 2016	1,336.50
EFT126268	28/04/2016	CR BEATRICE JANE PARKER	REIMBURSEMENT OF MEAL EXPENSES - ZONE YOUTH STRATEGY LAUNCH	154.00
EFT126269	28/04/2016	DRYSDALE RIVER STATION	ACCOM. & MEALS -STAFF MEMBERS - 4/4/2016 - INSPECTION KALUMBURU RD	496.06
EFT126270	28/04/2016	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS - KUNUNURRA ADMIN. AND DEPOT	1,259.25
EFT126271	28/04/2016	ECOFLO WASTE WATER MANAGEMENT	PURCHASE OF COMPOSTING TOILET - FIVE RIVERS LOOKOUT WYNDHAM	1,749.92
EFT126272	28/04/2016	ENGINEERED WATER SOLUTIONS P/L	T01 15/16 LILY CK LAGOON BOAT RAMP - PROGRESS CLAIM 2 2MARCH 2016	390,259.98
EFT126273	28/04/2016	GEMECOM	DESTINY SOFTWARED SUBSCRIPTION - WYNDHAM LIBRARY 31/5/16 - 31/5/17	1,295.00
EFT126274	28/04/2016	GUERINONI & SON	FLOAT HIRE - LAKE ARGYLE ROAD MAINTENANCE	330.00
EFT126275	28/04/2016	HEALTH INSURANCE FUND OF AUST	PAYROLL DEDUCTIONS	66.25
EFT126276	28/04/2016	IBAC PLUMBING PTY LTD	PLUMBING WORKS - KUNUNURRA LEISURE CENTRE & WYNDHAM POOL	1,246.28
EFT126277	28/04/2016	J. CAV ELECTRICAL	FRIDGE INSPECTION - TED BIRCH MEMORIAL YTH & REC CENTRE WYNDHAM	110.00
EFT126278	28/04/2016	JASON SIGNMAKERS LTD	PLAQUES FOR THE 2016 BABY TREE PROGRAM - AUSTRALIA DAY	464.20
EFT126279	28/04/2016	JAB INDUSTRIES	SUPPLY GRAVEL AND CONCRETE SLAB - EKR AIRPORT & POUND	9,427.00
EFT126280	28/04/2016	KIMBERLEY COMMUNICATIONS	RESET WYNDHAM TOWER DECODER TO PICK UP RADIO STATIONS	600.00
EFT126281	28/04/2016	KIMBERLEY MARKETING	CLEANING PRODUCTS - EAST KIMBERLEY REGIONAL AIRPORT	155.44
EFT126282	28/04/2016	KIMBERLEY TREE SERVICES PTY LTD	REMOVAL OF DYING TREE FROM KUNUNURRA VISITOR CENTRE CARPARK	950.00
EFT126283	28/04/2016	KUNUNURRA BETTA ELECTRICAL & GAS	FREEZER - KUNUNURRA LANDFILL	445.87
EFT126284	28/04/2016	KUNUNURRA COMM. RESOURCE CTR	CONTRIBUTION FOR 2015 SENIORS WEEK - COMMUNITY DEV. PROGRAM	369.50
EFT126285	28/04/2016	KUNUNURRA COURIERS	DRINKING WATER - KNX LANDFILL SITE & ADMIN OFFICE - MARCH 2016	504.00
EFT126286	28/04/2016	KUNUNURRA HOME & GARDEN	VARIOUS HARDWARE ITEMS - KNX DEPOT, AIRPORT & WYNDHAM POOL	126.35
EFT126287	28/04/2016	KUNUNURRA LAKESIDE RESORT	CATERING - COUNCIL BRIEFING SESSION - 9/3/16	360.00
EFT126288	28/04/2016	KUNUNURRA LOCK & KEY	CUT KEYS - STAFF HOUSING	20.00
EFT126289	28/04/2016	LANDGATE	GROSS RENTAL VALUATIONS CHARGEABLE - 24/10/15 - 20/11/15	534.76

EFT126290	28/04/2016	LAWRENCE & HANSON GROUP	6 X FLURO LAMPS - KUNUNURRA LEISURE CENTRE	106.46
EFT126291	28/04/2016	MARKETFORCE PTY LTD	ADVERTISING - T06 15/16 COMMERCIAL CLEANING SERVICES	6,176.83
EFT126292	28/04/2016	MAXXIA	PAYROLL DEDUCTIONS	5,840.51
EFT126293	28/04/2016	MCDOWALL AFFLECK PTY LTD	RFQ 26 2015/16 ENGINEERING CONSULTANCY - SITE VISITS 23/03-30/03/16	10,340.00
EFT126294	28/04/2016	MCLEAN ENTERPRISES PTY LTD	FREIGHT - KUNUNURRA TO WYNDHAM - GAS CYLINDERS - STAFF HOUSING	33.00
EFT126295	28/04/2016	MCMULLEN NOLAN GROUP PTY LTD	WYNDHAM AIRPORT LINE MARKING SURVEY - PART PAYMENT	1,925.00
EFT126296	28/04/2016	NYTROWORX	INSTALL SHELVING AND BUG ZAPPER TO WALLS - KUNUNURRA AIRPORT	90.00
EFT126297	28/04/2016	ORD RIVER ELECTRICS	REPLACE LAMPS & REPAIR FLOOR SCRUBBER - WYN BOAT RAMP, & EKRA	513.58
EFT126298	28/04/2016	OFFICE NATIONAL KUNUNURRA	STATIONERY - KUNUNURRA ADMINISTRATION	67.75
EFT126299	28/04/2016	OLLIE'S IRRIGATION & PLUMBING	RETICULATION SUPPLIES - WYNDHAM	264.45
EFT126300	28/04/2016	ORD AGRICULTURAL EQUIPMENT	PARTS - P495	47.85
EFT126301	28/04/2016	ORD FUEL SUPPLIES	FUEL COSTS - MARCH 2016 - P119, P128, P394, P470, P482	1,394.90
EFT126302	28/04/2016	ORD MACHINING	REPAIRS - P382	454.25
EFT126303	28/04/2016	ORDCO	WEED CONTROL CHEMICALS - WYNDHAM & KUNUNURRA	1,613.62
EFT126304	28/04/2016	SHELF SUPPLY	DOG FOOD AND OTHER MISCELLANEOUS ITEMS - KUNUNURRA DOG POUND	130.00
EFT126305	28/04/2016	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	38.00
EFT126306	28/04/2016	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	427.49
EFT126307	28/04/2016	TNT AUSTRALIA PTY LIMITED	FREIGHT - KNX - PERTH - HEALTH SAMPLES	123.30
EFT126308	28/04/2016	TECHNOLOGY ONE LTD	ANNUAL LICENSING & TECHNICAL SUPPORT - 11/09/15 - 10/09/16	9,482.00
EFT126309	28/04/2016	THINK WATER KUNUNURRA	RETICULATION MAINTENANCE AND FREIGHT - MESSMATE WAY	89.67
EFT126310	28/04/2016	TOLL EXPRESS	FREIGHT - KLC, ENVIRONMENTAL HEALTH & PARTS FOR P142 - APRIL 2016	613.95
EFT126311	28/04/2016	TOX FREE AUSTRALIA PTY LTD	WASTE COLLECTION & STREET SWEEPING - MARCH 2016	67,702.54
EFT126312	28/04/2016	VORGE PTY LTD	PURCHASE OF CONSUMABLES FOR RESALE - KUNUNURRA LEISURE CENTRE	336.60
EFT126313	28/04/2016	WEST AUSTRALIAN NEWSPAPERS LTD	ADVERTISING - RECRUITMENT, SWEK NEWS MARCH 2016	2,816.49
EFT126314	28/04/2016	WORLEY PARSONS SERVICES PTY LTD	RFQ10 15/16 - ENGINEERING SERVICES LILY CREEK LAGOON BOAT RAMP -	27,046.55
TOTAL MUNICIPAL EFT PAYMENTS				942,251.10

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
51296	06/04/2016	CITY OF STIRLING	PAYMENT FOR DAMAGED INTER LIBRARY LOAN BOOK	12.10
51297	06/04/2016	DEPARTMENT OF TRANSPORT	REGISTRATION FEES - P111, P145, P480	590.70
51299	06/04/2016	HORIZON POWER	ELEC- KNX AIRPORT, DEPOT, PUBLIC TOILETS, KNX LANDFILL, PACKSADDLE BFB	26,356.08
51300	06/04/2016	TELSTRA	EXECUTIVE INTERNET CHARGES - BILLING PERIOD 08/02/16 - 07/03/16	99.13
51301	06/04/2016	WATER CORPORATION	WATER USE - EFFLUENT PONDS, WYN SPORTS OVAL, WYN POOL, REC CNT	12,120.79
51302	07/04/2016	GAVIN MURPHY	REIMBURSEMENT OF REGISTRATION FEES AS PER DOG ACT 1976	50.00

51303	14/04/2016	WATER CORPORATION	WATER USE & SERVICE - LIONS PARK & BONAPARTE PARK WYNDHAM	1,489.94
51304	21/04/2016	HORIZON POWER	ELEC.- VAR. INCL. KLC, WYN POOL, MESSMATE PUMP, WYN OFFICE 4/2-29/3/16	58,715.08
51305	21/04/2016	TELSTRA	MOBILE & LANDLINE COSTS - MARCH 2016	2,786.51
51306	21/04/2016	WATER CORPORATION	REPAIRS TO METER & CHARGES - STAFF HOUSING & WYNDHAM AIRPORT	3,725.02
51307	28/04/2016	CASH - PETTY CASH	PETTY CASH REIMBURSEMENT - EAST KIMBERLEY REGIONAL AIRPORT	95.30
51308	28/04/2016	DEPARTMENT OF TRANSPORT	REGISTRATION - P479	52.80
51309	28/04/2016	HORIZON POWER	ELEC. - SWIM BEACH TOILET, WYNDHAM DEPOT 29/1/16-29/3/16	879.48
51310	28/04/2016	KUNUNURRA RSL	COMMUNITY QUICK GRANT - 2016 ANZAC DAY DAWN SERVICE	330.00
51311	28/04/2016	REBECCA FISHER	REIMBURSEMENT - SWIMMING LESSONS MISSED DUE TO INJURY	37.50
51312	28/04/2016	TELSTRA	LANDLINE COSTS MARCH 2016	6,650.18
TOTAL MUNICIPAL CHEQUE PAYMENTS				113,990.61

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
872	07/04/2016	BUILDING & CONST. IND. TRNG FUND	BCITF COLLECTIONS FOR MARCH 2016	1,502.47
873	07/04/2016	SHIRE OF WYNDHAM EAST KIMBERLEY	BCITF COMMISSIONS FOR MARCH 2016	41.25
876	07/04/2016	SHIRE OF WYNDHAM EAST KIMBERLEY	BSL COMMISSIONS FOR MARCH 2016	55.00
877	07/04/2016	WA DEPT. OF COMMERCE	BSL COLLECTIONS FOR MARCH 2016	4,034.88
878	14/04/2016	ENGAWA ARCHITECTS	KERB BOND REFUND - BP 117/2013	600.00
879	14/04/2016	GEORGINA WILLIAMS	BOND REFUND - HALL HIRE - PETER REID MEMORIAL HALL WYNDHAM	1,050.00
881	21/04/2016	JILL WILLIAMS	BOND REFUND - HALL HIRE - KUNUNURRA LEISURE CENTRE	250.00
882	21/04/2016	NGNOWAR-AERWAH AB. CORP	BOND REFUND - HIRE - TED BIRCH MEMORIAL YTH & REC. CENTRE WYNDHAM	550.00
TOTAL TRUST CHEQUE PAYMENTS				8,083.60

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
501143	01/04/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 01/04/16	615.25
501144	04/04/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 04/04/16	385.55
501145	05/04/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 05/04/16	167.80
501146	06/04/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 06/04/16	340.40
501147	07/04/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 07/04/16	1,129.45
501148	08/04/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 08/04/16	1,175.50
501149	13/04/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 13/04/16	1,923.00
501150	14/04/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 14/04/16	73.00
501151	15/04/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 15/04/16	689.35

501152	18/04/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 18/04/16	437.30
501153	19/04/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 19/04/16	940.40
501154	20/04/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 20/04/16	328.70
501155	21/04/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 21/04/16	306.30
501156	22/04/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 22/04/16	124.75
501157	26/04/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 26/04/16	83.60
501158	27/04/2016	TRUST DPI CLEARING	TRANSPORT CLEARING 27/04/16	1,068.85
TOTAL DIRECT DEBIT TRANSPORT PAYMENTS				9,789.20

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	13/04/2016	PAYROLL	PAYROLL	225,632.55
	14/04/2016	PAYROLL	PAYROLL	3,382.00
	21/04/2016	PAYROLL	PAYROLL	3,259.44
	27/04/2016	PAYROLL	PAYROLL	227,533.99
TOTAL PAYROLL PAYMENTS				459,807.98

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	1/04/2016	BANKWEST	BANK FEES	174.25
	1/04/2016	CLICKSUPER	EMPLOYEE SUPERANNUATION CONTRIBUTIONS	42,446.96
	1/04/2016	FIRST DATA MERCHANT SERVICES	EFTPOS FEES	756.40
	1/04/2016	NATIONAL AUSTRALIA BANK	BPAY FEES	101.09
	7/04/2016	MESSAGES ON HOLD	MESSAGES ON HOLD	507.00
	15/04/2016	CLICKSUPER	EMPLOYEE SUPERANNUATION CONTRIBUTIONS	41,210.08
	20/04/2016	BANKWEST	PERIODICAL PAYMENT TO MASTERCARD*	8,832.94
	21/04/2016	WRIGHT EXPRESS	PUMA FUEL CARDS MARCH 2016	1,252.12
	28/04/2016	CLICKSUPER	EMPLOYEE SUPERANNUATION CONTRIBUTIONS	40,972.14
TOTAL DIRECT DEBIT PAYMENTS				136,252.98

***DETAILS OF MASTERCARD TRANSACTIONS INCLUDED IN DIRECT DEBIT 20/04/2016**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	29/02/2016	AVIATION ID AUSTRALIA	AVIATION SECURITY ID CARD - STAFF MEMBER - EKR AIRPORT	222.00
	01/03/2016	FUSION BROADBAND	WYNDHAM DUAL INTERNET LINK	187.00
	01/03/2016	SENSIBLE SOFTWARE	ANNUAL RENEWAL NETWORK MONITORING SOFTWARE	20.84

01/03/2016	BANKWEST	FOREIGN TRANSACTION FEE - SENSIBLE SOFTWARE	0.61
01/03/2016	RECREATIONAL AVIATION	ASIC CARD RENEWAL	200.00
01/03/2016	SPINIFEX HOTEL DERBY	MEALS - STAFF MEMBER ATTENDING MEETING 28/2/16 - 29/2/16	54.00
02/03/2016	NETREGISTRY	ANNUAL DOMAIN NAME REGISTRATION	47.85
02/03/2016	BARRACUDA NETWORKS	ANNUAL RENEWAL - LIBRARY BACKUP SOFTWARE	151.43
02/03/2016	BANKWEST	FOREIGN TRANSACTION FEE BARRACUDA NETWORKS	4.47
02/03/2016	QBE INSURANCE	INSURANCE - FLIGHTS 13/3 & 19/3/16 STAFF MEMBER ATTENDING TRAINING	12.00
03/03/2016	ECHO 1 PTY LTD	PRINTER SUPPLIES FOR PLOTTER	437.00
03/03/2016	QANTAS AIRWAYS	FLIGHTS 13/3 & 19/3/16 - KNX-PER-KNX - STAFF MEMBER ATTEND TRAINING	1,080.43
04/03/2016	KUNUNURRA HOME AND GARDEN	RUBBISH BIN - ICT OFFICE KUNUNURRA	25.25
08/03/2016	AUST. SECURITIES & INVEST. COMM.	ASIC SEARCH - MINOR CASE CLAIM	19.00
08/03/2016	AUST. SECURITIES & INVEST. COMM.	ASIC SEARCH - MINOR CASE CLAIM	19.00
08/03/2016	AVIATION ID AUSTRALIA	AVIATION SECURITY ID CARD - STAFF MEMBER - EKR AIRPORT	222.00
11/03/2016	SAI GLOBAL LIMITED	GENERAL CONDITIONS OF CONTRACT LICENCE - RFQ33 15/16	72.06
11/03/2016	AIRNORTH	FLIGHTS 14/3 & 15/3/16 - KNX-BME-KNX - ELECTED MEMBER ATTEND MEETING	765.58
15/03/2016	MESSAGE MEDIA	SERVER SMS ALERTING SYSTEM	0.31
15/03/2016	CHOPPY'S CHINESE TAKEAWAY	CATERING - COUNCIL BRIEFING 15 MARCH 2016	267.50
16/03/2016	ACI ONLINE LEARNING CENTRE	REGISTRATION - STAFF MEMBER - TRAINING COURSE	2,421.42
16/03/2016	BANKWEST	FOREIGN TRANSACTION FEE - ACI ONLINE LEARNING	71.43
21/03/2016	KUNUNURRA HOME AND GARDEN	GLUE TO REPAIR BROKEN LECTURN - KNX COUNCIL CHAMBERS	24.55
21/03/2016	TUCKERBOX STORES	SECURITY CABLE FOR KNX COUNCIL CHAMBERS PROJECTOR	50.00
22/03/2016	AIRTAME	WIRELESS TRANSMITTER - KNX COUNCIL CHAMBERS	444.45
22/03/2016	BANKWEST	FOREIGN TRANSACTION FEE AIRTAME	13.11
22/03/2016	SOUNDGEAR AUSTRALIA	MICROPHONE HOLDER - KNX COUNCIL CHAMBERS	37.95
22/03/2016	COVER MORE INSURANCE	INSURANCE- FLIGHT 28/3/16-STAFF MEMBER AS PER EMPLOYMENT CONTRACT	13.95
23/03/2016	REMOTEONE	ROOFTOP 4G ANTENNAE FOR EKRA SPEED UPGRADE	283.65
23/03/2016	KUNUNURRA BETTA ELECTRICAL	TELSTRA 4G DONGLE - NETWORK - EK REGIONAL AIRPORT	79.00
23/03/2016	VIRGIN AIRLINES	FLIGHT 28/3/16 - PER-KNX - STAFF MEMBER AS PER EMPLOYMENT CONTRACT	456.70
28/03/2016	KIMBERLEY GROUP TRAINING	CATERING - KUNUNURRA AIRPORT SECURITY COMMITTEE MEETING 28/3/16	117.00
29/03/2016	BENCHMARK ENGRAVING	2 X WALNUT GAVEL SETS FOR USE DURING COUNCIL MEETINGS	171.60
30/03/2016	ALTRONICS	IT RACK AND SHELVING - KUNUNURRA COUNCIL CHAMBERS	695.80
30/03/2016	SILICON CHIP PUBLICATIONS	PERIODICAL RENEWAL	105.00
30/03/2016	ANNUAL CARD FEE	ANNUAL CARD FEE	39.00

12.04.3. Monthly Statement of Financial Activity for the Period Ended 30 April 2016

DATE:	31 May 2016
AUTHOR:	Niroshini Nandasiri, Asset Management Accountant
RESPONSIBLE OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	FM.09.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the monthly financial report as at 30 April 2016.

COUNCIL DECISION

Minute No: 11379

Moved: Cr K Wright
Seconded: Cr S Cooke

That Council receives the monthly financial report as at 30 April 2016.

Carried 8/0

PURPOSE

For Council to receive the monthly financial report for the period ended 30 April 2016.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council is to prepare monthly financial reports as required by the *Local Government (Financial Management Regulations) 1996*.

STATUTORY IMPLICATIONS

Section 6.4 Local Government Act 1995

Regulation 34, Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

No policy implications apply in the preparation of the report.

FINANCIAL IMPLICATIONS

Monthly financial reporting is a primary financial management and control process; it provides the Council with the ability to oversee the Shire's financial performance against budgeted target.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability

Objective 1.4: Business innovation, efficiency and improved service

Strategy 1.4.1: Ensure legislative compliance and follow best practice principles in planning and service delivery

RISK IMPLICATIONS

Strategic Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

COMMUNITY ENGAGEMENT

The Shire of Wyndham East Kimberley's CP/GOV-3100 Community Engagement Policy has been considered in relation to this item.

No community engagement is required.

COMMENTS

Comments in relation to budget to actual variances are included as a note in the Financial Report attached.

This report has incorporated the 2015/16 revised budget that was adopted by the Council at the April Special Meeting of Council (Minute No: 11927).

ATTACHMENTS - Item 12.04.3

Attachment 1 - Statement of Financial Activity as at 30 April 2016.



Shire of Wyndham East Kimberley

Monthly Financial Report 2015/2016

As at 30 April 2016

Contents:

- Statement of Financial Activity
- Note to Statement of Financial Activity (Net Current Asset Position)
- Note to Statement of Financial Activity (Explanation of Material Variances)
- Note to Statement of Financial Activity (Budget Remaining to Collect/Spend)
- Monthly Report on Investment Portfolio (Cash)

Financial Activity Legend:
Above Budget Expectations: ▲
Below Budget Expectations: ▼

Shire of Wyndham East Kimberley

Statement of Financial Activity Year to Date Actual v Year to Date Budget as at 30 April 2016

	YTD Actual 2015/16 \$	YTD Budget 2015/16 \$	YTD Variance 2015/16 \$	%	
Revenue					
General Purpose Funding	2,185,974	2,121,334	64,640	3%	▲
Governance	94,019	98,858	(4,839)	-5%	▼
Law, Order, Public Safety	54,116	52,455	1,661	3%	▲
Health	107,612	101,048	6,564	6%	▲
Education and Welfare	9,986	9,881	105	1%	▲
Housing	98,359	98,331	29	0%	▲
Community Amenities	2,381,193	2,342,424	38,770	2%	▲
Recreation and Culture	714,034	628,962	85,073	14%	▲
Transport	3,101,480	3,036,156	65,324	2%	▲
Economic Services	51,245	54,899	(3,654)	-7%	▼
Other Property and Services	57,101	74,256	(17,155)	-23%	▼
	<u>8,855,120</u>	<u>8,618,602</u>	<u>236,517</u>	<u>3%</u>	<u>▲</u>
Expenses					
General Purpose Funding	(435,562)	(447,623)	12,061	-3%	▼
Governance	(534,078)	(583,804)	49,727	-9%	▼
Law, Order, Public Safety	(445,576)	(455,575)	9,999	-2%	▼
Health	(262,459)	(272,875)	10,416	-4%	▼
Education and Welfare	(179,491)	(205,612)	26,121	-13%	▼
Housing	(599,437)	(646,827)	47,390	-7%	▼
Community Amenities	(3,021,120)	(3,093,642)	72,522	-2%	▼
Recreation & Culture	(5,292,208)	(5,430,243)	138,035	-3%	▼
Transport	(7,751,472)	(7,914,213)	162,741	-2%	▼
Economic Services	(272,094)	(281,283)	9,189	-3%	▼
Other Property and Services	(595,114)	(500,469)	(94,645)	19%	▲
	<u>(19,388,612)</u>	<u>(19,832,166)</u>	<u>443,554</u>	<u>-2%</u>	<u>▼</u>
Adjustments for Cash Budget Requirements:					
Non-Cash Expenditure and Revenue					
(Profit)/Loss on Asset Disposals	99,429	92,716	6,713	7%	▲
Movement in Accruals and Provisions	0	0	0	0%	▼
Depreciation on Assets	5,984,727	5,988,583	(3,855)	0%	▼
Capital Expenditure and Revenue					
Purchase Land Held for Resale	0	0	0	0%	▲
Purchase Land and Buildings	(246,254)	(284,762)	38,508	-14%	▼
Purchase Infrastructure Assets - Roads	(3,583,088)	(4,450,026)	866,938	-19%	▼
Purchase Infrastructure Assets - Footpaths	0	(54,658)	54,658	-100%	▼
Purchase Infrastructure Assets - Drainage	(83,054)	(133,802)	50,748	-38%	▼
Purchase Infrastructure Assets - Other	(1,318,502)	(1,717,763)	399,261	-23%	▼
Purchase Plant and Equipment	(203,879)	(765,450)	561,571	-73%	▼
Purchase Furniture and Equipment	(31,922)	(62,345)	30,423	-49%	▼
Grants / Contributions for Development of Assets	1,735,545	2,212,756	(477,211)	-22%	▼
Proceeds from Disposal of Assets	433,345	469,716	(36,371)	-8%	▼
Proceeds from Sale of Land Held for Resale	0	0	0	0%	▼
Repayment of Debentures	(636,611)	(636,611)	(0)	0%	▲
Proceeds from New Debentures	0	0	0	0%	▼
Transfers to Reserves (Restricted Assets)	(498,073)	(155,264)	(342,809)	221%	▲
Transfers from Reserves (Restricted Assets)	6,933,784	6,653,951	279,833	4%	▲
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	197,606	197,606	0	0%	▲
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	8,319,920	6,198,047	2,121,873	34%	▼
	<u>10,070,362</u>	<u>10,056,965</u>	<u>13,397</u>	<u>0%</u>	<u>▲</u>
Amount Required to be Raised from Rates					

Shire of Wyndham East Kimberley

Note to Statement of Financial Activity

Net Current Assets

as at 30 April 2016

Composition of Estimated Net Current Asset Position

	YTD Actual 2015/16	Brought Forward ^① 1 July 2015
CURRENT ASSETS		
Cash - Municipal (Restricted & Unrestricted) ^②	7,206,502	2,861,225
Cash - Restricted Reserves	7,780,298	14,169,235
Receivables	1,287,356	3,770,714
Inventories & Other Financial Assets	11,783	17,214
	<u>16,285,940</u>	<u>20,818,388</u>
LESS: CURRENT LIABILITIES		
Payables and Provisions	(185,721)	(6,451,547)
Less:		
Restricted - Reserves	(7,780,298)	(14,169,235)
NET CURRENT ASSET POSITION	<u>8,319,920</u>	<u>197,606</u>
Less:		
Restricted - Unspent Grants	(984,695)	
Restricted - Unspent Loans	(893,185)	
ADJUSTED NET CURRENT ASSET POSITION^③	<u><u>6,442,040</u></u>	

② Cash - Municipal brought forward balances represented by:

Cash on Hand	1,700	1,700
Cash at Bank - Municipal		
Unrestricted	5,326,922	(1,408,129)
Restricted - Unspent Grants***	984,695	3,232,527
Restricted - Unspent Loans***	893,185	1,035,127
	<u>7,206,502</u>	<u>2,861,225</u>

① B/F balance includes the restricted grants and loans, however in 01 July 2015 these funds are transferred to Municipal account.

③ Net current asset position and Unrestricted cash will remain overstated until the position of grants/loans and reserves are finalised for the 2015/16 financial year.

Shire of Wyndham East Kimberley
Notes to Statement of Financial Activity
For the Period Ended 30 April 2016

Explanation of Material Variances (between YTD Budget and YTD Actual)

Variances +/- \$50,000 at Financial Statement Level

Variances +/- \$20,000 and 10% at Account Level

Operating

Recurrent Income - Excluding Rates ▲

Rates

No material variances to report

General Purpose Funding ▲

Interest Income - Municipal Fund

56,400

▲

Higher income due to additional investments and better interest rates received being made during the year that relate to Municipal funds.

Governance ▼

No material variances to report

Law, Order and Public Safety ▲

No material variances to report

Health ▲

No material variances to report

Education and Welfare ▲

No material variances to report

Housing ▲

No material variances to report

Community Amenities ▲

No material variances to report

Recreation and Culture ▲

Grants - Kununurra Swimming Complex

32,000

▲

Grant funding from DSR. Will be matched by additional expenditure in future months as per grant application.

Grants - Wyndham Swimming Complex

32,000

▲

Grant funding from DSR. Will be matched by additional expenditure in future months as per grant application.

Transport ▲

Leases - East Kimberley Regional Airport Terminal

77,500

▲

Increased income from rental car leases which are based on turnover.

Economic Services ▼

No material variances to report

Other Property and Services ▼

No material variances to report

Shire of Wyndham East Kimberley
Notes to Statement of Financial Activity
For the Period Ended 30 April 2016

Explanation of Material Variances (between YTD Budget and YTD Actual)

Variances +/- \$50,000 at Financial Statement Level

Variances +/- \$20,000 and 10% at Account Level

Recurrent Expenditure	▼		
General Purpose Funding	▼		
No material variances to report			
Governance	▼		
Election Expenses	(25,900)	▼	Savings for financial year 2015/16.
Law, Order and Public Safety	▼		
No material variances to report			
Health	▼		
No material variances to report			
Education and Welfare	▼		
No material variances to report			
Housing	▼		
No material variances to report			
Community Amenities	▼		
Landfill Maintenance	(46,000)	▼	Awaiting invoices for tipper hire and potential savings for financial year 2015/16.
Litter Control	(30,700)	▼	Potential savings in salaries and materials for financial year 2015/16.
Recreation and Culture	▼		
Parks and Gardens Maintenance - Kununurra	(46,100)	▼	Variance related to internal plant cost allocations and awaiting supplier invoice for Link path and White Gum park lighting replacement.
Transport	▼		
Administration Salary and Wages Allocated - Streets, Roads & Bridges - Non Capital	(34,200)	▼	Non-cash item. Variance due to allocation is based on actual expenditure for the sub-programme and administration overheads.
Rural Road Maintenance	(60,300)	▼	Timing variance. Decrease in expenditure due to slight delay in commencement of dry season maintenance.
Urban Road Maintenance - Kununurra	(47,300)	▼	Timing variance. Decrease in expenditure due to slight delay in commencement of dry season maintenance.
Street Lighting	(24,400)	▼	Timing variance. Awaiting electricity invoice for March and April 2016.
Direct Salaries - Airport Screening and Reporting	22,500	▲	Timing variance. Journal to be processed in May 2016.
Economic Services	▼		
No material variances to report			
Other Property and Services	▲		
Public Works Overheads Allocated - Payroll	35,400	▼	Non-cash item. Variance due to allocation based on actual expenditure for the sub-programme.
Direct Salaries - Outdoor Workforce	(21,800)	▼	Decreased expenditure is partly offset by landfill salaries.
Administration Salary and Wages Allocated - General Administration Overheads	34,800	▼	Non-cash item. Variance due to allocation is based on actual expenditure for the sub-programme and administration overheads.
Public Works Overheads Allocated - Contracts	31,600	▼	Non-cash item. Variance due to allocation is based on actual expenditure for the sub-programme.
Direct Salaries - Financial Services	(29,400)	▼	Potential savings due to staff vacancy during 2015/16.
ABC Allocations	29,200	▼	Non-cash item. Variance due to allocation is based on actual expenditure for the sub-programme and administration overheads.
Plant Operating Cost Allocated	99,900	▼	Non-cash item. Variance due to allocation of actual expenditure and plant recovery internal charge rates.
POC Fuel and Oils	(23,800)	▼	Potential savings due to a decrease in fuel prices and volume consumed during 2015/16.

Shire of Wyndham East Kimberley
Notes to Statement of Financial Activity
For the Period Ended 30 April 2016

Explanation of Material Variances (between YTD Budget and YTD Actual)

Variances +/- \$50,000 at Financial Statement Level

Variances +/- \$20,000 and 10% at Account Level

Non Cash Expenditure and Revenue

Adjustments and Accruals

No material variances to report

Capital

Purchase Land Held for Resale

No material variances to report

Purchase Land and Buildings

No material variances to report

Purchase Infrastructure Assets - Roads

Kalumburu Road - Re-sheet	(31,000)	▼	Waiting for the contract to be signed by the contractor and grading will commence in May 2016.
Road Upgrade Carlton Hill Road	(69,700)	▼	Timing variance. Gravel re-sheeting commenced in May 2016.
Bridges (5116) - D4 Weaber Plain Rd	(150,000)	▼	Project is directly managed by Main Roads WA. Design phase complete and the project will be completed by August 2016.
Research Station Road - Construct and Seal	(25,000)	▼	Waiting on Main Roads MOU to be issued and project expected to be completed by June 2016.
Egret Close - Re-construct and Seal	(39,400)	▼	Design and Traffic Management Plan is approved by Main Roads WA. Material for works has been procured. Expected to be completed by July 2016.
Mills Road reconstruct failures	(175,000)	▼	Waiting on Main Roads MOU to be issued and project expected to be completed by June 2016.
Lake Argyle Road Upgrade - Between Vic Highway and Lake Argyle Resort MUN	(390,000)	▼	Design phase is now complete and the tender for road works to be closed and awarded in June 2016.

Purchase Infrastructure Assets - Footpaths

Footpath renewal	(54,700)	▼	Work to be commenced by end of May 2016.
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Purchase Infrastructure Assets - Drainage

Drainage Upgrades Stormwater Outfalls M1	(40,000)	▼	Awaiting supplier invoice.
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Purchase Infrastructure Assets - Other

Playspace and Playground Equipment	(50,000)	▼	Project expected to commence in 2016/17. Carryover funds
Wyndham Waste Water Treatment Facility	(41,600)	▼	RFQ issued and expected to complete the project by early July 2016.
Parking/Safety improvements Mangaloo St	(98,400)	▼	Project re-engineering to be completed by May 2016 and project to be completed by early 2016/17.
Lily Creek Lagoon Boat Ramp and Jetty	(212,400)	▼	Delay in project due to road works and is now expected to be completed by late October 2016.

Purchase Plant and Equipment

Airport Plant - Purchase Price	(130,000)	▼	Timing variance. Plant replacement in progress.
Heavy Plant - Purchase Price	(250,000)	▼	Timing variance. Plant replacement in progress.
Medium Plant - Purchase Price	(150,000)	▼	Timing variance. Plant replacement in progress.
Light Plant - Purchase Price	(21,600)	▼	Timing variance. Plant replacement in progress.

Purchase Furniture and Equipment

Partial Flooring replacement - Terminal - East Kimberley Regional Airport	(24,000)	▼	Timing variance. Project to be completed by June 2016.
System Development - Capital	(23,400)	▼	Project expected to continue in 2016/17.

**Shire of Wyndham East Kimberley
Notes to Statement of Financial Activity
For the Period Ended 30 April 2016**

Explanation of Material Variances (between YTD Budget and YTD Actual)

Variances +/- \$50,000 at Financial Statement Level

Variances +/- \$20,000 and 10% at Account Level

Grants / Contributions for Development of Assets



Regional Road Group Grants	104,000	▼	Grant income based on progress claim for the projects.
State Local Road Black Spot - Income	39,600	▼	Grant income based on progress claim for the projects.
Grant Income - Lily Creek Lagoon Boat Ramp and Jetty	318,500	▼	Grant income based on progress claim for the project.

Proceeds from Disposal of Assets



No material variances to report

Debentures



No material variances to report

Reserves



No material variances to report

Shire of Wyndham East Kimberley

Statement of Financial Activity Budget Remaining to Collect/Spend as at 30 April 2016

	YTD Actual 2015/16 \$	Revised Annual Budget 2015/16 \$	Annual Budget 2015/16 \$	Budget Remaining (Revised Budget less 2015/16 \$	%	
Revenue						
General Purpose Funding	2,185,974	2,639,746	2,547,115	453,772	18%	▼
Governance	94,019	157,115	150,872	63,096	42%	▼
Law, Order, Public Safety	54,116	112,031	58,613	57,915	99%	▼
Health	107,612	106,589	92,506	(1,024)	-1%	▲
Education and Welfare	9,986	11,500	11,500	1,514	13%	▼
Housing	98,359	123,819	121,590	25,459	21%	▼
Community Amenities	2,381,193	2,537,694	2,534,733	156,500	6%	▼
Recreation and Culture	714,034	942,154	997,143	228,119	23%	▼
Transport	3,101,480	3,963,479	4,160,621	861,999	21%	▼
Economic Services	51,245	74,902	96,365	23,658	25%	▼
Other Property and Services	57,101	228,968	271,933	171,867	63%	▼
	<u>8,855,120</u>	<u>10,897,996</u>	<u>11,042,991</u>	<u>2,042,876</u>	<u>18%</u>	<u>▼</u>
Expenses						
General Purpose Funding	(435,562)	(580,723)	(573,835)	(145,161)	25%	▼
Governance	(534,078)	(957,266)	(930,227)	(423,189)	45%	▼
Law, Order, Public Safety	(445,576)	(641,055)	(592,391)	(195,479)	33%	▼
Health	(262,459)	(347,412)	(299,639)	(84,953)	28%	▼
Education and Welfare	(179,491)	(278,457)	(243,541)	(98,966)	41%	▼
Housing	(599,437)	(753,316)	(604,444)	(153,879)	25%	▼
Community Amenities	(3,021,120)	(4,288,907)	(4,144,548)	(1,267,787)	31%	▼
Recreation & Culture	(5,292,208)	(7,287,353)	(6,897,090)	(1,995,144)	29%	▼
Transport	(7,751,472)	(10,106,919)	(8,611,392)	(2,355,446)	27%	▼
Economic Services	(272,094)	(437,397)	(330,981)	(165,302)	50%	▼
Other Property and Services	(595,114)	(974,014)	(1,623,336)	(378,900)	23%	▼
	<u>(19,388,612)</u>	<u>(26,652,818)</u>	<u>(24,851,424)</u>	<u>(7,264,205)</u>	<u>29%</u>	<u>▼</u>
Adjustments for Cash Budget Requirements:						
Non-Cash Expenditure and Revenue						
(Profit)/Loss on Asset Disposals	99,429	75,200	(40,211)	(24,229)	60%	▼
Movement in Accruals and Provisions	0	0	0	0	0%	▼
Depreciation on Assets	5,984,727	7,185,788	5,765,188	1,201,060	21%	▲
Capital Expenditure and Revenue						
Purchase Land Held for Resale	0	0	0	0	0%	▲
Purchase Land and Buildings	(246,254)	(406,001)	(187,830)	(159,747)	85%	▲
Purchase Infrastructure Assets - Roads	(3,583,088)	(5,436,585)	(5,978,884)	(1,853,497)	31%	▼
Purchase Infrastructure Assets - Footpaths	0	(109,315)	(109,315)	(109,315)	100%	▼
Purchase Infrastructure Assets - Drainage	(83,054)	(541,495)	(552,970)	(458,441)	83%	▼
Purchase Infrastructure Assets - Other	(1,318,502)	(3,444,306)	(6,501,870)	(2,125,804)	33%	▼
Purchase Plant and Equipment	(203,879)	(1,501,043)	(1,501,043)	(1,297,164)	86%	▼
Purchase Furniture and Equipment	(31,922)	(197,345)	(191,100)	(165,423)	87%	▼
Grants / Contributions for Development of Assets	1,735,545	4,120,082	5,721,304	2,384,537	42%	▼
Proceeds from Disposal of Assets	433,345	702,038	363,237	268,693	74%	▲
Proceeds from Sale of Land Held for Resale	0	0	0	0	0%	▼
Repayment of Debentures	(636,611)	(954,447)	(954,447)	(317,836)	33%	▼
Proceeds from New Debentures	0	0	0	0	0%	▼
Transfers to Reserves (Restricted Assets)	(498,073)	(6,191,513)	(6,707,472)	(5,693,440)	85%	▼
Transfers from Reserves (Restricted Assets)	6,933,784	12,195,511	16,576,747	5,261,727	32%	▼
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	197,606	197,606	(1,665,875)	0	0%	▲
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	8,319,920	0	178,591	(8,319,920)	-4659%	▲
Amount Required to be Raised from Rates	<u>10,070,362</u>	<u>10,060,647</u>	<u>9,951,565</u>	<u>(9,715)</u>	<u>0%</u>	<u>▲</u>

REPORT ON INVESTMENT PORTFOLIO AS AT 30 April 2016

INVESTMENT POLICY - CP FIN - 3203												
S&P Rating		Portfolio Credit Framework	Counterparty Credit Framework									
Long Term	Short Term	Direct Investment Maximum %										
AAA	A-1+	100%	45%									
AA	A-1	100%	35%									
A	A-2	60%	20%									
<small>Note: "S & P" relates to Standard & Poors credit rating agency</small>												
MUNICIPAL FUNDS												
				Institution Name	S&P Rating	Term to Maturity	Interest Rate	Maturity Date	Principal	Interest on Maturity	% of portfolio	
				CBA	A-1+/AA	2 Months	2.75%	30-May-16	1,011,105.39	4,723.11	9%	
				Bankwest		1 Month	2.95%	28-Jul-16	1,013,099.90	7,451.14	9%	
				NAB		3 Months	3.05%	27-Jun-16	1,011,105.39	7,604.07	9%	
				Westpac		3 Months	2.32%	27-May-16	1,014,818.32	1,935.11	9%	
				Westpac		3 Months	2.32%	27-May-16	1,014,818.32	1,935.11	9%	
TOTAL MUNICIPAL INVESTMENTS									5,064,947.32	23,648.53	43%	
RESERVE FUNDS												
				NAB	A-1+/AA	3 Months	3.00%	13-Jun-16	759,568.35	5,618.72	6%	
				Bankwest				3.00%	7-Jul-16	1,041,337.20	7,703.04	9%
				NAB		3 Months	3.00%	25-Jun-16	1,806,783.79	13,365.25	15%	
				Westpac		3 Months	3.02%	26-Jul-16	1,097,910.93	8,175.68	9%	
				Bankwest		3 Months	2.95%	22-Jun-16	545,290.01	5,288.57	5%	
				Bankwest		4 Months	3.00%	14-Jun-16	1,040,722.29	7,698.49	9%	
TOTAL RESERVE INVESTMENTS									6,291,612.57	47,849.75	53%	
TRUST FUNDS - T292												
				NAB	A-1+/AA	2 Months	3.00%	26-Jul-16	444,242.06	4,381.57	4%	
TOTAL TRUST INVESTMENTS									444,242.06	4,381.57	4%	
TOTAL INVESTMENTS HELD & INTEREST PAID									11,800,801.95	75,879.85	100%	

Counterparty Credit

Counterparty	Percentage
National Australia Bank	34%
Bankwest	31%
Westpac Banking Corporation Ltd	26%
Commonwealth Bank	9%

12.04.4. Revised Council Policy CP/FIN-3204 Purchasing

DATE:	31 May 2016
AUTHOR:	Jesse Johnson, Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Natalie Octoman, Director Corporate Services
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopts the revised Council Policy *CP/FIN-3204 Purchasing*.

COUNCIL DECISION

Minute No: 11380

**Moved: Cr B Robinson
Seconded: Cr S Cooke**

That Council adopts the revised Council Policy *CP/FIN-3204 Purchasing*.

Carried 8/0

PURPOSE

To consider amendments to the Council Policy *CP/FIN-3204 Purchasing* to incorporate the legislative changes that occurred in October 2015.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices.
Regulator - enforce state legislation and local laws.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Council Policy *CP/FIN-3204 Purchasing* was adopted at the 26 May 2015 Ordinary Council Meeting repealing the former *F19 Purchasing and Tendering Policy*.

In October 2015, the *Local Government (Functions and General) Regulations 1996* were amended to incorporate a number of changes. The Council's Purchasing Policy has been reviewed and amended to reflect the October 2015 *Local Government (Functions and General) Regulations 1996* amendments, where applicable, to ensure the Council's Policy aligns and complies with relevant legislation.

STATUTORY IMPLICATIONS

Local Government Act 1995

2.7. Role of council

- (1) *The council —*
- (a) *governs the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
- (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies.*

3.57. Tenders for providing goods or services

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Local Government (Functions and General) Regulations 1996

Part 4

Division 1 – Purchasing policies

11A. Purchasing policies for local governments

- (1) *A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150 000 or less or worth \$150 000 or less.*
- (2) *A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1)*
- (3) *A purchasing policy must make provision in respect of —*
- (a) *the form of quotations acceptable; and*
 - (b) *the recording and retention of written information, or documents, in respect of —*
 - (i) *all quotations received; and*
 - (ii) *all purchases made.*

POLICY IMPLICATIONS

If the Council supports the Officer's recommendation, the Shire will commence operating in accordance with the revised Policy.

FINANCIAL IMPLICATIONS

The implementation of the amended Policy will create efficiencies in the processes surrounding procurement, particularly with the modifications to the tender thresholds. There are however, no tangible financial implications.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability

Objective 1.4: Business innovation, efficiency and improved services

Strategy 1.4.1 : Ensure legislative compliance and follow best practice principles in planning and service delivery

Strategy 1.4.2 : Improve the efficiency and productivity of Shire services

Strategy 1.4.4 : Deliver cost effective and efficient corporate services

RISK IMPLICATIONS

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.

COMMUNITY ENGAGEMENT

No community engagement is required, however the Policy will be rolled out across the organisation if the Council approve the amendments in order to ensure that staff are aware of the changes and associated implications.

COMMENTS

In accordance with the *Local Government (Functions and General) Regulations 1996, Part 4, Division 1*, a local government is required to adopt a Purchasing Policy for the purchase of goods/services/works where the consideration under the contract is \$150,000 or less.

The review of the Purchasing Policy will ensure the Shire's Policy aligns and complies with the applicable legislation.

In addition, the Policy has been updated as follows:

1. To define key terms to remove ambiguity;

2. Additions to the list of tender exemptions as defined by the *Regulations*;
3. Additions to the list of exemptions relating to policy requirements for quotations to include;
 - a) Insurance excess; and
 - b) Software licence fees.
4. Additions to the list of exemptions relating to policy requirements for purchase requisitions and purchase orders to include:
 - a) Jetty licence registrations;
 - b) Software licence fees; and
 - c) Insurance excess.
5. Addition of legislative consideration; and
6. General grammatical amendments.

ATTACHMENTS - Item 12.04.4

Attachment 1 - Revised Council Policy *CP/FIN-3204 Purchasing*

Attachment 2 - Revised Council Policy *CP/FIN-3204 Purchasing* with Track Changes

Attachment 3 - Current Council Policy *CP/FIN-3204 Purchasing*



POLICY NO	CP/FIN-3204	
POLICY	Purchasing Policy	
RESPONSIBLE DIRECTORATE	Corporate Services	
RESPONSIBLE OFFICER	Director Corporate Services	
COUNCIL ADOPTION	Date: 18/06/2013	Resolution No: 10096
REVIEWED/MODIFIED	Date: 26/05/2015	Resolution No: 10949
	Date: 31/05/2016	Resolution No:
REVIEW DUE	Date: May 2018	
LEGISLATION	<ol style="list-style-type: none"> 1. Local Government Act 1995 – Sections 2.7, 3.57 2. Local Government (Functions and General) Regulations 1996 – Part 4 – Provision of Goods and Services 3. State Records Act 2000 	
RELATED POLICIES	1. RM1 – Records Management	
RELATED PROCEDURES	<ol style="list-style-type: none"> 1. Code of Conduct for Council Members, Committee Members and Employees 2. Audit (Finance and Risk) Committee Terms of Reference 3. Organisational Directive – Purchasing Process (currently being developed) 4. CP/FIN-3213 – Corporate Credit Cards 	

PURPOSE:

The purpose of this Policy is to demonstrate the Council's commitment to delivering best practice in the Shire of Wyndham East Kimberley's ("the Shire") purchasing of goods, services and works that align with the principles of transparency, probity and good governance in accordance with the *Local Government Act 1995* ("the Act") and the *Local Government (Functions and General) Regulations 1996* ("the Regulations").

DEFINITIONS:

Authorising Officer is a Shire of Wyndham East Kimberley employee who is registered in the sub-delegation register as authorised by the Chief Executive Officer to incur expenditure and claims for payment, within a specific monetary limit.

A **Deduction** includes a fixed amount or percentage that has been authorised to be subtracted from an employee's income.

Preferred Suppliers include WALGA Preferred Supply Contracts (which are specifically designed around local government requirements) or State Government Common Use Arrangements (where local government access is permitted).

Purchase is the acquisition of a good or service to achieve council business and is inclusive of purchasing, hire, lease, rental, exchange or any other commercial transaction involving the outlay of funds in return for the provision of goods, services equipment and related services, construction and service contracts. A purchase is not a Reimbursement, a transfer to another organisation of a Deduction, a Refund, a Grant or Sponsorship.

A **Refund** is a repayment of a sum of money.

A **Reimbursement** is a repayment of funds that have been expended by an employee undertaking business on behalf of the Shire of Wyndham East Kimberley.

Requisitioning Officer is a Shire of Wyndham East Kimberley employee who has Shire system access to raise a purchase requisition. This employee will not necessarily have purchasing authority, in which case, the requisition, and associated documentation is forwarded to an Authorising Officer for consideration.

A **Grant** is a sum of money given by the Shire of Wyndham East Kimberley to an eligible recipient (grantee) for a particular purpose following an application and assessment process.

POLICY STATEMENTS:

The Council believes that overall policy must be underpinned by sound principles, which are well understood, communicated to the community and compliant with current legislation.

The Council's objectives in establishing this Policy is to:

1. Ensure best practice policies and procedures are followed in relation to the internal purchasing for the Shire of Wyndham East Kimberley.
2. Ensure compliance with the *Local Government Act 1995* and the *Local Government Act (Functions and General) Regulations 1996*.
3. Ensure compliance with the *State Records Act 2000* and associated records management practices and procedures of the Shire.
4. To undertake purchasing processes that ensures value for money for the Shire by delivering the most advantageous outcome possible.
5. To ensure openness, transparency, fairness and equity through the purchasing process to all potential suppliers therefore strengthening integrity and confidence in the purchasing process.
6. To ensure efficient and consistent purchasing processes are implemented and maintained across the Shire.

1. ETHICS & INTEGRITY

1.1. Code of Conduct

All officers and employees of the Shire undertaking purchasing activities must have regard for the requirements contained in the Code of Conduct for Council Members, Committee Members and Employees ("the Code of Conduct") and shall observe the highest standards of ethics and integrity. All officers and employees of the Shire must act in a manner which is honest and professional and supports the standing of the Shire at all times.

1.2. Purchasing Principles

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire's policies and Code of Conduct;
- purchasing is to be undertaken on a competitive basis where all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies, audit requirements and relevant legislation;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

2. VALUE FOR MONEY

Value for money is an overarching principle governing purchasing which allows the best possible outcome to be achieved for the Shire. It is important to note that compliance with the purchasing specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing and service benchmarks.

An assessment of the best value for money outcome for any purchasing process should consider:

- all relevant Total Costs of Ownership (TCO) and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal;
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality, including but not limited to an assessment of levels and currency of compliances, value adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc.
- financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable;
- the safety requirements associated with both the product design and specification offered by suppliers and the evaluation of risk when considering purchasing goods and services from suppliers;

- providing opportunities for businesses within the Shire of Wyndham East Kimberley to be given the opportunity to quote for providing goods and services wherever possible.

3. PURCHASING THRESHOLDS AND POLICY REQUIREMENTS

The requirements that must be complied with by the Shire officers, including purchasing thresholds and processes, are prescribed within the *Regulations* and this Purchasing Policy.

Determining purchasing value is to be based on the following considerations:

1. Exclusive of Goods and Services Tax (GST);
2. The actual or expected value of a contract over the full contract period (including all options to extend); or The extent to which it could be reasonably expected that the Shire will continue to purchase a particular category of goods, services or works and what total value is or could be reasonably expected to be purchased.

Any purchasing activity must be undertaken in accordance with the Shire officer's sub-delegated purchasing authority limit as approved by the Chief Executive Officer and outlined in the sub-delegation register.

In some cases, suppliers may not respond to a request for quotation. In this instance, Shire officers must provide documentation to demonstrate their attempt to source the required number of quotations as outlined in Table A, however non-responses should not delay any purchasing activity unless it would be considered inappropriate to proceed.

Table A

Purchasing Thresholds (ex GST)	Policy Requirements
Up to \$1,000	No quotations are required prior to purchase. Officers must ensure that they use their professional knowledge and expertise in the purchasing process.
Over \$1,000 and Up to \$10,000	Obtain at least two (2) verbal quotations from suppliers. OR Obtain at least two (2) quotations directly from preferred suppliers using a simple quotation process either verbally, through eQuotes or directly in writing. If you are utilising eQuotes as your sole purchasing method and there are more than two (2) preferred suppliers on the WALGA preferred supplier panel, quotations must be sought from each preferred supplier, as considered appropriate by the officer.
Purchasing Thresholds (ex GST)	Policy Requirements
Over \$10,000 and Up To \$50,000	Obtain at least three (3) written quotations (eg email, fax or original copy). OR

	Obtain at least three (3) quotations directly from preferred suppliers using a simple quotation process either through eQuotes or directly in writing. If you are utilising eQuotes as your sole purchasing method and there are more than three (3) preferred suppliers on the WALGA preferred supplier panel, quotations must be sought from each preferred supplier, as considered appropriate by the officer.
Over \$50,000 and Up To \$150,000	Obtain at least three (3) written quotations (eg email, fax or original copy) from suppliers containing price and specification of goods and services. The procurement decision is to be based on all value for money considerations in accordance with the definition stated within this Policy. OR Obtain at least three (3) quotations directly from preferred suppliers using a formal request for quotation process either through eQuotes or directly in writing. If you are utilising eQuotes as your sole purchasing method and there are more than three (3) preferred suppliers on the WALGA preferred supplier panel, quotations must be sought from each preferred supplier, as considered appropriate by the officer.
Purchasing Thresholds (ex GST)	Policy Requirements
\$150,000 and above	Conduct a public tender process in accordance with this policy and the legislative requirements. The procurement decision is to be based on value for money considerations in accordance with the definition stated within this Policy OR Obtain at least three (3) quotations directly from preferred suppliers using a formal request for quotation process either through eQuotes or directly in writing. If you are utilising eQuotes as your sole purchasing method and there are more than three (3) preferred suppliers on the WALGA preferred supplier panel, quotations must be sought from each preferred supplier, as considered appropriate by the officer.

3.1. Tender Exemptions

Tender exemptions apply in the following instances:

- * An emergency situation as defined by the *Act*;
- * The purchase is from a WALGA Preferred Supply Contract or Business Service. All WALGA Preferred Supply Contracts have been established utilising a competitive public procurement process to pre-qualify suppliers that meet compliance requirements and offer optimal value for money to the Local Government sector.

- * The purchase is from a Department of Finance Common Use Arrangements (where local government use is permitted), a regional local government or another local government;
- * The purchase is under auction that has been authorised by Council;
- * The goods or services are being supplied by or obtained through the State or Commonwealth government (or any of its agencies) or a local government;
- * The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- * The goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA, as published by the Small Business Development Corporation, where the consideration under contract is worth less than \$250,000 and represents value for money;
- * The goods or services are obtained through an Australian Disability Enterprise and represents value for money;
- * The goods or services are being supplied through a renewal or extension of the term of a contract (the original contract) where;
 - a) The original contract was administered through a public tender process;
 - b) The invitation for tenders contained provisions for the renewal or extension of a contract;
 - c) The original contract contains an option to renew or extend its term; and
 - d) The suppliers tender included a requirement for such an option.
- * Any of the other exclusions contained in Regulation 11 of the *Local Government (Functions and General) Regulations 1996* apply.

Note:

When making a decision about whether to conduct a public tender or utilise a tender exempt arrangement, the Shire officer should compare the cost and benefits of both processes.

The compliance requirements, time constraints, costs and risks associated with a public tender should be evaluated against the value delivered by such a process. This should then be compared with the costs and benefits of using a tender exempt arrangement which include direct access to preferred suppliers, full regulatory compliance, risk mitigation, administrative efficiencies and cost savings.

3.2 Exemptions Relating to Policy Requirements for Quotations

The obligation to source quotations is not required in the following instances:

- 1) Procurement of particular goods or services:
 - a) Utilities; including telephone, electricity, water and gas
 - b) Freight up to the value of \$1,000 (GST exclusive)
 - c) Local public notice advertisements that are required by legislation
 - d) Statewide public notice advertisements that are required by legislation
 - e) Annual memberships/subscriptions
 - f) Software license fees
 - g) Conference registration fees
 - h) Employment of temporary staff members through temporary personnel service agencies

- i) Department of Land Information on-line transactions
- j) Motor Vehicle Licensing and Registration
- k) Postage
- l) Insurance excess
- 2) Corporate Credit Card or Corporate Fuel Card purchases up to the value of \$1,000 (GST exclusive).
- 3) Petty Cash purchases up to the value of \$200 (GST exclusive).

3.2. Exemptions Relating to Policy Requirements for Purchase Requisitions and Purchase Orders

The obligation to issue a purchase order is not required in the following instances:

- 1) Procurement of particular goods or services:
 - a) Annual memberships/subscriptions
 - b) Software license fees
 - c) Department of Land Information on-line transactions
 - d) Motor Vehicle and Jetty Licensing and Registration
 - e) Insurance excess
- 2) Corporate Credit Card or Corporate Fuel Card purchases.
- 3) Petty Cash purchases up to the value of \$200 (GST exclusive).
- 4) Commissions

3.3. Requirements When the Shire Invites Tenders Though It Is Not Required To Do So

Where considered necessary, the Shire may consider calling public tenders in lieu of undertaking a request for quotation for purchases under the \$150,000 threshold (excluding GST).

This decision should be made after considering the benefits of this approach in comparison with the costs, risks, timeliness and compliance requirements and also whether the purchasing requirement can be met through preferred suppliers.

If a decision is made to undertake a public tender for contracts of less than \$150,000, a Request for Tender process entailing all the procedures for tendering outlined in the Shire's Organisational Directive and the legislation must be followed in full.

3.4. Sole Source of Supply (Monopoly Suppliers)

Where the purchasing requirement is over the value of \$1,000 and of a unique nature that can only be supplied from one supplier, the purchase is permitted without undertaking a tender or quotation process. This is only permitted in circumstances where the Shire is satisfied and can evidence that there is only one source of supply for those goods, services or works.

The Shire must use its best endeavours to determine if the sole source of supply is genuine by exploring if there are any alternative sources of supply. Once determined, the justification must be endorsed by the Chief Executive Officer, prior to a contract being entered into.

Note: The application of the "Sole Source of Supply" provision should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the required goods and/or services.

3.5. Anti-Avoidance

The Shire shall not enter two (2) or more contracts of a similar nature for the purpose of splitting the value of the contracts to enable the value of the consideration to be below the level of \$150,000, thereby avoiding the need to undertake a public tender process.

For the purpose of this Purchasing Policy, a signed purchase order is considered to be a contract.

2.7 Emergency Purchases

An emergency purchase is defined as an unanticipated and unbudgeted purchase which is required in response to an emergency situation as provided for in the *Local Government Act 1995*. In such instances, quotations and tenders are not required to be obtained prior to the purchase being undertaken.

An emergency purchase does not relate to purchases not planned for due to time constraints. Every effort must be made to anticipate purchases required by the Shire in advance and to allow sufficient time to obtain quotations and tenders, whichever may apply.

4. ADDITIONAL PROCEDURAL THRESHOLDS

To ensure a best practice approach to purchasing activity for the Shire, the following additional procedural thresholds will apply:

PURCHASE VALUE	PRE PURCHASING ACTIONS	POST PURCHASING CLOSING ACTIONS	ASSESSMENT TIMEFRAME	EVALUATION PANEL
Over \$150,000 and less than \$1,000,000	1. Optional site briefing	In accordance with statutory requirements	Up to 2 weeks	Two (2) Shire Officers and Director
Over \$1,000,000 and less than \$5,000,000	1. Compulsory site briefing (depending on complexity of goods/services to be procured) 2. Business / Operational Plan required 3. Peer review of design/specification including sign off* 4. Project Manager engaged (optional) 5. Tender Evaluation Plan 6. Asset Management Plan (where relevant)	In accordance with statutory requirements	Up to 4 weeks	Two (2) Shire Officers and Director

Over \$5,000,000 and less than \$10,000,000	<ol style="list-style-type: none"> 1. As above, and 2. Legal advice on tender documents prior to distribution (dependent upon complexity of goods/services to be procured) 3. Engagement of probity advisor 4. External Project Manager engaged (optional) 5. Quantity Surveyor engaged (optional) 	<ol style="list-style-type: none"> 1. In accordance with statutory requirements 2. Interviews with tenderers 3. Quarterly QS approval of works undertaken prior to payment approval (optional) 4. Legal advice on tender contract prior to execution (dependent upon complexity of goods/services to be procured) 	Up to 6 weeks	Two (2) Shire Officers and two (2) Directors
Over \$10,000,000	<ol style="list-style-type: none"> 1. As above, and 2. Legal advice on tender documents prior to distribution is mandatory 3. External Project Manager engagement is mandatory 4. Quantity Surveyor engagement is mandatory 	<ol style="list-style-type: none"> 1. As above, and 2. Legal advice on tender contract prior to execution is mandatory 3. Monthly QA approval of works prior to payment approval is required 	Up to 8 weeks	Two (2) Directors and CEO

* Does not apply to Design and Construct or Schedule or Rates tenders.

5. RECORDS MANAGEMENT

Records of all tenders, requests for quotation and other purchases must be retained in compliance with the *State Records Act 2000 (WA)* and the Shire's Records Management Policy.

6. SUSTAINABLE PROCUREMENT

Sustainable procurement is defined as the purchasing of goods and services that have fewer negative environmental and social impacts than competing products and services.

The Shire is committed to sustainable procurement and where appropriate shall endeavour to design requests for quotation and tenders to minimise negative environmental and social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the with Shire's sustainability objectives.

7. BUY LOCAL

Under the Western Australian Government's "*Buy Local Policy*", Government agencies and local governments are encouraged to maximise the participation of local and small businesses in the supply of goods, services and works purchased or contracted by government agencies.

A key goal in this policy is open and fair competition to ensure that Western Australian businesses are provided with every opportunity to bid for work. It is recognised that not every category of goods, services or works that is purchased by the Shire will lend itself to supply by local businesses.

As much as practicable, the Shire's purchasing must:

- ensure that buying practices, procedures and specifications do not unfairly disadvantage any business;
- ensure that procurement plans address local business capability and local content;
- explore the capability of local businesses to meet requirements and ensure that requests for quotation and tenders are designed to accommodate the capabilities of local businesses;
- avoid bias in the design and specifications for requests for quotation and tenders – all requests must be structured to encourage local businesses to bid; and
- provide adequate and consistent information to potential suppliers.

8. PURCHASING FROM WA DISABILITY ENTERPRISES

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the Shire is not required to publicly invite tenders if the goods or services are to be supplied from an Australian Disability Enterprise, as registered on www.ade.org.au. This is contingent on the demonstration of value for money.

Where possible, Australian Disability Enterprises are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Australian Disability Enterprises.

9. PURCHASING FROM ABORIGINAL BUSINESSES

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the Shire is not required to publicly invite tenders if the goods or services are to be supplied from a person registered on the Aboriginal Business Directory published by the Small Business Development Corporation on www.abdwa.com.au, where the expected consideration under contract is worth \$250,000 or less. This is contingent on the demonstration of value for money.

Where possible, Aboriginal businesses are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Aboriginal owned businesses, or businesses that demonstrate a high level of aboriginal employment.

EXPLANATORY NOTES:

1. LEGISLATIVE CONSIDERATION

The following Acts and Regulations apply to this policy:

Local Government Act 1995:

2.7. Role of council

(1) The council —

(a) governs the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to —

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.

3.57. Tenders for providing goods or services

(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

(2) Regulations may make provision about tenders.

Local Government (Functions and General) Regulations 1996

Part 4

Division 1 – Purchasing policies

11A. Purchasing policies for local governments

(1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150 000 or less or worth \$150 000 or less.

(2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1)

(3) A purchasing policy must make provision in respect of —

(a) the form of quotations acceptable; and

(b) the recording and retention of written information, or documents, in respect of —

(i) all quotations received; and

(ii) all purchases made.

2. TENDER OR REQUEST FOR QUOTATION THROUGH TENDER EXEMPT PANELS (\$150,000 OR OVER IN VALUE)

For the procurement of goods, services or works where the value exceeds \$150,000, the Shire must either undertake:

- a) Public tender process; or
- b) Request for quotation process from a tender exempt panel of preferred suppliers including WALGA Preferred Supply Contracts (which are specifically designed around Local Government requirements) or State Government Common Use Arrangements (where Local Government access is permitted).

2.1. Using a Tender Exempt Panel of Preferred Suppliers

When accessing a tender exempt panel of preferred suppliers, the Shire must utilise a request for quotation process through eQuotes or in writing direct with the preferred suppliers in accordance with the requirements outlined in Table A.

In undertaking a request for quotation, the Shire does not need to request that preferred suppliers provide the type of information that is normally provided in a public tender. The fact that the State Government and WALGA has already undertaken a public procurement process and has pre-qualified each preferred supplier means that this information has already been obtained and validated.

Additionally, the Shire does not need to use its own contractual terms and conditions given that the State Government and WALGA has already developed best practice contractual terms and conditions which have been accepted by every preferred supplier. These contractual terms and conditions ensure that the interests of the Shire are fully protected.

Keeping the scope of the request for quotation focused on the specification and the selection criteria that will be utilised by the Shire to assess different quotations will ensure that only the required information is sought from preferred suppliers and the response process is streamlined.

Responses from preferred suppliers should be in writing and contain the price and a sufficient amount of information that addresses the specification and selection criteria provided by the Shire.

2.2. eQuotes

eQuotes is a secure, web-based procurement tool that streamlines and simplifies the request for quotation process with WALGA Preferred Suppliers at the same time as facilitating purchasing compliance, probity and control over all aspects of purchasing.

All WALGA Preferred Supply Contracts are available on eQuotes and all necessary contract information is preloaded to enable informed procurement choices, including contract details, insurances, pricing (where applicable) etc.

RISK:

Risk: Inability to fund the infrastructure gap.

Control: Develop LTFP to ensure critical assets maintained in Annual Budgets.

Risk: Inability to deliver levels of service expected by the community.

Control: Current budget and service levels.

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.



POLICY NO	CP/FIN-3204	
POLICY	Purchasing Policy	
RESPONSIBLE DIRECTORATE	Corporate Services	
RESPONSIBLE OFFICER	Director Corporate Services	
COUNCIL ADOPTION	Date: 18/06/2013	Resolution No: 10096
REVIEWED/MODIFIED	Date: 26/05/2015	Resolution No: <u>10949</u>
	Date: <u>31/05/2016</u>	Resolution No:
REVIEW DUE	Date: <u>May 2018</u> <u>May 2017</u>	
LEGISLATION	<ol style="list-style-type: none"> 1. Local Government Act 1995 – Sections <u>2.7, 3.57, 5.44</u> 2. Local Government (Functions and General) Regulations 1996 – Part 4 – Provision of Goods and Services 3. State Records Act 2000 	
RELATED POLICIES	1. RM1 – Records Management	
RELATED PROCEDURES	<ol style="list-style-type: none"> 1. Code of Conduct for Council Members, Committee Members and Employees 2. Audit (Finance and Risk) Committee Terms of Reference 3. Organisational Directive – Purchasing Process (currently being developed) 3.4. <u>Credit Card Management Procedure</u> CP/FIN-3213 – Corporate Credit Cards 	

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PURPOSE:

The purpose of this Policy is to demonstrate the Council's commitment to delivering best practice in the Shire of Wyndham East Kimberley's ("the Shire") purchasing of goods, services and works that align with the principles of transparency, probity and good governance in accordance with the *Local Government Act 1995* ("the Act") and the *Local Government (Functions and General) Regulations 1996* ("the Regulations").

DEFINITIONS:

Authorising Officer is a Shire of Wyndham East Kimberley employee who is registered in the sub-delegation register as authorised by the Chief Executive Officer to incur expenditure and claims for payment, within a specific monetary limit.

A Deduction includes a fixed amount or percentage that has been authorised to be subtracted from an employee's income.

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~~Requisitioning Officer is a Shire of Wyndham East Kimberley employee who has Shire system access to raise a purchase requisition. This employee will not necessarily have purchasing authority, in which case, the requisition, and associated documentation is forwarded to an Authorising Officer for consideration.~~

Preferred Suppliers include WALGA Preferred Supply Contracts (which are specifically designed around local government requirements) or State Government Common Use Arrangements (where local government access is permitted).

Purchase is the acquisition of a good or service to achieve council business and is inclusive of purchasing, hire, lease, rental, exchange or any other commercial transaction involving the outlay of funds in return for the provision of goods, services equipment and related services, construction and service contracts. A purchase is not a Reimbursement, a transfer to another organisation of a Deduction, or a Refund, a Grant or Sponsorship.

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A Refund is a repayment of a sum of money.

A Reimbursement is a repayment of funds that have been expended by an employee undertaking business on behalf of the Shire of Wyndham East Kimberley.

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Requisitioning Officer is a Shire of Wyndham East Kimberley employee who has Shire system access to raise a purchase requisition. This employee will not necessarily have purchasing authority, in which case, the requisition, and associated documentation is forwarded to an Authorising Officer for consideration.

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A Grant is a sum of money given by the Shire of Wyndham East Kimberley to an eligible recipient (grantee) for a particular purpose following an application and assessment process.

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POLICY STATEMENTS:

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The Council believes that overall policy must be underpinned by sound principles, which are well understood, communicated to the community and compliant with current legislation.

The Council's objectives in establishing this Policy is to:

1. Ensure best practice policies and procedures are followed in relation to the internal purchasing for the Shire of Wyndham East Kimberley.
2. Ensure compliance with the *Local Government Act 1995* and the *Local Government Act (Functions and General) Regulations 1996*.
3. Ensure compliance with the *State Records Act 2000* and associated records management practices and procedures of the Shire.
4. To undertake purchasing processes that ensures value for money for the Shire by delivering the most advantageous outcome possible.
5. To ensure openness, transparency, fairness and equity through the purchasing process to all potential suppliers therefore strengthening integrity and confidence in the purchasing process.
- ~~6.~~ To ensure efficient and consistent purchasing processes are implemented and maintained across the Shire.
- ~~6.~~

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1. ETHICS & INTEGRITY

1.1. Code of Conduct

All officers and employees of the Shire undertaking purchasing activities must have regard for the requirements contained in the Code of Conduct for Council Members, Committee

Members and Employees (“the Code of Conduct”) and shall observe the highest standards of ethics and integrity. All officers and employees of the Shire must act in a manner which is honest and professional and supports the standing of the Shire at all times.

1.2. Purchasing Principles

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire’s policies and Code of Conduct;
- purchasing is to be undertaken on a competitive basis where all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies, audit requirements and relevant legislation;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

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2. VALUE FOR MONEY

Value for money is an overarching principle governing purchasing which allows the best possible outcome to be achieved for the Shire. It is important to note that compliance with the purchasing specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing and service benchmarks.

An assessment of the best value for money outcome for any purchasing process should consider:

- all relevant Total Costs of Ownership (TCO) and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal;
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality, including but not limited to an assessment of levels and currency of compliances, value adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc.
- financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history); ~~and~~

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- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable;
- the safety requirements associated with both the product design and specification offered by suppliers and the evaluation of risk when considering purchasing goods and services from suppliers;
- providing opportunities for businesses within the Shire of Wyndham East Kimberley boundaries to be given the opportunity to quote for providing goods and services wherever possible.

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3. PURCHASING THRESHOLDS AND POLICY REQUIREMENTS

The requirements that must be complied with by the Shire officers, including purchasing thresholds and processes, are prescribed within the *Regulations* and this Purchasing Policy.

Determining purchasing value is to be based on the following considerations:

1. Exclusive of Goods and Services Tax (GST);

1. The actual or expected value of a contract over the full contract period (including all options to extend); or
2. The extent to which it could be reasonably expected that the Shire will continue to purchase a particular category of goods, services or works and what total value is or could be reasonably expected to be purchased.

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Any purchasing activity must be undertaken in accordance with the Shire officer's sub-delegated purchasing authority limit as approved by the Chief Executive Officer and outlined in the sub-delegation register.

In some cases, suppliers may not respond to a request for quotation. In this instance, Shire officers must provide documentation to demonstrate their attempt to source the required number of quotations as outlined in Table A, however non-responses should not delay any purchasing activity unless it would be considered inappropriate to proceed.

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Table A

Purchasing Thresholds (ex GST)	Policy Requirements
Up to \$1,000	No quotations are required prior to purchase. Officers must ensure that they use their professional knowledge and expertise in the purchasing process. AND

	Provision of a purchase requisition and an Office Copy of the signed Purchase Order (or in the case whereby the Requisitioning Officer is the same person as the Authorising Officer), only an Office Copy of the signed Purchase Order unless the purchase is exempt as outlined in Part 3.3 of this Policy.
Over \$1,000 and Up to \$10,000	<p>Obtain at least two (2) verbal quotations from suppliers.</p> <p>OR</p> <p>Obtain at least two (2) quotations directly from preferred suppliers using a simple quotation process either verbally, through eQuotes or directly in writing. If you are utilising eQuotes as your sole purchasing method and there are more than two (2) preferred suppliers on the WALGA preferred supplier panel, quotations must be sought from each preferred supplier, as considered appropriate by the officer.</p> <p>Two (2) verbal quotations to be recorded on the IF/PC 2281 – Record of Verbal & Written Quotes form.</p> <p>OR</p> <p>Two (2) written quotations to be recorded on the IF/PC 2281 – Record of Verbal & Written Quotes form with the written quotations attached unless the purchase is exempt as outlined in Part 3.2 of this Policy.</p> <p>AND</p> <p>Provision of a purchase requisition and an Office Copy of the signed Purchase Order (or in the case whereby the Requisitioning Officer is the same person as the Authorising Officer), only an Office Copy of the signed Purchase Order unless the purchase is exempt as outlined in Part 3.3 of this Policy.</p>
Purchasing Thresholds (ex GST)	Policy Requirements
Over \$10,000 and Up To \$50,000	<p>Obtain at least three (3) written quotations (eg email, fax or original copy).</p> <p>OR</p> <p>Obtain at least three (3) quotations directly from preferred suppliers using a simple quotation process either through eQuotes or directly in writing. If you are utilising eQuotes as your sole purchasing method and there are more than three (3) preferred suppliers on the WALGA preferred supplier panel, quotations must be sought from each preferred supplier, as considered appropriate by the officer.</p> <p>Three (3) written quotations to be recorded on the IF/PC 2281 – Record of Verbal & Written Quotes form with the written quotations attached unless the purchase is exempt as outlined in Part 3.2 of this Policy.</p> <p>AND</p>

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	Provision of a purchase requisition and an Office Copy of the signed Purchase Order (or in the case whereby the Requisitioning Officer is the same person as the Authorising Officer), only an Office Copy of the signed Purchase Order unless the purchase is exempt as outlined in Part 3.3 of this Policy.
Over \$50,000 and Up To \$ 150 0,000	<p>Obtain at least three (3) written quotations (eg email, fax or original copy) from suppliers containing price and specification of goods and services. The procurement decision is to be based on all value for money considerations in accordance with the definition stated within this Policy.</p> <p>OR</p> <p>Obtain at least three (3) quotations directly from preferred suppliers using a formal request for quotation process either through eQuotes or directly in writing. If you are utilising eQuotes as your sole purchasing method and there are more than three (3) preferred suppliers on the WALGA preferred supplier panel, quotations must be sought from each preferred supplier, as considered appropriate by the officer.</p> <p>Three (3) written quotations to be recorded on the IF/PC-2281 – Record of Verbal & Written Quotes form with the written quotations attached unless the purchase is exempt as outlined in Part 3.2 of this Policy.</p> <p>AND</p> <p>Provision of a purchase requisition and an Office Copy of the signed Purchase Order (or in the case whereby the Requisitioning Officer is the same person as the Authorising Officer), only an Office Copy of the signed Purchase Order unless the purchase is exempt as outlined in Part 3.3 of this Policy.</p>
Purchasing Thresholds (ex GST)	Policy Requirements
\$ 150 0,000 and above	<p>Conduct a public tender process in accordance with this policy and the WALGA Procurement Handbook<u>legislative requirements</u>. The procurement decision is to be based on value for money considerations in accordance with the definition stated within this Policy. Legislative compliance requirements must be adhered to.</p> <p>OR</p> <p>Obtain at least three (3) quotations directly from preferred suppliers using a formal request for quotation process either through eQuotes or directly in writing. If you are utilising eQuotes as your sole purchasing method and there are more than three (3) preferred suppliers on the WALGA preferred supplier panel, quotations must be sought from each preferred supplier, as considered appropriate by the officer.</p> <p>Legislative compliance requirements must be adhered to.</p>

3.1. Tender Exemptions

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Tender exemptions apply in the following instances:

- * ~~A~~an emergency situation as defined by the Act;
 - * ~~T~~he purchase is from a WALGA Preferred Supply Contract or Business Service. All WALGA Preferred Supply Contracts have been established utilising a competitive public procurement process to pre-qualify suppliers that meet compliance requirements and offer optimal value for money to the Local Government sector.
 - * ~~T~~he purchase is from a Department of Finance Common Use Arrangements (where ~~Local-local Government government~~ use is permitted), a ~~Regional-regional Local-local Government government~~ or another ~~Local-local Government government~~;
 - * ~~T~~he purchase is under auction that has been authorised by Council;
 - * ~~The goods or services are being supplied by or obtained through the State or Commonwealth government (or any of its agencies) or a local government;~~
 - * ~~T~~he contract is for petrol, oil, or other liquid or gas used for internal combustion engines; ~~or~~
 - * ~~The goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA, as published by the Small Business Development Corporation, where the consideration under contract is worth less than \$250,000 and represents value for money;~~
 - * ~~The goods or services are obtained through an Australian Disability Enterprise and represents value for money;~~
 - * ~~The goods or services are being supplied through a renewal or extension of the term of a contract (the original contract) where;~~
 - ~~a) The original contract was administered through a public tender process;~~
 - ~~b) The invitation for tenders contained provisions for the renewal or extension of a contract;~~
 - ~~c) The original contract contains an option to renew or extend its term; and~~
 - ~~d) The suppliers tender included a requirement for such an option.~~
 - * ~~Any of the other exclusions under contained in Regulation 11 of the Local Government (Functions and General) Regulations 1996 apply.~~
- ~~any of the other exclusions under Regulation 11 of the Regulations apply.~~

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Note:

~~3.2.~~ *When making a decision about whether to conduct a public tender or utilise a tender exempt arrangement, the Shire officer should compare the cost and benefits of both processes.*

~~3.3.~~ *The compliance requirements, time constraints, costs and risks associated with a public tender should be evaluated against the value delivered by such a process. This should then be compared with the costs and benefits of using a tender exempt arrangement which include direct access to preferred suppliers, full regulatory compliance, risk mitigation, administrative efficiencies and cost savings.*

3.2

3.4. Exemptions Relating to Policy Requirements for Quotations

The obligation to source quotations is not required in the following instances:

- 1) Procurement of particular goods or services:
 - ~~a)~~ Utilities, including telephone, electricity.
 - ~~b)~~ ~~a)~~ ~~Water and gas~~
 - ~~e)~~ ~~b)~~ Freight up to the value of \$1,000 (GST exclusive)
 - ~~e)~~ ~~c)~~ Local public notice advertisements that are required by legislation
 - ~~e)~~ ~~d)~~ Statewide public notice advertisements that are required by legislation
 - ~~e)~~ Annual memberships/subscriptions
 - ~~f)~~ **Software license fees**
 - ~~g)~~ Conference registration fees
 - ~~Reimbursements to staff~~
 - ~~h)~~ ~~Payment of Ratepayer refunds~~
 - ~~h)~~ Employment of temporary staff members through temporary personnel service agencies
 - ~~h)~~ Department of Land Information on-line transactions
 - ~~k)~~ ~~l)~~ Motor Vehicle Licensing and Registration
 - Postage
 - ~~k)~~ ~~l)~~ **Insurance excess**
 - ~~Payment of payroll deductions~~
 - ~~Reimbursements of Long Service Leave Entitlements to Western Australian local governments~~
 - ~~2)~~ Corporate Credit Card or Corporate Fuel Card purchases up to the value of \$1,000 (GST exclusive).
 - ~~2)~~
 - ~~3)~~ Petty Cash purchases up to the value of \$200 (GST exclusive).
 - ~~3)~~

3.5-3.2. Exemptions Relating to Policy Requirements for Purchase Requisitions and Purchase Orders

The obligation to issue a purchase order is not required in the following instances:

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1) Procurement of particular goods or services:

- a) Annual memberships/subscriptions
- a)b) Software license fees
- b)c) Department of Land Information on-line transactions
- d) Motor Vehicle and Jetty Licensing and Registration
- e)e) Insurance excess

2) Corporate Credit Card or Corporate Fuel Card purchases.

3) Petty Cash purchases up to the value of \$200 (GST exclusive).

- 4) Debt recovery commissions Commissions
- Payment of payroll deductions
- Payment of staff reimbursements
- Payment of Long Service Leave reimbursements to Western Australian local governments

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3.6-3.3. Requirements When the Shire Invites Tenders Though It Is Not Required To Do So

Where considered necessary, the Shire may consider calling public tenders in lieu of undertaking a request for quotation for purchases under the \$1590,000 threshold (excluding GST).

This decision should be made after considering the benefits of this approach in comparison with the costs, risks, timeliness and compliance requirements and also whether the purchasing requirement can be met through preferred suppliers.

If a decision is made to undertake a public tender for contracts of less than \$1590,000, a Request for Tender process entailing all the procedures for tendering outlined in the Shire’s Organisational Directive and the WALGA Procurement Handbook legislation must be followed in full.

3.7-3.4. Sole Source of Supply (Monopoly Suppliers)

Where the purchasing requirement is over the value of \$1,000 and of a unique nature that can only be supplied from one supplier, the purchase is permitted without undertaking a tender or quotation process. This is only permitted in circumstances where the Shire is satisfied and can evidence that there is only one source of supply for those goods, services or works.

The Shire must use its best endeavours to determine if the sole source of supply is genuine by exploring if there are any alternative sources of supply. Once determined, the justification must be endorsed by the Chief Executive Officer, prior to a contract being entered into.

The procurement of goods and/or services available from only one source of supply is permitted without the need to undertake a competitive procurement process provided that there is genuinely only one source of supply.

Every effort to find alternative sources of supply must be made, and Shire officers must provide documentation to demonstrate their attempt to source alternative suppliers.

Note: The application of the “Sole Source of Supply” provision should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the required goods and/or services.

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3.8-3.5. Anti-Avoidance

The Shire shall not enter two (2) or more contracts of a similar nature for the purpose of splitting the value of the contracts to enable the value of the consideration to be below the level of \$1590,000, thereby avoiding the need to undertake a public tender process.

For the purpose of this Purchasing Policy, a signed purchase order is considered to be a contract.

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2.7 Emergency Purchases

An emergency purchase is defined as an unanticipated and unbudgeted purchase which is required in response to an emergency situation as provided for in the Local

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Government Act 1995. In such instances, quotations and tenders are not required to be obtained prior to the purchase being undertaken.

An emergency purchase does not relate to purchases not planned for due to time constraints. Every effort must be made to anticipate purchases required by the Shire in advance and to allow sufficient time to obtain quotations and tenders, whichever may apply.

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4. ADDITIONAL PROCEDURAL THRESHOLDS FOR TENDERS

To ensure a best practice approach to purchasing activity for the Shire, the following additional procedural thresholds will apply ~~to any tender process~~:

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PURCHASE TENDER VALUE	PRE TENDER PURCHASING REQUIREMENT ACTIONS	POST TENDER PURCHASING REQUIREMENT CLOSING ACTIONS	ASSESSMENT TIMEFRAME	EVALUATION PANEL
Over \$1,500,000 and less than \$1,000,000	1. Optional site briefing	In accordance with statutory requirements	Up to 2 weeks	Two (2) Shire Officers and Director
Over \$1,000,000 and less than \$5,000,000	1. Compulsory site briefing (depending on complexity of goods/services to be procured) 2. Business / Operational Plan required 3. Peer review of design/specification including sign off* 4. Project Manager engaged (optional) 5. Tender Evaluation Plan 6. Asset Management Plan (where relevant) 6.	In accordance with statutory requirements	Up to 4 weeks	Two (2) Shire Officers and Director
Over \$5,000,000 and less than \$10,000,000	1. As above, and 2. Legal advice on tender documents prior to distribution (dependent upon complexity of goods/services to be procured) 3. Engagement of probity advisor 4. External Project Manager engaged (optional) 5. Quantity Surveyor engaged (optional)	1. In accordance with statutory requirements 2. Interviews with tenderers 3. Quarterly QS approval of works undertaken prior to payment approval (optional) 4. Legal advice on tender contract prior to execution (dependent upon complexity of goods/servic	Up to 6 weeks	Two (2) Shire Officers and two (2) Directors

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		es to be procured)		
Over \$10,000,000	<ol style="list-style-type: none"> 1. As above, and 2. Legal advice on tender documents prior to distribution is mandatory 3. External Project Manager engagement is mandatory 4. Quantity Surveyor engagement is mandatory 	<ol style="list-style-type: none"> 1. As above, and 2. Legal advice on tender contract prior to execution is mandatory 3. Monthly QA approval of works prior to payment approval is required 	Up to 8 weeks	Two Directors (2) and CEO

* Does not apply to Design and Construct or Schedule or Rates tenders.

5. RECORDS MANAGEMENT

Records of all tenders, requests for quotation and other purchases must be retained in compliance with the *State Records Act 2000 (WA)* and the Shire's Records Management Policy.

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6. SUSTAINABLE PROCUREMENT

Sustainable procurement is defined as the purchasing of goods and services that have fewer negative environmental and social impacts than competing products and services.

The Shire is committed to sustainable procurement and where appropriate shall endeavour to design requests for quotation and tenders to minimise negative environmental and social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the with Shire's sustainability objectives.

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7. BUY LOCAL

Under the Western Australian Government's "*Buy Local Policy*", Government agencies and local governments are encouraged to maximise the participation of local and small businesses in the supply of goods, services and works purchased or contracted by government agencies.

A key goal in this policy is open and fair competition to ensure that Western Australian businesses are provided with every opportunity to bid for work. It is recognised that not every category of goods, services or works that is purchased by the Shire will lend itself to supply by local businesses.

As much as practicable, the Shire's purchasing must:

- ensure that buying practices, procedures and specifications do not unfairly disadvantage any business;
- ensure that procurement plans address local business capability and local content;
- explore the capability of local businesses to meet requirements and ensure that requests for quotation and tenders are designed to accommodate the capabilities of local businesses;
- avoid bias in the design and specifications for requests for quotation and tenders – all requests must be structured to encourage local businesses to bid; and
- provide adequate and consistent information to potential suppliers.

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8. PURCHASING FROM WA DISABILITY ENTERPRISES

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the Shire is not required to publicly invite tenders if the goods or services are to be

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supplied from an Australian Disability Enterprise, as registered on www.ade.org.au. This is contingent on the demonstration of value for money.

Where possible, Australian Disability Enterprises are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Australian Disability Enterprises.

Pursuant to State Government policy, Shire officers are encouraged to consider the option of purchasing goods and services from registered WA Disability Enterprises. This is contingent on the provision of fair value and quality.

Shire officers are encouraged to invite relevant WA Disability Enterprises to respond to a request for quotation or tender for goods or services.

Determining the purchasing process to be followed is based on the actual or expected value of each purchase by the Shire as outlined above in Section 3 (Purchasing Thresholds and Policy Requirements) of this Policy. There are seven (7) Disability Enterprises registered in Western Australia.

A complete list of approved organisations is available from the following website: www.wade.org.au

9. PURCHASING FROM ABORIGINAL BUSINESSES

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the Shire is not required to publicly invite tenders if the goods or services are to be supplied from a person registered on the Aboriginal Business Directory published by the Small Business Development Corporation on www.abdwa.com.au, where the expected consideration under contract is worth \$250,000 or less. This is contingent on the demonstration of value for money.

Where possible, Aboriginal businesses are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Aboriginal owned businesses, or businesses that demonstrate a high level of aboriginal employment.

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EXPLANATORY NOTES:

1. LEGISLATIVE CONSIDERATION

The following Acts and Regulations apply to this policy:

Local Government Act 1995:

2.7. Role of council

(1) The council —

(a) governs the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to —

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.

3.57. Tenders for providing goods or services

- ~~(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.~~
- ~~(2) Regulations may make provision about tenders.~~

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Local Government (Functions and General) Regulations 1996
Part 4
Division 1 – Purchasing policies

11A. Purchasing policies for local governments

- ~~(1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150 000 or less or worth \$150 000 or less.~~
- ~~(2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).~~
- ~~(3) A purchasing policy must make provision in respect of —~~
 - ~~(a) the form of quotations acceptable; and~~
 - ~~(b) the recording and retention of written information, or documents, in respect of —~~
 - ~~(i) all quotations received; and~~
 - ~~(ii) all purchases made.~~

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4.2. TENDER OR REQUEST FOR QUOTATION THROUGH TENDER EXEMPT PANELS (\$150,000 OR OVER IN VALUE)

For the procurement of goods, services or works where the value exceeds \$150,000, the Shire must either undertake:

- a) Public tender process; or
- ~~b) Request for quotation process from a tender exempt panel of preferred suppliers including WALGA Preferred Supply Contracts (which are specifically designed around Local Government requirements) or State Government Common Use Arrangements (where Local Government access is permitted).~~
- ~~b) _____~~

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4.1-2.1. Using a Tender Exempt Panel of Preferred Suppliers

When accessing a tender exempt panel of preferred suppliers, the Shire must utilise a request for quotation process through eQuotes or in writing direct with the preferred suppliers in accordance with the requirements outlined in Table A.

In undertaking a request for quotation, the Shire does not need to request that preferred suppliers provide the type of information that is normally provided in a public tender. The fact that the State Government and WALGA has already undertaken a public procurement process and has pre-qualified each preferred supplier means that this information has already been obtained and validated.

Additionally, the Shire does not need to use its own contractual terms and conditions given that the State Government and WALGA has already developed best practice contractual terms and conditions which have been accepted by every preferred supplier.

These contractual terms and conditions ensure that the interests of the Shire are fully protected.

Keeping the scope of the request for quotation focused on the specification and the selection criteria that will be utilised by the Shire to assess different quotations will ensure that only the required information is sought from preferred suppliers and the response process is streamlined.

Responses from preferred suppliers should be in writing and contain the price and a sufficient amount of information that addresses the specification and selection criteria provided by the Shire.

4.2.2.2. eQuotes

eQuotes is a secure, web-based procurement tool that streamlines and simplifies the request for quotation process with WALGA Preferred Suppliers at the same time as facilitating purchasing compliance, probity and control over all aspects of purchasing.

All WALGA Preferred Supply Contracts are available on eQuotes and all necessary contract information is preloaded to enable informed procurement choices, including contract details, insurances, pricing (where applicable) etc.

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RISK:

Risk: Inability to fund the infrastructure gap.

Control: Develop LTFP to ensure critical assets maintained in Annual Budgets.

Risk: Inability to deliver levels of service expected by the community.

Control: Current budget and service levels.

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.



POLICY NO	CP/FIN-3204	
POLICY	Purchasing Policy	
RESPONSIBLE DIRECTORATE	Corporate Services	
RESPONSIBLE OFFICER	Director Corporate Services	
COUNCIL ADOPTION	Date: 18/06/2013	Resolution No: 10096
REVIEWED/MODIFIED	Date: 26/05/2015	Resolution No:10949
	Date:	Resolution No:
REVIEW DUE	Date: May 2017	
LEGISLATION	<ol style="list-style-type: none"> 1. Local Government Act 1995 – Sections 3.57, 5.41 2. Local Government (Functions and General) Regulations 1996 – Part 4 – Provision of Goods and Services 3. State Records Act 2000 	
RELATED POLICIES	1. RM1 – Records Management	
RELATED PROCEDURES	<ol style="list-style-type: none"> 1. Code of Conduct for Council Members, Committee Members and Employees 2. Audit (Finance and Risk) Committee Terms of Reference 3. Organisational Directive – Purchasing Process (currently being developed) 	

PURPOSE:

The purpose of this Policy is to demonstrate the Council's commitment to delivering best practice in the Shire of Wyndham East Kimberley's ("the Shire") purchasing of goods, services and works that align with the principles of transparency, probity and good governance in accordance with the *Local Government Act 1995* ("the Act) and the *Local Government (Functions and General) Regulations 1996* ("the Regulations").

DEFINITIONS:

Authorising Officer is a Shire of Wyndham East Kimberley employee who is registered in the sub-delegation register as authorised by the Chief Executive Officer to incur expenditure and claims for payment, within a specific monetary limit.

Requisitioning Officer is a Shire of Wyndham East Kimberley employee who has Shire system access to raise a purchase requisition. This employee will not necessarily have purchasing authority, in which case, the requisition, and associated documentation is forwarded to an Authorising Officer for consideration.

Preferred Suppliers include WALGA Preferred Supply Contracts (which are specifically designed around local government requirements) or State Government Common Use Arrangements (where local government access is permitted).

POLICY STATEMENTS:

The Council believes that overall policy must be underpinned by sound principles, which are well understood, communicated to the community and compliant with current legislation.

The Council's objectives in establishing this Policy is to:

1. Ensure best practice policies and procedures are followed in relation to the internal purchasing for the Shire of Wyndham East Kimberley.
2. Ensure compliance with the *Local Government Act 1995* and the *Local Government Act (Functions and General) Regulations 1996*.
3. Ensure compliance with the *State Records Act 2000* and associated records management practices and procedures of the Shire.
4. To undertake purchasing processes that ensures value for money for the Shire by delivering the most advantageous outcome possible.
5. To ensure openness, transparency, fairness and equity through the purchasing process to all potential suppliers therefore strengthening integrity and confidence in the purchasing process.
6. To ensure efficient and consistent purchasing processes are implemented and maintained across the Shire.

1. ETHICS & INTEGRITY

1.1. Code of Conduct

All officers and employees of the Shire undertaking purchasing activities must have regard for the requirements contained in the Code of Conduct for Council Members, Committee Members and Employees ("the Code of Conduct") and shall observe the highest standards of ethics and integrity. All officers and employees of the Shire must act in a manner which is honest and professional and supports the standing of the Shire at all times.

1.2. Purchasing Principles

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire's policies and Code of Conduct;
- purchasing is to be undertaken on a competitive basis where all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies, audit requirements and relevant legislation;

- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

2. VALUE FOR MONEY

Value for money is an overarching principle governing purchasing which allows the best possible outcome to be achieved for the Shire. It is important to note that compliance with the purchasing specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing and service benchmarks.

An assessment of the best value for money outcome for any purchasing process should consider:

- all relevant Total Costs of Ownership (TCO) and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal;
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality, including but not limited to an assessment of levels and currency of compliances, value adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc.
- financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history); and
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

3. PURCHASING THRESHOLDS AND POLICY REQUIREMENTS

The requirements that must be complied with by the Shire officers, including purchasing thresholds and processes, are prescribed within the *Regulations* and this Purchasing Policy.

Determining purchasing value is to be based on the following considerations:

1. The actual or expected value of a contract over the full contract period (including all options to extend); or
2. The extent to which it could be reasonably expected that the Shire will continue to purchase a particular category of goods, services or works and what total value is or could be reasonably expected to be purchased.

Any purchasing activity must be undertaken in accordance with the Shire officer's sub-delegated purchasing authority limit as approved by the Chief Executive Officer and outlined in the sub-delegation register.

In some cases suppliers may not respond to a request for quotation. In this instance, Shire officers must provide documentation to demonstrate their attempt to source the required number of quotations as outlined in Table A, however non-responses should not delay any purchasing activity unless it would be considered inappropriate to proceed.

Table A

Purchasing Thresholds (ex GST)	Policy Requirements	
	Quotations	Conditions
Up to \$1,000	No quotations are required prior to purchase.	Officers must ensure that they use their professional knowledge and expertise in the purchasing process. AND Provision of a purchase requisition and an Office Copy of the signed Purchase Order (or in the case whereby the Requisitioning Officer is the same person as the Authorising Officer), only an Office Copy of the signed Purchase Order unless the purchase is exempt as outlined in Part 3.3 of this Policy.
Over \$1,000 and Up to \$10,000	Obtain at least two (2) verbal quotations from suppliers. OR Obtain at least two (2) quotations directly from preferred suppliers using a simple quotation process either verbally, through eQuotes or directly in writing. If you are utilising eQuotes as your sole purchasing method, quotations must be sought from each preferred supplier, as considered appropriate by the officer.	Two (2) verbal quotations to be recorded on the IF/PC-2281 – Record of Verbal & Written Quotes form. OR Two (2) written quotations to be recorded on the IF/PC-2281 – Record of Verbal & Written Quotes form with the written quotations attached unless the purchase is exempt as outlined in Part 3.2 of this Policy. AND Provision of a purchase requisition and an Office Copy of the signed Purchase Order (or in the case whereby the Requisitioning Officer is the same person as the Authorising Officer), only an Office Copy of the signed Purchase Order unless the purchase is exempt as outlined in Part 3.3 of this Policy.

Purchasing Thresholds (ex GST)	Policy Requirements	
	Quotations	Conditions
Over \$10,000 and Up To \$50,000	<p>Obtain at least three (3) written quotations (eg email, fax or original copy).</p> <p>OR</p> <p>Obtain at least three (3) quotations directly from preferred suppliers using a simple quotation process either through eQuotes or directly in writing. If you are utilising eQuotes as your sole purchasing method, quotations must be sought from each preferred supplier, as considered appropriate by the officer.</p>	<p>Three (3) written quotations to be recorded on the IF/PC-2281 – Record of Verbal & Written Quotes form with the written quotations attached unless the purchase is exempt as outlined in Part 3.2 of this Policy.</p> <p>AND</p> <p>Provision of a purchase requisition and an Office Copy of the signed Purchase Order (or in the case whereby the Requisitioning Officer is the same person as the Authorising Officer), only an Office Copy of the signed Purchase Order unless the purchase is exempt as outlined in Part 3.3 of this Policy.</p>
Over \$50,000 and Up To \$100,000	<p>Obtain at least three (3) written quotations (eg email, fax or original copy) from suppliers containing price and specification of goods and services. The procurement decision is to be based on all value for money considerations in accordance with the definition stated within this Policy.</p> <p>OR</p> <p>Obtain at least three (3) quotations directly from preferred suppliers using a formal request for quotation process either through eQuotes or directly in writing. If you are utilising eQuotes as your sole purchasing method, quotations must be sought from each preferred supplier, as considered appropriate by the officer.</p>	<p>Three (3) written quotations to be recorded on the IF/PC-2281 – Record of Verbal & Written Quotes form with the written quotations attached unless the purchase is exempt as outlined in Part 3.2 of this Policy.</p> <p>AND</p> <p>Provision of a purchase requisition and an Office Copy of the signed Purchase Order (or in the case whereby the Requisitioning Officer is the same person as the Authorising Officer), only an Office Copy of the signed Purchase Order unless the purchase is exempt as outlined in Part 3.3 of this Policy.</p>

Purchasing Thresholds (ex GST)	Policy Requirements	
	Quotations	Conditions
\$100,000 and above	<p>Conduct a public tender process in accordance with this policy and the WALGA Procurement Handbook. The procurement decision is to be based on value for money considerations in accordance with the definition stated within this Policy.</p> <p>OR</p> <p>Obtain at least three (3) quotations directly from preferred suppliers using a formal request for quotation process either through eQuotes or directly in writing. If you are utilising eQuotes as your sole purchasing method, quotations must be sought from each preferred supplier, as considered appropriate by the officer.</p>	Legislative compliance requirements must be adhered to.

3.1. Tender Exemptions

Tender exemptions apply in the following instances:

- * an emergency situation as defined by the *Act*;
- * the purchase is from a WALGA Preferred Supply Contract or Business Service. All WALGA Preferred Supply Contracts have been established utilising a competitive public procurement process to pre-qualify suppliers that meet compliance requirements and offer optimal value for money to the Local Government sector.
- * the purchase is from a Department of Finance Common Use Arrangements (where Local Government use is permitted), a Regional Local Government or another Local Government;
- * the purchase is under auction that has been authorised by Council;
- * the contract is for petrol, oil, or other liquid or gas used for internal combustion engines; or
- * any of the other exclusions under Regulation 11 of the *Regulations* apply.

Note:

When making a decision about whether to conduct a public tender or utilise a tender exempt arrangement, the Shire officer should compare the cost and benefits of both processes.

The compliance requirements, time constraints, costs and risks associated with a public tender should be evaluated against the value delivered by such a process. This should then be compared with the costs and benefits of using a tender exempt arrangement which include direct access to preferred suppliers, full regulatory compliance, risk mitigation, administrative efficiencies and cost savings.

3.2. Exemptions Relating to Policy Requirements for Quotations

The obligation to source quotations is not required in the following instances:

- 1) Procurement of particular goods or services:
 - a) Utilities, including telephone, electricity
 - b) Water and gas
 - c) Freight up to the value of \$1,000 (GST exclusive)
 - d) Local public notice advertisements that are required by legislation
 - e) Statewide public notice advertisements that are required by legislation
 - f) Annual memberships/subscriptions
 - g) Conference registration fees
 - h) Reimbursements to staff
 - i) Employment of temporary staff members through temporary personnel service agencies
 - j) Department of Land Information on-line transactions
 - k) Motor Vehicle Licensing and Registration
 - l) Postage
- 2) Corporate Credit Card or Corporate Fuel Card purchases up to the value of \$1,000 (GST exclusive).
- 3) Petty Cash purchases up to the value of \$200 (GST exclusive).

3.3. Exemptions Relating to Policy Requirements for Purchase Requisitions and Purchase Orders

The obligation to issue a purchase order is not required in the following instances:

- 1) Procurement of particular goods or services:
 - a) Annual memberships/subscriptions
 - b) Department of Land Information on-line transactions
 - c) Motor Vehicle Licensing and Registration
- 2) Corporate Credit Card or Corporate Fuel Card purchases.
- 3) Petty Cash purchases up to the value of \$200 (GST exclusive).

3.4. Requirements When the Shire Invites Tenders Though It Is Not Required To Do So

Where considered necessary, the Shire may consider calling public tenders in lieu of undertaking a request for quotation for purchases under the \$100,000 threshold (excluding GST).

This decision should be made after considering the benefits of this approach in comparison with the costs, risks, timeliness and compliance requirements and also whether the purchasing requirement can be met through preferred suppliers.

If a decision is made to undertake a public tender for contracts of less than \$100,000, a Request for Tender process entailing all the procedures for tendering outlined in the Shire's Organisational Directive and the WALGA Procurement Handbook must be followed in full.

3.5. Sole Source of Supply (Monopoly Suppliers)

The procurement of goods and/or services available from only one source of supply is permitted without the need to undertake a competitive procurement process provided that there is genuinely only one source of supply.

Every effort to find alternative sources of supply must be made, and Shire officers must provide documentation to demonstrate their attempt to source alternative suppliers.

Note: The application of the "Sole Source of Supply" provision should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the required goods and/or services.

3.6. Anti-Avoidance

The Shire shall not enter two (2) or more contracts of a similar nature for the purpose of splitting the value of the contracts to enable the value of the consideration to be below the level of \$100,000, thereby avoiding the need to undertake a public tender process.

For the purpose of this Purchasing Policy, a signed purchase order is considered to be a contract.

4. ADDITIONAL PROCEDURAL THRESHOLDS FOR TENDERS

To ensure a best practice approach to purchasing activity for the Shire, the following additional procedural thresholds will apply to any tender process:

TENDER VALUE	PRE TENDER ACTIONS	POST TENDER CLOSING ACTIONS	ASSESSMENT TIMEFRAME	EVALUATION PANEL
Over \$100,000 and less than \$1,000,000	1. Optional site briefing	In accordance with statutory requirements	Up to 2 weeks	Two (2) Shire Officers and Director
Over \$1,000,000 and less than \$5,000,000	1. Compulsory site briefing (depending on complexity of goods/services to be procured) 2. Business / Operational Plan required 3. Peer review of design/specification including sign off* 4. Project Manager engaged (optional) 5. Tender Evaluation Plan 6. Asset Management Plan (where relevant)	In accordance with statutory requirements	Up to 4 weeks	Two (2) Shire Officers and Director
Over \$5,000,000 and less than \$10,000,000	1. As above, and 2. Legal advice on tender documents prior to distribution (dependent upon complexity of goods/services to be procured) 3. Engagement of probity advisor 4. External Project Manager engaged (optional) 5. Quantity Surveyor engaged (optional)	1. In accordance with statutory requirements 2. Interviews with tenderers 3. Quarterly QS approval of works undertaken prior to payment approval (optional) 4. Legal advice on tender contract prior to execution (dependent upon complexity of goods/services to be procured)	Up to 6 weeks	Two (2) Shire Officers and two (2) Directors
Over \$10,000,000	1. As above, and 2. Legal advice on tender documents prior to distribution is mandatory 3. External Project Manager engagement is mandatory 4. Quantity Surveyor engagement is mandatory	1. As above, and 2. Legal advice on tender contract prior to execution is mandatory 3. Monthly QA approval of works prior to payment approval is required	Up to 8 weeks	Two (2) Directors and CEO

* Does not apply to Design and Construct or Schedule or Rates tenders.

5. RECORDS MANAGEMENT

Records of all tenders, requests for quotation and other purchases must be retained in compliance with the *State Records Act 2000 (WA)* and the Shire's Records Management Policy.

6. SUSTAINABLE PROCUREMENT

Sustainable procurement is defined as the purchasing of goods and services that have fewer negative environmental and social impacts than competing products and services.

The Shire is committed to sustainable procurement and where appropriate shall endeavour to design requests for quotation and tenders to minimise negative environmental and social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the with Shire's sustainability objectives.

7. BUY LOCAL

Under the Western Australian Government's "*Buy Local Policy*", Government agencies and local governments are encouraged to maximise the participation of local and small businesses in the supply of goods, services and works purchased or contracted by government agencies.

A key goal in this policy is open and fair competition to ensure that Western Australian businesses are provided with every opportunity to bid for work. It is recognised that not every category of goods, services or works that is purchased by the Shire will lend itself to supply by local businesses.

As much as practicable, the Shire's purchasing must:

- ensure that buying practices, procedures and specifications do not unfairly disadvantage any business;
- ensure that procurement plans address local business capability and local content;
- explore the capability of local businesses to meet requirements and ensure that requests for quotation and tenders are designed to accommodate the capabilities of local businesses;
- avoid bias in the design and specifications for requests for quotation and tenders – all requests must be structured to encourage local businesses to bid; and
- provide adequate and consistent information to potential suppliers.

8. PURCHASING FROM WA DISABILITY ENTERPRISES

Pursuant to State Government policy, Shire officers are encouraged to consider the option of purchasing goods and services from registered WA Disability Enterprises. This is contingent on the provision of fair value and quality.

Shire officers are encouraged to invite relevant WA Disability Enterprises to respond to a request for quotation or tender for goods or services.

Determining the purchasing process to be followed is based on the actual or expected value of each purchase by the Shire as outlined above in Section 3 (Purchasing Thresholds and Policy Requirements) of this Policy. There are seven (7) Disability Enterprises registered in Western Australia.

A complete list of approved organisations is available from the following website:
www.wade.org.au

EXPLANATORY NOTES:

1. TENDER OR REQUEST FOR QUOTATION THROUGH TENDER EXEMPT PANELS (\$100,000 OR OVER IN VALUE)

For the procurement of goods, services or works where the value exceeds \$100,000, the Shire must either undertake:

- a) Public tender process; or
- b) Request for quotation process from a tender exempt panel of preferred suppliers including WALGA Preferred Supply Contracts (which are specifically designed around Local Government requirements) or State Government Common Use Arrangements (where Local Government access is permitted).

1.1. Using a Tender Exempt Panel of Preferred Suppliers

When accessing a tender exempt panel of preferred suppliers, the Shire must utilise a request for quotation process through eQuotes or in writing direct with the preferred suppliers in accordance with the requirements outlined in Table A.

In undertaking a request for quotation, the Shire does not need to request that preferred suppliers provide the type of information that is normally provided in a public tender. The fact that the State Government and WALGA has already undertaken a public procurement process and has pre-qualified each preferred supplier means that this information has already been obtained and validated.

Additionally, the Shire does not need to use its own contractual terms and conditions given that the State Government and WALGA has already developed best practice contractual terms and conditions which have been accepted by every preferred supplier. These contractual terms and conditions ensure that the interests of the Shire are fully protected.

Keeping the scope of the request for quotation focused on the specification and the selection criteria that will be utilised by the Shire to assess different quotations will ensure that only the required information is sought from preferred suppliers and the response process is streamlined.

Responses from preferred suppliers should be in writing and contain the price and a sufficient amount of information that addresses the specification and selection criteria provided by the Shire.

1.2. eQuotes

eQuotes is a secure, web-based procurement tool that streamlines and simplifies the request for quotation process with WALGA Preferred Suppliers at the same time as facilitating purchasing compliance, probity and control over all aspects of purchasing.

All WALGA Preferred Supply Contracts are available on eQuotes and all necessary contract information is preloaded to enable informed procurement choices, including contract details, insurances, pricing (where applicable) etc.

RISK:

Risk: Inability to fund the infrastructure gap.

Control: Develop LTFFP to ensure critical assets maintained in Annual Budgets.

Risk: Inability to deliver levels of service expected by the community.

Control: Current budget and service levels.

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.

N Octoman declared an Impartiality Interest as she is a member of the Ord River Sports Club.

C Askew declared an Impartiality Interest as he is a member of the Kununurra Golf Club.

Cr S Cooke declared an Impartiality Interest as she is a member of the Order River Sports Club.

Cr K Wright and Cr E Bolto declared an Impartiality Interest as they are members of the Kununurra Agricultural Society.

12.04.5. Rates Exemptions and Concessions for 2016/17 and 2017/18

DATE:	31 May 2016
AUTHOR:	Veronica Gulland, Senior Rates Officer
RESPONSIBLE OFFICER:	Natalie Octoman, Director Corporate Services
ASSESSMENT NO:	A4993, A7561, A2859, A7620, A1160, A1072, A502, A2866, A5621, A5616
FILE NO:	FM.11.79
DISCLOSURE OF INTERESTS:	The Director Corporate Services discloses an impartiality interest in this item as she is a member of the Ord River Sports Club.

VOTING REQUIREMENT

Absolute Majority

OFFICER’S RECOMMENDATION

That Council:-			
1. Approves the following rates concessions for the 2016/17 and 2017/18 financial years, therefore waiving rates of approximately \$55,894.89 for the 2016/17 financial year in accordance with the following table:			
Assessment Number	Name	Concession Applied	Estimated Concession Based on 2015/16 Rates
A4993	Lake Kununurra Golf Club Inc	100% Concession	\$9,406.60
A7561	Ord River Sailing Club Inc.	100% Concession	\$2,183.68

A2859	Kununurra Race Club Inc.	100% Concession	\$3,359.50
A7620	Kununurra Agricultural Society	100% Concession	\$3,487.68
A1160	Ord River Sports Club	100% Concession	\$9,676.04
A1072	Kununurra Progress Association	100% Concession	\$20,067.74
A502	Wyndham Gardens Inc.	100% Concession	\$1,948.75
A2866	Ord Pistol Club Inc.	100% Concession	\$2,203.83
A5621	Kununurra Speedway Inc.	100% Concession	\$1,767.10
A5616	Kununurra Motorcross Club Inc.	100% Concession	\$1,793.97
TOTAL			\$55,894.89

2. Notes that the amounts above will be adjusted once the 2016/17 rates are finalised, whereby it is likely that the rates concessions may vary.
3. Notes that the application for rates concession from Kununurra Water Ski Club was received after the closing date of 31 March 2016 and therefore has not been considered for a rates concession for the 2016/17 year in accordance with Council's Policy.
4. Notes that eligible organisations that commence a lease with the Shire during the 2016/17 financial year will be considered for a rates concession or exemption for the period from the commencement date of the lease through to 30 June 2018, and that these organisations will be required to submit an application for rates concession/exemption within 30 days of the date of commencement of the lease.
5. Notes the intention to review the current rating Policies to ensure alignment with the draft Council Policy *CP/COM-3580 Community Development* whereby Council is a partner in empowering and strengthening the community through building capacity and encouraging groups to become self-sustainable.
6. Notes the current rates exemptions outlined in Attachment 1.

Cr Robinson moved an alternative motion:

That Council:-

1. Approves the following rates concessions for the 2016/17 financial year, therefore waiving rates of approximately \$55,894.89 in accordance with the following table:

Assessment Number	Name	Concession Applied	Estimated Concession Based on 2015/16 Rates
A4993	Lake Kununurra Golf Club Inc	100% Concession	\$9,406.60
A7561	Ord River Sailing Club Inc.	100% Concession	\$2,183.68
A2859	Kununurra Race Club Inc.	100% Concession	\$3,359.50
A7620	Kununurra Agricultural Society	100% Concession	\$3,487.68
A1160	Ord River Sports Club	100% Concession	\$9,676.04
A1072	Kununurra Progress Association	100% Concession	\$20,067.74
A502	Wyndham Gardens Inc.	100% Concession	\$1,948.75
A2866	Ord Pistol Club Inc.	100% Concession	\$2,203.83
A5621	Kununurra Speedway Inc.	100% Concession	\$1,767.10
A5616	Kununurra Motorcross Club Inc.	100% Concession	\$1,793.97
TOTAL			\$55,894.89

2. Notes that the amounts above will be adjusted once the 2016/17 rates are finalised, whereby it is likely that the rates concessions may vary.
3. Notes that the application for rates concession from Kununurra Water Ski Club was received after the closing date of 31 March 2016 and therefore has not been considered for a rates concession for the 2016/17 year in accordance with Council's Policy.
4. Notes that eligible organisations that commence a lease with the Shire during the 2016/17 financial year will be considered for a rates concession or exemption for the period from the commencement date of the lease through to 30 June 2018, and that these organisations will be required to submit an application for rates concession/exemption within 30 days of the date of commencement of the lease.
5. Notes the intention to review the current rating Policies to ensure alignment with the draft Council Policy *CP/COM-3580 Community Development* whereby Council is a partner in empowering and strengthening the community through building capacity and encouraging groups to become self-sustainable.
6. Notes the current rates exemptions outlined in Attachment 1.

7. Approves the modification to the current Council Policy *CP/FIN-3209 Rates Concession (Rateable Land)* to ensure that rates concessions are only approved for one (1) year instead of the current two (2) years given the review that is intended to align rates concessions to the annual community grants program.

COUNCIL DECISION

Minute No: 11381

Moved: Cr B Robinson

Seconded: Cr N Perry

That Council:-

1. Approves the following rates concessions for the 2016/17 financial year, therefore waiving rates of approximately \$55,894.89 in accordance with the following table:

Assessment Number	Name	Concession Applied	Estimated Concession Based on 2015/16 Rates
A4993	Lake Kununurra Golf Club Inc	100% Concession	\$9,406.60
A7561	Ord River Sailing Club Inc.	100% Concession	\$2,183.68
A2859	Kununurra Race Club Inc.	100% Concession	\$3,359.50
A7620	Kununurra Agricultural Society	100% Concession	\$3,487.68
A1160	Ord River Sports Club	100% Concession	\$9,676.04
A1072	Kununurra Progress Association	100% Concession	\$20,067.74
A502	Wyndham Gardens Inc.	100% Concession	\$1,948.75
A2866	Ord Pistol Club Inc.	100% Concession	\$2,203.83
A5621	Kununurra Speedway Inc.	100% Concession	\$1,767.10
A5616	Kununurra Motorcross Club Inc.	100% Concession	\$1,793.97
TOTAL			\$55,894.89

2. Notes that the amounts above will be adjusted once the 2016/17 rates are finalised, whereby it is likely that the rates concessions may vary.
3. Notes that the application for rates concession from Kununurra Water Ski Club was received after the closing date of 31 March 2016 and therefore has not been considered for a rates concession for the 2016/17 year in accordance with Council's Policy.
4. Notes that eligible organisations that commence a lease with the Shire during the 2016/17 financial year will be considered for a rates concession or exemption for the period from the commencement date of the lease through to 30 June 2018, and that these organisations will be required to submit an application for rates concession/exemption within 30 days of the date of commencement of the lease.
5. Notes the intention to review the current rating Policies to ensure alignment with the draft Council Policy *CP/COM-3580 Community Development* whereby Council is a partner in empowering and strengthening the community through building capacity and encouraging groups to become self-sustainable.
6. Notes the current rates exemptions outlined in Attachment 1.
7. Approves the modification to the current Council Policy *CP/FIN-3209 Rates Concession (Rateable Land)* to ensure that rates concessions are only approved for one (1) year instead of the current two (2) years given the review that is intended to align rates concessions to the annual community grants program.

Carried 5/3

**For: Cr J Parker, Cr N Perry, Cr E Bolto, Cr S Cooke, Cr B Robinson
Against: Cr K Wright, Cr D Spackman, Cr S Rushby**

Cr D Spackman moved an amendment to include the Kununurra Ski Club to the concession list.

COUNCIL DECISION

Minute No: 11382

Moved: Cr D Spackman

Seconded: Cr K Wright

That Council include Kununurra Ski Club to the concession list.

Lost 4/5

**For: Cr K Wright, Cr D Spackman, Cr S Rushby Cr E Bolto,
Against: Cr J Parker, Cr N Perry, Cr S Cooke, Cr B Robinson
Casting Vote Against**

PURPOSE

For the Council to reconsider rates concession applications for inclusion in the 2016/17 and 2017/18 budget and to note the rates exemptions for the 2016/17 and 2017/18 financial years.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Each year, as part of the Annual Budget, the Council provides rates concessions to a number of community, recreation and welfare organisations.

In March 2014, the Council adopted a Rates Concession Policy (Rateable Land) and a Rates Exemptions for Charitable Organisations Policy (Non-Rateable Land) to assist the Council in determining community rate concessions and to identify applicable exemptions. At the 24 November 2015 Ordinary Council Meeting the Council adopted amended policies *CP/FIN-3209 Rates Concessions (Rateable Land)* and *CP/FIN-3208 Rates Exemption for Charitable Organisation (Non-Rateable Land)*.

As per these policies, community groups are required to reapply for rates concessions or exemptions every two years. The policies and associated applications forms were sent to community, recreation and welfare organisations on 20 January 2016.

The rates concessions that the Council are requested to consider would be applied for the 2016/17 and 2017/18 financial years as allowed within the policies.

The Council considered this item at the April Ordinary Council Meeting and requested the item be put to a subsequent Budget Briefing. The briefing was held on 10 May 2016. The item is therefore being represented for consideration.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.26. Rateable land

(1) Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land —

(a) land which is the property of the Crown and —

(i) is being used or held for a public purpose; or

(ii) is unoccupied, except —

*(1) where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence*

held under the Mining Act 1978 in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or

*(II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;*

(b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government;

(c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government;

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;

(e) land used exclusively by a religious body as a school for the religious instruction of children;

(f) land used exclusively as a non-government school within the meaning of the School Education Act 1999;

(g) land used exclusively for charitable purposes;

(h) land vested in trustees for agricultural or horticultural show purposes;

(i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that company and used solely for the storage of grain where that company has agreed in writing to make a contribution to the local government;

(j) land which is exempt from rates under any other written law; and

(k) land which is declared by the Minister to be exempt from rates.

(3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that company or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.

(4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.

(5) Notice of any declaration made under subsection (4) is to be published in the Gazette.

(6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

[Section 6.26 amended by No. 36 of 1999 s. 247; No. 77 of 2006 Sch. 1 cl. 102.]

POLICY IMPLICATIONS

1. Council Policy CP/FIN-3209 Rates Concession (Rateable Land)
2. Council Policy CP/FIN-3208 Rates Exemptions for Charitable Organisations (Non-Rateable Land)

FINANCIAL IMPLICATIONS

In order to accurately calculate the proposed rates required to be raised for the 2016/17 Annual Budget, the Council is requested to provide direction as to which properties may be provided a concession.

Rates are the Shire's primary means of raising income to cover operational costs and approving these concessions will directly impact Council's budget and reduce the funds available for other programs and projects.

If all recommendations are approved, Council will provide concessions to the value of approximately \$55,894.89 for the 2016/17 financial year. This amount is an estimate and is based on the existing 2015/16 rate in the dollar and it is envisaged that this amount may increase slightly.

It should be noted that as a result of the review of the applicable Policies, this will be the first year that the community groups will be required to pay the waste management charge of \$200.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability

Objective 1.4: Business innovation, efficiency and improved services

Strategy 1.4.1 : Ensure legislative compliance and follow best practice principles in planning and service delivery

Strategy 1.4.3 : Maintain Council's long term financial viability

RISK IMPLICATIONS

Strategic Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

COMMUNITY ENGAGEMENT

Engagement has taken place in accordance with the Shire's Community Engagement Guidelines and included:

As per the Council's Policies *CP/FIN-3209 Rates Concession (Rateable Land)* and *CP/FIN-3208 Rates Exemptions for Charitable Organisations (Non-Rateable Land)* for rates concessions to be considered, an application for rates concession or exemption must be made prior to the rating year.

The due date for applications for the 2016/17 rating year was 31 March 2016. This was advertised to the community through the local newspaper, on the Facebook page, Public Notice at each office - Wyndham and Kununurra, SWEK Website and applications were either posted or emailed to community, recreation and welfare organisations. A follow up phone call was also made to all the groups who previously had concessions or where officers were aware that a concession could be applied for.

Elected Members were involved in the Budget Forum held on 5 April 2016 whereby concessions were discussed and subsequently also on 10 May 2016.

COMMENTS

The Council offering concessions to rates payable by community, recreation and welfare organisations demonstrates its support and assistance to the community. The Council cannot have input into rating exemptions given the legislation that surrounds them, although organisations need to clearly demonstrate that they are exempt in accordance with section 6.26 of the *Local Government Act 1995*.

As per Council's Policies *CP/FIN-3209 Rates Concession (Rateable Land)* and *CP/FIN-3208 Rates Exemptions for Charitable Organisations (Non Rateable Land)* the applicants have submitted a copy of their constitution, copies of their financial statements and written statements outlining the purpose of the property their exemption or concession application is relating to.

Officers have reviewed all information supplied with the applications for rates concessions and have briefed Elected Members on their content. The recommendations take into account the discussions held at the briefing.

The community, recreation and welfare organisations that have requested a rates concession or exemption are:

Concessions:

Assessment Number	Name
A4993	Lake Kununurra Golf Club Inc.
A7561	Ord River Sailing Club Inc.
A2859	Kununurra Race Club Inc.
A7620	Kununurra Agricultural Society Inc.
A1160	Ord River Sports Club Inc.
A1072	Kununurra Progress Association
A502	Wyndham Picture Gardens Inc.
A2866	Ord Pistol Club Inc.
A5621	Kununurra Speedway Inc.
A5616	Kununurra Motorcross Club Inc.
A7566	Kununurra Water Ski Club (submitted after closing date)

Exemptions:

Assessment Number	Name
A1814 & A1649	Wyndham Historical Society Inc.
A7469 & A1071	Yawoorrong Miriuwung Gajerrong Yirrgb Noong Dawang Aboriginal Corporation
A2529	Ewin Early Learning Centre Inc.
A2151	Kununurra Historical Society Inc.

A7152	Wunan Foundation Inc.
A7090	Kimberley Group Training Inc.
A5262	The Returned & Services League of Australia Inc.

Due to the extent of information received in the applications, it is impractical to provide a complete copy to each Councillor as part of this report. The information is however available for Councillors to review if requested.

It should be noted that if applications were not received prior to 31 March 2016, rates will be charged, and in accordance with the Policy, concessions will not be considered for the 2016/17 financial year.

An application for Concession from the Kununurra Water Ski Club was received on 15 April 2016. Application forms and information were mailed out on 20 January 2016 and follow up courtesy calls were made to try to contact the responsible person with messages left to contact the Shire prior to the closing date for applications of 31 March 2016. In accordance with the Policy the application from the Kununurra Water Ski Club was not be considered for a concession for the 2016/17 year but may be considered for the 2017/18 year.

Officers are aware that there are a number of community organisations with whom lease negotiations are currently being undertaken. These include Kimberley Action Sports Incorporated, Kununurra Dragon Boat Club and Kununurra Bushmen's Rodeo Association Inc. Currently, as no lease is in place for these organisations, they do not effectively hold a rateable property and no valuation is recorded. It is proposed that for organisations who commence a lease during the 2016/17 financial year, that applications for rates concessions or exemptions will be considered from the date that the lease commences as once a lease is signed the land becomes rateable and a valuation is received from the Valuer General's Office.

Organisations who are in this situation and wish to seek a rates concession or exemption will be required to submit an application for within 30 days of the date of commencement of the lease for a rates concession or exemption to be considered. The current Policies do not incorporate any such provision and are effectively silent on the matter, however Officers believe that this would be a fair approach moving forward and will recommend these changes when the Policies are subsequently reviewed for the following round.

While the current rates concessions are applied for two financial years in accordance with the Policy, it is proposed that the Council Policy *CP/FIN-3209 Rates Concession (Rateable Land)* be reviewed to take into account the outcomes of another draft Council Policy, *CP/COM-3580 Community Development* whereby Council's purpose is to implement a community development approach which empowers and strengthens the community, encourages collaborative practices and celebrates the diversity of our community. A key component of that Policy is the recognition that the Shire does not need to provide all of the community-related services but that it is the Shire's role to create an environment where these services are present within the community which is done through building the capacity of the community.

Rates concessions are one mechanism to assist in developing this approach whereby rates concessions could be considered utilising a similar approach to the current assessment tool that is used for the Annual Community Grants program i.e. each grant application is assessed based upon the following criteria:

1. Demonstrated need for funding
2. Benefit to the community including community development outcomes
3. Demonstrated partnerships and ability to source additional funds and/or partnerships
4. Demonstrated community support for the organisation
5. The organisation's demonstrated ability or capacity to achieve measureable outcomes for the community
6. Demonstration of links to Council's strategic direction and objectives.

As this assessment process cannot be applied for 2016/17 or 2017/18 under the current Policy provisions, it provides time to gain community input on the draft Policy and to engage with the community groups.

SUMMARY OF APPLICATIONS:

CONCESSIONS

1. A4993 – Lake Kununurra Golf Club Inc.

Benefit to the Community

The Lake Kununurra Golf Club Inc. holds a lease with the Shire. The lease indicates that rates and outgoings are payable by the Lake Kununurra Golf Club Inc. The land is used to provide golfing facilities to members and the wider community of Kununurra and to tourists who can play on the course any day of the year once they have paid the requisite green fees. The Lake Kununurra Golf Club Inc. receives funding through membership fees, competition fees, the onsite golf shop, bar sales and grants.

Rates (2015/16)

\$0.00 (100% Concession).

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation – 100% Concession

The Golf Club holds a liquor license, has a small golf shop and has membership in excess of 100. While all of the maintenance is undertaken by volunteers, it could be considered to be operating on a commercial basis, particularly given the liquor license and shop and it is open all year round.

It is therefore recommended that a 100% concession be granted to the Lake Kununurra Golf Club.

Based on a UV of \$1.4 million and utilising the current 2015/16 UV Commercial/Industrial rate in the dollar of 0.6719 the rates concession would be \$9,406.60 and the proposed rates to pay would be nil.

2. A7561 - Ord River Sailing Club Inc.

Benefit to the Community

The Ord River Sailing Club Inc. holds a current lease with the Shire which indicates that rates and outgoings are payable. The land is used for recreation purposes by club members for both recreation and competition purposes. The property includes a shed which holds sailing boats (that belong to both the club and its members) where the membership fees cover the use of boats and facilities. The Ord River Sailing Club Inc. receives funding from membership fees, shed fees, race nomination fees and fundraising.

Rates (2015/16)

\$0.00 (100% Concession).

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation – 100% Concession

The Ord River Sailing Club Inc. appears to have very few members and do not hold a liquor license, however it may be considered that given the prime real estate held by the Club, that the Club could be looking at further opportunities to increase their membership and revenue base.

It is therefore recommended that a 100% concession be granted to the Ord River Sailing Club Inc.

Based on a UV of \$325,000 and utilising the current 2015/16 UV Concession rate in the dollar of 0.6719 the rates concession would be \$2,183.68 and the rates to pay would be nil.

3. A2859 - Kununurra Race Club Inc.

Benefit to the Community

The Kununurra Race Club Inc. holds a lease with the Shire which indicates that rates and outgoings are payable by the Kununurra Race Club Inc. The organisation provides two race meets in August – Ladies Day and Kununurra Cup Day. The facilities are utilised by jockeys and horse trainers racing in the Kununurra races which is run by volunteers, although Cup Day can see as many as 1,500 people attend. The Kununurra Race Club receives funding from membership fees, sponsorships, bar sales and the two race meets held in August. The money raised is put towards the stake money and the running of the races.

Rates (2015/16)

\$0.00 (100% Concession).

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation – 100% Concession

The Kununurra Race Club Inc. may only hold two race meets, but they hold a liquor license, and gain a significant amount of their income from bar sales and Racing and Wagering Western Australia (RWVA) subsidies.

This being the case, the Race Club reinvests their returns into the Club which is seen to provide a valuable benefit to the community.

It is therefore recommended that a 100% concession be granted to the Kununurra Race Club Inc.

Based on a UV of \$500,000 and utilising the current 2015/16 UV concession rate in the dollar of 0.6719 the rates concession would be \$3,359.50 and the rates to pay would be nil.

4. A7620 – Kununurra Agricultural Society Inc.

Benefit to the Community

The Kununurra Agricultural Society Inc. organises and operates the annual Kununurra Agricultural Show that is held in July. The show supplies a safe environment for local and interstate competitors to participate in show events. The Kununurra Agricultural Society Inc. receives funding from membership fees, sponsorship, grant funding and entrance fees for show activities.

Rates (2015/16)

\$0.00 (100% Concession).

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation – 100% Concession

The Kununurra Agricultural Society Inc. organises and runs the annual Kununurra Agricultural Show that is a benefit to the whole community and utilises its profits to promote sustainable development and practices within the agricultural, horticultural and pastoral industries.

It is therefore recommended that a 100% concession be granted to the Kununurra Agricultural Society Inc.

Based on a GRV of \$28,850 and utilising the current 2015/16 GRV Concession rate in the dollar of 12.089 the rates concession would be \$3,487.68 and the rates to pay would be nil.

5. A1160 - Ord River Sports Club Inc.

Benefit to the Community

To provide, maintain and conduct a club for the purpose of promotion and encouragement of sporting, recreational and community activities and promote good fellowship amongst its members. The organisation is primarily funded by function and facilities bookings, corporate sponsorship and grants and the sale of alcohol. These income sources pay for the day to day running of the venue, building maintenance and facility upgrades.

Rates (2015/16)

\$9,676.00.

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation - 100% concession

The Ord River Sports Club Inc. appears to have increased the number of new members and do generate a large amount of income due to having volunteers instead of paid employees. With having a new Strategic Business Plan 2015 - 2020 in place there has been constant commitment from the volunteers and the new board members which has significantly increased the community benefits that the Ord River Sports Club Inc. provide.

It is therefore recommended that a 100% concession be granted to the Ord River Sports Club Inc.

Based on a GRV of \$80,040 and utilising the current 2015/16 GRV Commercial rate in the dollar of 12.089 the rates concession would be \$9,676.04 and the proposed rates to pay would be nil.

6. A1072 – Kununurra Progress Association Inc.

Benefit to the Community

The Kununurra Progress Association Inc. provides for the progress, welfare, interest and advancement of Kununurra and in particular the operation of the outdoor cinema and partnerships with other groups to host cultural events for the town (eg. Barramundi Concert). The Kununurra Progress Association Inc. charges patrons to the outdoor movie screenings. A ticket price and runs a kiosk using volunteers during the movie screenings and will occasionally sell cooked food to support a fundraising activity.

Rates (2015/16)

\$0.00 (100% Concession).

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation – 100% Concession

The Kununurra Progress Association Inc. runs successful movie screenings, with many community members attending. It is understood that the ticket prices charged cover the costs of the movie (which is calculated on a percentage basis of takings and can be as high as 50% of the takings); electricity and water; courier costs for the movie disc; insurance; equipment and grounds maintenance; and capital costs. All workers are volunteers and as such are unpaid.

It is therefore recommended that a 100% concession be granted to the Kununurra Progress Association Inc.

Based on a GRV of \$166,000 and utilising the current 2015/16 GRV Concession rate in the dollar of 12.089 the rates concession would be \$20,067.74 and the proposed rates to pay would be nil.

7. A502 - Wyndham Gardens Inc.

Benefit to the Community

Wyndham Gardens Inc. provides inexpensive and safe recreation and entertainment for children and families of Wyndham and outlying communities. The Wyndham Gardens Inc. receives funding through canteen sales and entry fees.

Rates (2015/16)

\$0.00 (100% Concession).

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation - 100% Concession

The Wyndham Gardens Inc. provides a service to the broader community and only utilises its profits for the promotion of the objects of the Association. Family movies are screened weekly throughout the dry season (May-November); it is a venue for the "Grow the Music" concert events and an "old movie" is played for senior citizens during Seniors Week.

It is considered to be a valuable service to the community, and essentially run by volunteers, with a small gate entry fee of only \$4.00 and canteen sales.

It is therefore recommended that a 100% concession be granted.

Based on a GRV of \$16,120 and utilising the current 2015/16 GRV Concession rate in the dollar of 12.089 the rates concession would be \$1,948.75 and the rates to pay would be nil.

8. A2866 - Ord Pistol Club Inc.

Benefit to the Community

The Ord Pistol Club Inc. holds a lease with the Shire which indicates that rates and outgoings are payable by the Ord Pistol Club Inc. The club was formed to promote safe, proficient and enjoyable participation and competition in pistol shooting for all ages at club, zone, state, national, international and olympic levels. The club is also an integral part of the firearms training and licensing service for the region. The Ord Pistol Club Inc. receives funding from membership fees, and outside range users.

Rates (2015/16)

\$0.00 (100% Concession)

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation - 100% Concession

The range is used for Club Competition each Sunday morning with members paying an annual membership fee and a range fee. Other users such as Shire (Airport services), WA Police Kununurra and Wyndham, Parks and Wildlife, Agriculture WA and Local Security Services pay a user fee per day to cover the cost of maintenance and upgrades to the facility at the current Police Range Safety Standards.

Whilst it is considered to be a valuable service to the community, and essentially run by volunteers, a profit is generated from the user fees.

It is therefore recommended that a 100% concession be granted to the Ord Pistol Club Inc.

Based on a UV of \$328,000 and utilising the current 2015/16 UV Commercial rate in the dollar of 0.6719 the rates concession would be \$2,203.83 and the proposed rates to pay would be nil.

9. A5621 - Kununurra Speedway Inc.

Benefit to the Community

The Kununurra Speedway Inc. provides a race track that suits a range of certified racing cars for local and interstate speedway members to race in a safe environment. It holds between 7 – 10 meets from April to November each year for spectators. The organisation receives funding from membership fees, gate entry fees, sponsorships, raffles and canteen takings.

Rates (2015/16)

\$0.00 (100% Concession)

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation - 100% Concession

Essentially, this service provides a venue for local motor sport enthusiast to participate in a safe environment. It is considered to be a service to the community, and is run by volunteers.

It is therefore recommended that a 100% concession be granted.

Based on a UV of \$263,000 and utilising the current 2015/16 UV Concession rate in the dollar of 0.6719 the 100% rates concession would be \$1,767.10 and the proposed rates to pay would be nil.

10. A5616 - Kununurra Motorcross Club Inc.

Benefit to the Community

The Kununurra Motorcross Club Inc. holds a lease with the Shire which indicates that rates and outgoings are payable by the Kununurra Motorcross Club Inc. The facilities are used to provide a safe and organised sports and community club for all age groups, both indigenous and non-indigenous in Kununurra and surrounding regional centres. The Kununurra Motorcross Club Inc. receives funding from membership fees, race day canteen sales and nomination fees.

Rates (2015/16)

\$0.00 (100% Concession)

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation - 100% Concession

The Kununurra Motorcross Club Inc. has had a loss in membership base bring what appeared to be a 80-100 members right down to around 60 members (riders and non-riders) with the Club. The Club has many partnerships with organisations such as the Department of Sport and Recreation, Lakeview Apartments and JSW Holdings P/L plus others. The kununurra Motorcross Club Inc. has had a decline in membership this financial year simply because families have moved away from the region.

It is therefore recommended that a 100% concession be granted.

Based on a UV of \$267,000 and utilising the current 2015/16 UV Concession rate in the dollar of 0.6719 the 100% rates concession would be \$1,793.97 and the proposed rates to pay would be nil.

11. A7566 Kununurra Water Ski Club (Application received after closing date).

Benefit to the Community

The Kununurra Water Ski Club holds a lease with the Shire which indicates that rates and outgoings are payable by the Kununurra Water Ski Club. The club's purpose is to encourage the participation and skill development of the community in aquatic tow sports. The club uses its facilities in support to these purposes and also offers the venue for use to the wider community. The Kununurra Water Ski Club receives funding through membership fees, hire of the club facilities, donations, and the running of the annual Dam 2 Dam dinghy race.

Rates (2015/16)

\$0.00 (100% Concession)

Application Type

A 100% rates concession has been requested by applicant.

Officer's Recommendation - Application not considered

The application for rates concession from the Kununurra Water Ski Club was received after the closing date of 31 March 2016. In accordance with Council Policy *CP/FIN-3209 Rates Concession Policy (Rateable Land)* the application from the Kununurra Water Ski Club will therefore not be considered for a rates concession for the 2016/17 year. The application will be considered for the 2017/18 year.

Based on a UV of \$299,000 and utilising the current 2015/16 UV Commercial/Industrial rate in the dollar of 0.6719 the rates to pay will be \$2,008.98.

EXEMPTIONS:

12. A1814 and A1649 - Wyndham Historical Society Inc.

Benefit to the Community

The Wyndham Historical Society Inc. objective is to foster historical interest in Wyndham, including preservation and display of artefacts and documents pertaining to the history of Wyndham. The organisation receives funding through museum sales, donations, memberships and museum takings.

The Australian Taxation Office has issued a notice of endorsement for charity tax concessions to the Wyndham Historical Society Inc. based on it being a charitable institution.

Rates (2015/16)

\$0.00 (Exempt)

Application Type - Exemption

A rates exemption has been requested by applicant.

Officer's Recommendation - Exemption

In accordance with section 6.26(g), the Wyndham Historical Society Inc. is utilising the land exclusively for charitable purposes, therefore the land is not rateable and the Council has no discretion in this matter.

13. A1071 and A7469 - Yawoorrong Miriuwung Gajerrong Yirregeb Noong Dawang Aboriginal Corporation

Benefit to the Community

Both properties for Assessment A1071 and Assessment A7469 are owned by Yawoorrong Miriuwung Gajerrong Yirreb Noong Dawang Aboriginal Corporation (MG Corporation). MG Corporation provides direct relief from poverty and disadvantage as well as undertaking community development for the benefit of the Miriuwung and Gajerrong people (MG People). They also focus on facilitating improvements in community health, housing education, employment and wellbeing in partnerships with State and Federal Governments, non-government and community agencies and industry. MG Corporation receives funding from grant funding, contributions from Landcorp, interest income, income from investments and considerable other income.

The Australian Business Register ABN Lookup has been provided stating that Yawoorrong Miriuwung Gajerrong Yirreb Noong Dawang Aboriginal Corporation is registered with Australian Charities and Not-for-profits Commission (ACNC) since 03 December 2012 on the basis that it is a charitable institution.

Rates (2015/16)

\$0.00 (Exempt)

Application Type - Exemption

A rates exemption has been requested by applicant.

Officer's Recommendation - Exemption

In accordance with section 6.26(g), the Yawoorrong Miriuwung Gajerrong Yirrgeb Noong Dawang Aboriginal Corporation is utilising the land exclusively for charitable purposes, therefore the land is not rateable and the Council has no discretion in this matter.

14. A2529 - Ewin Early Learning Centre Inc.

Benefit to the Community

The Ewin Early Learning Centre Inc. holds a lease with the Shire which indicates that rates and taxes are payable. The land is utilised for the provision of education and care for up to 80 children per day with around 140 children attending the centre over the course of each week, supporting 116 families who meet the work/study requirements of the government.

The Australian Taxation Office has issued a notice of endorsement for charity tax concessions to the Ewin Early Learning Centre Inc. based on it being a charitable institution.

Rates (2015/16)

\$0.00 (Exempt)

Application Type - Exemption

A rates exemption has been requested by applicant.

Officer's Recommendation - Exemption

In accordance with section 6.26(g), the Ewin Early Learning Centre Inc is utilising the land exclusively for charitable purposes, therefore the land is not rateable and the Council has no discretion in this matter.

15. A2151 - Kununurra Historical Society Inc.

Benefit to the Community

The objectives of the Kununurra Historical Society Inc. are to foster historical interest in Western Australian History in general and in Kununurra and the Ord River Irrigation Area in particular, including preservation and display of artefacts and documents. The organisation receives funding through museum sales, donations and membership fees.

The Australian Taxation Office has issued a notice of endorsement for charity tax concessions to the Kununurra Historical Society Inc. based on it being a charitable institution.

Rates (2015/16)

\$0.00 (Exempt)

Application Type - Exemption

A rates exemption has been requested by applicant.

Officer's Recommendation - Exemption

In accordance with section 6.26(g), the Ewin Early Learning Centre Inc. is utilising the land exclusively for charitable purposes, therefore the land is not rateable and the Council has no discretion in this matter.

16. A7152 - Wunan Foundation Inc.

Benefit to the Community

To improve the lives of Aboriginal people in the East Kimberley by driving sustainable change for the future. The Wunan Foundation Inc. receives funding through grants, donations, membership and fundraising.

Rates (2015/16)

\$0.00 (Exempt)

Application Type - Exemption

A rates exemption has been requested by applicant.

Officer's Recommendation - Exemption

In accordance with section 6.26(g), the Wunan Foundation Inc. is utilising the land exclusively for charitable purposes, therefore the land is not rateable and the Council has no discretion in this matter.

17. A7090 - Kimberley Group Training Inc.

Benefit to the Community

To relieve poverty through the provision of skills and employment throughout the East Kimberley region. Kimberley Group Training is solely focused on employment of disadvantaged people in the Kimberley, especially indigenous people, in order to break the poverty cycle and reduce or eliminate the level of disadvantage. Kimberley Group Training Inc. receives funding through grants, donations and fundraising.

Rates (2015/16)

\$0.00 (Exempt)

Application Type - Exemption

A rates exemption has been requested by applicant.

Officer's Recommendation - Exemption

In accordance with section 6.26(g), Kimberley Group Training Inc. is utilising the land exclusively for charitable purposes, therefore the land is not rateable and the Council has no discretion in this matter.

18. A5262 - The Returned & Services League of Australia Inc.

Benefit to the Community

The Returned & Services League of Australia WA Branch Inc. (RSL) supports the serving and those who have served in the Australian Defence Forces, various British Commonwealth Defence Forces, members of allied Defence Forces and their dependants. The RSL conducts activities under the Constitution including ANZAC Day and Remembrance Commemoration Services. The RSL receives funding through grants, donations, membership and fundraising.

Rates (2015/16)

\$0.00 (Exempt)

Application Type - Exemption

A rates exemption has been requested by applicant.

Officer's Recommendation - Exemption

In accordance with section 6.26(g), the Returned & Services League of Australia WA Branch Inc. is utilising the land exclusively for charitable purposes, therefore the land is not rateable and the Council has no discretion in this matter.

ATTACHMENTS - Item 12.04.5

Attachment 1 - List of Exempt Properties

Assessment Number	Property Owner
A5688	Aboriginal Affairs Authority
A6822	Aboriginal Hostels Limited
A2420	Aboriginal Lands Trust
A2546	Aboriginal Lands Trust
A2555	Aboriginal Lands Trust
A3087	Aboriginal Lands Trust
A5174	Aboriginal Lands Trust
A5238	Aboriginal Lands Trust
A5321	Aboriginal Lands Trust
A5641	Aboriginal Lands Trust
A5653	Aboriginal Lands Trust
A5656	Aboriginal Lands Trust
A5665	Aboriginal Lands Trust
A5666	Aboriginal Lands Trust
A5667	Aboriginal Lands Trust
A5668	Aboriginal Lands Trust
A5669	Aboriginal Lands Trust
A5670	Aboriginal Lands Trust
A5671	Aboriginal Lands Trust
A5674	Aboriginal Lands Trust
A5743	Aboriginal Lands Trust
A5750	Aboriginal Lands Trust
A5752	Aboriginal Lands Trust
A5759	Aboriginal Lands Trust
A5761	Aboriginal Lands Trust
A5312	Airservices Australia
A6265	Alligator Hole Community
A824	Anglican Church
A285	Assemblies Of God In Australia WA Conference
A1079	Australian Broadcasting Corporation
A2284	Australian Maritime Safety Authority
A2285	Australian Maritime Safety Authority
A5749	Australian Maritime Safety Authority
A5263	Balanggarra Aboriginal Corporation
A5837	Baptist Union of WA Inc
A2271	Bell Springs Community
A798	Bethel Inc.

Assessment Number	Property Owner
A1659	Clerk of Courts
A6264	Cockatoo Springs Community
A5101	Commissioner of Main Roads
A5102	Commissioner of Main Roads
A5685	Commissioner of Main Roads
A5697	Commissioner of Main Roads
A5725	Commissioner of Main Roads
A5726	Commissioner of Main Roads
A5732	Commissioner of Main Roads
A5744	Commissioner of Main Roads
A5760	Commissioner of Main Roads
A5488	Commonwealth Of Australia
A5708	Commonwealth of Australia
A85	Country Women's Association of WA Inc
A5748	Crocodile Hole Community
A453	Department for Child Protection
A7465	Department for Child Protection
A5684	Department of Agriculture
A2427	Department of Conservation
A5006	Department of Conservation
A5673	Department of Conservation and Land Management (CALM)
A5681	Department of Conservation and Land Management (CALM)
A5689	Department of Conservation and Land Management (CALM)
A5696	Department of Conservation and Land Management (CALM)
A5709	Department of Conservation and Land Management (CALM)
A3227	Department Of Defence
A7697	Department of Education
A7771	Department of Education
A1815	Department of Fire & Emergency Services Western Australia
A6903	Department of Fire & Emergency Services Western Australia
A1315	Department of Housing
A258	Department of Housing
A259	Department of Housing
A2048	Department of Lands
A7154	Department of Regional Development
A2508	Department of Transport
A2047	Department of Water - Kununurra
A5260	Department of Water - Kununurra

Assessment Number	Property Owner
A6261	Dillon Springs Community
A6262	Dillon Springs Community
A5981	East Kimberley Hirings
A7129	East Kimberley Volunteer Marine Rescue Group
A6263	Eight Mile Community
A2529	Ewin Early Learning Centre Inc.
A6266	Four Mile Community
A1330	Gawooleng Yawoodeng Incorporated
A6269	Geeboorwama Community
A2256	Gulgagulganeng Aboriginal Corporation
A865	Health Department of WA (Wyndham)
A996	Health Department of WA (Wyndham)
A6272	Honeymoon Beach Community
A1100	Horizon Power
A2793	Horizon Power
A3291	Horizon Power
A5211	Horizon Power
A524	Indigenous Land Corporation
A530	Indigenous Land Corporation
A550	Indigenous Land Corporation
A86	Inpex Browse Limited
A87	Inpex Browse Limited
A2585	Jimbilum Community
A5829	Kalumburu Mission
A2481	Kandiwal Aboriginal Corporation
A2482	Kandiwal Aboriginal Corporation
A7090	Kimberley Group Training Inc.
A5893	Kimberley Land Council Aboriginal Corporation
A2217	Kimberley TAFE
A4991	Kimberley TAFE
A1231	Kununurra District High School
A2151	Kununurra Historical Society Inc.
A1175	Kununurra Police Station
A5894	Kununurra Waringarri Aboriginal Corporation
A5209	Living Waters Assembly of God
A6273	McGowan Island Community
A1097	MG Dawang Land Pty Ltd
A1098	MG Dawang Land Pty Ltd

Assessment Number	Property Number
A3088	MG Dawang Land Pty Ltd
A4019	MG Dawang Land Pty Ltd
A6268	MG Dawang Land Pty Ltd
A7730	MG Dawang Land Pty Ltd
A6276	Miniata Community
A2235	Minister for Agriculture
A2497	Minister for Agriculture
A2548	Minister for Agriculture
A5181	Minister for Agriculture
A5281	Minister for Agriculture
A5632	Minister for Agriculture
A7698	Minister for Health
A7699	Minister for Health
A7700	Minister for Health
A2872	Minister for Police; Emergency Services; Road Safety
A760	Minister for Police; Emergency Services; Road Safety
A1680	Minister for Transport
A273	Minister for Transport
A82	Minister for Transport
A5210	Minister for Water Resources
A5468	Minister for Water Resources
A5500	Minister for Water Resources
A5682	Minister for Water Resources
A5704	Minister for Water Resources
A5754	Minister for Water Resources
A5471	Minister for Works
A5479	Minister for Works
A5510	Minister for Works
A5657	Minister for Works
A5705	Minister for Works
A1660	Mirima Council Aboriginal Corporation
A2020	Mirima Council Aboriginal Corporation
A6961	Mirima Council Aboriginal Corporation
A6962	Mirima Council Aboriginal Corporation
A6963	Mirima Council Aboriginal Corporation
A6964	Mirima Council Aboriginal Corporation
A6965	Mirima Council Aboriginal Corporation
A6966	Mirima Council Aboriginal Corporation

Assessment Number	Property Owner
A6967	Mirima Council Aboriginal Corporation
A6968	Mirima Council Aboriginal Corporation
A6969	Mirima Council Aboriginal Corporation
A6970	Mirima Council Aboriginal Corporation
A6971	Mirima Council Aboriginal Corporation
A6973	Mirima Council Aboriginal Corporation
A6974	Mirima Council Aboriginal Corporation
A6975	Mirima Council Aboriginal Corporation
A6976	Mirima Council Aboriginal Corporation
A6977	Mirima Council Aboriginal Corporation
A6978	Mirima Council Aboriginal Corporation
A6979	Mirima Council Aboriginal Corporation
A6980	Mirima Council Aboriginal Corporation
A6981	Mirima Council Aboriginal Corporation
A6982	Mirima Council Aboriginal Corporation
A6983	Mirima Council Aboriginal Corporation
A6984	Mirima Council Aboriginal Corporation
A6985	Mirima Council Aboriginal Corporation
A6986	Mirima Council Aboriginal Corporation
A6987	Mirima Council Aboriginal Corporation
A6988	Mirima Council Aboriginal Corporation
A6989	Mirima Council Aboriginal Corporation
A6990	Mirima Council Aboriginal Corporation
A1128	Moongoong Darwung Aboriginal Association
A6270	Mud Springs Community
A7729	Munthamar Community
A188	Ngnowar-Aerwah Aboriginal Corporation
A5213	Ngnowar-Aerwah Aboriginal Corporation
A6267	Ngulwirriwirri Community
A1507	Nulleywah Aboriginal Corporation
A6935	Nulleywah Aboriginal Corporation
A6936	Nulleywah Aboriginal Corporation
A6937	Nulleywah Aboriginal Corporation
A6938	Nulleywah Aboriginal Corporation
A6939	Nulleywah Aboriginal Corporation
A6940	Nulleywah Aboriginal Corporation
A6941	Nulleywah Aboriginal Corporation
A6942	Nulleywah Aboriginal Corporation

Assessment Number	Property Owner
A6943	Nulleywah Aboriginal Corporation
A6944	Nulleywah Aboriginal Corporation
A6945	Nulleywah Aboriginal Corporation
A6946	Nulleywah Aboriginal Corporation
A6947	Nulleywah Aboriginal Corporation
A6948	Nulleywah Aboriginal Corporation
A6949	Nulleywah Aboriginal Corporation
A6950	Nulleywah Aboriginal Corporation
A6951	Nulleywah Aboriginal Corporation
A6952	Nulleywah Aboriginal Corporation
A6953	Nulleywah Aboriginal Corporation
A6954	Nulleywah Aboriginal Corporation
A6955	Nulleywah Aboriginal Corporation
A6956	Nulleywah Aboriginal Corporation
A6957	Nulleywah Aboriginal Corporation
A6958	Nulleywah Aboriginal Corporation
A6959	Nulleywah Aboriginal Corporation
A6960	Nulleywah Aboriginal Corporation
A2558	Oombulgurri Association Incorporated
A262	Oombulgurri Lands Aboriginal Corporation
A7757	Ord Irrigation Asset Mutual Cooperative Ltd
A1127	Ord Valley Aboriginal Health Service Aboriginal Corporation
A5596	Pacific Hydro
A6274	Pago Community
A5492	Peoples Church of Kununurra
A483	Peoples Church Wyndham Inc
A547	Perth Diocesan Trustees
A5008	Police Department
A635	Public Works Department
A6260	Red Creek Community
A5262	Returned Services League of Australia WA Branch Inc
A516	Roman Catholic Bishop of Broome
A5475	St John Ambulance
A5217	St John Ambulance Association in WA
A5736	Telstra (Perth)
A5737	Telstra (Perth)
A5740	Telstra (Perth)
A5742	Telstra (Perth)

Assessment Number	Property Owner
A5746	Telstra (Perth)
A5747	Telstra (Perth)
A74	The Anglican Church - Wyndham
A1189	The Roman Catholic Bishop of Broome
A1190	The Roman Catholic Bishop of Broome
A1664	The Roman Catholic Bishop of Broome
A72	The Roman Catholic Bishop of Broome
A7037	The University of Western Australia
A2530	Unallocated Crown Land
A1682	Uniting Church East Kimberley
A1107	Uniting Church in Australia Property Trust WA
A7466	WA Country Health Service
A112	WA Land Authority
A231	WA Land Authority
A2231	Walker
A7828	Warrayu Community Aboriginal Corporation
A7829	Warrayu Community Aboriginal Corporation
A7830	Warrayu Community Aboriginal Corporation
A7831	Warrayu Community Aboriginal Corporation
A7832	Warrayu Community Aboriginal Corporation
A7833	Warrayu Community Aboriginal Corporation
A7834	Warrayu Community Aboriginal Corporation
A7835	Warrayu Community Aboriginal Corporation
A7836	Warrayu Community Aboriginal Corporation
A7837	Warrayu Community Aboriginal Corporation
A2229	Water Corporation
A5494	Water Corporation
A5686	Water Corporation
A5714	Water Corporation
A5776	Water Corporation
A5988	Water Corporation
A631	Water Corporation
A7570	Water Corporation
A6271	Wirrum Aboriginal Corporation
A7770	Wuggubun Aboriginal Corporation
A1934	Wunan Foundation Inc.
A7152	Wunan Foundation Inc.
A1950	Wyndham Aged and Disabled Services

Assessment Number	Property Owner
A765	Wyndham District High School
A1649	Wyndham Historical Society Inc
A1814	Wyndham Historical Society Inc
A1071	Yawoorrong Miriuwung Gajerrong Yirrgeb Noong Dawang Aboriginal Corporation
A7469	Yawoorrong Miriuwung Gajerrong Yirrgeb Noong Dawang Aboriginal Corporation
A2319	Yirralallem
A7727	Yirralallem 2 Community
A7728	Yirralallem Community