

I hereby certify that the Minutes of the Ordinary Council Meeting held are a true and accurate record of the proceedings contained therein.

Commissioner

Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

MINUTES ORDINARY COUNCIL MEETING

20 December 2016

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**SHIRE OF WYNDHAM EAST KIMBERLEY
MINUTES ORDINARY COUNCIL MEETING
KUNUNURRA COUNCIL CHAMBERS
HELD ON 20 DECEMBER 2016 AT 5:00PM**

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Commissioner declared the meeting open at 5:01pm .

**2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE
(PREVIOUSLY APPROVED)**

ATTENDANCE

R Yuryevich	Commissioner
C Askew	Chief Executive Officer
D Klye	Director Infrastructure
L Gee	Director Community Development
M Le Riche	Executive Assistant (Minute Taker)

GALLERY

K Wright	Private
M Watson	Resident
M Watson	Resident
A Wilson	Resident
J Thomas	Resident
R Boland	Ratepayer/resident
J Moulden	Resident
P Conway	Resident
D Carter	Rate Payer
N Jeffrey-Dawes	Rate Payer
N Bray	SWEK
M Stewart	SWEK
F Heading	SWEK
R B Dessert	Resident
W Richards	SWEK
P de Kruijff	Kimberley Echo
R Stratford	
R Storey	
S Raven	
P Bawden	SWEK
R Adam	SWEK

3 DECLARATION OF INTEREST

- Financial Interest
- Impartiality Interest
- Proximity Interest

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5 PUBLIC QUESTION TIME

Alan Wilson, Lot 100 Egret Close, Kununurra

Background

Page 45 of the November Agenda in response to a submission to the Draft Local Planning Strategy and Town Planning Scheme by Alan Wilson, Council Staff acknowledged that the draft Strategy does not recommend rezoning of privately owned land within a Scheme Review. Notwithstanding this, staff have recommended to the Commissioner to ignore SWEK's own recommendations and indorse a rezoning of privately owned land with no justifiable reason provided within this review.

Question 1:

Is the Commissioner prepared to set precedence that Council's statute recommendations can be ignored with no benefit to the SWEK or Ratepayers as there is no urgency to proceed with the rezoning of the Old Darwin Road precinct for the foreseeable future given the Strategy also recommends Scheme Amendments by private developers should be submitted consistent with market demand?

Louise Gee, Director Community Development, responded:

In accordance with Town Planning Scheme No. 7 there are three (3) adjoining sites in this precinct which are zoned as follows: -

1. *Rural Small Holdings*
2. *Rural Agriculture 1 – Approved Rural Small Holdings Subdivision (WAPC)*
3. *Rural Agriculture 2 – Approved Rural Small Holdings Subdivision (SAT).*

To ensure orderly and proper planning of this precinct area it is recommended that these three (3) lots be zoned Rural Small Holdings. This recommendation will reflect the existing and proposed land use.

Question 2: How come I was not notified that approval had been granted for subdivision of a neighbour's property?

Louise Gee, Director Community Development, responded:

You will need to direct that question to the WA Planning Commission.

Dr Nicole Jeffrey-Dawes, 98 Egret Close

Question – In reference to the rezoning of blocks of land on Egret and Curlew Closes, why is the Shire proceeding with rezoning when it is clearly not supported by the residents?

Ron Yuryevich, Commissioner, responded:

The purpose of planning scheme reviews is to clean up anomalies and try to get all the zonings correct in an area to make it more representative of what a community should look like.

The planning scheme will be reviewed by the WA Planning Commission and they will make the final decision in relation to approval of the scheme including any amendments.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 PETITIONS

Nil

8 CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 22 November 2016.

COUNCIL DECISION

Minute No: 20/12/2016-11554

Commissioner resolved:

That Council confirms the Minutes of the Ordinary Council Meeting held on 22 November 2016.

Carried 1/0

Note: The Minutes of the Ordinary Council Meeting held on 22 November 2016 are provided under separate cover via www.swek.wa.gov.au

9 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

10 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

11 DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

12 REPORTS

12.1 MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.1.1 Review of Risk Management, Legislative Compliance and Internal Controls

DATE:	20 December 2016
AUTHOR:	Senior Governance & Risk Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	FM.02.8
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorses the proposed Audit (Finance & Risk) Committee recommendation to:

1. Note the results of the Chief Executive Officer's review on the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance; and
2. Note that the implementation of the improvements outlined will continue in a staged approach.

COMMITTEE'S RECOMMENDATION

That the Audit (Finance & Risk) Committee:

- 1. Notes the results of the Chief Executive Officer's review on the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance;**
- 2. Notes that the implementation of the improvements outlined will continue in a staged approach;**
- 3. Reports the results of the review via quarterly reports to Council; and**
- 4. Provides a copy of the report to Council.**

Carried 1/0

COUNCIL DECISION

Minute No: 20/12/2016-11555

Commissioner resolved:

That Council endorses the proposed Audit (Finance & Risk) Committee recommendation to:

- 1. Note the results of the Chief Executive Officer's review on the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance; and**
- 2. Note that the implementation of the improvements outlined will continue in a staged approach.**
- 3. Quarterly report to Council on the progress of the recommendations from the review**

Carried 1/0

PURPOSE

For the Council to review the Chief Executive Officer's report on the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance and to report to the Councils the results of the review.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/PREVIOUS CONSIDERATIONS BY COUNCIL/COMMITTEE

The *Local Government (Audit) Regulations 1996* prescribe the requirements for local government in relation to the engagement of auditors, the annual compliance audit return and the functions of the audit committee.

In February 2013 the Department of Local Government released Circular No. 05-2013 advising local governments of amendments to the *Local Government (Audit) Regulations 1996* which would be gazetted on 8 February 2013 and come into effect on 9 February 2013.

The amendments extend the functions and responsibilities of the Audit (Finance and Risk) Committee to include reviewing the appropriateness and effectiveness of the local government's systems in regard to risk management, internal control and legislative compliance.

Specifically, the amendments require a local government's Chief Executive Officer to review, at least once every two years, the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance and provide a report of that review to the local governments Audit Committee for their consideration.

The Audit (Finance and Risk) Committee is to consider the Chief Executive Officer's review and report the results of the consideration of that review to the Council.

This expansion of responsibilities for the Audit (Finance & Risk) Committee is intended to enable local governments to better manage legislative compliance within their own timeframes and with increased transparency and involvement for elected members.

STATUTORY IMPLICATIONS

Local Government (Audit) Regulations 1996 - Reg 16 and 17

16. Audit committee, functions of

An audit committee —

- (a) *is to provide guidance and assistance to the local government —*
 - (i) *as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
 - (ii) *as to the development of a process to be used to select and appoint a person to be an auditor; and*

- (b) *may provide guidance and assistance to the local government as to —*
 - (i) *matters to be audited; and*
 - (ii) *the scope of audits; and*
 - (iii) *its functions under Part 6 of the Act; and*
 - (iv) *the carrying out of its functions relating to other audits and other matters related to financial management; and*

- (c) *is to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —*
 - (i) *report to the council the results of that review; and*
 - (ii) *give a copy of the CEO's report to the council.*

[Regulation 16 inserted in Gazette 31 Mar 2005 p. 1043; amended in Gazette 8 Feb 2013 p. 867.]

17. CEO to review certain systems and procedures

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
 - (a) *risk management; and*
 - (b) *internal control; and*
 - (c) *legislative compliance.*

- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*

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

[Regulation 17 inserted in Gazette 8 Feb 2013 p. 868.]

POLICY IMPLICATIONS

There are no specific policy implications for this report. The report has identified that the Shire has made significant progress and improvements in policy management since the initial report from February 2015.

FINANCIAL IMPLICATIONS

There cost of this review was included in the 2016/17 annual budget and there are no additional financial implications associated with this report.

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

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

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

This is the second review the Shire of Wyndham East Kimberley has undertaken in relation to these legislative requirements. Moore Stephens, the Council's appointed auditors, were able to provide the service via their independent "Advisory Services" team.

The Advisory Services team are independent of the Audit Services team and the two audits are completely separate.

Moore Stephens terms of reference for this audit were:

1. To undertake a high level review of the risk management systems, policies, procedures and plans in place at the Shire;
2. To evaluate the financial internal control systems and procedures at the Shire;
3. To evaluate the operational internal controls systems and procedures;
4. To assess systems and processes for maintaining legislative compliance;
5. To provide a "gap analysis" of any improvements identified during the assessment; and
6. To provide, in the report, recommendations identified during the assessment of the systems and procedures relating to risk management, internal audit and legislative compliance to assist the Chief Executive Officer assess the appropriateness and effectiveness of these systems and procedures.

The Review of Risk Management, Legislative Compliance and Internal Controls, December 2016 has been received by the Shire of Wyndham East Kimberley.

The report notes that significant progress has been made since the initial review in 2014, particularly in relation to work on policies. While progress is noted, the report provides a detailed list of recommended improvements to continue and expand on the progress to date.

Officers have considered how best to prioritise these improvements, and a schedule detailing proposed timeframes is attached to this report.

ATTACHMENTS

Attachment 1 - Review of Risk Management, Legislative Compliance and Internal Controls, December 2016.

Attachment 2 - Reg 17 Audit Priority Listing

**Review of Risk Management,
Legislative Compliance and
Internal Controls**

Shire of Wyndham East Kimberley

December 2016

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1.0 Background

1.1 Scope of Services

The Shire of Wyndham East Kimberley engaged Moore Stephens to provide services in relation to the requirements of Regulation 17 of the *Local Government (Audit) Regulations 1996*, as follows:

- To undertake a high level review of the risk management systems policies, procedures and plans in place at the Shire;
- To evaluate the financial internal control systems and procedures at the Shire;
- To evaluate the operational internal control systems and procedures at the Shire;
- To assess systems and processes for maintaining legislative compliance;
- To develop a list of any improvements identified during this assessment; and
- To provide in our report recommendations, identified during our assessment of the systems and procedures, relating to risk management, internal audit and legislative compliance to assist the Chief Executive Officer assess the appropriateness and effectiveness of these systems and procedures.

1.2 Review Required by Legislation

The *Local Government (Audit) Regulations 1996*, Regulation 17, requires the following:

1. *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to:*
 - a) *risk management; and*
 - b) *internal control; and*
 - c) *legislative compliance.*
2. *The review may relate to any or all of the matters referred to in sub regulation (1) (a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
3. *The CEO is to report to the audit committee the results of that review.*

This review was undertaken in response to the above requirements and our report has been prepared for the Chief Executive Officer (CEO) to assist with the task of achieving legislative compliance.

In accordance with Regulation 16(c) of the same Audit Regulations, the Audit and Risk Committee is required to review a report prepared by the CEO, and subsequently report to the Council the results of the Committee's review, while at the same time, attaching a copy of the CEO's report to the Audit Committee.

We recognise the current appointment of a Commissioner at the Shire of Wyndham East Kimberley in place of the Council. In our report we have continued to make reference to the Council of the Shire of Wyndham East Kimberley on the basis that a Commissioner is regarded as being the Council under Section 2.38(2) of the *Local Government Act 1995*.

Operational Guidelines prepared by the Department of Local Government and Communities (Audit in Local Government, number 09 September 2013) provides background to the intended outcomes from the review. An extract of the relevant content of the operational guidelines has been reproduced at Appendix D.

2.0 Introduction

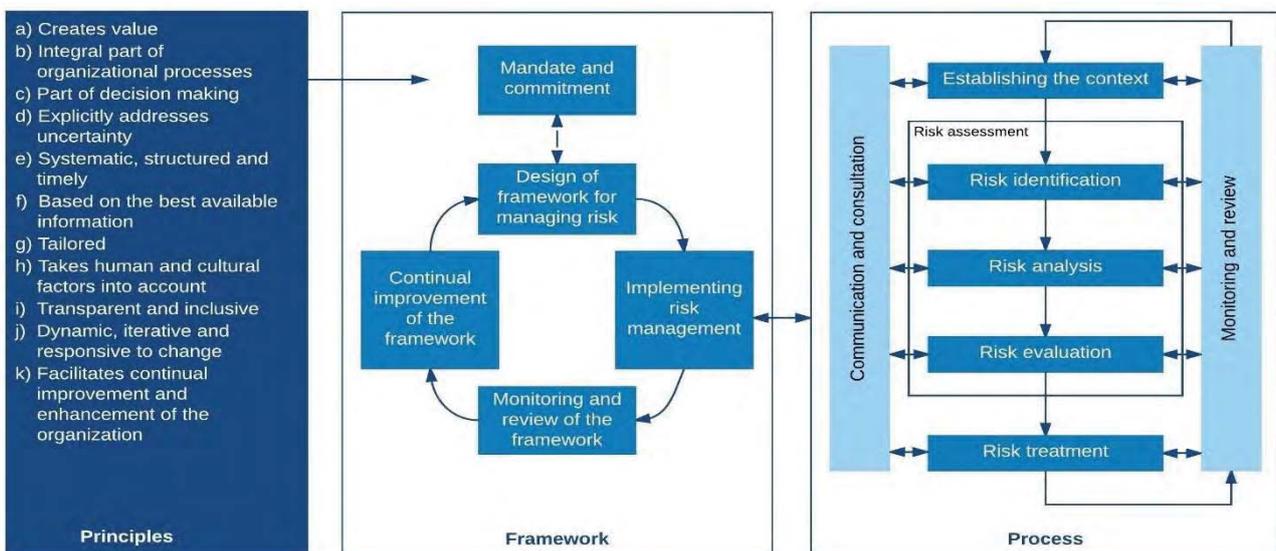
2.1 Review Methodology

The primary goal of this review is to assist the CEO of the Shire of Wyndham East Kimberley to establish the appropriateness and effectiveness of the Shire of Wyndham East Kimberley's systems and procedures in relation to risk management, legislative compliance and internal controls.

Internal controls are designed to treat risks identified as part of the risk management process. Non-compliance with legislation is one of the risks that would usually be identified.

The Australian Standard for Risk Management (ISO 31000) identifies three components in the application of risk management being *Principles, Framework and Process* as set out in Diagram 1 below.

Diagram 1. Risk Management Principles, Framework and Process



(Source: Standards Australia/Standards New Zealand, 2009)

In undertaking our review, we have applied the three ISO 31000 framework components, as set out above, to the review topics (risk management, internal controls and legislative compliance). This involves a process that incorporates the five framework components, being *mandate and commitment, framework design, implementation, monitoring and continuous improvement* as follows:

- Identify the extent of commitment and mandate to the principles;
- Establish an appropriate framework for the review topics (risk management, legislative compliance and internal controls) after considering the overall context in which the review occurs;
- Assess the appropriate framework against the current framework;
- Assess the implementation of the current framework;
- Assess the degree of monitoring of the current framework and its effectiveness;
- Assess the gaps (if any) between the current framework and the identified appropriate framework and document improvements; and
- Report on the appropriateness and effectiveness of current systems and procedures.

3.0 Review Context

3.1 Review Context - Shire of Wyndham East Kimberley

It is important to understand the external and internal context in which the Shire of Wyndham East Kimberley operates relevant to risk, the internal control environment and its legislative compliance obligations. That is, to understand the environment in which the Shire seeks to achieve its overall strategic objectives.

The external and internal influences identified during the course of the review are set out below:

External Influences	Internal Influences
Increasing community expectations in relation to service levels and service delivery.	The objectives and strategies contained in the Council's current Strategic Community Plan.
Rapid changes in information technology changing the service delivery environment.	The timing and actions contained in the Council's Corporate Business Plan.
Increased compliance requirements due to Government policy and legislation.	The current organisational size, structure, activities and location.
Cost shifting by Federal and State Governments.	The current human resourcing levels and turnover rate.
Reducing external grant funding for infrastructure and operations.	The current financial capacity of the Shire.
Land and housing availability and affordability.	The maintenance of corporate records.

3.1 Risk Appetite - Shire of Wyndham East Kimberley

A number of the above influences will be factors in the Shire's appetite for risk; being the level of risk the organisation is willing to accept or pursue through the setting of risk criteria and policy.

Understanding risk appetite helps determine the level of acceptable/unacceptable risk in relation to breaches of legislation or controls and the extent to which additional controls are required to treat risk.

As a public body, there is an expectation the Shire will maintain an inherent low appetite for the risk of non-compliance with legislation and adopted policy, in order to maintain the organisation's reputation and to protect public funds from loss or misappropriation.

The appetite for risk in relation to service delivery, finance, health, safety and the environment is considered to be 'low to medium', requiring treatment with effective controls. Where the level of risk is considered 'high' or 'extreme', additional controls are required to reduce the risk level. In circumstances where the level of risk cannot be reduced below that of 'high', close monitoring of risk controls is required to ensure these internal controls remain effective.

4.0 Review Summary

4.1 Risk Management

4.1.1 Appropriateness

The Shire of Wyndham East Kimberley is yet to adopt a documented entity wide risk management policy and strategy to guide the implementation of risk management across the organisation. Considering the size, resources, operations and the context in which the Shire of Wyndham East Kimberley operates, a single documented risk management strategy and framework is considered appropriate as a means to uniformly support decision making and document the organisations response to risks.

4.1.2 Effectiveness

Currently, the entity wide risk management framework has not been consistently applied across the organisation, with different frameworks applied by various risk assessments. Risk management processes continue to be developed and improved and the measures recently implemented have been effective when applied. A lack of significant adverse risk events cannot be used as evidence of the effectiveness of current practices.

4.1.3 Improvements

Improvements to risk management practices and policies are set out in detail in the Improvement Plan in Section 9.0 of this report. A key improvement is the adoption of a documented entity wide risk management policy and strategy to guide the implementation of risk management across the organisation and business processes of Shire of Wyndham East Kimberley.

4.0 Review Summary (Continued)

4.2 Internal Control

4.2.1 Appropriateness

Subject to the implementation of the improvements outlined in this report and considering the size, resources, operations and the internal/external context in which the Shire of Wyndham East Kimberley operates, the internal control framework, procedures and systems are generally considered appropriate.

4.2.2 Effectiveness

With the exceptions noted and detailed within this report and considering the results of the monitoring and compliance practices undertaken by the Shire of Wyndham East Kimberley, the current internal control framework, procedures and systems are considered to be generally operating effectively.

4.2.3 Improvements

Recommended improvements to the current internal control framework, procedures and systems are set out in Section 9.0 of this report. The key improvements to internal controls are summarised as follows:

- The development of a documented Internal Control Policy, promoting a risk based approach to the development and maintenance of documented internal controls and procedures. This suggestion is intended to support a continual assessment of the appropriateness of controls throughout the organisation by identifying the need for new controls and ensuring existing outdated controls are discontinued; and
- We acknowledge the significant progress made by the Shire over the past two years, since the previous review in regard to updating Council policies. We encourage the Shire to continue the progress made to date, in improved documented procedures to support the implementation and enforcement of these amended policies.

4.0 Review Summary (Continued)

4.3 Legislative Compliance

4.3.1 Appropriateness

Considering local governments generally maintain an inherently low risk appetite for breaches of legislation, a documented legislative compliance strategy is considered appropriate to reduce the risk of breaching legislation. The Shire is yet to establish a legislative compliance strategy.

4.3.2 Effectiveness

Maintaining legislative compliance is heavily reliant on the knowledge, experience and commitment of the CEO and senior staff to identify and prevent breaches of legislation. As a consequence, staff turnover, competing priorities and variations in workloads can have a significant negative impact on legislative compliance. Therefore, one of the most important controls in maintaining legislative compliance is a motivated, stable, experienced and knowledgeable senior management group.

In the instances where the effectiveness was able to be assessed, the current legislative compliance control procedures and systems, although largely informal, are considered to be operating effectively.

There were no significant compliance breaches noted in the most recent Annual Compliance Audit Return. In respect of effectiveness, it is important to note the Return was not independently prepared or verified.

4.3.3 Improvements

Improvements to the current framework, procedures and systems for legislative compliance are set out in Section 9.0 of this report and summarised as follows:

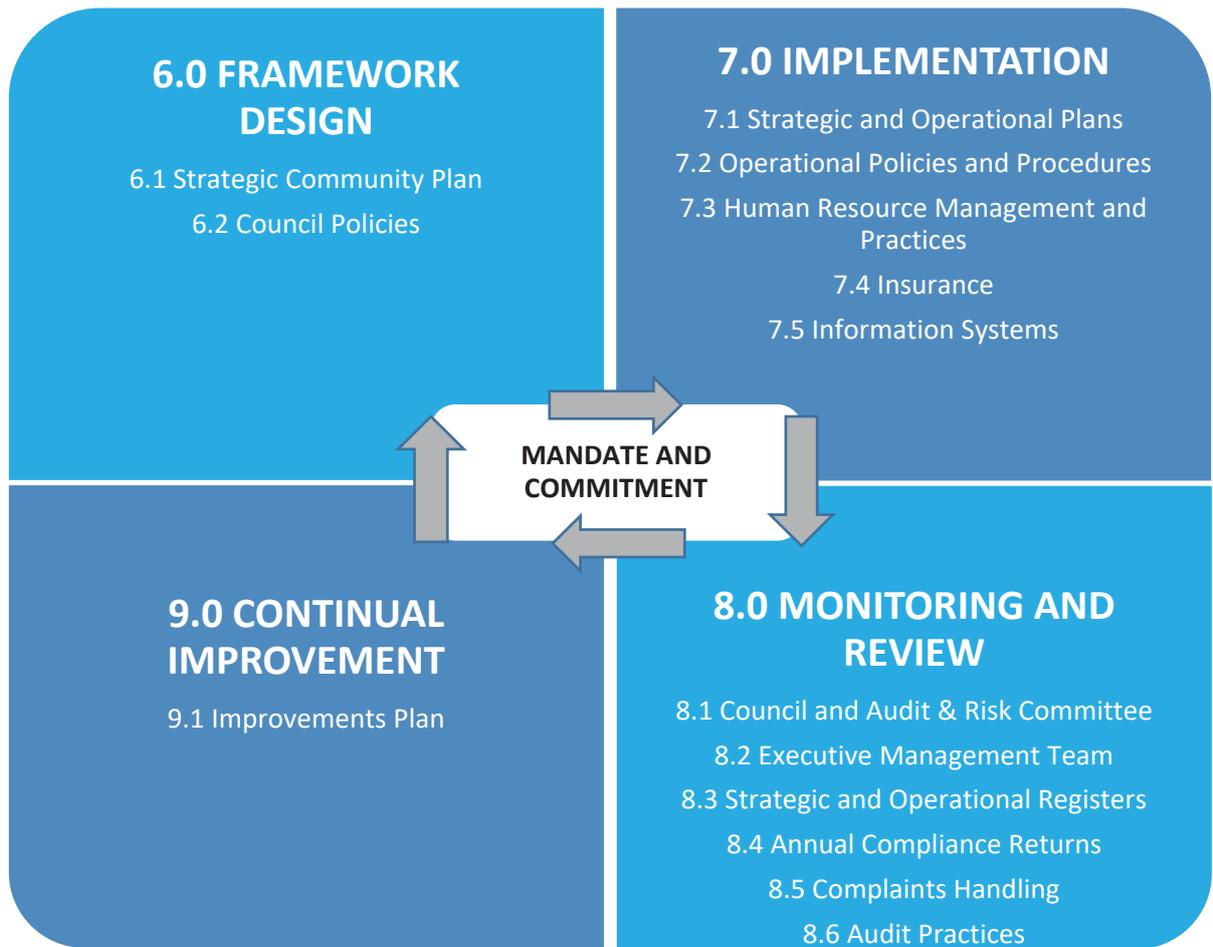
- The development of a legislative compliance policy; and
- The development of a risk based training matrix to help ensure senior staff with the responsibility for preventing, identifying and reporting breaches of legislation are offered relevant training to ensure their knowledge of legislative requirements is maintained.

5.0 Appropriate Framework

5.1 Risk Management, Internal Control and Legislative Compliance

The following framework was identified as being appropriate for risk management, internal control and legislative compliance for the Shire of Wyndham East Kimberley, after consideration of the current internal and external influences.

Diagram 2. Risk Management, Internal Control and Legislative Compliance Framework



We undertook a high level review of risk management, internal controls and legislative compliance which precluded detailed testing of all internal controls and legislative compliance.

The results of our review are detailed on the following pages in line with the structure of the above framework.

6.0 Framework Design

6.1 Strategic Community Plan

The Shire of Wyndham East Kimberley has adopted two key strategic documents, the Strategic Community Plan (2012-2022) and the Corporate Business Plan (2012-2016). These plans identify the Council's organisational objectives and key outcomes as the Shire progresses on its stated vision *'For the East Kimberley to be a thriving community with opportunities for all.'*

There are no strategies within the Shire of Wyndham East Kimberley Strategic Community Plan which directly reference risk management.

The Strategic Community Plan recognises the community's aspirations and values through the following stated objectives:

Section	Goal
Leadership and Governance	Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability.
Physical and Social Infrastructure	Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure.
Lifestyle and Environment	Protection and enhancement of lifestyle values, community facilities and the environment to provide safe and inviting communities.

In seeking to achieve its objectives, the Shire of Wyndham East Kimberley faces both inherent and business risks. Whilst striving to fulfil expectations, it is also required to maintain compliance with numerous legislative requirements. To manage these risks and comply with legislation, the Shire has established various processes, systems and controls.

This review examines the appropriateness and effectiveness of the organisation's risk management systems, internal controls and legislative compliance in the context of the Shire striving to achieve its stated objectives.

6.0 Framework Design (Continued)

6.2 Council Policies

Whilst the operation of the Shire is the responsibility of the CEO, the Council is responsible for setting the framework for operations through the adoption of Council policies. These policies represent an overarching structure relevant to risk management, internal controls and legislative compliance and have been reviewed for appropriateness and effectiveness.

A list of policies reviewed is provided in Appendix A - Council Policies Examined. The table below details areas for possible improvement in relation to Council policies.

Policy	Purpose / Goal	Matters Identified / Improvements
Risk Management Policy	Organisation wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.	Council has not adopted a Risk Management Policy to date. We acknowledge a draft policy exists though this requires amendment before consideration by Council. Improvement: A Risk Management Policy be developed and presented to Council for consideration.
Internal Control Policy	A policy to evidence Council's commitment to internal controls and their importance to the organisation.	Currently, no policy on internal controls has been adopted by Council. Improvement: An Internal Control Policy formulated and adopted to formalise Council's commitment to internal controls, based on a risk management process.
Legislative Compliance Policy	A policy to evidence Council's commitment to legislative compliance and its importance to the organisation.	Currently, no policy on legislative compliance has been adopted by Council. Improvement: A Legislative Compliance Policy formulated and adopted to formalise Council's commitment to legislative compliance.
Record Keeping Policy	A policy to evidence Council's commitment to the maintenance of records and its importance to the organisation.	Currently, no policy on record keeping has been adopted by Council. Improvement: A Record Keeping Compliance Policy formulated and adopted to formalise Council's commitment to maintaining records.
Occupational, Health and Safety Policy	A policy to evidence Council's commitment to occupational, health and safety and its importance to the organisation.	Currently, no policy on occupational safety and health has been adopted by Council. Improvement: An Occupational Safety and Health Policy formulated and adopted to formalise Council's commitment to occupational safety and health.

6.0 Framework Design (Continued)

Policy	Purpose / Goal	Matters Identified / Improvements
Insurance Strategy or Policy	A policy to provide guidance to officers as to the management of risk through insurance.	No documented policy in existence. Improvements: Development of an Insurance Strategy and Policy, to provide clarity on issues such as the level of self-insurance, the adequacy of cover and the basis of valuation of the insured assets.
CP COM-3584 Alcohol Management Policy	To describe the conditions to be observed in regards to consumption of alcohol in and on public reserves and facilities.	The Policy does not require organisers of events involving alcohol on Shire controlled land to provide risk management plans before a permit is granted. Improvement: The Policy be amended to require a formal risk assessment to be undertaken before granting a permit and for all events rated above medium risk to provide a risk management plan detailing risk treatment to reduce risk to an acceptable level.
DC10 Radio Masts, Antennae and Satellite Dishes	To minimise the visual impact of radio masts and satellite dishes.	The Policy is outdated and has been superseded by Policy CP PMG-3783 Communication Antennae. Improvement: The Policy be rescinded and removed from the Shire website.
E9 Traffic Signs – Directional Signage	To provide directional signage along roads.	Policy CP/OPS-3657 – Directional Signage appears to have superseded this Policy. Improvement: The Policy be rescinded and removed from the Shire website as it has been superseded.
E10 Roadside Advertising Signage	To advertising signage along roads.	The Policy was adopted in July 2004 with no subsequent review recorded. Improvement: Policy reviewed and updated if required, ensuring the reviewed Policy is compliant with current standards and guidelines.
LPP Local Planning Policy Manual	Manual containing local planning policy guidelines	A number of policies were adopted in 2009 with no subsequent review recorded. Policies within the Manual developed since 2009 are overdue for review. Improvement: The policies in the Manual be reviewed and updated if required, with the date of review being entered in the relevant Policy.

6.0 Framework Design (Continued)

Policy	Purpose / Goal	Matters Identified / Improvements
CP/FIN-3200 Strategic Rating	To outline the Council's principles and methodology when exercising its discretionary powers to determine the level and structure of rates levied under the <i>Local Government Act 1995</i> .	The Policy defines a rate in the dollar and minimum payment level for each differential rating category. This conflicts with the requirement of the <i>Local Government Act 1995</i> for rates to be determined based on the budgeted deficiency and adopted by an absolute majority of Council each year when adopting the budget. Improvement: Policy amended to remove any defined rates in the dollar and minimum payment levels.
CP/FIN-3201 Significant Accounting Policies	To provide the basis for Council's accounting treatments to be applied to transactions the Shire may or has entered into.	The Policy was due for review in August 2016 and contains defined depreciation periods to be utilised for various classes of assets. The Australian Accounting Standards requires assets to be assessed annually to determine their remaining useful life and residual value. Improvement: Policy reviewed annually, to help ensure its alignment with changes in Australian Accounting Standards and the annual assessment of remaining useful life and residual value.
CP/FIN-3204 Purchasing	To demonstrate the Council's commitment to delivering best practice in the purchasing of goods, services and works	There are no requirements stated for instances where the scope of a contract is amended or extended. Improvement: Policy amended to include guidance where there is an extension or variation of a contract's scope after a contract is signed.
F20 Fixed Assets	To ensure legislative compliance in accordance with Australian Accounting Standards and provide guidelines for financial management of non-current assets for the Shire of Wyndham East Kimberley	The Policy was last reviewed in September 2009 and refers to a Policy which has been rescinded. Improvement: Policy reviewed and incorporated within the broader Asset Management Policy.

7.0 Implementation

7.1 Strategic and Operational Plans

Council has a number of strategic and operational plans, which form the basis of entity level controls and entity level risk assessments.

A list of plans reviewed is provided at Appendix B - Plans Examined. The table below details areas for possible improvement in relation to the plans examined.

Plan	Purpose / Goal	Matters Identified / Improvements
Workforce Management Plan	A plan to make sure the Shire has the right people, in the right place, at the right time, to meet the objectives of the Strategic Community Plan.	2012/13 – 2015/16 Plan is in draft, and due for review. Improvement: Review, update and present to Council for consideration and adoption.
Asset Management Plan	A plan to define the processes to be used to manage each class of asset the Shire controls.	An Asset Management Plan is yet to be developed or adopted by Council. Improvement: Develop and adopt an Asset Management Plan.
Long Term Financial Plan	A plan to define long term financial strategies and prioritisation of future financial activities	A Long Term Financial Plan is yet to be developed or adopted by Council. Improvement: Develop and adopt a Long-Term Financial Plan.
Business Continuity Management Plan	Ensure orderly and effective response to any incident that significantly disrupts the Council's business operations.	The plan is currently in draft. Improvement: Finalise and present to Council for consideration and adoption.

7.0 Implementation (Continued)

Plan	Purpose / Goal	Matters Identified / Improvements
Records Disaster Management Plan	A plan prepared to minimise the risk of loss of records in the event of a disaster.	<p>The plan does not identify or treat any risks. Risk assessments within the plan should be undertaken in accordance with the Shire's overall Risk Management strategy or framework (to be developed). Backups of electronic records are currently held at the bank which is considered to be appropriate. Instances where not all records have been recorded in the records management system and filed appropriately.</p> <p>Improvements: The Plan be amended to: Consider risks in accordance with the proposed Risk Management Policy and the associated Strategy and Framework; Provide for the timely electronic storing of all records; Require electronic records to be routinely backed up and stored at sufficiently remote geographic location to reduce the risk of the impact of a common disaster event; and Require routine testing to ensure currency and completeness of restored data backups.</p>
Internal Controls Policy	To evidence the Council commitment to internal controls and their importance to the organisation.	<p>No policy for internal controls exists.</p> <p>Improvements: A policy developed reflecting Council's commitment to risk based internal controls throughout the organisation.</p>

7.0 Implementation (Continued)

7.2 Operational Policies and Procedures

In seeking to achieve its stated vision, the Shire of Wyndham East Kimberley provides a number of services to the community.

Meetings were undertaken with key staff in each of the key areas of responsibility to determine the practices applied to issues of risk management, internal controls and legislative compliance when providing services to the community.

Daily operations are primarily based on staff knowledge and verbal instructions. Documented procedures are utilised to document certain key areas of operations within the Finance department.

The review process identified the existence of documentation and checklists other than formal administration policies, but these exist outside the scope of the administration policies and have no basis of authority.

Considering the number of services provided and the current staff resourcing, a risk based approach to the prioritisation of the development of new procedures is recommended.

The table below details areas for possible improvement in relation to policies and procedures examined.

Component	Purpose / Goal	Matters Identified / Improvements
Documented Procedures	Use of documented procedures by officers helps establish a standard methodology and identifies key controls for processes undertaken by officers	Limited documented procedures currently exist. We acknowledge staff are developing organisational directives and procedures on an ad-hoc basis. Improvements: Opportunities exist to improve standard operating procedures and ensure they are documented and key controls clearly identified. Once these procedures are developed and implemented, they require constant monitoring for adherence and effectiveness.
Checklists	Checklists document the completion of multiple steps within an overall process.	Checklists exist for certain tasks but not for all routine functions. Improvements: Creation of standard checklists may assist in documenting key points of control.
Workflow Diagrams	Workflow diagrams create a visual representation of a process clearly identifying key points of control and responsibility.	Workflow diagrams exist for key financial control systems. Improvements: In conjunction with the development of documented procedures and checklists, develop workflow process diagrams for remaining key control areas.

7.0 Implementation (Continued)

Component	Purpose / Goal	Matters Identified / Improvements
Fuel Usage	Procedures to ensure fuel is only utilised for Shire related purposes.	<p>Management acknowledged controls relating to fuel usage at the landfill site were inadequate and were currently addressing the issues.</p> <hr/> <p>Improvements: Management to continue with the implementation of control measures in relation to the usage of fuel at the landfill site.</p>
Risk Management Working Group	A working group to progress the implementation of risk management across the organisation and to monitor risk management practices.	<p>No working group currently in place with no Risk Management Policy or Framework available.</p> <hr/> <p>Improvements: That a working group be established and maintained to progress and oversee the implementation of the Proposed Risk Management Strategy and Framework.</p>
Communications of modifications	To ensure staff are notified of changes to internal controls and have access to documented procedures.	<p>No documented procedure to ensure staff are advised of changes and that the latest version is available, with earlier versions retracted.</p> <hr/> <p>Improvements: A documented procedure be developed to communicate to staff changes in policies and procedures are available to be accessed.</p> <p>All current policies and procedures to be in one central location accessible to all relevant staff.</p>
Project Specific Risk Assessments	A risk assessment is undertaken as part of a major project brief.	<p>Project specific risk assessments are not undertaken for all major projects.</p> <hr/> <p>Improvements: The status of the entity risk register be documented in the Risk Management Strategy and Framework (to be developed). That the register be routinely maintained and monitored.</p>

7.0 Implementation (Continued)

7.3 Human Resource Management and Practices

A number of components constitute the organisations human resource management practices and form an essential element of risk management, internal control and legislative compliance. Each of these elements is examined in the table below.

Component	Purpose / Goal	Matters Identified / Improvements
Code of Conduct	Provides a documented expectation for the behaviour of elected members, staff, contractors and volunteers when performing their duties.	Volunteers and contractors are not bound by the Code of Conduct when performing functions on behalf of the Shire. Improvement: Review the Code of Conduct to include volunteers and contractors in the scope.
Staff Inductions	To make new staff aware of their obligation with regard to OH&S, risk management and to report breaches of controls and other risk related incidences	Staff inductions are currently undertaken and maintained within the employee file. In one instance a copy of the induction form was not on file, however, the staff review notes indicate the induction was undertaken.
Experienced Staff	To ensure staff engaged at a senior level and technical roles have an understanding of the requirements relevant to their role.	Senior staff are experienced and appear to have a sound understanding of the requirements of their roles.
Occupational Health and Safety Committee	Staff and Management Committee tasked with maintaining and implementing an appropriate level of occupational health and safety.	The Occupational Health and Safety Committee has not met regularly. We acknowledge it is management's intention for the committee to recommence regular meetings. Currently a documented risk based prioritisation of occupational health and safety is not undertaken. Improvements: The Occupational Health and Safety Committee commence regular meetings (minuted) to discuss any identified occupational health and safety risks. A risk based assessment of occupational health and safety issues be undertaken by the working committee and including within minutes to enable prioritisation or risk treatments.

7.0 Implementation (Continued)

Component	Purpose / Goal	Matters Identified / Improvements
Staff Induction	To ensure new staff are alert to their obligations under risk management, occupational health and safety risks and the expectation that they report breaches of controls and other risk related incidences.	<p>Although occupational health and safety inductions are currently undertaken, evidence of the inductions are not always recorded within the personnel file.</p> <p>Improvements: That long term employees be the subject of a re-induction process to ensure they are aware of changes to risk management and occupational health and safety risk procedures since their initial induction.</p>
Staff Training	To ensure the staff have access to ongoing and appropriate training	<p>Staff training is undertaken on an ad-hoc basis and reliant on budget funds available</p> <p>Improvement: Development of a training matrix.</p>
Staff Qualifications	To ensure staff requiring qualifications are suitably qualified to undertake their duties.	<p>Instances where staff qualifications have expired, with no new qualification, maintained on file.</p> <p>Improvement: Documented procedures developed to ensure staff qualifications are current and copies are maintained on file.</p>
Contractors and Volunteers Inductions	To ensure contractors and volunteers have knowledge of the basic standards expected of them.	<p>No inductions are currently performed for contractors and volunteers.</p> <p>Improvement: Ensure all contractors and volunteer staff undergo induction before commencing.</p>

7.0 Implementation (Continued)

7.4 Insurance

The CEO and senior staff annually review the completeness of the insurance schedule with their Broker and adjust the insurance policy as considered appropriate. The table below details areas for possible improvement in relation to insurance processes.

Framework Components	Purpose / Goal	Matters Noted / Improvements
Contractor Insurance	Procedures to ensure contractors have adequate insurance for works they undertake.	Formal Requests for Quotation and Requests for Tender require contractors to provide evidence of insurance. We note no procedures currently exist to ensure contractors undertaking smaller works on a regular basis have insurance cover for the works they undertake. Improvement: Procedures developed to ensure all contractors undertaking minor works which may result in loss or damage to Shire property have appropriate insurance cover.

7.5 Information Systems

Information systems are maintained by in-house IT staff with offsite backups occurring. The table below details areas for possible improvement in relation to information systems processes.

Framework Components	Purpose / Goal	Matters Noted / Improvements
Information Systems Plans	Plans to ensure the secure provision of information systems even in the event of a disaster	Currently no documented Disaster Recovery Plan, IT Security Plan or documented procedures in place. Improvement: An IT Disaster Recovery Plan and IT Security Plan be developed and tested. Documentation of standard procedures such as backup procedures is also suggested.

8.0 Monitoring and Compliance

Developing and implementing systems and procedures for risk management, legislative compliance and internal controls into an organisation can be a time consuming and expensive exercise, with the potential to divert resources away from direct services. Considering the level of investment necessary to establish these systems, monitoring their effectiveness is an essential practice.

After implementing these systems, it is important to put in place practices that regularly monitor and assess their effectiveness, to ensure they continue to meet their intended purpose.

Over time, the relevancy of established controls may change, their purpose may be forgotten, or technology may offer a more efficient or effective way to achieve the initial goal. For all these reasons, formal review procedures are required to ensure the resources applied to maintaining these systems, practices and controls are used in the most efficient way.

Evidence of the monitoring of risk management, internal controls and legislative compliance is sourced from Minutes of Meetings, Registers of Disclosures and reports received.

8.1 Council and Audit & Risk Committee

The minutes of the Council Meetings and the Audit & Risk Committee contain, within each item, the topic of risk and legislative matters. This is considered appropriate and an effective means of formally communicating risk and legislative compliance requirements to the Elected Members.

Regular monthly financial statements and lists of payments made in the intervening period between each meeting have been presented to the Council for review as required by legislation. This provides the basis for a high level oversight of the financial position and expenditure of the organisation.

8.2 Executive Management Team

Minutes of the Executive Management Team were not available for review

Framework Components	Purpose / Goal	Matters Identified / Improvements
Executive Management Team meeting minutes	To formally communicate risk, internal control and legislative compliance matters raised within the team.	Minutes of Executive Management Team meetings were not available for review. Improvement: We suggest minutes of Executive Management Team meetings be maintained and detail any risk, internal control or legislative compliance matters noted by the team.

8.0 Monitoring and Compliance (Continued)

8.3 Strategic and Operational Registers

A number of registers are maintained by the Shire of Wyndham East Kimberley, these registers were reviewed and are listed at Appendix C – Strategic and Operational Registers Examined.

The table below details areas for possible improvement in relation to these registers.

Framework Components	Purpose / Goal	Matters Identified / Improvements
Strategic and Operational Risk Register	To document identified risks.	<p>An Excel register of identified risks was last updated in March 2016. The register identifies 15 Strategic Risks and 38 Operational Risks a number of which are rated as having a high inherent risk. We noted the register does not provide the date of the assessment of the risk or the treatment to be used to reduce the risk to an acceptable level.</p> <p>Improvement: We suggest a risk register containing identified risks, date identified, treatment to be applied and level of residual risk be developed and maintained.</p>
Occupational Health and Safety Incidents Register	To record reported incidents and assist in monitoring of any follow up actions required to prevent re-occurrence.	<p>Incident reports are being completed by staff. However, no register of these reports is currently maintained.</p> <p>Improvement: We suggest a risk register containing reported incidents, date reported, nature of the incident and follow up actions to be taken be developed and maintained.</p>
Litigation or Claims Register	Maintain a record of all litigation or claims made against the Shire and the status of each claim.	<p>Whilst any actions against the Shire are recorded individually in the records system, we noted no register is currently maintained.</p> <p>Improvement: We suggest a record of litigation or claims against the Shire be maintained.</p>

8.4 Annual Compliance Audit Returns

Returns have been completed on a self-assessment basis and approved by Council each year with no significant matters identified. It is important to note the Returns were not independently prepared or verified.

8.0 Monitoring and Compliance (Continued)

8.5 Complaint Handling

The Code of Conduct requires any suspected breaches of legislation or the Code to be reported to the CEO and to be dealt with in accordance with the principles of procedural fairness.

Community complaints are referred to the relevant officer for a response.

The table below details areas for possible improvement in relation to complaint handling.

Framework Components	Purpose / Goal	Matters Noted / Improvements
Employee Complaints/Grievance Handling	Procedures for the handling of employee complaints and grievances.	<p>The Code of Conduct requires breaches or suspected breaches of the Code by the CEO to be reported to the Deputy CEO or a senior employee. A conflict (or perceived conflict) may exist where an employee is required to investigate a breach by a superior officer. This conflict could be particularly acute if the subordinate officer is in the process of contract renegotiation.</p> <p>Improvement: Breaches or suspected breaches of the Code of Conduct by the CEO to be reported to the Shire President for further investigation.</p>
Community Complaints Handling	Procedures for the handling of Community Complaints.	<p>Whilst there is a Complaints Management Policy, there are no procedures to ensure community complaints are recorded and responded to appropriately within a defined timeframe.</p> <p>Improvement: A documented procedure developed to ensure all community complaints are logged and forwarded to the appropriate officer, then followed up to ensure they are resolved.</p>

8.0 Monitoring and Compliance (Continued)

8.6 Audit

Council has appointed external financial auditors to the Shire of Wyndham East Kimberley. External audits of items such as the waste facility are undertaken by the appropriate regulatory body.

Framework Components	Purpose / Goal	Matters Noted / Improvements
External Audit	To express an opinion on the financial report based on an audit conducted in accordance with Australian Auditing Standards in accordance with an agreed engagement scope.	One compliance matter was noted in the 2016 Audit report. Improvements: Undertake improvements as detailed within the improvement plan.
Internal Audit	Internal audit monitors the level of compliance with internal procedures and process along with assessing the appropriateness of these procedures.	Currently, no internal auditors have been appointed, and limited internal audit functions have been undertaken. Improvements: As the level of documented procedures increases, an expanded internal audit function to confirm adherence to documented policies and procedures may be required.

9.0 Improvements

9.1 Summary of Improvements

Suggested improvement opportunities are provided below to form an Improvement Plan.

Paragraph	Matters Noted	Improvements
6.2.1 Risk Management Policy	Council has not adopted a Risk Management Policy to date. We acknowledge a draft policy exists though this requires amendment before consideration by Council.	A Risk Management Policy be developed and presented to Council for consideration.
6.2.2 Internal Control Policy	Currently, no policy on internal controls has been adopted by Council.	An Internal Control Policy formulated and adopted to formalise Council's commitment to internal controls, based on a risk management process.
6.2.3 Legislative Compliance Policy	Currently, no policy on legislative compliance has been adopted by Council.	A Legislative Compliance Policy formulated and adopted to formalise Council's commitment to legislative compliance.
6.2.4 Record Keeping Policy	Currently, no policy on record keeping has been adopted by Council.	A Record Keeping Compliance Policy formulated and adopted to formalise Council's commitment to maintaining records.
6.2.5 Occupational, Health and Safety Policy	Currently, no policy on occupational safety and health has been adopted by Council.	An Occupational Safety and Health Policy formulated and adopted to formalise Council's commitment to occupational safety and health.
6.2.6 Insurance Strategy or Policy	No documented policy in existence.	Development of an Insurance Strategy and Policy, to provide clarity on issues such as the level of self-insurance, the adequacy of cover and the basis of valuation of the insured assets.
6.2.7 CP COM-3584 Alcohol Management Policy	The Policy does not require organisers of events involving alcohol on Shire controlled land to provide risk management plans before a permit is granted.	The Policy be amended to require a formal risk assessment to be undertaken before granting a permit and for all events rated above medium risk to provide a risk management plan detailing risk treatment to reduce risk to an acceptable level.
6.2.8 DC10 Radio Masts, Antennae and Satellite Dishes	The Policy is outdated and has been superseded by Policy CP PMG-3783 Communication Antennae.	The Policy be rescinded and removed from the Shire website.

9.0 Improvements (Continued)

Paragraph	Matters Noted	Improvements
6.2.9 E9 Traffic Signs – Directional Signage	Policy CP/OPS-3657 – Directional Signage appears to have superseded this Policy.	The Policy be rescinded and removed from the Shire website as it has been superseded.
6.2.10 E10 Roadside Advertising Signage	The Policy was adopted in July 2004 with no subsequent review recorded.	Policy reviewed and updated if required, ensuring the reviewed Policy is compliant with current standards and guidelines.
6.2.11 LPP Local Planning Policy Manual	A number of policies were adopted in 2009 with no subsequent review recorded. Policies within the Manual developed since 2009 are overdue for review.	The policies in the Manual be reviewed and updated if required, with the date of review being entered in the relevant Policy.
6.2.12 CP/FIN-3200 Strategic Rating	The Policy defines a rate in the dollar and minimum payment level for each differential rating category. This conflicts with the requirement of the <i>Local Government Act 1995</i> for rates to be determined based on the budgeted deficiency and adopted by an absolute majority of Council each year when adopting the budget.	Policy amended to remove any defined rates in the dollar and minimum payment levels.
6.2.13 CP/FIN-3201 Significant Accounting Policies	The Policy was due for review in August 2016 and contains defined depreciation periods to be utilised for various classes of assets. The Australian Accounting Standards requires assets to be assessed annually to determine their remaining useful life and residual value.	Policy reviewed annually, to help ensure its alignment with changes in Australian Accounting Standards and the annual assessment of remaining useful life and residual value.
6.2.14 CP/FIN-3204 Purchasing	There are no requirements stated for instances where the scope of a contract is amended or extended.	Policy amended to include guidance where there is an extension or variation of a contract's scope after a contract is signed.
6.2.15 F20 Fixed Assets	The Policy was last reviewed in September 2009 and refers to a Policy which has been rescinded.	Policy reviewed and incorporated within the broader Asset Management Policy.
7.1.1 Workforce Management Plan	2012/13 – 2015/16 Plan is in draft, and due for review.	Review, update and present to Council for consideration and adoption.

9.0 Improvements (Continued)

Paragraph	Matters Noted	Improvements
7.1.2 Asset Management Plan	An Asset Management Plan is yet to be developed or adopted by Council.	Develop and adopt an Asset Management Plan.
7.1.3 Long Term Financial Plan	A Long Term Financial Plan is yet to be developed or adopted by Council.	Develop and adopt a Long-Term Financial Plan.
7.1.4 Business Continuity Management Plan	The plan is currently in draft.	Finalise and present to Council for consideration and adoption.
7.1.5 Records Disaster Management Plan	The plan does not identify or treat any risks. Risk assessments within the plan should be undertaken in accordance with the Shire's overall Risk Management strategy or framework (to be developed). Backups of electronic records are currently held at the bank which is considered to be appropriate. Instances where not all records have been recorded in the records management system and filed appropriately.	The Plan be amended to: Consider risks in accordance with the proposed Risk Management Policy and the associated Strategy and Framework; Provide for the timely electronic storing of all records; Require electronic records to be routinely backed up and stored at sufficiently remote geographic location to reduce the risk of the impact of a common disaster event; and Require routine testing to ensure currency and completeness of restored data backups.
7.1.6 Internal Controls Policy	No policy for internal controls exists.	A policy developed reflecting Council's commitment to risk based internal controls throughout the organisation.
7.2.1 Documented Procedures	Limited documented procedures currently exist. We acknowledge staff are developing organisational directives and procedures on an ad-hoc basis.	Opportunities exist to improve standard operating procedures and ensure they are documented and key controls clearly identified. Once these procedures are developed and implemented, they require constant monitoring for adherence and effectiveness.
7.2.2 Checklists	Checklists exist for certain tasks but not for all routine functions.	Creation of standard checklists may assist in documenting key points of control.

9.0 Improvements (Continued)

Paragraph	Matters Noted	Improvements
7.2.3 Workflow Diagrams	Workflow diagrams exist for key financial control systems.	In conjunction with the development of documented procedures and checklists, develop workflow process diagrams for remaining key control areas.
7.2.4 Fuel Usage	Management acknowledged controls relating to fuel usage at the landfill site were inadequate and were currently addressing the issues.	Management to continue with the implementation of control measures in relation to the usage of fuel at the landfill site.
7.2.5 Risk Management Working Group	No working group currently in place with no Risk Management Policy or Framework available.	That a working group be established and maintained to progress and oversee the implementation of the Proposed Risk Management Strategy and Framework.
7.2.6 Communications of modifications	No documented procedure to ensure staff are advised of changes and that the latest version is available, with earlier versions retracted.	A documented procedure be developed to communicate to staff changes in policies and procedures are available to be accessed. All current policies and procedures to be in one central location accessible to all relevant staff.
7.2.7 Project Specific Risk Assessments	Project specific risk assessments are not undertaken for all major projects.	The status of the entity risk register be documented in the Risk Management Strategy and Framework (to be developed). That the register be routinely maintained and monitored.
7.3.1 Code of Conduct	Volunteers and contractors are not bound by the Code of Conduct when performing functions on behalf of the Shire.	Review the Code of Conduct to include volunteers and contractors in the scope.

9.0 Improvements (Continued)

Paragraph	Matters Noted	Improvements
7.3.2 Occupational Health and Safety Committee	The Occupational Health and Safety Committee has not met regularly. We acknowledge it is management's intention for the committee to recommence regular meetings. Currently a documented risk based prioritisation of occupational health and safety is not undertaken.	The Occupational Health and Safety Committee commence regular meetings (minuted) to discuss any identified occupational health and safety risks. A risk based assessment of occupational health and safety issues be undertaken by the working committee and including within minutes to enable prioritisation or risk treatments.
7.3.3 Staff Induction	Although occupational health and safety inductions are currently undertaken, evidence of the inductions are not always recorded within the personnel file.	That long term employees be the subject of a re-induction process to ensure they are aware of changes to risk management and occupational health and safety risk procedures since their initial induction.
7.3.4 Staff Training	Staff training is undertaken on an ad-hoc basis and reliant on budget funds available	Development of a training matrix.
7.3.5 Staff Qualifications	Instances where staff qualifications have expired, with no new qualification, maintained on file.	Documented procedures developed to ensure staff qualifications are current and copies are maintained on file.
7.3.6 Contractors and Volunteers Inductions	No inductions are currently performed for contractors and volunteers.	Ensure all contractors and volunteer staff undergo induction before commencing.
7.4.1 Contractor Insurance	Formal Requests for Quotation and Requests for Tender require contractors to provide evidence of insurance. We note no procedures currently exist to ensure contractors undertaking smaller works on a regular basis have insurance cover for the works they undertake.	Procedures developed to ensure all contractors undertaking minor works which may result in loss or damage to Shire property have appropriate insurance cover.
7.5.1 Information Systems Plans	Currently no documented Disaster Recovery Plan, IT Security Plan or documented procedures in place.	An IT Disaster Recovery Plan and IT Security Plan be developed and tested. Documentation of standard procedures such as backup procedures is also suggested.

9.0 Improvements (Continued)

Paragraph	Matters Noted	Improvements
8.2.1 Executive Management Team meeting minutes	Minutes of Executive Management Team meetings were not available for review.	We suggest minutes of Executive Management Team meetings be maintained and detail any risk, internal control or legislative compliance matters noted by the team.
8.3.1 Strategic and Operational Risk Register	An Excel register of identified risks was last updated in March 2016. The register identifies 15 Strategic Risks and 38 Operational Risks a number of which are rated as having a high inherent risk. We noted the register does not provide the date of the assessment of the risk or the treatment to be used to reduce the risk to an acceptable level.	We suggest a risk register containing identified risks, date identified, treatment to be applied and level of residual risk be developed and maintained.
8.3.2 Occupational Health and Safety Incidents Register	Incident reports are being completed by staff. However, no register of these reports is currently maintained.	We suggest a risk register containing reported incidents, date reported, nature of the incident and follow up actions to be taken be developed and maintained.
8.3.3 Litigation or Claims Register	Whilst any actions against the Shire are recorded individually in the records system, we noted no register is currently maintained.	We suggest a record of litigation or claims against the Shire be maintained.
8.5.1 Employee Complaints/Grievance Handling	The Code of Conduct requires breaches or suspected breaches of the Code by the CEO to be reported to the Deputy CEO or a senior employee. A conflict (or perceived conflict) may exist where an employee is required to investigate a breach by a superior officer. This conflict could be particularly acute if the subordinate officer is in the process of contract renegotiation.	Breaches or suspected breaches of the Code of Conduct by the CEO to be reported to the Shire President for further investigation.

9.0 Improvements (Continued)

Paragraph	Matters Noted	Improvements
8.5.2 Community Complaints Handling	Whilst there is a Complaints Management Policy, there are no procedures to ensure community complaints are recorded and responded to appropriately within a defined timeframe.	A documented procedure developed to ensure all community complaints are logged and forwarded to the appropriate officer, then followed up to ensure they are resolved.
8.6.1 External Audit	One compliance matter was noted in the 2016 Audit report.	Undertake improvements as detailed within the improvement plan.
8.6.2 Internal Audit	Currently, no internal auditors have been appointed, and limited internal audit functions have been undertaken.	As the level of documented procedures increases, an expanded internal audit function to confirm adherence to documented policies and procedures may be required.

10.0 Other Matters

Disclaimer

The services provided in terms of this engagement comprise an advisory engagement, which is not subject to assurance or other standards issued by the Australian Auditing and Assurance Standard Board and, consequently no opinions or conclusions are intended to convey assurance either expressed or implied.

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Conflicts of Interest

The firm currently provides audit and advisory service to Shire of Wyndham East Kimberley and Local Government, however we do not believe the provision of the services covered in the scope of this report and under the responsibility of a different engagement partner would compromise our objectivity in the conduct of the Audit.

Should the possibility of a perceived or actual conflict arise, the matter would be raised with the CEO immediately and activities suspended until the issue is resolved to the satisfaction of the CEO.

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Appendix A - Council Policies Examined

The Council policies examined as part of the review were as follows:

Policy Topic	
COMMUNITY DEVELOPMENT	
Community	
CP COM-3580	Community Development
CP COM-3583	Baby Tree Program
CP COM-3582	Community Grant Scheme
CP GOV-3100	Community Engagement Policy
CP COM-3584	Alcohol Management Policy
Planning and Development	
CP HTH-3761	Licensing of Overflow Sites in Caravan Parks and Camping Grounds
CP HTH-3762	Licensing of Temporary Caravan Parks and Camping Grounds
CP PMG-3781	Leasing of Council Managed Owned Land-Commercial
CP PMG-3780	Leasing of Council Managed Reserve Land - Community
CP PMG-3782	Property Street Numbering Policy
CP LPP-3827	Trading in Public Places - Mobile Food Vehicle (MFV)
DC10	Radio Masts, Antennae and Satellite Dishes
E9	Traffic Signs Directional Signage
LPP	Local Planning Policy Manual
CORPORATE SERVICES	
Customer Services	
CP CS-3280	Complaints Management Policy
CP CS-3281	Customer Service Policy
Finance	
CP CNC-3141	Elected Member Allowances and Entitlements
CP FIN-3200	Strategic Rating Policy
CP FIN-3201	Significant Accounting Policies
CP FIN-3203	Investments
CP FIN-3204	Purchasing Policy
CP FIN-3205	Non-Current Asset
CP FIN-3208	Rates Exemptions for Charitable Organisations (Non-Rateable Land)
CP FIN-3209	Rates Concessions (Rateable Land)
CP FIN-3210	Notice of Discontinuance (Rates and Debtors)
CP FIN-3211	Pricing Principles and Pricing Basis Policy for Fees and Charges
CP FIN-3212	Rates and Charges Debt Collection

Appendix A - Council Policies Examined (Continued)

Policy Topic	
CP FIN-3213	Corporate Credit Cards
CP FIN-3215	Self-Supporting Loans
CP FIN-3214	Sundry Debt Collection
CP FIN-3216	Asset Management
CP FIN-3217	Regional Price Preference
Information Communication Technology	
CP ICT-3260	Information Management and ICT Acceptable Use
GOVERNANCE	
Elected Members	
CP CNC-3140	Council Briefing Sessions
CP GOV-3104	Elected Member Appointment to External Committees
Governance	
Code of conduct for Council Members, Committee Members and Employees	
CP GOV-3101	Celebrity Tree Park, Tree Planting, Removal and Upkeep
CP GOV-3102	Media and Corporate Communications
Organisational Development	
CP HR-3350	Designation of Senior Employees
CP HR-3351	Severance Policy
CP GOV-3103	Legal Representation for Council Members and Employees
INFRASTRUCTURE	
E10	Roadside Advertising Signage
CP OPS-3649	Maintenance of Shire Assets
CP OPS-3650	Private Works
CP OPS-3651	Private Works and Developments on Road Verges and Shire Managed Land
CP OPS-3652	Cattle Grids
CP OPS-3653	Vehicle Crossover Subsidy
CP OPS-3654	Roadside Memorials
CP OPS-3655	Road Development
CP OPS-3656	Construction Security Deposits
CP OPS-3657	Directional Signage
CP REM-3620	Fire Breaks
CP REM-3621	Plant Mobilisation in Emergency

Appendix B - Plans Examined

The Plans examined as part of the review were as follows:

Plan	Currency
Strategic Community Plan	Strategic Community Plan 2012-2022
Corporate Business Plan	Corporate Business Plan 2016/17 – 2019/20 adopted by Council 15 September 2016
Workforce Plan	2012/13 – 2015/16 - DRAFT Plan developed in 2012
Annual Budget	2016-17 Budget adopted by Council 15 September 2016
Draft Business Continuity Management Plan	Plan revised April 2016
Kununurra / Wyndham Local Recovery Plan 2016	Plan issued 21 June 2016
Shire of Wyndham East Kimberley Local Recovery Plan	Adopted by Council 28 June 2016
Disability Access and Inclusion Plan	Plan reviewed 2014

Appendix C – Strategic and Operational Registers Examined

The registers examined as part of the review were as follows:

Register

Disclosure of Interest Register

Tender Register

Strategic and Operational Risk Register

Gifts Register

Code of Conduct Complaints and Minor Breach Complaints Register

Council Delegations Register 2016/17

Appendix D – Operational Guidelines

Risk Management

The internal control and risk management systems and programs are a key expression of a local government's attitude to effective controls. Good audit committee practices in monitoring internal control and risk management programs typically include:

- *Reviewing whether the local government has an effective risk management system and that material operating risks to the local government are appropriately considered;*
- *Reviewing whether the local government has a current and effective Business Continuity Plan (including disaster recovery) which is tested from time to time;*
- *Assessing the internal processes for determining and managing material operating risks in accordance with the local government's identified tolerance for risk, particularly in the following areas:*
 - *potential non-compliance with legislation, regulations and standards and local government's policies*
 - *important accounting judgements or estimates that prove to be wrong*
 - *litigation and claims*
 - *misconduct, fraud and theft*
 - *significant business risks, recognising responsibility for general or specific risk areas, for example, environmental risk, occupational health and safety, and how they are managed by the local government*
- *Obtaining regular risk reports, which identify key risks, the status and the effectiveness of the risk management systems, to ensure that identified risks are monitored and new risks are identified, mitigated and reported;*
- *Assessing the adequacy of local government processes to manage insurable risks and ensure the adequacy of insurance cover, and if applicable, the level of self-insurance;*
- *Reviewing the effectiveness of the local government's internal control system with management and the internal and external auditors;*
- *Assessing whether management has controls in place for unusual types of transactions and/or any potential transactions that might carry more than an acceptable degree of risk;*
- *Assessing the local government's procurement framework with a focus on the probity and transparency of policies and procedures/processes and whether these are being applied;*
- *Should the need arise, meeting periodically with key management, internal and external auditors, and compliance staff, to understand and discuss any changes in the local government's control environment; and*
- *Ascertaining whether fraud and misconduct risks have been identified, analysed, evaluated, have an appropriate treatment plan which has been implemented, communicated, monitored and there is regular reporting and ongoing management of fraud and misconduct risks.*

Appendix D – Operational Guidelines (Continued)

Legislative Compliance

The compliance programs of a local government are a strong indication of attitude towards meeting legislative requirements. Audit committee practices in regard to monitoring compliance programs typically include:

- a) Monitoring compliance with legislation and regulations*
- b) Reviewing the annual Compliance Audit Return and reporting to Council the results of that review*
- c) Staying informed about how management is monitoring the effectiveness of its compliance and making recommendations for change as necessary*
- d) Reviewing whether the local government has procedures for it to receive, retain and treat complaints, including confidential and anonymous employee complaints*
- e) Obtaining assurance that adverse trends are identified and review management's Plans to deal with these*
- f) Reviewing management disclosures in financial reports of the effect of significant compliance issues*
- g) Reviewing whether the internal and / or external auditors have regard to compliance and ethics risks in the development of their Audit Plan and in the conduct of audit projects, and report compliance and ethics issues to the audit committee*
- h) Considering the internal auditor's role in assessing compliance and ethics risks in their Plan;*
- i) Monitoring the local government's compliance frameworks dealing with relevant external legislation and regulatory requirements*
- j) Complying with legislative and regulatory requirements imposed on audit committee members, including not misusing their position to gain an advantage for themselves or another or to cause detriment to the local government and disclosing conflicts of interest*

Internal Controls

Internal controls are systems of policies and procedures that safeguard assets, ensure accurate and reliable financial reporting, promote compliance with laws and regulations and achieve effective and efficient operations.

These systems not only relate to accounting and reporting but also include communication processes both internally and externally, staff management and error handling.

Operational Guidelines prepared by the Department of Local Government and Communities (Audit in Local Government number 09 September 2013) provide the background to Internal Controls in the context of this review as follows:

'Internal control is a key component of a sound governance framework, in addition to leadership, long-term planning, compliance, resource allocation, accountability and transparency. Strategies to maintain sound internal controls are based on risk analysis of the internal operations of a local government.

Appendix D – Operational Guidelines (Continued)

Internal Controls (continued)

An effective and transparent internal control environment is built on the following key areas:

- k) integrity and ethics;*
- l) policies and delegated authority;*
- m) levels of responsibilities and authorities;*
- n) audit practices;*
- o) information system access and security;*
- p) management operating style; and*
- q) human resource management and practices.*

Internal control systems involve policies and procedures that safeguard assets, ensure accurate and reliable financial reporting, promote compliance with legislation and achieve effective and efficient operations and may vary depending on the size and nature of the local government.

Aspects of an effective control framework will include:

- a) delegation of authority;*
- b) documented policies and procedures;*
- c) trained and qualified employees;*
- d) system controls;*
- e) effective Policy and process review;*
- f) regular internal audits;*
- g) documentation of risk identification and assessment; and*
- h) regular liaison with auditor and legal advisors.*

The following are examples of controls that are typically reviewed:

- a) separation of roles and functions, processing and authorisation;*
- b) control of approval of documents, letters and financial records;*
- c) comparison of internal data with other or external sources of information;*
- d) limit of direct physical access to assets and records;*
- e) control of computer applications and information system standards;*
- f) limit access to make changes in data files and systems;*
- g) regular maintenance and review of financial control accounts and trial balances;*
- h) comparison and analysis of financial results with budgeted amounts;*
- i) the arithmetical accuracy and content of records;*
- j) report, review and approval of financial payments and reconciliations; and*
- k) comparison of the result of physical cash and inventory counts with accounting records.*

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2016

REGULATION 17 AUDIT

IMPROVEMENTS – PRIORITISATION

9.1 Summary of Improvements

Suggested improvement opportunities are provided below to form an Improvement Plan.

Paragraph	Matters Noted	Improvements	Department	Action
6.2	Risk Management Policy Council has not adopted a Risk Management Policy to date. We acknowledge a draft policy exists though this requires amendment before consideration by Council.	A Risk Management Policy be developed and presented to Council for consideration.	Governance	Snr Governance & Risk Officer, finalise for March 2017 OCM
6.2	Internal Control Policy Currently, no policy on internal controls has been adopted by Council.	An Internal Control Policy formulated and adopted to formalise Council's commitment to internal controls, based on a risk management process.	Governance	Senior Governance & Risk Officer to prepare for mid year 2017
6.2	Legislative Compliance Policy Currently, no policy on legislative compliance has been adopted by Council.	A Legislative Compliance Policy formulated and adopted to formalise Council's commitment to legislative compliance.	Governance	Senior Governance & Risk Officer to prepare for mid year 2017
6.2	Record Keeping Policy Currently, no policy on record keeping has been adopted by Council.	A Record Keeping Compliance Policy formulated and adopted to formalise Council's commitment to maintaining records.	Corporate	Will need to be a priority for new Records Team Leader – by July 2017
6.2	Occupational, Health and Safety Policy Currently, no policy on occupational safety and health has been adopted by Council.	An Occupational Safety and Health Policy formulated and adopted to formalise Council's commitment to occupational safety and health.	Governance	Priority for new Organisational Development Manager by July 2017

6.2	Insurance Strategy or Policy	No documented policy in existence.	Development of an Insurance Strategy and Policy, to provide clarity on issues such as the level of self-insurance, the adequacy of cover and the basis of valuation of the insured assets.	Corporate	Asset Accountant to considered - not considered a priority, research required.
6.2	CP COM-3584 Alcohol Management Policy	The Policy does not require organisers of events involving alcohol on Shire controlled land to provide risk management plans and for all events rated above medium risk to provide a permit is granted.	The Policy be amended to require a formal risk assessment to be undertaken before granting a permit and for all events rated above medium risk to provide a risk management plan detailing risk treatment to reduce risk to an acceptable level.	Community	Prepare for January OCM. CD Manager.
6.2	E9 Traffic Signs – Directional Signage	Policy CP/OPS-3657 – Directional Signage appears to have superseded this Policy.	The Policy be rescinded and removed from the Shire website as it has been superseded.	Infrastructure	Policy already rescinded, website has been updated. COMPLETE.
6.2	E10 Roadside Advertising Signage	The Policy was adopted in July 2004 with no subsequent review recorded.	Policy reviewed and updated if required, ensuring the reviewed Policy is compliant with current standards and guidelines.	Infrastructure	Policy has been prepared for December 2016 OCM
6.2	LPP Local Planning Policy Manual	A number of policies were adopted in 2009 with no subsequent review recorded. Policies within the Manual developed since 2009 are overdue for review.	The policies in the Manual be reviewed and updated if required, with the date of review being entered in the relevant Policy.	Community	Review of Local Planning policies to be undertaken following the gazettal of the draft Local Planning Scheme No. 9. Review anticipated to be undertaken 2017-2018.

6.2	CP/FIN-3200 Strategic Rating	The Policy defines a rate in the dollar and minimum payment level for each differential rating category. This conflicts with the requirement of the <i>Local Government Act 1995</i> for rates to be determined based on the budgeted deficiency and adopted by an absolute majority of Council each year when adopting the budget.	Policy amended to remove any defined rates in the dollar and minimum payment levels.	Corporate	Co-ordinator Financial Management to prepare amended policy. for February OCM 2017
6.2	CP/FIN-3201 Significant Accounting Policies	The Policy was due for review in August 2016 and contains defined depreciation periods to be utilised for various classes of assets. The Australian Accounting Standards requires assets to be assessed annually to determine their remaining useful life and residual value.	Policy reviewed annually, to help ensure its alignment with changes in Australian Accounting Standards and the annual assessment of remaining useful life and residual value.	Corporate	Co-ordinator Financial Management to prepare amended policy for February OCM 2017.
6.2	CP/FIN-3204 Purchasing	There are no requirements stated for instances where the scope of a contract is amended or extended.	Policy amended to include guidance where there is an extension or variation of a contract's scope after a contract is signed.	Corporate	Snr Procurement & Contracts Officer to prepare for February OCM 2017
6.2	F20 Fixed Assets	The Policy was last reviewed in September 2009 and refers to a Policy which has been rescinded.	Policy reviewed and incorporated within the broader Asset Management Policy.	Corporate/ Infrastructure	Asset Accountant to prepare for March OCM 2017
7.2	Workforce Management Plan	2012/13 – 2015/16 Plan is in draft, and due for review.	Review, update and present to Council for consideration and adoption.	Governance	Priority for new OD Manager to be completed by July 2017.

7.2	Asset Management Plan	An Asset Management Plan is yet to be developed or adopted by Council.	Develop and adopt an Asset Management Plan.	Infrastructure	Thorough review and update of the basic AM Plan will be undertaken by the new Asset Manager – expected to be complete by mid 2017.
7.2	Long Term Financial Plan	A Long Term Financial Plan is yet to be developed or adopted by Council.	Develop and adopt a Long-Term Financial Plan.	Corporate	Priority for new Director of Corporate Services by July 2017.
7.2	Business Continuity Management Plan	The plan is currently in draft.	Finalise and present to Council for consideration and adoption.	Governance	Snr Governance & Risk Officer to prepare for February OCM 2017
7.2	Annual Budget 2016/17	Extension received from DLGC to 30 September 2016. The budget was adopted on 15 September 2016.	We suggest the Budget be adopted as soon as possible after the end of the financial year.		Delete – unnecessary comment
7.2	Strategic Community Plan	We note the plan is due for review.	Review and update Plan and present to Council for consideration and adoption.	Community	Requested Deletion - unnecessary comment

7.2 Records Disaster Management Plan	The plan does not identify or treat any risks. Risk assessments within the plan should be undertaken in accordance with the Shire's overall Risk Management strategy or framework (to be developed). Backups of electronic records are currently held at the bank which is considered to be appropriate. Instances where not all records have been recorded in the records management system and filed appropriately.	The Plan be amended to: Consider risks in accordance with the proposed Risk Management Policy and the associated Strategy and Framework; Provide for the timely electronic storing of all records; Require electronic records to be routinely backed up and stored at sufficiently remote geographic location to reduce the risk of the impact of a common disaster event; and Require routine testing to ensure currency and completeness of restored data backups.	Corporate	Priority for new Records Team Leader.
7.2 Cyclone Procedures	No cyclone procedures were available.	That documented procedures be developed for when a cyclone information bulletin has been issued for the district.	Infrastructure	This will be deleted,
7.2 Internal Controls Policy	No policy for internal controls exists.	A policy developed reflecting Council's commitment to risk based internal controls throughout the organisation.	Governance	To be considered mid 2017.
7.3 Code of Conduct	Volunteers and contractors are not bound by the Code of Conduct when performing functions on behalf of the Shire	Review the Code of Conduct to include volunteers and contractors in the scope	Governance	February OCM 2017

7.3 Occupational Health and Safety Committee	The Occupational Health and Safety Committee has not met regularly. We acknowledge it is management's intention for the committee to recommence regular meetings. Currently a documented risk based prioritisation of occupational health and safety is not undertaken.	The Occupational Health and Safety Committee commence regular meetings (minuted) to discuss any identified occupational health and safety risks. A risk based assessment of occupational health and safety issues be undertaken by the working committee and including within minutes to enable prioritisation or	Governance	Priority for new OD General Officer
7.3 Staff Induction	Although occupational health and safety inductions are currently undertaken, evidence of the inductions are not always recorded within the	That long term employees be the subject of a re-induction process to ensure they are aware of changes to risk management and occupational health and safety risk procedures since their initial induction.	Governance	Process to be established by OD General Officer.
7.3 Staff Training	Staff training is undertaken on an ad-hoc basis and reliant on budget funds available	Development of a training matrix	Governance	Priority for new OD Manager
7.3 Staff Qualifications	Instances where staff qualifications have expired, with no new qualification, maintained on file.	Improvement: Documented procedures developed to ensure staff qualifications are current and copies are maintained on file	Governance	Priority for OD General Officer
7.3 Contractors and Volunteers Inductions	No inductions are currently performed for contractors and volunteers.	Ensure all contractors and volunteer staff undergo induction before commencing	Governance	Priority for new OD General Officer

7.4	Contractor Insurance	<p>Formal Requests for Quotation and Procedures developed to ensure all Requests for Tender require contractors undertaking works contractors to provide evidence of which may result in loss or damage insurance. We note no procedures to Shire property have appropriate currently exist to ensure insurance cover.</p> <p>contractors undertaking smaller works on a regular basis have insurance cover for the works they undertake</p>	Corporate	<p>Priority for Snr Procurement Officer – simple update to standard forms will work – adding requirement for insurances.</p>
7.5	Information Systems Plans	<p>Currently no documented Disaster Recovery Plan, IT Security Plan or documented procedures in place.</p>	Corporate	<p>Priority for IT Manager inc.. standard procedures for back up. IT Disaster Recovery Plan will be included in Business Continuity.</p>
8.2	Executive Management Team meeting minutes	<p>Minutes of Executive Management Team meetings were not available for review.</p>	Governance	<p>CEO to establish process.</p>
8.3	Strategic and Operational Risk Register	<p>An Excel register of identified risks was last updated in March 2016. The register identifies 15 Strategic Risks and 38 Operational Risks a number of which are rated as having a high inherent risk. We noted the register does not provide the date of the assessment of the risk or the treatment to be used to reduce the risk to an acceptable level.</p>	Governance	<p>Snr Governance Officer to consider.</p>

8.3	Occupational Health and Safety Incidents register	Incident reports are being completed by staff. However, no register of these reports is currently maintained.	We suggest a risk register containing reported incidents, date reported, nature of the incident and follow up actions to be taken be developed and maintained.	Governance	Priority for new OD General Officer
8.3	Litigation or Claims Register	Whilst any actions against the Shire are recorded individually in the records system, we noted no register is currently maintained.	We suggest a record of litigation or claims against the Shire be maintained.	Corporate	CSO/Records to be advised to create a new file as a register.
8.5	Employee Complaints/Grievance Handling	The Code of Conduct requires breaches or suspected breaches of the Code by the CEO to be reported to the Deputy CEO or a senior employee. A conflict (or perceived conflict) may exist where an employee is required to investigate a breach by a superior officer. This conflict could be particularly acute if the subordinate officer is in the process of contract renegotiation.	Breaches or suspected breaches of the Code of Conduct by the CEO to be reported to the Shire President for further investigation.	Governance	Snr Governance & Risk Officer to amend the COC for January 2017 OCM.
8.5	Community Complaints Handling	Whilst there is a Complaints Management Policy, there are no procedures to ensure community complaints are recorded and responded to appropriately within a defined timeframe.	A documented procedure developed to ensure all community complaints are logged and forwarded to the appropriate officer, then followed up to ensure they are resolved.	Corporate	Priority for new Records Team Leader

8.6	External Audit	One compliance matter was noted in the 2016 Audit report.	Undertake improvements as detailed within the improvement plan.	Corporate	Priority for new Corporate Services Director.
8.6	Internal Audit	Currently, no internal auditors have been appointed, and limited internal audit functions have been undertaken.	As the level of documented procedures increases, an expanded internal audit function to confirm adherence to documented policies and procedures may be required.	Governance	Not a priority at this point, no budget/position available.

12.2 CHIEF EXECUTIVE OFFICER

12.2.1 Standing Item - Use of the Common Seal

DATE:	20 December 2016
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 16 November 2016 to 15 December 2016.

COUNCIL DECISION

Minute No: 20/12/2016-11556

Commissioner resolved:

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 16 November 2016 to 15 December 2016.

Carried 1/0

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 16 November 2016 to 15 December 2016.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

STATUTORY IMPLICATIONS

Local Government Act 1995

9.49A. Execution of documents

- (1) *A document is duly executed by a local government if —*
 - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
 - (a) *the mayor or president; and*
 - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

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 1.4: Business innovation, efficiency and improved services

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The following documents have had the Shire of Wyndham East Kimberley Common Seal applied:

Date of Use	Document
23/11//2016	Deed of Agreement - D2 Drain

ATTACHMENTS

Nil

12.2.2 Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	20 December 2016
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council notes the report - Outstanding Actions from Council Resolutions.

COUNCIL DECISION

Minute No: 20/12/2016-11557

Commissioner resolved:

That Council notes the report - Outstanding Actions from Council Resolutions.

Carried 1/0

PURPOSE

To report to the Council on the progress and provide comment on outstanding actions from Council resolutions.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At each meeting of Council, resolutions are made which require actions to be taken by officers to implement those resolutions. This monthly update advises the Council as to the status of the implementation of resolutions.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Not applicable as referenced in individual reports presented to the Council.

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

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

This report includes actions from November resolutions (Attachment 1). Attachment 2 summarises all other actions that are outstanding from previous Council resolutions.

ATTACHMENTS

Attachment 1 - Council Action Register Current

Attachment 2 - Outstanding Actions from Previous Council Resolutions

Meeting	Responsible Officer	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 22/11/16	Carl Askew	Proposed Audit Committee Meeting Dates	That Council, with reference to Item 7.1 Proposed Meeting Dates for the Audit (Finance and Risk) Committee for 2017: 1. Adopt the following dates, times and places for the 2017 Audit (Finance and Risk) Committee meetings: Date Time Place Monday, 27 February 2017 5:00 pm Council Chambers, Kununurra Monday, 22 May 2017 5:00 pm Council Chambers, Kununurra Monday, 21 August 2017 5:00 pm Council Chambers, Kununurra Monday, 27 November 2017 5:00 pm Council Chambers, Kununurra 2. Notes that local public notices of the meetings outlined in recommendation (1) above will be provided in accordance with Regulation 12 of the Local Government (Administration) Regulations 1996.		24-Dec-16	Completed
OCM 22/11/16	Carl Askew	Update on the Recovery of Outstanding Rates - Assessments A2574, A2569 and A411	That Council, with reference to Matters Behind Closed Doors Item 8.2 'Update on the Recovery of Outstanding Rates - Assessments A2574, A2569 and A411' notes: 1. The further investigations and actions undertaken regarding options for the recovery of outstanding rates for Assessments A2574, A2569, and A411 in accordance with relevant legislation; and 2. That a further updated report will be included in the next Audit (Finance and Risk) Committee Agenda.		15-Dec-16	In progress
OCM 22/11/16	Carl Askew	Update on Request to Revest Rates Assessments A5594 and A5595 Back to the Crown	That Council, with reference to Matters Behind Closed Doors Item 8.3 'Update on Request to Revest Rates Assessments A5594 and A5595 Back to the Crown': 1. Authorise the CEO, or their delegate, to request lawyers acting for the Shire to conduct negotiations with the ratepayer on the following basis: a. That the ratepayer will fund the cost of any works required by the Department of Environment Regulation for the investigation and any remediation required to their property. b. Recognising that the Shire will be required to undertake investigations and potential remediation of Parcel 69070 Pearae Street road reserve (Pin # 11413027) and offer the ratepayer an arrangement whereby the consultants costs could be shared; c. That the Shire will execute the Deed of Settlement and Transfer of Land only upon the ratepayer undertaking the investigations and remediation, or funding the investigations and remediation of their land, to the satisfaction of the Department of Environment Regulation. 2. Authorise expenditure in advance for an additional purpose in the 2016/17 budget of \$20,000, being to initiate the investigations and possible remediation process for Parcel 69070 Pearae Street road reserve (Pin # 11413027) and source these funds from savings (or additional revenue) identified in the 2016/17 Mid-Year Budget Review.	Council's decision has been provided to the Debt Collection agency.	23-Nov-16	In progress
OCM 22/11/16	Louise Gee	Hire of Banner Poles	That Council endorse the draft Hire of Banner Poles Policy to be advertised for public comment for a period of 28 days.		06-Dec-16	Completed
OCM 22/11/16	Louise Gee	Draft Local Planning Strategy and Draft Local Planning Scheme No. 9	That the Officer's Recommendation be amended at point 1 to include the following additional comments: a. Council acknowledge the submission in regards to proposed Residential R20 to R15 on map 13 (Timor Street to Cambridge Street – on Great Northern Highway) and agrees to leave the zoning as Residential R15.	Media release completed 6/12/16 Officer recommendation amended as resolved at the November Ordinary Council Meeting; for further consideration at the December Ordinary Council Meeting.	09-Dec-16	Completed
OCM 22/11/16	Louise Gee	Fees and Charges addition - provision of Bushfire Attack Level (BAL) Assessment, Report and Certificate	That Council: 1. In accordance with the Local Government Act 1995, Sections 6.16 and 6.17, adopts a fee and charge for a Bushfire Attack Level (BAL) Report and Certificate:- i) within the town site areas of Kununurra and Wyndham of \$375.00 + GST ii) surrounding areas \$400.00 + GST plus travel expenses (air-fares, accommodation if required). 2. In accordance with the Local Government Act 1995, Section 6.19, give local public notice of its intention to introduce the new fees and charges for the preparation of a Bushfire Attack Level (BAL) Report and Certificate.	Public notice published on 8 December 2016	23-Nov-16	Completed
OCM 22/11/16	Carl Askew	Information Statement 2016-17	For Council to adopt the Information Statement 2016-17 as presented in Attachment 1, noting that this supersedes the Information Statement 2015-16.		15-Dec-16	Completed
OCM 22/11/16	Carl Askew	Reconsideration of the Provision of Domestic Waste Vouchers	That Council: 1. Note the correspondence and requests received from ratepayers in relation to Council's decision regarding red domestic waste vouchers; 2. In regards to the affected residents action the issue of a red voucher for 2016/17 3. Advise the affected residents that should the red voucher system continue for 2017/18 and onwards the 2017/18 budget will include an appropriate fee or charge for each red voucher. 4. Reaffirms its decision to review the waste voucher system as part of the 2017/18 Budget process to determine whether or not it should continue to issue vouchers, ensuring that the charges associated with waste receptacles for residential, commercial and industrial ratepayers forms part of that review.	Website updated with new information statement Each affected resident was sent an explanatory letter and a red voucher on 28 November 2016	23-Nov-16	Completed

Meeting	Responsible Officer	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 22/11/16	Carl Askew	Amendments to Delegations and Sub Delegations Register	That Council approve the following amendments to the Delegations and Sub Delegations Register: 1. Amendment to Delegation 7(6) - Consider any expressions of interest and tenders that have not been rejected and decide which, if any, of those expressions of interest and tenders are from persons who it thinks could satisfactorily supply the goods or services and execute the associated contract up to a value of \$500,000 (excluding GST) provided that appropriate provision has been made in the Council's budget and the contract value does not exceed the Council's budget by more than the applicable Regional Price Preference consideration. 2. Amendment to Delegation 12(1)(b) - Purchase orders only being issued for items of expenditure detailed within the adopted annual budget provision and the purchase does not exceed the Council's budget by more than the applicable Regional Price Preference consideration, or for payments that have been authorised by a resolution of Council in advance, or authorised in advance by the president in an emergency	Delegations and Sub-delegations registers updated	15-Dec-16	Completed
OCM 22/11/16	David Klye	Casual Rental Fee for Wyndham Airport Storage Sheds	That Council: 1. In accordance with the Local Government Act 1995, Sections 6.16 and 6.17 adopt a monthly fee for aviation related use of space within the buildings at Wyndham Airport at a cost of \$2,000/m2/month GST inclusive, for a minimum of 20m2 from 15 December 2016. 2. In accordance with the Local Government Act 1995, Sections 6.16 and 6.17 adopt a security charge for the use of the buildings at Wyndham Airport, equal one month's charge for the proposed use, which shall be paid prior to any such use effective from 15 December 2016. 3. In accordance with the Local Government Act 1995, Section 6.19 give local public notice of its intention to introduce: a. the fee for aviation related use of space within the buildings at Wyndham Airport, and b. a security charge for the use of the buildings at Wyndham Airport; including the date on which the fee is to commence and the details of the fee. 4. Note that the fee shall be for aviation related use of space within the buildings at Wyndham Airport.	Public notice published on 8 December 2016	23-Nov-16	Completed
OCM 22/11/16	Carl Askew	Additional flight options from East Kimberley Regional Airport	That Council: 1. Provide in principle support for a trial of an air service proposed by East Kimberley Marketing Group between Kununurra and Melbourne for forty (40) return services between May and October 2017 and authorise the CEO to enter into negotiations with the East Kimberley Marketing Group and their partners on the basis of the following: a. Consideration of a supporting financial package comprising: i. Waiver of Passenger Service Fees for screening and terminal usage. ii. Operational subsidy to maximum of \$200,000 (acknowledging an additional contribution from the local community of at least \$100,000). iii. Marketing campaign funded and professionally resourced to promote the commencement and for the duration of the trial service. b. Advise the East Kimberley Marketing Group that Landing Fees should be met for flights as they comprise a contribution towards the asset management and maintenance of the runway and other airside infrastructure. c. Further negotiate with East Kimberley Marketing Group regarding pricing structure, landing fees, marketing, key performance indicators, underwriting and "claw back" mechanism and Council's assistance with the proposed trial. 2. Refer the cost of the trial for consideration in both the Mid-Year Budget Review 2016-17 and Annual Budget 2017-18.		14-Dec-16	In progress
OCM 22/11/16	David Klye	Fee for Disposal of Animal Carcasses	That Council 1. In accordance with the Local Government Act 1995, Sections 6.16 and 6.17 adopt a disposal charge for the disposal of animal carcasses of \$176.30 GST inclusive, per cubic metre with a minimum charge of \$176.30 GST inclusive, effective from 15 December 2016. 2. In accordance with the Local Government Act 1995, Section 6.19 give local public notice of its intention to introduce the charge for the disposal of animal carcasses including the date on which the charge is to commence and the details of the charge.	Public notice published on 8 December 2016	23-Nov-16	Completed

Meeting	Responsible Officer	Item	Resolution	Progress Comment	Date Actioned	Completed
Aug-12	Louise Gee	Matters arising from committees of council	That the Audit (Finance and Risk) Committee recommends to Council to require AS01 to: 1. Either a. meet their outstanding rates debt on assessment AS01 within 60 days; or b. enter into a suitable payment plan approved by the Chief Executive Officer; and 2. Formalise the lease of Lot 472 Great Northern Highway, Wyndham with the Shire within 90 Days	Correspondence provided to AS01 and a suitable payment plan has been entered into, with payments commenced. Draft Lease has been forwarded for the Club's review.	Ongoing	In progress
OCM 24/02/15	Louise Gee	Management of Proposed Reserve - Packsaddle Creek	That item 13.4.7 Management of Proposed Reserve – Packsaddle Creek be deferred to a briefing session.	Matter was discussed at March Briefing Session. Update on situation being sought from Department of Lands so further information can be presented to Council.	19-Sep-16	In progress
OCM 24/03/15	Louise Gee	Unnamed Creek Crossing - Victoria Highway	That Council: 1. Directs the Acting Chief Executive Officer to write to the MG Corporation to seek advice from the relevant Traditional Owners on the proposed formal naming of 'Philchowski Crossing', and potential indigenous naming of the creek. 2. Directs the Acting Chief Executive Officer to undertake research and compile supporting documentation to demonstrate Philchowski's contribution to the community or historical significance. 3. Endorses the proposed formal naming of 'Philchowski Crossing', and advises the Geographic Names Committee of its endorsement, subject to adequate supporting documentation being compiled and no objection being received from Traditional Owners.	Letter sent to MG Corporation dated 20 April to seek advice from relevant Traditional Owners. Correspondence received from MG Corporation dated 1 March 2016 advising that the board does not support the formal naming of 'Philchowski Crossing', and have nominated an alternative name. Report presented to the August 2016 Council Briefing. Officers are undertaking further research, prior to the matter being considered at a future OCM.	09-Aug-16	In progress
OCM 28/04/15	David Kiye	Confidential - Legal Claim	That Council: 1. Notes the officer's confidential report and the progress of the General Procedure Claim, 2. Directs the CEO, or their delegate, to legally defend the matter on behalf of the Shire in the abovementioned General Procedure Claim, 3. Approves sufficient provision in the budget to allow for associated legal fees, and 4. Directs the CEO, or their delegate, to provide a report to Council on the status of the matter at the earliest opportunity.	The Claimant has filed a Notice of Discontinuance of Claim with the Court. The Shire has made application to the court for costs.	26-Jun-15	In Progress
OCM 28/07/15	Louise Gee	Request for Lease – Kimberley Action Sports Inc.	That Council request the Chief Executive Officer to commence negotiations with Kimberley Action Sports Inc. for a 10 year lease over a portion of Reserve 30290, Lot 707 Drivers Road Kununurra, subject to the approval of the Minister of Lands.	Letter has been forwarded to Kimberley Action Sports Inc. advising of Council resolution. Draft Lease sent to Kimberley Action Sports 10 February 2016.	17-Aug-15	In progress
OCM 28/07/15	Louise Gee	Request for Lease – Kununurra Dragon Boat Club Inc.	That Council request the Chief Executive Officer to enter into negotiations with the Kununurra Dragon Boat Club Inc. for a 10 year lease over a portion of Reserve 41812, Lot 2371 Old Darwin Road Kununurra, subject to the approval of the Minister of Lands.	Letter has been forwarded to Kununurra Dragon Boat Club Inc. advising of Council resolution. Draft Lease sent to Dragon Boat Club 10 February 2016.	17-Aug-15	In progress

Meeting	Responsible Officer	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 28/07/15	Carl Askw	Mediterranean Fruit Fly Eradication Program	That Council consider entering into a Memorandum of Understanding with DAFWA and industry on the following basis: 1. DAFWA continues to fund and maintain the current medfly surveillance program. 2. SWEK will fund medfly eradication programs from its biosecurity reserve, with a maximum exposure being those funds available in the reserve in excess of \$200,000 i.e. currently approximately \$67,000. 3. If an eradication program reduces the reserve balance to below \$200,000, industry will make good the difference to restore the reserve to a balance of \$200,000 (mechanism yet to be determined). 4. The biosecurity reserve be maintained with a balance for now of a minimum \$200,000, to serve as a form of insurance against future pest or disease incursions. 5. A reference group to be established with members from SWEK, DAFWA and industry. The role of the group would be to recommend expenditure from the reserve and to formulate policy in the event of future pest crises. SWEK Council approval would still be required before the reserve could be accessed for response to threats other than medfly.	Letter sent to DAFWA advising of the decision and requesting advice on how to proceed with the eradication program, including indicative cost, and an invoice. Advice also given that SWEK will be in contact shortly to commence the consideration of entering into a MOU. The baiting program is complete and area freedom has been notified. Invoice has been paid. In relation to the MOU, DAFWA have requested for an interim group to be formed to progress this - feedback from industry has been minimal. ORDCO are interested in assisting where possible and have volunteered to talk with growers to get some industry participation. Incident debrief was held 19 November 2015. Discussions have occurred in early September regarding the establishment of biosecurity reference group. Department of Agriculture currently liaising with stakeholders.	24-Aug-16	In progress
OCM 25/08/15	Louise Gee	Proposed Gravel Reserves	That Council: 1. Requests the Chief Executive Officer to consult with the Darwulwah Aboriginal Corporation to obtain written consent for the surrender of the proposed 'King River' gravel area from Lease I837493, and support the realignment of the dedicated road reserve to correspond with the physical location of the constructed King River Road. 2. Requests the Chief Executive Officer to advise the Department of Lands that the Shire of Wyndham East Kimberley: a. agrees to proceed with a future act process to facilitate the creation of reserves for the purpose of gravel supply for road building purposes over the sites identified as 'Alghan Cemetery', 'Mount Albany' and 'Parry Creek', and proposed easement to provide legal access to the 'Alghan Cemetery'. b. indemnifies the Minister for Lands against any costs arising from the future act process. 3. Requests the Chief Executive Officer to advise the Department of Lands that the Shire of Wyndham East Kimberley agrees to pay survey costs associated with: a. the creation of 'Gravel' reserves over the four areas referred to as 'King River', 'Alghan Cemetery', 'Mt Albany' and 'Parry Creek', b. the creation of an easement to provide access to the area referred to as 'Alghan Cemetery', and c. the realignment of the dedicated road reserve to correspond with the physical location of the constructed King River Road. d. that the estimated total survey costs be acknowledged as \$19,600.	Correspondence sent to DOL advising of Council resolution. Correspondence also sent to Darwulwah Aboriginal Corporation in relation to the gravel source along King River Road and the proposed realignment of the dedicated road reserve. The Senior Planning Officer met with Darwulwah representatives on 6 October 2015 to discuss the matter. The Senior Planning Officer and Director Infrastructure met again with representatives of the Darwulwah Aboriginal Corporation on 18 March 2016. Darwulwah Aboriginal Corporation have requested another meeting with the Senior Planning Officer and Shire President, meeting to be arranged between representatives of Darwulwah, the Shire and Department of Lands.	14-Oct-16	In progress
OCM 25/08/15	Louise Gee	Transient Accommodation - Lot 411 Minjiljirga Lane, Kununurra	That Council request the Chief Executive Officer to undertake further investigation as part of the Local Planning Scheme review, to consider the introduction of a new or amended use class to appropriately provide for rural workers accommodation and preparation of a subsequent Local Planning Policy.	Land Use definition for Rural Workers Accommodation included in draft Local Planning Scheme No. 9. Officers have commenced desktop audit of accommodation on rural properties, prior to preparation of draft Local Planning Policy.	15-Aug-16	In progress
OCM 22/09/15	Louise Gee	Request for Community Lease - Kununurra Bushmen's Rodeo Association	That Council request the Chief Executive Officer to enter into negotiations with the Kununurra Bushmen's Rodeo Association for a lease over a portion of Reserve 30290, Lot 707 Drovers Road Kununurra, subject to the approval of the Minister of Lands.	KERA have been notified of the intent to commence negotiations. Draft Lease sent to KERA 10 February 2016. Approval of template by KERA received (6/12/16). Report to Council at December OCM.	01-Oct-15	In progress
OCM 22/09/15	Louise Gee	Request for Community Lease - Ord Pistol Club	That Council request the Chief Executive Officer to enter into negotiations with the Ord Pistol Club for a lease over a portion of Reserve 31780, Lot 375 Drovers Road Kununurra, subject to the approval of the Minister of Lands.	OPC have been notified of the intent to commence negotiations. Draft Lease has been sent to the Pistol Club (18 January 2016). Report Expected to go to Council at January 2017 OCM.	01-Oct-15	In progress
OCM 23/02/16	Louise Gee	Dual Naming - Barnett River Gorge	That Council resolve to undertake community consultation in relation to the proposal for dual naming or renaming of the Barnett River Gorge.	Community Consultation commenced 22 April 2016. Comment from relevant organisations also being sought.	19-Sep-16	In progress
OCM 23/02/16	David Kiye	Wyndham Reticulation	That Council request the Chief Executive Officer to provide a report to Council on the Wyndham reticulation system for inclusion in the 2016/17 budget considerations. The report shall include details on the cost to replace the aging public open space reticulation system with an integrated, automatic system. The report should provide budget estimates for the project to be undertaken in stages of between approximately \$100,000 and \$150,000 per annum for consideration in the forthcoming budget deliberations.	Report to Council at December OCM	24-Feb-16	In progress

Meeting	Responsible Officer	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 29/03/16	David Kyle	Airport Sculpture	That Council: 1. That the sculpture be placed aside at a site determined by the CEO in accordance with the discussion at Council on 29 March 2016. 2. Note that on completion of the associated signage the sculpture be installed and a formal unveiling organised that includes representatives from Waringah Aboriginal Arts and local Aboriginal groups.	The sculpture has been installed aside. The artist has been contacted with a request to supply the sign.	26-May-16	In progress
OCM 29/03/16	Louise Gee	Request for Lease - Old River Magpies	That Council request the Chief Executive Officer to enter into negotiations with the Old River Magpies for a lease over a portion of Lot 504 on Reserve 29799, Kununurra, subject to approval of the Minister of Lands	Awaiting outcomes of lease policy review. Draft lease forwarded to ORMFC, awaiting response. (7/9/16). Report expected to go to Council at January 2017 OCM	21-Apr-16	In progress
OCM 29/03/16	Louise Gee	Request for extension of Development Approval - Lot 507 Chestnut Ave - 2	That Council: 3. Request the Chief Executive Officer to investigate alternate options for expansion of the Child Care facility on lot 506, Chestnut Drive; and 4. Request the Chief Executive Officer to investigate alternate options for the construction of a new Kununurra Neighbourhood House facility. 5. Request the Chief Executive Officer to bring the report on future expansion of child care facilities to Council at a future Briefing Session.	Priority focus has been given to the finalisation of lease negotiations with Kununurra Neighbourhood House.	21-Apr-16	In progress
OCM 29/03/16	Carl Askew	Annual General Electors Motions 4	That Council note that an Indigenous Employment Organisational Directive will be drafted.	Organisational Directive is currently being researched.	21-Apr-16	In progress
OCM 26/04/16	Carl Askew	Request for Approval to Sublease - Old River Sports Club	That Council undertake a review of all of its Local Laws in accordance with the Local Government Act 1995 s.3.76 and give statewide and local public notice of its intent to undertake a review. That Council grants approval for the Old 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 Old 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.	Advertising has taken place and review is under way. Awaiting execution of the lease by Club.	26-May-16	In progress
OCM 28/06/16	Carl Askew	Bush Fire Brigade Local Law	That Council, pursuant to Section 3.12 of the Local Government Act 1995, give state-wide public notice that it intends to make the Shire of Wyndham East Kimberley Bush Fire Brigade Local Law 2016 as contained in the attachment to this item, the purpose of which is to make provisions about the organisation, establishment, maintenance and equipment of bush fire brigades. The effect of this Local Law is to align existing local laws with changes in law and operational processes.	Advertising is complete. Report expected to go to Council at January 2017 OCM	17-Nov-16	In progress
OCM 28/06/16	Carl Askew	Fencing Local Law	That Council, pursuant to Section 3.12 of the Local Government Act 1995, give state-wide public notice that it intends to make the Shire of Wyndham East Kimberley Fencing Local Law 2016 as contained in the attachment to this item, the purpose of which is to prescribe a sufficient fence and the standard for the construction of fences throughout the district. The effect of this Local Law is to establish the minimum requirements for fencing within the district.	Advertising is complete. Report expected to go to Council at January 2017 OCM	17-Nov-16	In progress
OCM 28/06/16	Carl Askew	Recording of Council Committee and Elector Meetings	That Council: 1. Adopt the draft policy (as per Attachment 1) for Recording of Council, Committee and Electors Meetings for public advertising for a period of 28 days; 2. Subject to the feedback received in the public advertising period proceed with the acquisition of a wireless audio recording system at a cost of approximately \$35,000 with the inclusion video recording	Public advertising in progress. Seeking quotes for audio and video recording systems	19-Jul-16	In progress
OCM 28/06/16	Louise Gee	Draft Kununurra Civic and East Lily Creek Precinct Structure Plans	That Council requests the Chief Executive Officer to advertise the draft Kununurra Civic Precinct and East Lily Creek Structure Plans in accordance with Schedule 2, Part 4, Clause 18 of the Planning and Development (Local Planning Schemes) Regulation 2015.	The draft Structure Plans are on public exhibition until 3 August 2016. Review of submissions being undertaken	07-Jul-16	In progress
OCM 28/06/16	David Kyle	Ivanhoe Crossing	That Council: 1. Request a regulatory review of the crossing by Main Roads Western Australia with a view to implementing: a. A speed limit of 10 km/h on the crossing. b. The installation of "Give Way" signs on the crossing. c. Prohibition of stopping on the crossing other than for stopping at the passing bay to allow the passage of oncoming vehicles. 2. Notes that establishment of the speed limit referred to in the decision above may necessitate the establishment of step down limits on both sides of Ivanhoe Crossing. 3. Prohibit the use of the crossing by pedestrians 4. Prohibit the public from alighting from vehicles on the crossing. 5. Designate Ivanhoe crossing as a single lane crossing. 6. Install signage advising of risks associated with fast flowing water and strong currents, a slippery or slippery when wet road surface, unprotected edges and drop offs and to drive into the water slowly. 7. Erect appropriate signage to advise and manage the implementation of decisions 1, 3, 4, 5, 6 and 7 above including the meaning and use of the depth markers on the crossing, at an estimated cost of \$6,500 which shall be charged to the Ivanhoe Crossing Reconstruct account. 8. Notes that the additional signage referred to in decisions 1, 3, 4, 5, 6 and 7 above will cost an estimated \$6,500 which shall be funded from the 2015/16 forecast budget surplus. 9. Request the CEO to formally acknowledge and thank the representatives from Water Corporation, Department of Parks and Wildlife and Main Roads Western Australia for their attendance at the public forum and for assisting the Shire in its community consultation.	Awaiting Main Roads Western Australia response to a request for speed limit assessment of the crossing. Acknowledgement and thank you letters sent to representatives from Water Corporation, Department of Parks and Wildlife and Main Roads Western Australia for their attendance at the public forum and for assisting the Shire in its community consultation. Main Roads Regional manager to provide advice and assistance with the warning and advisory signs.	29-Jun-16	In progress
OCM 28/06/16	David Kyle	Disposal of Asset: Weed Harvester	That Council authorise the disposal of the Shire's Weed Harvester (Boat Licence C1471, Plant Number P495) by tender in accordance with the Local Government Act 1995 Section 3.58 with the funds going into the Forestore Reserve.	Disposal documentation being prepared. Missing parts have been replaced and repairs are underway. Anticipate that sale by tender will be advertised in February 2017	29-Jun-16	In progress

Meeting	Responsible Officer	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 28/06/16	David Klye	Roadwise	That Council: 1. Approve the installation of two (2) Headlights Save Lives signs on each of the following roads: <ul style="list-style-type: none"> • Kalumburu Road, • Parry Creek Road, and • Duncan Road. 2. Note that the cost of the sign boards will be met by the Roadwise program. 3. Note that the cost of the posts, hardware, installation and ongoing maintenance of the signs will be funded by the Shire from the appropriate maintenance accounts. 4. Elects not to install Roadwise Entry signage at this time.	Roadwise coordinator notified of Council's decision. Awaiting production and delivery of signs for installation.	29-Jun-16	In progress
OCM 28/06/16	Carl Askew	CEO Performance Review	That Council appoint John Phillips Consulting to assist Council complete the CEO Performance Review, assist Council to establish a formal process including comprehensive guidelines and detailed Terms of Reference documentation and refer for consideration in the 2016/17, and future budgets, a recurrent allocation of \$10,000 per annum in order to appoint an independent facilitator to undertake the CEO's annual performance review.	On going discussions occurring with appointed consultant	19-Jul-16	In progress
OCM 26/07/16	David Klye	Directional Signage	That Council: 1. Establish and maintain a business directional signage register to: <ul style="list-style-type: none"> • ensure that business directional signage is up to date and accurate, • ensure that business directional signage is maintained in an acceptable and safe condition in accordance with the Shire's policy CP/OPS-3655 Directional Signage. 2. In accordance with section 6.19 of the Local Government Act 1995, give local public notice of its intention to apply a fee to process an application, purchase and install business directional signage. 3. In accordance with section 6.16 of the Local Government Act 1995, apply an annual fee to cover the cost of managing signage and maintaining the business directional signage register; <ul style="list-style-type: none"> • The annual fee to cover the cost of managing signage and maintaining the register shall be included in the Shire's 2016/17 Fees and Charges schedule at \$85.00 per annum per sign. 4. Note that the fee to process an application, purchase and install directional signage is identified in the Shire's 2016/17 Fees and Charges schedule as a "Full Cost Recovery" item. 5. Accept existing business directional signs onto the business directional signage register and accept an annual fee for the signage.	Establishment of database commenced	15-Aug-16	In progress
OCM 5/10/16	Louise Gee	12.3.2 Community Lease - Lake Kununurra Golf Club	COUNCIL DECISION: Minute No. 5/10/16-11504 Commissioner resolved that the matter of lease and licence for the Lake Kununurra Gold Club Inc. be referred to a future council meeting to allow for additional information to be provided.	Additional follow up being conducted. Awaiting request for authority to lease/licence Levee Bank reserve.	18-Nov-16	In Progress
OCM 5/10/16	Louise Gee	12.3.3. Community Lease - Kununurra Neighbourhood House Inc	Minute No. 5/10/16-11505 Commissioner resolved: That Council authorise the Chief Executive Officer to: 1. Offer Kununurra Neighbourhood House Inc. an Agreement for Lease for Lot 507, Chestnut Avenue Kununurra, for a period of two (2) years. 2. If the Condition Precedents required as outlined in clause 3.2 of the Agreement for Lease are met by the Lessee, offer Kununurra Neighbourhood House Inc. the 21 year lease for Lot 507, Chestnut Avenue Kununurra at the conclusion of the Agreement for Lease. Carried 1/0	Lawyers notified to finalise lease and Agreement for Lease. Documents to be signed by KNH and returned. Documents signed by KNH and returned to Shire. Awaiting execution by CEO and Commissioner (6/12/16)	18-Nov-16	In Progress
OCM 5/10/2016	Carl Askew	Motion from C/ Perry 13.1 Review of System of Representation	Minute No. 5/10/16-11513 Commissioner resolved: That the incoming Council, to be elected in October 2017, consider a review of its system of representation, exploring whether the current system of no wards in the Shire of Wyndham East Kimberley serves the best interests of their diverse communities.	Deferred until new Council in place	05-Oct-16	On Hold

Meeting	Responsible Officer	Item	Resolution	Progress Comment	Date Actioned	Completed
OCM 5/10/2016	Natalie TelP-ohne	16.1. Request to cease legal action on A1106	Minute No. 11515 Commissioner resolved: That the Council request the CEO, or their delegate to: 1. Advise the Shire's debt collection agent to cease all further action on assessment A1106. 2. Advise Council if/when the property is being sold and/or the overdue rates and service charges being received by the Shire subsequent to the sale.	Legal action has ceased. Awaiting further information regarding sale of property.	08-Nov-16	In progress
OCM 5/10/2016	Natalie TelP-ohne	16.2. - Authority to issue a rental garnishee on A1099	Minute No. 510/16-11516 Commissioner resolved: That the Council requests the CEO or their delegate, to advise the Shire's debt collection agent to: 1. Serve notice to the lessee of Assessment A1099 in accordance with section 6.60 of the Local Government Act 1995 requiring the lessee to pay to the Shire the rent due that they would otherwise pay under the lease/tenancy agreement as it falls due in satisfaction of the rates and charges; 2. Provide to the lessor a copy of the notice with an endorsement that the original has been given to the lessee.	*1st letter has been issued in accordance with section 6.60 of Local Government Act 1995	22-Nov-16	In progress
OCM 22/11/16	Carl Askew	Update on the Recovery of Outstanding Rates - Assessments A2574, A2569 and A411	That Council, with reference to Matters Behind Closed Doors Item 8.2 'Update on the Recovery of Outstanding Rates - Assessments A2574, A2569 and A411' notes: 1. The further investigations and actions undertaken regarding options for the recovery of outstanding rates for Assessments A2574, A2569, and A411 in accordance with relevant legislation; and 2. That a further updated report will be included in the next Audit (Finance and Risk) Committee Agenda.		15-Dec-16	In progress
OCM 22/11/16	Carl Askew	Update on Request to Revest Rates Assessments A5594 and A5595 Back to the Crown	That Council, with reference to Matters Behind Closed Doors Item 8.3 'Update on Request to Revest Rates Assessments A5594 and A5595 Back to the Crown': 1. Authorise the CEO, or their delegate, to request lawyers acting for the Shire to conduct negotiations with the ratepayer on the following basis: a. That the ratepayer will fund the cost of any works required by the Department of Environment Regulation for the investigation and any remediation required to their property; b. Recognising that the Shire will be required to undertake investigations and potential remediation of Parcel 69070 Pearse Street road reserve (Pin # 11413027) and offer the ratepayer an arrangement whereby the consultants costs could be shared; c. That the Shire will execute the Deed of Settlement and Transfer of Land only upon the ratepayer undertaking the investigations and remediation, or funding the investigations and remediation of their land, to the satisfaction of the Department of Environment Regulation. 2. Authorise expenditure in advance for an additional purpose in the 2016/17 budget of \$20,000, being to initiate the investigations and possible remediation process for Parcel 69070 Pearse Street road reserve (Pin # 11413027) and source these funds from savings (or additional revenue) identified in the 2016/17 Mid-Year Budget Review.	Council's decision has been provided to the Debt Collection agency.	23-Nov-16	In progress
OCM 22/11/16	Carl Askew	Additional flight options from East Kimberley Regional Airport	That Council: 1. Provide in principle support for a trial of an air service proposed by East Kimberley Marketing Group between Kununurra and Melbourne for forty (40) return services between May and October 2017 and authorise the CEO to enter into negotiations with the East Kimberley Marketing Group and their partners on the basis of the following: a. Consideration of a supporting financial package comprising: i. Waiver of Passenger Service Fees for screening and terminal usage. ii. Operational subsidy to maximum of \$200,000 (acknowledging an additional contribution from the local community of at least \$100,000). iii. Marketing campaign funded and professionally resourced to promote the commencement and for the duration of the trial service. b. Advise the East Kimberley Marketing Group that Landing Fees should be met for flights as they comprise a contribution towards the asset management and maintenance of the runway and other airside infrastructure. c. Further negotiate with East Kimberley Marketing Group regarding pricing structure, landing fees, marketing, key performance indicators, underwriting and "claw back" mechanism and Council's assistance with the proposed trial. 2. Refer the cost of the trial for consideration in both the Mid-Year Budget Review 2016-17 and Annual Budget 2017-18.		14-Dec-16	In progress

12.2.3 Draft Filming within the Shire Policy

DATE:	20 December 2016
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorse the draft Filming within the Shire Policy to be advertised for public comment for a period of 28 days.

COUNCIL DECISION

Minute No: 20/12/2016-11558

Commissioner resolved:

That Council refer the draft Filming within the Shire Policy to a future meeting of Council.

Carried 1/0

REASON FOR VARYING THE OFFICER'S RECOMMENDATION

To gather further information

PURPOSE

To provide a consistent approach to the approval and conduct of commercial filming activities within the Shire of Wyndham East Kimberley and to ensure that commercial filming on land under the management of the Shire of Wyndham East Kimberley promotes a strong, positive image of the Shire and is carried out in a manner that does not compromise public activities or the day to day operation of the Shire.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Advocator - advocate and support initiatives on behalf of the community and the Kimberley
Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In the last 12 months there have been a number of requests to film in locations within the Shire. One of these requests was Weekend Sunrise. Three of the requests were from organisations making documentaries.

Additionally, some companies have filmed within the Shire boundaries but have not advised the Shire prior to their arrival. A recent example of this was the Today Show visiting the Kimberley in late September. Previously the Shire has also had requests for feature films including, but not limited to Satellite Boy, Mad Bastards, and Australia.

STATUTORY IMPLICATIONS

Shire of Wyndham East Kimberley Property Local Law 2003

Activities needing a permit

Section 3.13

- (1) - A person shall not without a permit -*
 - (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;*
 - (g) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose -*
 - (i) drive or ride or take any vehicle on to local government property; or*
 - (II) park or stop any vehicle on local government property;*
 - (h) conduct a function on local government property;*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Event application and facility hire fees would currently be applicable. Any additional fees or charges would be considered and included as part of the 2017/18 budget and incorporated into the 2017/18 Shire Fees and Charges schedule.

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 2.1: A highly valuable East Kimberley economy that maximises social benefits

Objective 2.2: Maintenance of economic diversity and greater community returns from investment in the region

Strategy 2.1.2 : Promote and support major events that benefit locals and attract visitors to the area

Strategy 2.2.4 : Enhance and expand tourism opportunities in the East Kimberley and improve access to significant tourism destinations

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

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

- Public advertising of the Policy for a minimum period of 28 days.

COMMENTS

The key considerations in the development of this policy were not to limit filming within the Shire boundary, but to ensure that filming activities promote a strong, positive image, do not compromise public activities or the day to day operation of the Shire and there is limited risk both to the Shire and the organisations undertaking filming.

It is the intention of the policy, and the Filming Application Form, to compliment and work with the Public Events Organisational Directive, as it is acknowledged that not all Public Events include filming and not all commercial filming takes place as part of a Public Event.

The Shire of Wyndham East Kimberley Property Law 2003 requires a person to have a permit to conduct a function on local government property. A function is defined as “an activity that is natural to or the purpose of a person or thing”.

ATTACHMENTS

Attachment 1 - Draft Filming within the Shire Policy

Attachment 2 - Draft Filming Application Form



POLICY NO	*** To be supplied by Governance once adopted by Council	
POLICY	Filming within the Shire	
RESPONSIBLE DIRECTORATE	Governance	
RESPONSIBLE OFFICER	Governance Administration Officer	
COUNCIL ADOPTION	Date: Insert Date Adopted	Resolution No: Insert Here
REVIEWED/MODIFIED	Date:	Resolution No:
	Date:	Resolution No:
REVIEW DUE	Date: Insert Month and Year for next review – 4 years maximum, only make yearly review if deemed absolutely necessary, best practice is 2 years	
LEGISLATION	<i>Shire of Wyndham East Kimberley Local Laws</i>	
RELATED POLICIES		
RELATED ORGANISATIONAL DIRECTIVES	Public Events Organisational Directive	

PURPOSE:

To provide a consistent approach to the approval and conduct of commercial filming activities within the Shire of Wyndham East Kimberley and to ensure that commercial filming on land under the management of the Shire of Wyndham East Kimberley promotes a strong, positive image of the Shire and is carried out in a manner that does not compromise public activities or the day to day operation of the Shire.

DEFINITIONS:

Commercial filming is filming “for sale, hire, reward, promotion or profit”. Commercial filming includes advertisements, feature films, on commercial networks (e.g. Pay TV and free to air stations) TV or internet drama, documentaries, educational films, Government sponsored filming and tourism promotions.

Commercial photography is still photography for advertisements, magazines and catalogues. All other still photography, including wedding photography will not require Shire of Wyndham East Kimberley approval or payment of fees.

Event Notification is a document completed for all public events held within the Shire of Wyndham East Kimberley.

Traditional Owners is defined as the responsible body legally able to make decisions on behalf of the appropriate Traditional Owners of an area.

POLICY STATEMENTS:

Council recognises that the Shire of Wyndham East Kimberley is popular as a film location.

Commercial filming requests can vary enormously in scale, locations and other requirements and each application will be assessed on an individual basis.

Applications that are submitted with less than the required notice may still be considered if they can be dealt with within the timeframe available.

Prior to filming, a Filming Permit Application form and/or an Event Notification form is to be completed and returned to the Shire of Wyndham East Kimberley.

Written approval from the Shire of Wyndham East Kimberley will be required to prior to any filming commencing.

Application for Approval Process

1. Requests which do not form part of an Event Notification should be submitted on a Filming Permit Application form to the Shire.
2. The application must be submitted no fewer than 4 weeks prior to the commencement of filming unless there are extreme circumstances.
3. A permit to conduct commercial filming/photography will be granted only after approval is given by the CEO or an authorised officer. This will take place after a full application has been received, the applicable fees and charges have been paid and approval is granted.
4. A written decision will be issued within 2 weeks of the application being received by the Shire.

Conditions of Permit

The following are standard conditions of which all or any may be included in the issue of a Filming Permit:

1. Any permits or approvals required by any Government Department or Agency are to be obtained.
2. The Shire is to be indemnified and kept indemnified in respect of any actions, suits, proceedings, costs, claims and demands brought or made by any person or persons, corporation or corporations, authority or authorities in respect of any accident, injury or damage in consequence of or arising out of the filming operation.
3. Insurance to cover any claims which may arise from injury to persons or damage to property arising from or attributable to the filming operation is to be taken out. The policy is to be kept current during the continuance of the filming operation and shall be endorsed to note that Shire of Wyndham East Kimberley is jointly insured.
4. Public Liability insurance cover required is \$20,000,000. Public liability insurance less than \$20,000,000 would involve an assessment of risk prior to permit approval. A certificate of currency shall be supplied to the CEO or an authorised officer.
5. The environment, its flora and fauna, including all marine life, are not to be adversely impacted upon.
6. All areas used are to be left in a clean and tidy condition.
7. The amenity of the public is not to be disturbed or adversely impacted upon whether by noise or any other manner.
8. All negotiations regarding the use of images of persons are the responsibility of the permit holder.
9. Filming/Photography on roads is to be carried out so as not to compromise road safety or unduly disrupt traffic and in accordance with a Traffic Management Plan approved by the Shire. In all instances the approval of the Western Australian Police Department is to be obtained.

10. The Shire is to be kept fully and immediately informed in writing of any alterations to the filming schedule.
11. Should there be non-observance with any of the conditions of the approval or damage caused which necessitates remedial or reinstatement works to be performed by the Shire the costs of the works undertaken are to be met by the permit holder.
12. The provisions of all Council's Local Laws are to be observed at all times.
13. The permit or conditions of the permit may be altered, amended or revoked by the Shire at any time and for any reason.
14. Where possible, Shire assistance in the production should be acknowledged in the end credits, or as mutually agreed. The acknowledgment will generally read "Filmed in the Shire of Wyndham East Kimberley region" or "Thanks to the Shire of Wyndham East Kimberley".
15. Any issue(s) in relation to the content of what is being filmed or how it is going to be used, which could be considered sensitive or offensive to the Shire of Wyndham East Kimberley is to be detailed in an attachment to the Film Permit Application. Sensitive or offensive issues might include nudity, violence, content with political or racial implications etc.
16. The production company/producer will not portray the Shire of Wyndham East Kimberley as endorsing or supporting any product, service or any views, opinions, attitudes or ideas suggested, conveyed, advertised, canvassed, depicted or otherwise expressed, without prior written consent from the Shire.
17. The Shire of Wyndham East Kimberley may request permission from the production company/producer to photograph the crew during filming. All images will be used solely for promotional purposes to attract filming to the Shire of Wyndham East Kimberley. Further consultation on this matter will be on a case-by-case basis

Fees

Fees apply for filming in the Shire of Wyndham East Kimberley in accordance with the Shire's Fees and Charges, as adopted by the Council and amended annually.

Current affairs, news of the day (both print and television) and student productions, do not require Shire of Wyndham East Kimberley approval or the payment of fees unless a specific Shire venue is required. However, they will be encouraged to contact the Shire of Wyndham East Kimberley prior to filming as a courtesy.

Non-commercial still photography, such as wedding photography, is exempt from Shire of Wyndham East Kimberley approval and fees.

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.



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W | www.swek.wa.gov.au

8.00am - 4.00pm MON - FRI

Filming and Photography Application

1. APPLICANT DETAILS

Full name & Title			
Company Name			
Postal address			
Business phone	Fax	Mobile	
Email			
Company ABN			

2. PRODUCTION DETAILS

Have you spoken to anyone at the Shire of Wyndham East Kimberley regarding this application {who/when}?	
Is the filming part of an Event? If so please provide details	
If yes to the above - Has an Event Notification form been submitted?	
Proposed Filming dates and times (include bump in & bump out)	
Tentative 'back up'/wet weather dates	
Brief description of filming activity – indicate if SPFX, firearms, vehicles, stunts etc. are involved	
Proposed Filming location/s – be as specific as possible. Attach a map/image	
Have you identified a base location? Attach a site plan/map/image	
Number of crew & cast on site	
Number of crew vehicles	
Number of equipment trucks including Caterers	
Have you considered your parking requirements for the filming area? Please give details of your proposal	



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Will a Generator be used? If YES, has it been silenced to EPA standards?	
Is specialist equipment (cherry pickers, towers, cranes) proposed?	
Is a road closure or any other type of traffic management proposed? If YES, please give a brief description.	
Will you require beach access? If YES, you will be required to provide details of vehicles as soon as confirmed.	
Has your production received any Government or national Broadcaster support – if yes please describe.	

3. ATTACHMENT CHECKLIST

Public liability Insurance Certificate	<input type="checkbox"/> Yes <input type="checkbox"/> No
Site Plan Noting:	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Base location	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Filming location	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Parking bays required site	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Road closure	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Signage	<input type="checkbox"/> Yes <input type="checkbox"/> No
Traffic Management plan (if applicable)	<input type="checkbox"/> Yes <input type="checkbox"/> No



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INDEMNITY:

You, the applicant, indemnify Council from and against all actions, claims, costs, loses, expenses and damages (including the costs of defending or settling any action or claim) in respect of:

- Loss of, loss of use of, or damage to property of Council; or
- Personal injury (including death) or illness to any person or loss of, loss of use of, or
- damage to any property; resulting from or by reason of anything done or omitted to be done by you arising out of your activities undertaken at or near Council's facility.

SIGNATURE:

Your declaration

(The Shire will not process this application without the signed acknowledgement of filming conditions.)

I, (the applicant) have read, understood and accept the conditions. I accept that all these conditions must be complied with on the day(s) of the activity.

SignatureDate

OFFICE USE ONLY

Application No		Approved	
Registration Officer		Signature	