



# TRUE MINUTES

The Ordinary Meeting of Council was held on Monday 30<sup>th</sup> April 2012  
in the Council Chambers, Shire of East Pilbara, Newman.

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*I, Chairperson, Councillor Lynne Craigie, of the Pilbara Regional Council, hereby declare on behalf of the Councillors of the Pilbara Regional Council that the enclosed minutes are true and accurate record of the Pilbara Regional Council Meeting held on Monday, 30<sup>th</sup> April 2012 at the Shire of East Pilbara in the Council Chambers, Newman.*

03/07/12

**Cr Lynne Craigie**

**Date**

**Chairperson**

**TABLE OF CONTENTS**

No.	Subject	Page No
1.	OATH OF OFFICE .....	4
2.	OFFICIAL OPENING.....	4
3.	PUBLIC QUESTION TIME .....	4
4.	RECORD OF ATTENDANCE .....	4
4.1	APPLICATIONS FOR LEAVE OF ABSENCE.....	4
5.	RESPONSE TO QUESTIONS WHICH WERE TAKEN ON NOTICE.....	4
6.	DECLARATION OF INTEREST AND INTERESTS AFFECTING IMPARTIALITY .....	5
7.	PETITIONS/ DEPUTATIONS/ PRESENTATIONS .....	5
8.	CONFIRMATION OF MINUTES AND BUSINESS ARISING FROM MINUTES OF PREVIOUS MEETING...	6
9.	ANY BUSINESS LEFT OVER FROM PREVIOUS MEETING.....	6
10.	CHAIRPERSONS REPORT .....	6
11.	COUNCILLORS' REPORTS .....	7
11.1	STATE COUNCIL REPORT .....	7
11.2	WALGA STATE COUNCIL AGENDA.....	8
11.3	WALGA – 2012 HONOURS PROGRAM.....	14
12.	FINANCE .....	16
12.1	FINANCIAL STATEMENT OF FINANCIAL ACTIVITY .....	16
12.2	MATERIAL VARIANCES – FINANCIAL ACTIVITY STATEMENT AND ANNUAL BUDGET REVIEW .....	18
13.	STRATEGIC ISSUES.....	20
14.	GOVERNANCE .....	21
14.1	USE OF COMMON SEAL.....	21
15.	CHIEF EXECUTIVE OFFICER'S REPORT.....	23
15.1	COUNTRY LOCAL GOVERNMENT FUNDING 2011/12.....	23
16.	ITEMS FOR INFORMATION ONLY .....	25
16.1	AUTHORISATION OF PRC PAYMENTS.....	25
16.2	PILBARA / KIMBERLEY 2012 LEADERSHIP FORUM.....	25

16.3	WORKFORCE ANALYSIS AND LOCATION STRATEGY .....	26
16.4	AFFORDABLE HOUSING .....	28
16.5	UPGRADE OF COASTAL TOURISM LOCATIONS AND IMPROVEMENT OF SELECTED ROADSIDE REST STOPS - PROPOSED REVISED PROJECT PRIORITIES .....	28
16.6	PRC 2012/2013 OPERATIONAL PLAN .....	28
16.7	DEPARTMENT OF LOCAL GOVERNMENT – UPDATE.....	30
17.	REGIONAL COLLABORATIVE GROUP .....	31
17.1	IMPLEMENTATION OF THE PRC REGIONAL BUSINESS PLAN .....	31
17.1.1	RISK MANAGEMENT FRAME WORK AND IMPLEMENTATION.....	31
17.1.2	CORPORATE GOVERNANCE FRAMEWORK AND IMPLEMENTATION .....	32
18.	GENERAL BUSINESS.....	34
19.	CONFIDENTIAL ITEMS.....	36
20.	CLOSURE.....	36

**1. OATH OF OFFICE**

Nil.

**2. OFFICIAL OPENING**

The Ordinary Meeting of Council was held on Monday 30<sup>th</sup> April 2012 in the Council Chambers of the Shire of East Pilbara, Newman and was declared open by the Chairperson at 9.05am.

**3. PUBLIC QUESTION TIME - Nil.****4. RECORD OF ATTENDANCE**

<b>Councillors</b>	Cr Lynne Craigie	Shire of East Pilbara
	Cr Kelly Howlett	Town of Port Hedland
	Cr George Daccache	Town of Port Hedland
	Cr Kerry White	Shire of Ashburton
	Cr Lorraine Thomas	Shire of Ashburton
	Cr Fiona White-Hartig	Shire of Roebourne
<b>Deputy Councillors</b>	Cr Anita Grace	Shire of East Pilbara (Entered meeting 9.25am)
<b>Staff</b>	Ms Shelley Pike	Chief Executive Officer
	Ms Sue Shepherdson	Executive Assistant
<b>Guests:</b>	Mr Ian Hill, Acting CEO	Town of Port Hedland
	Mr Jeff Breen, CEO	Shire of Ashburton
	Mr Allen Cooper, CEO	Shire of East Pilbara
	Mr Graham Lantzke	WALGA
	Mr Mark Glasson, Executive Director Strategic Policy and Reform	Department of Local Government
	Mr Tim Fowler, Special Advisor, Reform	Department of Local Government
<b>Observers:</b>	Mr Bob Neville	Port Hedland
<b>Apologies:</b>	Cr Sharon Vertigan	Shire of Roebourne
	Mr Simon Kot	Shire of Roebourne
	Cr Shane Carter	Shire of East Pilbara
	Mr Tony Brown	WALGA
	Mr Martin Clifford	Department of Regional Development and Lands
	Ms Jenny Wood	Department of Regional Development and Lands

**Leave of Absence: Nil**

**4.1 APPLICATIONS FOR LEAVE OF ABSENCE****5. RESPONSE TO QUESTIONS WHICH WERE TAKEN ON NOTICE - Nil**

**6. DECLARATION OF INTEREST AND INTERESTS AFFECTING IMPARTIALITY**

**6.1 Disclosure of Financial Interest and Proximity Interests**

Nil.

**6.2 Disclosure of Interest Affecting Impartiality**

Nil.

**7. PETITIONS/ DEPUTATIONS/ PRESENTATIONS**

**7.1 Mr Mark Glasson, Executive Director Strategic Policy and Reform and Mr Tim Fowler, Special Advisor, Reform from the Department of Local Government**

Mr Mark Glasson and Mr Tim Fowler provided an update from the Department of Local Government:

- Review of Local Government Standards Panel – currently released for consultation. Recommends that low level grievances are dealt with at a local level.
- Encourage Local Governments to participate in the consultation process of the Local Government Financial Management Regulations – Reduction in Interest Rates WALGA review.
- The Metropolitan Local Government Review Panel is seeking comments on the draft findings of the review. The draft findings are available to view from the DLG website.
- Local Government Financial Management Amendment Regulations now gazetted.

**8. CONFIRMATION OF MINUTES AND BUSINESS ARISING FROM MINUTES OF PREVIOUS MEETING**

**Attachments:** 8. Minutes of the PRC meeting on 2<sup>nd</sup> March 2012  
**Responsible Officer:** Ms Sue Shepherdson, Executive Assistant  
**Action Officer:** Ms Sue Shepherdson, Executive Assistant  
**Officer Disclosure of Interest:** Nil

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**COUNCIL RESOLUTION**

**RESOLUTION NUMBER:** 1149  
**Moved:** Cr White  
**Seconded:** Cr White-Hartig

That the minutes of the Ordinary Meeting of Council held on the 2<sup>nd</sup> March 2012 be confirmed as a true and correct record of proceedings.

Carried 6-0

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**9. ANY BUSINESS LEFT OVER FROM PREVIOUS MEETING**

Nil.

**10. CHAIRPERSONS REPORT**

An update from the Chairperson was provided at the meeting regarding the CEO position which was advertised through WALGA's Workplace Solutions and closed on the 20<sup>th</sup> April 2012. Twelve (12) applications were received. Interviews will be conducted during the week of 1<sup>st</sup> May. The interview Panel will consist of WALGA, Mr Ian Fletcher, Ms Shelley Pike and Cr Lynne Craigie.

**11. COUNCILLORS' REPORTS****11.1 STATE COUNCIL REPORT**

**Attachments:** 11.1 State Council Presidents Report May 2012.  
**Responsible Councillor:** Cr Craigie – Councillor to State Council  
**Action Officer:** Ms Sue Shepherdson, Executive Assistant  
**Officer Disclosure of Interest:** Nil

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Mayor Mr Troy Pickard, President, WALGA State Council Report for May 2012 was presented for Councils information which included updates on:

- State Council on the Road;
- Setting the Tone;
- Council or Board?
- Constitutional Recognition;
- Structural Reform;
- Southern Metropolitan Regional Council;
- Presidents Contacts.

**Policy Implications – Nil**

**Legislative Implications - Nil**

**Financial Implications - Nil**

**Voting Requirements - Simple Majority**

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**COUNCIL RESOLUTION**

**RESOLUTION NUMBER:** 1150  
**Moved:** Cr Howlett  
**Seconded:** Cr White

**That the State Council President's Report as presented be received.**

**Carried 6-0**

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Cr Anita Grace entered the chambers at 9.25am.

## 11.2 WALGA STATE COUNCIL AGENDA

**Attachments:** Nil  
**Responsible Councillor:** Ms Lynne Craigie, Chairperson  
**Action Officer:** Ms Sue Shepherdson, Executive Assistant  
**Officer Disclosure of Interest:** Nil

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### **Purpose**

To seek Council agreement to the Pilbara Country Zone's position on of the WALGA State Council meeting. The next meeting of the Western Australia Local Government Association State Council will be held at Mandurah City Council Chambers, 3 Peel Street, Mandurah on Thursday 3 May 2012 commencing at 9am.

### **Background**

The Pilbara Regional Council is also the secretariat to WALGA Pilbara Country Zone delegate and is responsible for assisting the delegate to prepare to represent the Zone at the next State Council meeting. WALGA has distributed its State Council agenda for its 7 December 2011 meeting.

The Pilbara Country Zone delegate will represent the Zone's views at the State Council meeting and is seeking feedback on State Council agendum Items to represent the Zone's views at the State Council meeting.

### **State Council Agendum Items**

State Council Agendum is divided into three main parts that require Zone endorsement or comment, which are Part 5 - Matters for Decision; Part 6 – Matters for Noting / Information; and Part 7 – Organisational Reports.

## 5. MATTERS FOR DECISION

### 5.1 Resolution of Misconduct Complaints at the Local Level Recommendation

That WALGA inform the Minister for Local Government:

1. that the 'Resolution of Misconduct Complaints at the Local Level' Consultation Paper requires extensive consultation with the Local Government Sector, to minimise the potential for unintended negative consequences and to maximise the potential to benefit the performance of the Local Government Standards Panel;
2. that insufficient justification has been provided at this point in time in support of the introduction of a statutory Uniform Code of Conduct to be observed exclusively by Elected Members;
3. that it does not support Mayors or Presidents being responsible for determining any statutory form of dispute resolution at the local level;



4. that it supports empowering the Local Government Standards Panel to dismiss allegations made under the Rules of Conduct Regulations that are determined to be vexatious or frivolous;
5. that it supports the introduction of a Peer Review Panel on the following basis:
  - a) that it be utilised on an as-needs basis by the Local Government Standards Panel to assist in mediating local level misconduct complaints under the existing Rules of Conduct Regulations;
  - b) that the cost of activating the Peer Review Panel be the responsibility of the Department of Local Government, in the same manner it funds the operations of the Local Government Standards Panel;
  - c) that Peer Review Panels be formed on a regional basis and that they conduct in-person mediation at the Local Government where complaints originate; and
  - d) that the Peer Review Panel be utilised by the Local Government Standards Panel in the manner outlined in the diagram included in the body of this report.
6. that the above recommendations underpin WALGA's previously expressed recommendations for improvement to the Local Government Standards Panel and its processes by promoting as the main focus of the Standards Panel Review that the fundamental objective of the Local Government Standards Panel's operation is to provide the most expeditious of resolutions to a breach allegation, achieved through improvements to the Standards Panel's operational processes, by legislative
  1. amendment and through the formation of additional Standards Panels; and
  2. that strong consideration be given to introducing a right to confidentiality for all persons involved in a minor breach allegation under the Rules of Conduct Regulations during the complaints process, by amending Section 5.123 of the Local Government Act 1995 to give this effect.

#### 5.2 Building Act 2011

##### Recommendation

That WALGA writes to the Minister for Commerce:

1. Expressing dissatisfaction with the implementation process of the Building Act 2011, particularly the failure to deliver a clear communication, engagement and training strategy for the transition to the new building approvals system, not only for Local Government but for the building industry and the general public; and
2. Seeking the Minister's commitment to improving the communication, engagement and training strategies in the immediate future.

#### 5.3 Government Sewerage Policy – Consultation Draft

##### Recommendation

That the interim submission on the Government Sewerage Policy – Consultation Draft be endorsed.

#### 5.4 Sharing the Rivers – Swan Canning Riverpark Aquatic use Review and Management Framework

##### Recommendation

That the interim submission on the Sharing the Rivers – Swan Canning Riverpark Aquatic Use Review and Management Framework be endorsed.

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5.5 Submission on the Draft River Protection Strategy for Swan Canning Riverpark

Recommendation

That the submission on the Draft River Protection Strategy for Swan Canning Riverpark be endorsed.

5.6 Asbestos Management

Recommendation

1. That WALGA requests the State Government to develop and resource a Western Australian Asbestos Management Strategy that includes:
  - a. Formalizing an intergovernmental Asbestos Taskforce which include representation from Local Government; and
  - b. Public communication strategy to improve the knowledge of safe disposal practice of asbestos.
2. That WALGA requests the Western Australian Waste Authority to exempt asbestos from the landfill levy as a gesture of support for a whole of government approach to asbestos management. The exemption will exclude commercial contractors, large volumes of asbestos, and all soil contaminated with asbestos.

5.7 National Audit of Municipal and Essential Services Report 2012

Recommendation

That WALGA:

1. Requests the Hon Minister Jenny Macklin, Commonwealth Minister For Indigenous Affairs to:
  - a. Release copies of the National Audit of Municipal and Essential Services Report 2012 and the National Audit of Municipal and Essential Services Jurisdictional Report for Western Australia 2012 to the Western Australian Local Government Association; and
  - b. Invite the Australian Local Government Association (ALGA) to participate in the Multilateral Working group established by the Standing Council on Community, Housing and Disability Services (SCCHDS) to represent the interests of Local Government to support the negotiation of revised arrangements for the transfer of municipal services under National Partnership Agreement on Remote Aboriginal Housing (2009);
2. Advocates to the Hon Peter Collier, Western Australian State Minister For Indigenous Affairs, to invite WALGA to represent the interests and participate on the Western Australian Joint Advisory Group, to support the Multilateral Working Group established by the Standing Council on Community, Housing and Disability Services (SCCHDS) to support the negotiation of revised arrangements for the National Partnership Agreement on Remote Aboriginal Housing (2009); and
3. Request Infrastructure Australia to provide advice to WALGA on the progress of the development of the National Strategic Policy Framework for planning and developing infrastructure in remote Aboriginal Communities and potential impacts for Local Government in Western Australia.

5.8 Closed Circuit Television

Recommendation

That WALGA advocate for:

1. WA Police to establish a Designing Out Crime program which addresses CCTV

2. WA Police to establish a CCTV partnership agreement between State and Local Government which facilitates the implementation of the Auditor- General’s Use of CCTV Equipment and Information report, including:
  - a) The development of a Communications Protocol template to address the access and use of CCTV equipment and information, and review of policing outcomes through CCTV
  - b) The roles and responsibilities of Police and Local Government in the provision, monitoring and maintenance of CCTV
3. The Crime Prevention Council to consider the development of a CCTV Strategy for Western Australia which addresses:
  - a) The ongoing implementation of Blue Iris as the central register for CCTV as the central register for CCTV cameras
  - b) The standardization across technological platforms to support both CCTV owners, Police and Courts to provide effective footage

## 6. MATTERS FOR NOTING / INFORMATION

### 6.1 Metropolitan Local Government Review Recommendation

That the process for the consideration of the Association’s Submission to the Metropolitan Local Government Review Panel, in response to their Draft Findings, culminating in a Meeting of Metropolitan Mayors and Presidents, be noted.

### 6.2 Review of Royalties for Regions Country Local Government Fund Recommendation

That State Council notes the release of the Review of Royalties for Regions Country Local Government Fund report.

### 6.3 Local Government Service Delivery to Aboriginal Communities Forum Recommendation

That State Council notes the report on the Local Government Service Delivery to Aboriginal Communities Forum held on 8 March 2012.

### 6.4 Affordable Housing Strategy 2010-2020 Recommendation

That the Affordable Housing Strategy 2010-2020, Opening Doors to Affordable Housing and the Minister for Housing, Affordable Housing Roundtable be noted.

### 6.5 Western Australia Tomorrow Population Report No. 7, 2006 to 2026 Recommendation

That the Western Australia Tomorrow Population Report No.7, 2006 to 2026, be noted.

6.6 Report Municipal Waste Advisory Council

Recommendation

That the resolutions of the Municipal Waste Advisory Council at its 22 February 2012 meeting be noted.

7. ORGANISATIONAL REPORTS

7.1 Key Activity Reports

7.1.1 Report on Key Activities, Environment and Waste Unit

Recommendation

That the Key Activity Report from the Environment and Waste Unit to the May 2012 State Council meeting be noted.

7.1.2 Report on Key Activities, Governance and Strategy

Recommendation

That the Key Activity Report from the Governance and Strategy Unit to the May 2012 State Council meeting be noted.

7.1.3 Report on Key Activities, Infrastructure

Recommendation

That the Key Activity Report from the Infrastructure Unit to the May 2012 State Council meeting be noted.

7.1.4 Report on Key Activities, Planning and Community Development

Recommendation

That the Key Activity Report from the Planning and Community Development Unit to the May 2012 State Council meeting be noted.

7.2 Policy Forum Reports

7.2.1 President's Advisory Group

7.2.2 Regional Delivery Policy Forum

7.2.3 Planning Reform Policy Forum

7.2.4 Mining Community Policy Forum

**Policy Implications - Nil**

**Legislative Implications - Nil**

**Financial Implications - Nil**

**Conclusion**

A copy of the State Council agenda is available on the WALGA website [www.walga.asn.au](http://www.walga.asn.au). The Pilbara Zone Councillors and CEO have reviewed the State Council agenda and have noted the issues. The Pilbara Zone Delegate to the State Council is requested to pass on the Pilbara Zones concerns at the next meeting of the State Council.

**Voting Requirements - Simple Majority**

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**COUNCIL RESOLUTION**

**RESOLUTION NUMBER:** 1151  
**Moved:** Cr Howlett  
**Seconded:** Cr White

It is recommended that the Council endorse the Pilbara Country Zone Delegate to pass on the Zone's endorsements and comments on the matters for the State Council consideration at its meeting on Thursday 3<sup>rd</sup> May 2012.

Carried 7-0

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### 11.3 WALGA – 2012 HONOURS PROGRAM

**Attachments:** Nil  
**Responsible Officer:** Ms Shelley Pike, Chief Executive Officer  
**Action Officer:** Ms Sue Shepherdson, Executive Assistant  
**Officer Disclosure of Interest:** Nil

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#### In Brief

- The Association's annual Honours program has opened and nominations need to be submitted by close of business Friday 25 May 2012.
- Nominations are sought from Local Governments in recognition of contributions and achievements made by Elected Members and senior officers.

#### Attachment

Nil.

#### Relevance to Strategic / Business Plan

- Providing strong representation for Local Government
- Providing effective leadership for Local Government
- Building a positive profile for Local Government

#### Background

The Honours program is a significant public recognition and celebration of the outstanding achievements and lasting contributions made by Elected Members and Senior Officers to their respective Councils, to Local Government as a sector and to the wider community. Awards given as part of the Honours program will be presented to recipients at an awards ceremony held during the 2012 Local Government Convention at the Perth Convention Centre.

The five categories of awards within the 2012 Honours program are as follows:

- Local Government Medal – recognises outstanding achievement and significant contribution by elected members and officers to the Association and/or to Local Government. Available for nomination by State Councillors.
- Life Membership – recognises the long and outstanding service of Elected Members and officers to the Association and/or to Local Government. Available for nomination by State Councillors and Local Governments.
- Eminent Service Award (previously Certificate of Appreciation) – recognises personal commitment, eminent service and contribution to Local Government or the Association. Available for nomination by State Councillors and Local Government.
- Long and Loyal Service Award – this Honour recognises elected members who have provided long service of a high degree as an executive member of the Association for 8 or more years, or as an elected member for 12 or more years. Available for nomination by State Councillors and Local Governments.

- Merit Award (previously Distinguished Service Award) – recognises elected members who have provided distinguished service to the community through their Local Government. Available for nomination by State Councillors and Local Governments.

**Comment**

Nominations by Member Local Governments require the support of the nominator (who must be an Elected Member) plus two other Elected Members and the nomination must be forwarded through the Chief Executive Officer of the Local Government for sign-off prior to submission to the Association.

Copies of the nomination form, Honours Policy and Terms of Reference can be obtained from WALGA's web site at:

<http://walga.asn.au/MemberResources/StateCouncilDocuments/LocalGovernmentHonours/2012HonoursProgram.aspx>

Nominations for the 2012 Honours program will close at 5pm on Friday, 25 May 2012. As in previous years, no late nominations will be accepted. Further information can be obtained from WALGA's Ms Janet Done, Executive Officer Governance and Strategy on (08) 9213 2013 or by e-mail at [jdone@walga.asn.au](mailto:jdone@walga.asn.au)

**Voting Requirements - Simple Majority****COUNCIL RESOLUTION:**

**RESOLUTION NUMBER:** 1152  
**Moved:** Cr Grace  
**Seconded:** Cr White

1. That the Pilbara Zone note the information relating to the 2012 Honours Program and encourage the Shires of East Pilbara, Roebourne, Ashburton and the Town of Port Hedland to submit nominations on behalf of Elected Members who have made significant contributions to Local Government, the Association and/or the community.
2. That the Pilbara Regional Council nominates Cr Lynne Craigie for the 2012 Honours program for the Eminent Service Award.

Carried 7-0

## 12. FINANCE

### 12.1 FINANCIAL STATEMENT OF FINANCIAL ACTIVITY

<b>Attachments:</b>	<b>12.1 (1) Financial Statements as at 29<sup>th</sup> February 2012</b> <b>12.1 (2) Financial Statements as at 31<sup>st</sup> March 2012</b>
<b>Responsible Officer:</b>	<b>Ms Shelley Pike, Chief Executive Officer</b>
<b>Action Officer:</b>	<b>Ms Sue Shepherdson, Executive Assistant</b>
<b>Officer Disclosure of Interest:</b>	<b>Nil</b>

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#### **Purpose**

The purpose of this report is to seek Council's consideration and adoption of the February and March 2012 Statements of Financial Activity and explanations of material variances between budget estimates and actual for expenditure, revenue and income.

#### **Background**

The PRC Council is required to review and approve the PRC expenditure and financial position on a regular basis.

The PRC's financial system is QuickBooks which generates Monthly Financial Reconciliations that show the PRC's expenditure and financial position on a monthly basis. Excel spreadsheets are used to provide statutory compliant reporting based on the QuickBooks output.

To enable the reporting of material variances to be consistent and compliant with the Local Government Financial Management Regulations (FMR 34) the Council adopted the material variance threshold of plus/minus 10% at sub-program and /or individual project level as per FM 34(1)(d), for 2011/12 financial year in accordance with Australian Accounting Standards (AAS 5).

The Local Government Act Financial Regulations require that a statement of financial activity, including reporting on revenue and expenditure, an explanation of the composition of net current assets and an explanation of any material variances between actual and (now) revised budget allocations be presented to Council to consider for inclusion in the minutes of the meeting.

The following financial statements for the periods ending 29<sup>th</sup> February 2012 and 31<sup>st</sup> March 2012 are attached:

- (1) Comprehensive Income Statement by Program;
- (2) Comprehensive Income Statement by Nature/Type;
- (3) Statement of Financial Position;
- (4) Statement of Changes in Equity;
- (5) Statement of Cash Flows;
- (6) Statement of Financial Activity;
- (7) Statement of Current Assets and Current Liabilities;
- (8) Supporting Schedules detailing income and expenditure



**Policy Implications** - Nil.

**Legislative Implications** - Local Government (Financial Management) Regulations 1996, reg. 34

**Financial Implications** - Nil

**Conclusion**

That Council receive the Monthly Financial Statements, the Statement of Financial Activity and commentaries on variances to the adopted budget for the periods ended 29<sup>th</sup> February and 31<sup>st</sup> March 2012.

**Voting Requirements** - Simple Majority

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**COUNCIL RESOLUTION:**

**RESOLUTION NUMBER:** 1153

**Moved:** Cr White

**Seconded:** Cr Grace

- (1) That Council receive the Monthly Financial Statements, the Statement of Financial Activity and commentaries on variances to the adopted budget for the period ended 29<sup>th</sup> February 2012.
- (2) That Council receive the Monthly Financial Statements, the Statement of Financial Activity and commentaries on variances to the adopted budget for the period ended 31<sup>st</sup> March 2012.

Carried 7-0

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**12.2 MATERIAL VARIANCES – FINANCIAL ACTIVITY STATEMENT AND ANNUAL BUDGET REVIEW**

**Attachments:** Nil.  
**Responsible Officer:** Ms Shelley Pike, Chief Executive Officer  
**Author Name:** Ms Sue Shepherdson Executive Assistant  
**Disclosure of Interest:** Nil

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**Report Purpose**

To endorse material variances in relation to the preparation of financial activity statement and the annual budget review.

**Background**

In order to undertake a review of material variances the regional Local Government is required to set a material variance expressed in a percentage and/or in dollar terms i.e. Greater than 10% and/or greater than \$5,000. In undertaking the annual budget review and the ongoing analysis of the financial activity statement 10% was taken to be the material variance adopted by the Regional Council.

**Comment**

The auditors have recently undertaken an interim audit which identified that Council had not formally adopted the 10% material variance.

**Issues**

Nil

**Policy Implications**

Nil.

**Legislative Implications**

*Section 6.2 and 6.4 of the Local Government Act.  
Financial Management Regulations 1996 S6.4 - 34 (5)*

*(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

**Financial Implications - Nil**

**Conclusion**

Whilst the material variance percentage or value would normally be considered at the time of adopting the annual budget, the council may give consideration to correcting the oversight by endorsing the 10% material variance used to review the financial activity statement and the annual budget.

**Voting Requirements** - Simple Majority

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**COUNCIL RESOLUTION:**

**RESOLUTION NUMBER:** 1154

**Moved:** Cr Howlett

**Seconded:** Cr White-Hartig

**That Council endorse the material variance of 10% of actual to budget for the purpose of analysing the financial activity statements and the review of the annual budget.**

**Carried 7-0**

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**13. STRATEGIC ISSUES**

Nil.

**14. GOVERNANCE****14.1 USE OF COMMON SEAL**

**Attachments:** Nil.  
**Responsible Officer:** Ms Shelley Pike, Chief Executive Officer  
**Action Officer:** Ms Sue Shepherdson, Executive Assistant  
**Officer Disclosure of Interest:** Nil

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**Purpose:**

This report is a standard report and for noting purposes only.

**Background:**

Section 2.5 of the Local Government Act 1995 states that a Local Government is a Body Corporate with perpetual succession and a common seal. A document is validly executed by a Body Corporate when the common seal of the Local Government is affixed to it by the Chief Executive Officer, and the President/Chairman and the Chief Executive Officer attest the affixing of the seal.

Since the last meeting of Council the common seal has been applied to the following documents:

- Engagement for Provision of ICT Strategy.

**Comment:**

The Chief Executive Officer is primarily responsible for the governance role of the PRC which includes ensuring all legislative requirements are complied with including: adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. This use of the Common Seal is a Standard Report for noting by Council.

All documents validly executed will have the common seal affixed and the President and the Chief Executive Officer's attestations affixing the seal. Use of the common seal is to be recorded in the common seal register and must have the Council resolution number included and the date that the seal was applied.

**Policy Implications - Nil.**

**Legislative Implications:**

Section 2.5(2) of the Local Government Act 1995.

The local government is a body corporate with perpetual succession and a common seal.

Section 9.49. Documents, how authenticated.

A document, is, unless this Act requires otherwise, sufficiently authenticated by a local government without its common seal if signed by the CEO or an employee of the local government who purports to be authorised by the CEO to so sign.

**Financial Implications:** Nil

**Conclusion:**

This is a standard report for information.

**Voting Requirements:** Simple Majority

Mr Tim Fowler drew to Councils' attention the recent amendments to the Local Government Act section 9.49(A) relating to Executing Documents.

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**COUNCIL RESOLUTION:**

**RESOLUTION NUMBER:** 1155

**Moved:** Cr Howlett

**Seconded:** Cr White

**That the action of the Chief Executive Officer in executing the documents listed under the Common Seal of the Pilbara Regional Council, be noted.**

**Carried 7-0**

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**15. CHIEF EXECUTIVE OFFICER'S REPORT****15.1 COUNTRY LOCAL GOVERNMENT FUNDING 2011/12**

**Attachments:** 15.1 CLGF Regional Business Case Grant Application  
**Responsible Officer:** Ms Shelley Pike, Chief Executive Officer  
**Author Name:** Ms Shelley Pike, Chief Executive Officer  
**Disclosure of Interest:** Nil

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**Report Purpose**

The purpose of this report is for Council to endorse the Draft Regional Business Case Grant application for Country Local Government Funding for 2011/12.

**Background**

The Royalties for Regions CLGF was established in 2009 as a \$400 million program to be spent over four years. The fund was established to enable country local governments to upgrade their infrastructure and in the process, revitalise their communities. The CLGF is administered by the Department of Regional Development and Lands.

**Comment**

The lack of affordable housing in the Pilbara stifles growth and marginalizes sections of the community that are not directly employed within the resources sector, despite the reliance of this sector on the services provided by the broader communities.

This business case is unusual in that a number of solutions have been proposed to address the affordable housing issue; but in each case their viability is critically dependent on the availability of serviced land.

Therefore the Pilbara Regional Council and its four member Councils are presenting a business case with one option because that option will support all of the various affordable housing options. These options are not mutually exclusive and each council may choose their own approach but by assisting towards the costs of providing those project with serviced land the Country Local Government Fund (CLGF) will assist the region in solving one of its biggest problems by supporting projects that will deliver more than four hundred homes within 18 months that are specifically designed and constructed for essential services workers across the Pilbara region.

**Policy Implications**

Nil.

**Legislative Implications**

Nil.

**Financial Implications**

The allocation for the Pilbara for the current grant allocation is \$3,714,103 and will be used by the Recipient (PRC) for reasonable direct wages, contracts and capital works relating to the cost of servicing the land in each of the four member councils identified in the Business Case prepared on behalf of the Pilbara Regional Council.

## PILBARA REGION

Local Government	2011-12 Allocation \$ (ex GST)
Ashburton	999,570
East Pilbara	1,036,663
Port Hedland	807,745
Roebourne	870,116
<b>TOTAL</b>	<b>3,714,103</b>

**Conclusion**

The Business Case will be completed once the information from the Shire of Roebourne is received and will meet the CLGF 31<sup>st</sup> May deadline. Following council endorsement the plan will be sent to the Chief Executive Officer of the Pilbara Development Commission for comment.

**COUNCIL RESOLUTION:**

**RESOLUTION NUMBER:** 1156  
**Moved:** Cr Howlett  
**Seconded:** Cr White-Hartig

**That Council:**

1. Endorse the Draft Regional Business Case for Country Local Government Funding;
2. Authorise the PRC Chief Executive Officer to forward final Business Case for Country Local Government Funding to the CEO of the Pilbara Development Commission for his comment.
3. Submit the Final Regional Business Case for Country Local Government Funding to the Department of Regional Development and Lands prior to the 31<sup>st</sup> May 2012 deadline.

**Carried 7-0**



**16. ITEMS FOR INFORMATION ONLY****16.1 AUTHORISATION OF PRC PAYMENTS**

As the PRC employs only two staff, the current process for authorising payments on behalf of the PRC, is for the Executive Assistant to generate the payments and partially authorise these payments prior to the Chief Executive Officer confirming the payments and finalising the authorisation via a secure portal on the Commonwealth Banks website.

During the transition period prior to the appointment of a new CEO it may be necessary for the PRC's Executive Assistant to seek the authorisation from the CEO of the Shire of East Pilbara, who also has a token and access to the PRC's Commonwealth Bank.

**16.2 PILBARA / KIMBERLEY 2012 LEADERSHIP FORUM**

The Pilbara / Kimberley 2012 Leadership Joint Forum was held on the 30<sup>th</sup> and 31<sup>st</sup> March 2012 at Ascot Quays in Perth. Fifty nine (59) people attended the cocktail evening and sixty (60) people attended the forum on Saturday. Attendees at the forum were from both the Pilbara and Kimberley Councils along with representatives from resource, companies, state government and the private sector.

Feedback from attendees included the following comments:

- Local Government is constrained by too much red tape, rules, regulation and restrictions.
- My mood is one of confusion between trying to achieve, getting things done within a highly regulated framework.
- Unregulated trading hours destroys family time. Money is not everything.
- There is no need to extend trading hours. Visitors and tourists do not come to do shopping. The souvenirs bought are all made in China.
- FIFO levy should be charged for all employers per FIFO employee for the cost to shire's for the resources that the FIFO use.
- Conflict of interest must be changed. The act is discriminatory. Having a few shares in a Resource Company should not be a conflict of interest. The act can and should be changed.

The venue feedback was reflected in the comments of it being too small, noisy and difficult to access, however the food was good.

The majority of the speakers received positive comments and feedback. Considerations for future forums included handouts on the presentations available to attendees and one comment stated that the forum whilst enjoyable was not long enough, thank you Lynne and Pilbara Regional Council.

### 16.3 WORKFORCE ANALYSIS AND LOCATION STRATEGY

As of 20<sup>th</sup> April the Futures Group have completed the research component of the project and are now engaged in the interpretive component, and expect to have the Final Report ready for presentation no later than May 15th. The most recent progress report comments on two areas:

- A brief account of the information and intelligence gathering processes pursued as part of the research activity.
- A short account of some key selective findings clearly observable from the research.

The Futures Group has endeavoured to engage with senior stakeholders at each of the four Shires in order to obtain information and feedback regarding the key areas outlined in conjunction with the CEOs. Five principle areas were highlighted as potentially benefitting from operating through a shared services model among the Shires:

- Legal Services
- Building Services
- Emergency Management
- Asset Management
- Building Services

The CEOs also identified five principle areas that could potentially be operated out of Perth or remotely from the Shires:

- Housing Management
- Payroll
- Rates
- Finance
- Customer Service/Call Centre

The following table outlines the key stakeholders engaged to provide feedback from each of the four Member councils.

#### **Name Shire/Town Job Title**

Nancy Wain Roebourne Manager Human Resources  
Ray McDermott Roebourne Executive Manager Financial Services  
David Pentz Roebourne Director Development, Regulatory & Infrastructure Services  
Henry Eaton Roebourne Manager Corporate Compliance  
Michael Booth Roebourne Emergency Officer  
Jeff Breen Ashburton CEO  
Frank Ludovico Ashburton Director Corporate Services  
Felicia Mudge Ashburton Human Resources & Safety Manager  
Geoff Brayford Ashburton Executive Manager Technical Services  
Lisa Hannagan Ashburton Administration Manager  
Natalie Octoman Port Hedland Director Corporate Services  
Debra Summers Port Hedland Manager Organisational Development  
Eber Butron Port Hedland Director Planning Services  
Russell Dyer Port Hedland Director of Engineering

Allen Cooper East Pilbara CEO  
Sian Appleton East Pilbara Deputy Chief Executive Officer  
David Kular East Pilbara Manager Human Resources

The initial point of contact, as recommended by the respective CEOs, was their Directors of Corporate Services (or equivalent). Where possible feedback was sought and obtained from the CEOs per se. Further senior employees were recommended and all received authorisation from their CEO to participate in the process. All stakeholders were provided with an email summary of the key points discussed.

In addition to the above, the Futures Group conducted a parallel research process aimed at correctly contextualising this potential Pilbara service-sharing arrangement within the wider framework of local government reform in WA. To this end we conducted interviews with:

**Name Organisation Job Title**

Caroline Tuthill DLG A/Manager Local Government Reform  
Tony Brown WALGA Executive Manager – Governance & Strategy  
Shayne Silcox City of Melville CEO  
Chris Adams RDL Manager Corporate Compliance  
Tim Fowler DLG Special Advisor – Local Government Reform

**Selective Findings**

The purpose of this section is to provide no more than a preliminary insight into selective overview findings from each of the two research streams. Full detail will be provided in the final report.

**Interviews with Council Officers**

Dominant views suggest the following:

- Only two functions would readily lend themselves to be co-shared from a remote location such as Perth: (a) rates and (b) payroll.
- There is little enthusiasm for any form of co-sharing (remote or localised) of the customer service functions.
- There are certain functions which embody both strategic and operational components. The dominant sentiment is that there may be potential for sharing arrangements relating to the strategic elements, but not so the operational activities. Four examples of such functions are (i) asset management; (ii) emergency management; (iii) infrastructure planning; (iv) housing management.
- There is little appetite for the sharing of an in-house legal specialty due to the complexity and breadth of the legal services required.

**Contextualising Interviews**

Dominant views suggest the following:

- If the necessary political will were present, there would be merit in the four Pilbara councils considering options for service-sharing, either on a localised or remote (e.g. Perth) basis.
- Strong doubts were expressed, however, about the likelihood of the notion being warmly embraced by either the elected members or executive groups of the four constituent councils.

- There are various geographically dispersed examples across the WA local government scene of successful sharing arrangements. There are also examples of optional sharing models already in use. A move to a sharing arrangement among the Pilbara councils would not, accordingly, represent a pioneering or ground-breaking initiative.
- There is a strong likelihood that major state-wide local government reform will be mandated by a WA state government in the not too distant future. Were this to eventuate, it would likely result in significantly fewer councils state wide. It would also likely result in the establishment of a single council for the Pilbara. Assuming this to be an accurate assessment, then it would make sense for the four PRC members to pre-empt the amalgamation and begin self-determined incremental movements as soon as practicable

#### **16.4 AFFORDABLE HOUSING**

All business cases have been distributed to member councils. The Shires of Roebourne, East Pilbara and Ashburton have endorsed the business case and the Town of Port Hedland will consider the matter at its Council meeting on 1<sup>st</sup> May 2012.

#### **16.5 UPGRADE OF COASTAL TOURISM LOCATIONS AND IMPROVEMENT OF SELECTED ROADSIDE REST STOPS - PROPOSED REVISED PROJECT PRIORITIES**

The PRC has requested WALGA to prepare quotations to undertake the Procurement Services for 2 RFT requests for the Upgrade of Coastal Tourism Locations and Improvement of Selected Roadside Rest Stops.

The service includes evaluation by two WALGA personnel and Recommendation Reports.

The two tenders are:

1. Wet Hire
2. Supply and delivery of self-contained toilet systems

The cost for WALGA's procurement consultancy services for these two tenders is \$11,187.00 (GST Inclusive).

#### **16.6 PRC 2012/2013 OPERATIONAL PLAN**

The Integrated Planning Framework used by the PRC is structured to ensure that PRC activities are being driven by the strategic priorities of the organisation and are aligned with the member councils' corporate plans. The Operational Plan is derived through a review of the Strategic Plan on an annual basis and the Regional Business Plan on an annual basis in consultation with the four member councils.

The PRC's Strategic Plan, and therefore the Operational Plan are framed so that they address the four key result areas identified during the Integrated Planning process. The four key result areas are:

- Key Result Area 1 – Regional Service Delivery
- Key Result Area 2 – A Voice for the Pilbara
- Key Result Area 3 – Economic Value
- Key Result Area 4 – Governance Support

At its March meeting council endorsed the proposed schedule for the preparation of the PRC 2012/13 Operational Plan:

- The four Chief Executive Officers review the Regional Business Plan prepared by KPMG with their Executive team and identify projects from the Regional Business Plan plus any additional projects which could be undertaken by the PRC.
- The identified projects shall also be workshopped with councillors. In order to ensure there is no duplication and rework the projects derived from the Regional Business Plan and any additional projects should align with each Council's Operational Plan for 2012/13 as much as possible. An approximate cost for each project should also be supplied.
- A facilitated workshop with PRC Councillors and member CEOs to discuss projects for inclusion in the PRC operational Plan.

A workshop facilitated by Tony Friday from Blue Zoo was held with PRC Councillors and member CEO's on 30th March. A number of possible projects were identified and costed. In addition, there are a number of projects in the Regional Business Plan currently being reviewed with the view to incorporating them in the 12/13 operational plan.

The draft PRC Operational Plan and budget are currently being prepared and will be completed by the end of May ready for consideration by each of the member Councils prior to 30th June 2012.

Once the operational plan and budget have been approved by each member council they will be submitted to the PRC for approval at the 27th August Council meeting in order to meet compliance requirements.

The CEO provided an overview for Council as follows:

A number of Shared Opportunities have been identified in the Regional Business Plan:

- Integrated Strategic Planning.
- Asset management improvement planning.
- Services and Activities.
- Forward Capital Works.
- Business Continuity.

Opportunities for the PRC may be through:

- Strategic Community Planning;
- Business Continuity;
- Strategic Sourcing and Procurement;
- Policy Portal.

Cr Howlett enquired whether a study on the FIFO costs to Local Government included in the Draft PRC Operational Plan could be brought forward in order to meet the 1 July deadline for the Federal Inquiry into the use of 'fly-in, fly-out' (FIFO) workforce practices in regional Australia.

Council formed a working group and instructed the Chief Executive Officer to engage Blue Zoo to project manage the study into the costs of Fly in Fly out on their respective operations.

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**COUNCIL RESOLUTION:****RESOLUTION NUMBER: 1157****Moved: Cr Howlett****Seconded: Cr White-Hartig**

That:

1. Councillors Howlett, Daccache, Craigie, White-Hartig and the Chief Executive Officer form a working group;
2. The Chief Executive Officer engage Blue Zoo to project manage the study and appointment of the consultants;

**Carried 7-0**

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**16.7 DEPARTMENT OF LOCAL GOVERNMENT – UPDATE**

The update from the Director General from the Department of Local Government was circulated as an attachment providing updates on:

- Integrated Planning and Reporting;
- Update on Local Government Reform;
- Local Government Amendment Act 2012;
- Local Government (Financial Management) Amendment Regulations 2012;
- Information Communications and Technology Survey;
- Multicultural Community Service Awards and Harmony Week;
- Feedback sought on 'Implementing the Principles of Multiculturalism Locally';
- Review of the Local Government Standards Panel;
- Office of Heritage now the State Heritage Office;
- New direction for State Heritage;
- Inherit a new heritage inventory software system;
- 2012 WA Heritage Awards Winners Announced.

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**COUNCIL RESOLUTION:****RESOLUTION NUMBER: 1158****Moved: Cr Howlett****Seconded: Cr White**

That the items submitted for information only items be received.

**Carried 7-0**

**17. REGIONAL COLLABORATIVE GROUP**

**17.1 IMPLEMENTATION OF THE PRC REGIONAL BUSINESS PLAN**

As previously mentioned there are a number of projects contained in the Regional Business Plan (RBP) which are currently being reviewed with the view to incorporating them in the PRC Operational Plan for 12/13. The Regional Business Plan will continue to be used to inform the regional service deliveries of the PRC. A review and update of the RBP is scheduled for 2012-13.

**17.1.1 RISK MANAGEMENT FRAME WORK AND IMPLEMENTATION**

The Risk Management Framework and Implementation project is now completed apart from the Town of Port Hedland. The PRC has already finalised and paid the project fee in its entirety in order to meet the original project deadlines for grant reporting. Additional project charges for LGIS to complete the Town of Port Hedland’s component are for accommodation and ancillary costs for one (1) consultant to travel to Port Hedland to conduct the workshops.

Timeframes to complete the Port Hedland component of the project would be:

- 2 days offsite to develop and refine existing Risk Management framework (upon it being produced);
- 1 day onsite to carry out workshops (sample itinerary provided below); and
- Final report produced 4-5 weeks after visit (on the basis that complete information is gathered during the workshops).

<b>Day 1</b>	<b>Town of Port Hedland</b>
11:00am-12:00pm	Meeting with CEO/Project Champion to gather context and discuss project scope
1:00pm – 4:00pm	Risk Management Workshop (Group 1)
<b>Day 2</b>	<b>Town of Port Hedland</b>
9:00am – 12:00pm	Risk Management Workshop (Group 2)
12:00pm – 1:00pm	Project close with CEO/Project Champion

The PRC will be contacting the Town of Port Hedland shortly to reschedule the workshops.

**COUNCIL RESOLUTION:**  
**RESOLUTION NUMBER:** 1159  
**Moved:** Cr White Hartig  
**Seconded:** Cr White

That the progress report to the Regional Collaborative Group on the implementation of the Regional Business Plan be received.

**Carried 7-0**

**17.1.2 CORPORATE GOVERNANCE FRAMEWORK AND IMPLEMENTATION**

<b>Attachments:</b>	<b>17.1.2 The PRC Corporate Governance Assessment – Report of findings and recommendations</b>
<b>Responsible Officer:</b>	<b>Ms Shelley Pike, Chief Executive Officer</b>
<b>Action Officer:</b>	<b>Ms Shelley Pike, Chief Executive Officer</b>
<b>Officer Disclosure of Interest:</b>	<b>Nil</b>

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**Purpose:**

The purpose of this report is for the Pilbara Regional Council to endorse both the:

- Corporate Governance Assessment Report; and
- Pilbara Regional Council's Detailed Capability Maturity Report;

and for Council to note and accept the Detailed Capability Maturity reports for the Shires of Ashburton, East Pilbara, Roebourne and the Town of Port Hedland.

**Background:**

Blue Zoo was engaged to assess the PRC and each of the four member councils to obtain a thorough understanding of existing corporate governance practices. This information was then used to conduct a gap analysis between the existing level of maturity and each council's desired state. The results of this process allowed Blue Zoo advisors to identify opportunities for improvement through a collaborative and consistent manner, and strengths which could be leveraged for the benefit of the region.

The PRC and each member council was assessed against this framework using a 6 level maturity model that scales both their 'current state' and also their 'desired future state' to provide clear direction and guidance for improvement activities. This process involved key stakeholders directly involved in the governance processes of their organisation to determine how well existing governance outcomes and processes support effective and efficient operational activities.

This high level approach consisted of the following four steps:

Step 1: Current state of maturity ('where are we')

Step 2: Desired Future State of Maturity ('where do we want to be')

Step 3: Aggregated Analysis of all Councils i.e. how well are we actually performing?

Step 4: Report Performance, Recommendations and Improvements ('how do we get there')

The attached report 17.1.2 Pilbara Regional Council Corporate Governance Assessment – Report of findings and recommendations, focuses on aggregated results. In addition to the attached report there are five appendices for each member council (including the PRC). Access has also been granted to each council to access their own results in the Governance Manager system.



**Comment:**

After reviewing the documentation and the raw data from each council a number of key themes became apparent across the region which are the root causes for a host of governance issues. In each organisation there are individual areas of strengths, weaknesses and identified areas for improvement. However, it is the aggregate root causes that are of the most interest. These will not be simple to address however the region would receive far more value for money addressing these issues collectively rather than each organisation addressing the many effects of the root causes on an individual basis.

These aggregated root causes are:

- Abnormal growth rate.
- Local Government reform driven changes
- Reporting Governance
- Compliance vs Governance
- Risk Management
- Business Continuity
- Reporting Governance
- Community Engagement Governance
- Operational Planning

Identified within the report are a number of recommendations for these causes that should in turn be considered for prioritisation and inclusion in the PRC and Member Council's operational activities for 2012/2013.

These observations will not come as a surprise to anyone involved in the governance of these organisations, however the structured approach and resulting data from this project will now support what a lot of people have been talking about and using anecdotal evidence to support.

**Policy Implications**

Nil.

**Legislative Implications:**

Local Government Act 1995

**Financial Implications:**

Unknown.

**Conclusion:**

The process identified that each council already has activities underway to improve governance processes and in some cases significant activity has already been completed. However, the PRC is in a position to develop operational projects for the 2012 /2013 year that can address governance issues affecting all of its member councils.

The two over-arching recommendations (Abnormal growth rate and Local Government reform driven changes) recommend that the councils validate the existing governance programs of work against the results from this report and consider any additional gaps that may have been highlighted.

**Voting Requirements:** Simple Majority

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**COUNCIL RESOLUTION:**

**RESOLUTION NUMBER:** 1160

**Moved:** Cr White

**Seconded:** Cr Howlett

That Council:

1. endorse the PRC Corporate Governance Assessment Report of findings and recommendations document, including the Pilbara Regional Council's Detailed Capability Maturity Report;
2. request the Chief Executive Officer forward a copy of the report findings and each individual council's Capability Maturity report to each member Council.
3. request the Chief Executive Officer to conduct a review in 12 months' time of improvements to the Corporate Governance of the PRC and Member Councils.

**Carried 7-0**

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**18. GENERAL BUSINESS**

**Cr Howlett:**

- In her role on the Pilbara Development Commission Board, Cr Howlett advised that the PDC are working on a scope of works to examine the financial implications of current taxation and how this affects FIFO and residentially based workforces. This study will also look into the current taxation regimes and involve look at the Henry Tax Review recommendations in regards to the zone allowance and as it relates to the Pilbara.
- The PDC are also investigating a scope of works for a study of FIFO turnover rates. In her role on the Regional Development Australia (Pilbara) Board, Cr Howlett advised that the RDA are currently working with Mark Casserly on finalising the Pilbara Plan which will bring together a number of plans (including the Pilbara Ports Plan).
- NBN – The NBN rollout north of Geraldton is not scheduled to occur until after 2015, as the NBN is an important issue for all Pilbara Councils, Cr Howlett encouraged all member councils to add their voice in supporting the NBN rollout as a priority.

**Mr Graham Lantzke, WALGA:**

Drew to Council's attention the WALGA Information page regarding Local Government Financial Management Regulations – Reduction in Interest Rates.

**Ms Shelley Pike, Chief Executive Officer:**

The CEO took the opportunity to thank the Pilbara Regional Council for all of their support and encouragement during her time as CEO with particular thanks to the Chairperson Cr Craigie. The CEO advised that she had enjoyed her time at the PRC and wished the PRC and member Councils all the best for the future.

**Cr Lynne Craigie**

Thanked the CEO, Shelley Pike for the wonderful job she had done for the PRC over the last two years. Shelley took on the revised role when the PRC moved the position to Perth where she was able to gain greater access to stakeholders in the metropolitan area which has helped to build the PRC into a stronger position. Lynne on behalf of Council wished Shelley all the best for her new role as CEO in Gnowangerup.

*Council took a short recess for Morning Tea at 10.25am*

*Council resumed at 10.40am*

**Mr Mark Glasson, Department of Local Government:**

A review of the Regional Development Commissions occurred in 2011 with respect to recommendation 10, strengthening integration in the Pilbara region. The Department of Regional Development and Lands is the lead agency that is working towards strengthening the integration and alignment of statutory land use planning, regional development and local government service delivery in the Pilbara Region

Recommendation 10 - Establish a Ministerially endorsed and mandated working party to strengthen the integration and alignment of statutory land use planning, regional development, and local government service delivery within existing legislative planning frameworks for the Pilbara region.

General discussion ensued regarding the draft planning for the Regional Development Plan which was circulated to Council at the meeting. The Pilbara Regional Council raised the following in relation to the model and the proposed Pilbara Board:

- The PRC would like to be represented on the Board:.
- Want to consolidate the various Pilbara Boards;
- Don't want silo's in the model;
- Definition around roles and responsibilities;
- Who or what is the "specialist" on the proposed Board;
- Local Government needs to have a real voice;
- Local Government should have been brought into the process at the start and had input at ground level into the composition of the proposed Board;
- There should be High level local government representation – Mayors / Presidents and the PRC Chairperson on the proposed Board.

**19. CONFIDENTIAL ITEMS**

Nil.

**20. CLOSURE**

Meeting was closed at 11 a.m.