

**PUBLIC MINUTES
SPECIAL MEETING OF COUNCIL 21 DECEMBER 2020**



**SHIRE OF ASHBURTON
SPECIAL MEETING OF COUNCIL**

**Minutes
(Public Document)**

via electronic means

21 December 2020

4.00 pm

PUBLIC MINUTES
SPECIAL MEETING OF COUNCIL 21 DECEMBER 2020

SHIRE OF ASHBURTON
SPECIAL MEETING OF COUNCIL

The Chief Executive Officer recommends the endorsement of these minutes at the next Ordinary Meeting of Council.



Mr Kenn Donohoe
Chief Executive Officer

Date: 21.12.2020

These minutes were confirmed by Council as a true and correct record of proceedings of the Special Meeting of Council on the 21 December 2020.

Presiding Member: 

Date: 16/2/2021

DISCLAIMER

The resolutions contained in the Minutes are subject to confirmation by Council. The Shire of Ashburton warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Ashburton for any act, omission or statement or intimation occurring during a Council meeting.

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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 4.03 pm.

1.1 ACKNOWLEDGEMENT OF COUNTRY

As representatives of the Shire of Ashburton Council, we respectfully acknowledge the local Indigenous people, the traditional custodians of this land where we are meeting upon today and pay our respects to them and all their elders both past and emerging.

2. ANNOUNCEMENT OF VISITORS

Members of the public are unable to attend in person due to COVID-19 guidelines and therefore, the option to teleconference has been advised to the public.

3. ATTENDANCE

3.1 PRESENT

Elected Members:	Cr K White Cr D Diver Cr M Lynch Cr P Foster Cr L Rumble Cr R de Pledge Cr J Richardson	Shire President (Presiding Member) Onslow Ward Deputy Shire President Tom Price Ward Tom Price Ward Tom Price Ward Paraburdoo Ward Ashburton Ward Tablelands Ward
Staff:	Mr K Donohoe Mrs J Fell Mrs C McGurk Mr M Khosravi Ms M Walsh Mr B Witkowski Ms J Smith	Chief Executive Officer Acting Director Corporate Services Director Projects and Procurement Director Infrastructure Services Chief Operating Officer – Airport & Tourism Manager Economic Development & Tourism Senior Administration Officer
Guests:		
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	
Members of Media:	There were no members of the media in attendance at the commencement of the meeting.	

3.2 APOLOGIES

Cr D Dias Paraburdoo Ward
Cr M Gallanagh Pannawonica Ward

3.3 APPROVED LEAVE OF ABSENCE

There were no Approved Leave of Absences for this meeting.

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4. PUBLIC QUESTION TIME

No public questions have been received for this meeting.

5. DECLARATION BY MEMBERS

5.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

All Councillors noted that they had given due consideration to all matters contained in the Agenda presently before the meeting.

5.2 DECLARATIONS OF INTEREST

Councillors to Note

A member who has an Impartiality, Proximity or Financial Interest in any matter to be discussed at a Council or Committee Meeting, that will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
 - (b) At the Meeting, immediately before the matter is discussed.
- A member, who makes a disclosure in respect to an interest, must not:
- (c) Preside at the part of the Meeting, relating to the matter or;
 - (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have an interest in a matter.

These notes are included in each agenda for the time being so that Councillors may refresh their memory.

- 1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
- 2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
- 3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
- 4. If in doubt declare.

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5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the *Local Government Act*, or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69 (3) of the *Local Government Act*, with or without conditions.

Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
7.1	AWARD OF RFT 09.20 DESIGN AND CONSTRUCT OF TOM PRICE CHILDCARE CENTRE	
Cr Diver	Indirect Financial	Pursuant to Section 5.61 of the Local Government Act 1995. The nature being "I am employed by Rio Tinto". The extent being "Rio Tinto will be providing benefits to the Childcare Centre / Operators."
Cr Foster	Indirect Financial & Impartiality	Pursuant to Section 5.61 of the Local Government Act 1995 and Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007. The nature being "Indirect Financial & Impartiality." The extent being "My partner is employed by Rio Tinto, owns over \$10k in shares and as a family we live in a Rio Tinto owned property paying subsidised rent and utilities. I am the Secretary (Unpaid, Voluntary) with Nintirri Centre Management Board who has submitted a tender being considered in this agenda item."
Cr Rumble	Financial	Pursuant to Section 5.60A of the Local Government Act 1995. The nature being "I am a Shareholder with Rio Tinto". The extent being "I have Shares in value greater than \$10,000".
Cr Gallanagh *Late apology and was not in attendance	Financial	Pursuant to Section 5.60A of the Local Government Act 1995. The nature being "Myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto." The extent being

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		'Financial'. We have shares of greater value than \$10,000 in Rio Tinto.'
Cr Lynch	Indirect Financial	Pursuant to Section 5.61 of the Local Government Act 1995. The nature being "I am an employee of Rio Tinto." The extent being "I am paid a salary by Pilbara Iron."

The Department of Local Government, Sport and Cultural Industries provided the following correspondence in relation to Agenda Item 7.1:

"Dear Mr Donohoe

I refer to your correspondence dated 18 December 2020 and advise that, in accordance with authority delegated by the Minister for Local Government, I have approved your application, under section 5.69(3) of the Local Government Act 1995 (the Act).

7.1 AWARD OF RFT 09.20 DESIGN AND CONSTRUCTION OF TOM PRICE CHILDCARE CENTRE

The Department notes that at least two (2) of the disclosing Councillors are required to achieve a quorum.

Given the critical shortage of childcare services across the Shire, approval to participate is provided to three of the disclosing Councillors on the basis that it is in the interests of ratepayers to do so.

Accordingly, this approval allows Cr Diver, Cr Lynch and Cr Gallanagh to fully participate in the discussion and decision making relating to the following item at the Shire's Special Council Meeting of 21 December 2020:

7.1 AWARD OF RFT 09.20 DESIGN AND CONSTRUCTION OF TOM PRICE CHILDCARE CENTRE

Subject to the following conditions:

- 1. The approval is only valid for the 21 December 2020 Special Council Meeting when agenda item 7.1 is considered;*
- 2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
- 3. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;*
- 4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
- 5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and*
- 6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply."*

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Item Number/ Name	Type of Interest	Nature/Extent of Interest
7.4		KARIJINI EXPERIENCE 2021 – REQUEST FOR ADDITIONAL SPONSORSHIP
Cr Foster	Impartiality	Pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007. The nature being “Impartiality.” The extent being <i>“That I am the Secretary & Board Member (voluntary) of the Nintirri Centre who owns & operates Karijini Experience and whom has requested the additional sponsorship, and will expend the funds if approved by Council.”</i>
Cr Diver	Impartiality	Pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007. The nature being <i>“My wife Liz and myself are to be volunteers during the Karijini 2021 event.”</i> The extent being <i>“My wife receives a wage from S.O.A. and I am a Councillor of S.O.A voting on the event today.”</i>

6. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

There were no announcements by the Presiding Member for this meeting.

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7. BUSINESS

**7.1 AWARD OF RFT 09.20 DESIGN AND CONSTRUCT OF TOM PRICE
CHILDCARE CENTRE**

Declaration of Interest

Prior to consideration of this Agenda Item:

Cr Diver declared an indirect financial interest

Cr Foster declared an indirect financial and impartiality interest

Cr Rumble declared a financial interest

Cr Gallanagh declared a financial interest

Cr Lynch declared an Indirect financial interest

See item 5.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Councillors Diver and Lynch remained in the Chamber in line with the approval given by the Acting Deputy Director General of the Department of Local Government, Sport and Cultural Industries as noted at item 6.2.
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Councillor Rumble and Foster left the meeting at 4.10 pm due to declarations of interest for agenda item 7.1.

FILE REFERENCE:	CM09.20
AUTHOR'S NAME AND POSITION:	Chantelle McGurk Director Projects & Procurement
AUTHORISING OFFICER AND POSITION:	Kenn Donohoe Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	16 December 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
PREVIOUS MEETING REFERENCE:	Agenda Item 18.4 (Minute No. 208/2020) Ordinary Meeting of Council 10 November 2020

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Summary

A Request for Tender (RFT) 09.20 Design and Construction of Tom Price Childcare Centre was issued via the Shire's e-tendering portal known as Tenderlink on 27 October 2020 and closed on 24 November 2020 at 2pm. The notice was issued via private Tender to the six (6) shortlisted prospective tenderers. These prospective tenderers were shortlisted via public Expression of Interest in September 2019.

Three (3) tenders (all conforming) were received in response to the RFT 09.20. The evaluation panel has completed its assessment of the conforming submissions and makes its recommendation.

Council is requested to authorise the engagement of the recommended contractor for the Design and Construction of Tom Price Childcare Centre in line with the capital works program for 2020/21.

Background

The Shire of Ashburton undertook a Request for Tender process in compliance with s 3.57 of the *Local Government Act 1995* to invite suitably registered, qualified and experienced contractors to submit bids to enter into a Contract for the RFT 09.20, in accordance with the tender brief as detailed below:

"The Shire of Ashburton seeks to engage a suitably qualified and experienced contractor for the design, documentation and construction of Tom Price Childcare Centre at Lots 400 and 46, 19 South Road, Tom Price, WA. The new single storey facility will be able to accommodate ninety-six (96) children and 19 staff members, including dedicated Indoor and Outdoor Play Areas, a maintenance shed and 24 bay car park.

The scope of works includes the design and construction of a compliant Childcare and Out of School Hours Care facility for 96 children at Lots 400 and 46 South Road, Tom Price. Details of the reference design criteria, performance characteristics and specifications are contained in the attachments to this document. The attached reference design documentation shows the Principals minimum requirements for the new Tom Price Childcare Centre.

The area within the proposed site boundary will be provided for the exclusive use and possession of the Contractor until the date of Practical Completion in accordance with the General Conditions of Contract. The Contractor will be responsible for the supply and erection of temporary fencing to the Principals requirement for the duration of the works, including the reinstatement of all existing finishes to their original condition prior to departure from site.

Tenderers shall note that separate contracts for service provision or relocation work (water, sewer, communications and electrical) may still be in progress in the vicinity of the Site and may be undertaken concurrently with a part of the Works. Details of these Works are attached to this request.

The Contractor will be responsible for negotiating and implementing access to the Site, provision of temporary services and utilities, compliance with local authority operational procedures and priorities, emergency access, egress and evacuation procedures and the like which may bear on the conduct of its work under the Contract.

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Contractor/s are required to be able to undertake all aspects of the project as described in this Request. All items required to complete the works are considered to be inclusive of the Services provided in response to this Request for Tender.”

Comment

The successful contractors' works must be compliant with the National Construction Codes (NCC) 2016 and all relevant Australian Standards, Codes of Practice, Western Australian and Commonwealth legislation, statutes, ordinance, rules and regulations bearing on the provision of such services and conduct of the work under the contract.

Respondents were requested to include all items necessary to provide a compliant installation, protecting all surrounding finishes during construction, and leaving the existing surrounding area in original condition.

The selection criteria, determined prior to inviting the tender, were:

Qualitative Selection Criteria	Weighting
Relevant Company Experience & Performance	15%
Key Personnel	15%
Resources	10%
Methodology	10%
Price	50%

The evaluation and recommendation report, including the overall evaluation scores and rankings is attached as a confidential item.

CONFIDENTIAL ATTACHMENT 7.1

Consultation

Assessment Panel

Statutory Environment

Local Government Act 1995

3.57. *Tenders for providing goods or services*

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Local Government (Functions and General) Regulation 1996 Pt.2 Div.2

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

11. *When tenders have to be publicly invited*

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless sub regulation (2) states otherwise.*

Financial Implications

The 2020/21 budgeted provision for this project is \$6,000,000 for the Design and Construction of the Tom Price Childcare Centre.

The recommended contractor has submitted a fixed lump sum for \$4,198,514.80 ex GST as per the Price Schedule contained in the Tender RFT 09.20.

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The existing 2020/21 budget will be utilised for the Design and Construction of the Tom Price Childcare Centre to deliver the capital works program set by Council.

Strategic Implications

Shire of Ashburton 10 Year Strategic Community Plan 2017-2027 (Desktop Review 2019)

Goal 01 Vibrant and Active Communities
Objective 2 Sustainable Services, Clubs, Associations and Facilities

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure

Risk Management

Risk has been assessed on the basis of the Officers Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Reputation	Possible 3	Moderate 3	Moderate (9)	Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	Adopt officer recommended to appoint Project Management Consultancy
Financial Impact	Possible 3	Moderate 3	High (10)	\$100,001 to \$1,000,000	Mitigated by the appointment of a Project Management Consultant with the specialised skills to run multiple projects to deliver Council's adopted Capital Works Program.
Project Time	Major 4	Major 4	High (16)	Exceeds deadline by 20% of project timeline	Mitigated by the appointment of a Project Management Consultant with the specialised skills to run multiple projects to

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Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
					deliver Council's adopted Capital Works Program.

The following Risk Matrix has been applied.

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Moderate to High" risk and will be managed by mitigated by the appointment of a Project Management Consultant with the specialised skills to run multiple projects to deliver Council's adopted Capital Works Program.

Policy Implications

AMP 01 Asset Management Policy
FIN12 Purchasing Policy

Voting Requirement

Simple Majority Required

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Officers Recommendation and Council Decision

MINUTE: 231/2020

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That with respect to the Award of RFT 09.20 Design and Construction of the Tom Price Childcare Centre, Tom Price, WA Council:

- 1. Resolve that Report CONFIDENTIAL ATTACHMENT 7.1 is confidential in accordance with s5.23 (2) the *Local Government Act 1995* because it deals with matters affecting s5.23 (2):**
 - (c) “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;”**
- 2. Note the attached Evaluation and Recommendation Report CONFIDENTIAL ATTACHMENT 7.1;**
- 3. Award RFT 09.20 Design and Construction of the Tom Price Childcare Centre, Tom Price WA, for the tendered fixed lump sum of \$4,198,514.80 ex GST; and**
- 4. Authorise the Chief Executive Officer to negotiate, execute and manage the Contract for RFT 09.20 Design and Construction of the Tom Price Childcare Centre, Tom Price WA including the provision of possible extensions or variations, providing the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; and is managed within the allocated budget for this work.**

CARRIED 5/0

Councillor Rumble and Foster returned to the meeting at 4.12 pm. The Presiding Member advised Councillors Rumble and Foster of the outcome of the vote for item 7.1.

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**7.2 PILBARA BANNED DRINKERS REGISTER - CONTRIBUTION
TOWARDS EVALUATION OF TRIAL**

FILE REFERENCE:	GR02
AUTHOR'S NAME AND POSITION:	Leona Stevenson Lease & Accommodation Officer
AUTHORISING OFFICER AND POSITION:	Janelle Fell Acting Director Corporate Services
NAME OF APPLICANT/ RESPONDENT:	Department of Local Government, Sport and Cultural Industries
DATE REPORT WRITTEN:	15 December 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
PREVIOUS MEETING REFERENCE:	Agenda Item 13.4 (Minute No. 356/2018) – Ordinary Meeting of Council 23 April 2018

Summary

A request has been received from Department of Local Government, Sport and Cultural Industries for financial support for an independent evaluation of the Pilbara Banned Drinkers Register trial is requested.

Council consideration of a payment contribution of \$50,000 plus GST, spread over four six-monthly instalments of \$12,500 plus GST is requested.

Background

At the 15 December 2017 Ordinary Meeting of Council, Cr Foster moved the following Notice of Motion in regard to 'Toughest Alcohol Restrictions' in the Pilbara:

"That Council gets a report on the "toughest alcohol restrictions" in the Pilbara (Pilbara-wide ban on takeaway liquor sales on Sunday, as well as a 33% reduction in trading hours from Monday to Sunday, full strength alcohol bans and limits on wine and spirit takeaways) with a view to form a position for which to take to the Director of Liquor Licensing, and the relevant Government Minister, on this very issue."

Following this, at its 16 January 2018 Ordinary Meeting, Council resolved to undertake further consultation, in the form of an online community survey, "Survey into Alcohol Restrictions and Takeaway Alcohol Management System ('Survey')" to gauge whether there is support for the implementation of further liquor restrictions with the Shire of Ashburton.

The results of the survey noted at Ordinary Meeting of Council on 23 April 2018 indicated that the majority of respondents did not support the implementation of further alcohol restrictions within the Shire at that time.

Council endorsed the recommendation to advise the Director of Liquor Licensing that:

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“Council does not support the implementation of further alcohol restrictions for the sale of full strength (over 3.5%) take away alcohol within the Shire at this time as:

- a) The majority of the community does not support further liquor restrictions;*
- b) The community believes that further restrictions would not directly target the*
- c) underlying problem;*
- d) Further restrictions could have a negative impact on consumer choice and local businesses.”*

In 2018, a Banned Drinkers Register (BDR) was identified as part of the Department of Communities *West Pilbara Plan* (the Plan) which is the State Government working with Aboriginal elders, community members and service providers and aims to make communities safer by reducing access to takeaway liquor for problem drinkers. The Plan started in February 2018 and has six priority areas:

1. More support for children, carers and families
2. Safer children
3. Tackling alcohol and drugs
4. Greater engagement in school and work
5. Healing the community
6. Redesigning government funded services

Priority Area 3.1 of the Plan describes the following:

“Develop a tailored alcohol management plan for the West Pilbara (noting work is underway). The Roebourne community will be the first trial site for the plan with the potential for further rollout across the State. The plan will be developed with the local community and other key stakeholders. (Lead Agency - Mental Health Commission).”

The WA Australian Hotels Association and the Liquor Stores Association originally proposed a BDR trial as an industry funded initiative but were unable to secure the necessary funding for the project. A decision was made by Department of Local Government, Sport and Cultural Industries (the Department) to fund the trial and a contract was awarded to WA company Scantek to supply a BDR and Takeaway Alcohol Management System (TAMS) systems.

A BDR is a list of people who are prohibited from purchasing takeaway alcohol because they have either voluntarily elected to be on the BDR, or they are subject to a current Prohibition Order or Barring Notice. The BDR uses technology provided by Scantek to compare details from a scanned photo ID with details on the BDR. Scantek equipment communication is securely encrypted with customer information managed in accordance with the Australian Privacy Principles and the *Privacy Act 1988 (Cth)*.

From 1 December 2020, takeaway alcohol purchasers in the Pilbara must produce an approved and scannable form of ID. If a person is on the BDR the retail staff are alerted and cannot complete the sale. The BDR has no impact on any existing liquor restrictions that may be in place and only prohibits the purchase of takeaway liquor for people who are recorded on the BDR.

TAMS monitors the amount and type of alcohol purchased by any person in a day to ensure that they do not purchase above limits imposed by restrictions. TAMS is only used in conjunction with existing restrictions and operates in a similar manner to the BDR with a requirement for identification to be scanned. If a TAMS is in operation, retail staff are required to record the amount and type of liquor purchased. Licensed premises are linked by the system which stops people shopping around to buy more than they are permitted.

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Comment

On 1 September 2020, correspondence was received from Duncan Ord, Director General, Department of Local Government, Sport and Cultural Industries (the Department), regarding the two year trial of the BDR across the Pilbara region.

To ensure the progress and effectiveness of the trial is monitored and assessed, the Department proposed an independent evaluation be conducted by the University of Western Australia Public Policy Institute throughout the BDR project, commencing on 1 December 2020. The letter requested support from the four Pilbara local governments to contract and fund the cost of the \$200,000 evaluation, meaning each local government would contribute \$50,000.

A subsequent letter was received dated 3 November 2020, stating that as no objection had been received regarding the financial commitment of \$50,000, the Department viewed this as full support from each of the local governments in funding the trial. Accordingly, four instalments of \$12,500 plus GST were requested with the first invoice soon to be sent, and a further three invoices at six-monthly intervals. An invoice was received by the Shire on 27 November 2020 although no agreement to the proposal had been provided to the Department by the Shire.

**ATTACHMENT 7.2A
ATTACHMENT 7.2B**

The BDR is a government initiative, and in accordance with section 6.18, which requires that the Shire does not duplicate services and facilities, administration is of the opinion that funding of the trial forms part of the responsibility of the relevant State agency.

Based on the results of the community survey undertaken in 2018, it is recommended that contribution towards the evaluation of the BDR Trial not be supported.

Consultation

Executive Leadership Team

Statutory Environment

Local Government Act 1995, Section 3.18 Performing Executive Functions

A local government is to satisfy itself that services and facilities that it provides —

- a. integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and*
- b. do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
- c. are managed efficiently and effectively.*

Financial Implications

There is no budget implications to this report.

Strategic Implications

Shire of Ashburton 10 Year Strategic Community Plan 2017-2027 (Desktop Review 2019)

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Goal 02 – Economic Prosperity

Objective 2 – Enduring partnerships with industry and government

Risk Management

Risk has been assessed on the basis of the Officers Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Financial Impact	Possible (3)	Minor (2)	Moderate (6)	Unbudgeted financial implication - \$10,000 - \$100,000	Adopt Officers recommendation

The following Risk Matrix has been applied.

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be “Moderate”. The risk is perceived as acceptable with adequate controls, managed by routine procedures and subject to semi-annual monitoring.

Policy Implications

No policy implications.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MINUTE: 232/2020

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with regards to the Pilbara Banned Drinkers Register – Contribution Towards Evaluation of Trial, Council do not support the financial contribution to the Banned Drinkers Register trial evaluation.

CARRIED 7/0

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7.3 AWARD OF RFT 16.20 ONSLOW AIRPORT AIRSIDE CIVIL WORKS PACKAGE

FILE REFERENCE:	CM16.20
AUTHOR'S NAME AND POSITION:	Megan Walsh Chief Operating Officer – Aviation & Tourism
AUTHORISING OFFICER AND POSITION:	Kenn Donohoe Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	16 December 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

A request for Tender (RFT) 16.20 Onslow Airport Airside Civil Works Package was issued via Tenderlink on 24 October 2020 and closed 17 November 2020.

Two (2) tenders (both conforming) were received in response to the RFT. The evaluation panel has completed its assessment of the conforming submissions and makes its recommendation.

The price range of both submissions was in excess of the approved budget for these works and therefore for the purposes of awarding a contract under RFT 16.20, Council's approval will be required for an increased budget allocation.

Council is requested to authorise the engagement of the recommended contractor for Construction of Onslow Airport Airside Civil Works Package as part of the Shire's capital works program.

Background

The Shire of Ashburton undertook a Request for Tender process in compliance with s 3.57 of the *Local Government Act 1995* to invite suitably registered, qualified and experienced contractors to submit bids to enter into a Contract for the RFT 16.20 in accordance with the tender brief:

"The principal is seeking tender submissions from suitably registered, qualified and experienced contractors for the construction of Onslow Airport Airside Civil Works Package."

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The scope of works described in the tender document was:

“The works include asphalt maintenance, taxiway upgrades and embankment remediation works.

The Works are to be undertaken simultaneously, as separable portions, under one contract as follows:

Separable Portion 01: Taxiways Bravo and Delta Asphalt Overlay - A maintenance overlay using asphalt over the existing spray sealed taxiways Bravo and Delta to correct some minor surface defects, improve the grades and provide a consistent asphalt surface.

Separable Portion 02: SP02 - Pavement Rejuvenation and Resurfacing - Application of a Pavement preservation treatment to extend the service life of the existing runway and taxiway pavement surfacing.

Separable Portion 03: SP03 - Taxiway Charlie Upgrade - Upgrade of taxiway Charlie subgrade and pavement including a two coat bitumen seal to ensure compliance with CASA standards.

Separable Portion 04: SP04 – Revetment Remedial Works - Remediation and scour protection of runway embankment slopes.”

Due to the similar nature of works and potential economic efficiencies the airports four 2020/21 civil renewal capex projects were tendered as one package.

Comment

The successful contractors’ works must be compliant with the all relevant Australian Standards, Codes of Practice, Western Australian and Commonwealth legislation, statutes, ordinance, rules and regulations bearing on the provision of such services and conduct of the work under the contract.

The selection criteria was as follows:

Qualitative Selection Criteria	Weighting
Relevant Company Experience & Performance	15%
Key Personnel	10%
Resources	10%
Methodology	25%
Price	40%

The evaluation and recommendation report, including the overall evaluation scores and rankings is attached as a confidential item.

CONFIDENTIAL ATTACHMENT 7.3

When evaluating the submissions it was evident in both submissions the primary cause for the over budget was in Separable portion 02 – Pavement Rejuvenation and Resurfacing.

Rejuvenation is routine maintenance for asphalt and will assist in it achieving its expected life span by replenishing the oils and fine materials in the asphalt, preventing it from raveling (losing aggregate from the surface). Generally the rejuvenation equipment is based with

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contractors on the East Coast of Australia therefore including all the asphalted surfaces (runway, taxiways and aprons, opposed to just the runway) in the contract removed the need for expensive additional mobilisations in coming years.

Consultation

Assessment Panel

Statutory Environment

Local Government Act 1995

3.57. *Tenders for providing goods or services*

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Local Government (Functions and General) Regulation 1996 Pt.2 Div.2

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

11. *When tenders have to be publicly invited*

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless sub regulation (2) states otherwise.*

Local Government Act 1995, Section 6.4 Financial Management and Regulation 34, Local Government (Financial Management) Regulations 1996.

*The Local Government Act 1995, Section 6.8(1) requires the local government not to incur expenditure from its Municipal Fund for an additional purpose except where the expenditure: ... (b) is authorised in advance by resolution**

“Additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.

**requires an absolute majority of Council*

Financial Implications

The 2020/21 budgeted provision for this project is \$3,693,919 ex GST which is funded from the airport reserve.

To date \$62,000 has already been spent on specialised consultancy fees and high level design documentation.

The recommended contractor has submitted a fixed lump sum of \$4,149,463.91 ex GST as per the Price Schedule contained in RFT 16.20.

Potential additions to contract award amount

It must be noted that during the assessment process, a small number of exclusions were not able to be resolved with the tenderer via the tender clarification process. Advice from the Shire’s Procurement team and the appointed Probity Auditor, is that these items are to be resolved by negotiation with the tenderer, priced and included in the contract award amount prior to contract establishment. At this point, the estimated cost impact is in the range of \$130,000.

Additional Project Management Costs including onsite Superintendent Services are estimated at an additional \$100,000.

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Contingency

It is also recommended that a project contingency be allowed for in the revised budget. A minimum contingency of \$100,000 is suggested. This represents only 2.41% of the tendered amount.

Revised budget:

The combined tendered lump sum price, potential additions and contingency is \$4,541,463.91. This exceeds the available budget by \$847,544.91 ex GST.

The additional funds can be accessed from the Airport Reserve which currently holds \$14.6million and can support this cost.

Strategic Implications

Shire of Ashburton 10 Year Strategic Community Plan 2017-2027 (Desktop Review 2019)

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure

Given the strategic importance of the Onslow Airport to the region, it is imperative that the facility be well maintained and remain compliant with applicable safety and operational standards. These works will not only extend the life and compliance of the asset, but they will also improve operational safety, improve resilience to weather systems (revetment strength), and improve customer experience (smoothness of taxiway surfaces).

Risk Management

Risk has been assessed on the basis of the Officers Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Financial Impact	Possible 3	Moderate 3	Moderate (9)	\$100,001 to \$1,000,000	1. Thorough pre- contract negotiations. 2. Appointment of dedicated and experienced resources for contract management and technical supervision.

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The following Risk Matrix has been applied.

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Moderate" risk and will be mitigated by thorough pre-contract negotiations and by the appointment of dedicated and experienced resources for contract management and technical supervision.

Policy Implications

AMP 01 Asset Management Policy
FIN12 Purchasing Policy

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MINUTE: 233/2020

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That with respect to the Award of RFT 16.20 Onslow Airport Airside Civil Works Package, Council:

1. Resolve that Report CONFIDENTIAL ATTACHMENT 7.3 is confidential in accordance with s5.23 (2) of the *Local Government Act 1995* because it deals with matters affecting s5.23 (2) (c);

"A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."
2. Note the attached Evaluation and Recommendation Report CONFIDENTIAL ATTACHMENT 7.3;
3. Approve the budget amendment / increase of \$847,544.91 ex GST; with additional funds to be sourced from the Airport Reserve - GL 125204;
4. Award RFT 16.20 Onslow Airport Airside Civil Works Package, for the tendered fixed lump sum of \$4,149,463.91 ex GST; and

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- 5. Authorise the Chief Executive Officer to negotiate, execute and manage the Contract for RFT 16.20 Onslow Airport Airside Civil Works Package, including variations to the scope of works and contract value, providing this does not exceed the revised project budget or reduce the overall scope.**

CARRIED 7/0

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Declaration of Interest

Prior to consideration of this Agenda Item:

Councillors Foster and Diver declared an impartiality interest

See item 5.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Councillors Foster and Diver remained in the meeting to participate and vote for agenda item 7.4.

7.4 KARIJINI EXPERIENCE 2021 – REQUEST FOR ADDITIONAL SPONSORSHIP

FILE REFERENCE:	ED01.01
AUTHOR'S NAME AND POSITION:	Benjamin Witkowski Manager Tourism & Economic Development
AUTHORISING OFFICER AND POSITION:	Megan Walsh Chief Operating Officer – Airports & Tourism
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	16 December 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire of Ashburton has an annual Sponsorship Agreement with the Nintirri Centre Inc. to assist with the financial costs for the administration of the Karijini Experience. The Shire of Ashburton donated to Nintirri Centre Inc. \$50,000 to help run the event in 2020 as part of their 2019/20 budget, however due to Covid-19, this event was cancelled. Nintirri has placed the \$50,000 into a trust account and rolled over to be used in the 2021 event.

Nintirri Centre Inc. is requesting an additional \$35,000 to promote the Shire of Ashburton to the Principal Sponsor of the Karijini Experience 2021. There is an unspent budget allocation of \$40,000 in the current 2020/21 budget that could be used to allow the Shire to become the Principal Sponsor. This would come with significant benefits to the Shire of Ashburton, including cultural tourism legacies, recognition and acknowledgement of the Shire at the event, and an enhanced tourism and marketing brand.

This report informs Council of the reasons why the Shire of Ashburton should become the Principal Sponsor of the Karijini Experience 2021 event.

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Background

The Karijini Experience is the hallmark event of the Ashburton region, serving as an opportunity to showcase high-quality arts, music, and cultural experiences to unite the community and attract visitation.

The Karijini Experience was established in 2013, originally hosted by the Pilbara Inland Chamber of Commerce and Industry (PICCI), before hosting of the event changed to the Nintirri Centre Inc. in 2015. In 2019, the event attracted 2,045 visitors, featuring 98 artists and 57 separate headline events. Most importantly, Karijini Experience represented 16 Aboriginal language groups.

The Shire of Ashburton has been a platinum sponsor of the event for a number of years. The 2020 event did not run due to the Covid-19 pandemic, however the Shire of Ashburton had already agreed to be a platinum sponsor. There were some issues with the 2019 Karijini Experience event, including a lack of representation of the Shire of Ashburton's sponsorship agreement, as well as a lack of adherence to ministerial visitation protocols.

Comment

In November 2020 Sylvia Winkler from the Nintirri Centre Inc. sent correspondence to the Shire of Ashburton with a request for the Shire to consider an increase in the sponsorship for Karijini Experience 2021. The Shire currently commits \$50,000 annually (Platinum level), the request was for the Shire to increase its commitment to a Principal Sponsorship level which is \$85,000 annually.

The correspondence also addressed and responded to feedback received from the Shire relating to the event in 2019.

The opportunity for the Shire of Ashburton to stand alone as the Principal Sponsor of the Karijini Experience event is a perfect opportunity to showcase the support of the arts and cultural community in the Ashburton locality.

As the principal sponsor of Karijini Experience 2021, the Shire of Ashburton would receive a number of benefits, including:

- Verbal acknowledgment at each of the five hallmark events (Welcome to Country, Experience Film, Bush Tucker High Tea, Gorge Event, the Yurlu Lounge).
- Inclusion of the Shire of Ashburton's name in the title of one of the hallmark events (listed above). This will also be displayed on the Karijini Experience website, social media, and printed/physical collateral.
- A full page displaying the Shire of Ashburton logo and organisational message in the Karijini Experience printed event programs.
- Representatives from our organisation will be taken on an exclusive VIP experience from the 6-10 April. This experience includes four tickets to an exclusive VIP Degustation dinner, general admission entry to each of the five hallmark events (listed above), and accommodation in the VIP Camp (The Red Room).
- The opportunity for a representative from our organisation to give a two (2) minute address at a nominated hallmark event, providing a chance for the representative to promote our organisation in front of VIPs and other sponsors.
- Extensive media coverage and inclusion in marketing and promotional material.

ATTACHMENT 7.4

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These opportunities would not be made available to any other sponsor, and would strongly demonstrate the Shire of Ashburton's importance in supporting the event.

In response to some issues that arose in previous Karjini Experience programs, the new Chief Executive Officer of Nintirri Centre Inc., has ensured the following steps will be taken to negate any future shortcomings:

- A new, exclusive degustation style dinner for Gold and Platinum sponsors, the Principal Sponsor, and all key stakeholders including Ministers, MPs, and the Premier.
- Full consultation with Tourism WA on adhering to the protocols, rules, and guidelines on hosting the Premier, as well as federal, state, and local MPs and Ministers.
- Full consultation and ongoing communication with Shire of Ashburton representatives, ensuring the planning and delivery is to the standard and expectation of the Shire. This will include regular mentoring sessions, meetings, and updates with the Tourism and Economic Development Manager, with information and updates from such activities to be passed on to the CEO, executive leadership team, and Councilors at the Shire of Ashburton.

The CEO of Nintirri Centre Inc. also presented an opportunity to create a cultural tourism legacy through the Karjini Experience event. In the lead up to the event, traditional owners will have the ability to be trained by Clinton Walker and receive an accreditation in Indigenous Tour Guide Training. These skills will then be put into practice at the Karjini Experience 2021, where these traditional owners will be given the chance to lead tours through Karjini National Park to guests and visitors.

This will create an opportunity for the Shire of Ashburton to collaborate with Nintirri Centre Inc. and the traditional owners of the land to establish a new cultural tourism product in the future. It will raise the cultural profile of the Ashburton region, and assist in establishing the Shire of Ashburton as a cultural tourism destination.

The planning of Karjini Experience 2021 is well underway. Despite the added logistical and organisational impacts of Covid-19, ticket sales are currently higher than the same time last year. 84% of the tickets already sold are from areas outside of the Shire of Ashburton. This highlights the importance of the event as a promotional tool for the Shire. It is the hallmark event that brings people from all over Australia, increasing the Shire's tourism brand and market share of visitation to the wider Pilbara region.

Consultation

Chief Executive Officer
Chief Operating Officer – Airport & Tourism
Manager Media & Communications

Statutory Environment

There are no known statutory impediments for this matter.

Complies with all statutory requirements.

Financial Implications

The amount of \$50,000 plus GST was paid to Nintirri on 10 December 2019 for the Karjini Experience 2020. Due to the cancellation of the 2020 events, the \$50,000 was put into a trust account by Nintirri Centre Inc., to be rolled over into the 2021 event.

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For the Shire of Ashburton to become the Principal Sponsor, we would need to give Nintirri Centre Inc. an additional \$35,000. There is a \$40,000 budget allocation in the 2020/21 budget which is currently an unspent allocation.

Strategic Implications

Shire of Ashburton 10 Year Strategic Community Plan 2017-2027 (Desktop Review 2019)

Goal 01 Vibrant and Active Communities
Objective 1 Connected, caring, and engaged communities
Objective 4 A rich cultural life

Goal 02 Economic Prosperity
Objective 3 Well-managed tourism

Goal 3 Unique Heritage and Environment
Objective 2 Leading regional sustainability
Objective 3 Celebration of history and heritage

Goal 05 Inspiring Governance
Objective 1 Effective planning for the future

Shire of Ashburton Economic and Tourism Development Strategy (2019)

Goal 01 Promote the Shire
Objective 1 Targeted Destination marketing for increased tourism
Objective 2 Supporting capacity building

Goal 03 Promote Business Development
Objective 1 Encouraging investment in local business
Objective 2 Facilitating networks for growth and support

Risk Management

Risk has been assessed on the basis of the Officers Recommendation.

The following Risk Matrix has been applied.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Reputation	Moderate (3)	Moderate (9)	Possible (3)	Substantiated, localised impact on community trust or low media item	Reputation is managed by following the officer's recommendation and the support to the Shire's Strategic Corporate Plan.
Compliance	Moderate (3)	High (12)	Likely (4)	Non-compliance results in termination	Compliance issues are mitigated by following the

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				of services or imposed penalties to Shire/Officers	officer's recommendation for an improved digital presence with the development of a new website.
Financial Impact	Minor (2)	Moderate (6)	Possible (3)	\$10,000 - \$100,000	Managed by following the officers recommendation

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be moderate due to the financial value of the project, compliance requirements and the risk to the Shire's reputation. Regular monitoring will be undertaken with specific procedures and controls engaged throughout the delivery of the project and will be consistently reviewed and managed.

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MINUTE: 234/2020

MOVED: Cr L Rumble

SECONDED: Cr M Lynch

That Council, with respect to the Karijini Experience 2021 – Request for Additional Sponsorship:

1. Acknowledges the \$50,000 held in trust by Nintirri Centre Inc, as provided by the Shire in the 2019/2020 budget; and
2. Elevates the Shire of Ashburton's sponsorship level to that of Principal Sponsor, through the provision of an additional \$35,000, which is allocated into the 2020/21 budget to sponsor the Karijini Experience; and

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3. Requests a report from the Chief Executive Officer in relation to the success or otherwise of the event in 2021 before any further funding is considered.

CARRIED 7/0

8. CONFIDENTIAL BUSINESS

Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:

2. If a meeting is being held by a Council or by a committee referred to in subsection (2)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:

- (a) a matter affecting an employee or employees;**
- (b) the personal affairs of any person;**
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;**
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;**
- (e) a matter that if disclosed, would reveal:**
 - (I) a trade secret;**
 - (II) information that has a commercial value to a person; or**
 - (III) information about the business, professional, commercial or financial affairs of a person,**

Where the trade secret or information is held by, or is about, a person other than the local government.

- (f) a matter that if disclosed, could be reasonably expected to:**
 - (I) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;**
 - (II) endanger the security of the local government's property; or**
 - (III) prejudice the maintenance or enforcement of any lawful measure for protecting public safety;**
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and**
- (h) such other matters as may be prescribed.**

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Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council move behind closed doors at 4.15 pm to consider the following Confidential Items.

8.1 CONFIDENTIAL ITEM – APPOINTMENT OF DIRECTOR COMMUNITY SERVICES

Pursuant to sub section 5.23 (2) (c) of the *Local Government Act 1995* which provides:

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

CARRIED 7/0

Staff members left the meeting at 4.15 pm and did not return.

8.1 CONFIDENTIAL ITEM – APPOINTMENT OF DIRECTOR COMMUNITY SERVICES

FILE REFERENCE:

GV05

AUTHOR'S NAME AND POSITION:

Adele Heraty
Manager Human Resources

AUTHORISING OFFICER AND POSITION:

Kenn Donohoe
Chief Executive Officer

**NAME OF APPLICANT/
RESPONDENT:**

Not Applicable

DATE REPORT WRITTEN:

16 December 2020

DISCLOSURE OF FINANCIAL INTEREST:

The author and the authorising officer have no financial, proximity or impartiality interests in the proposal

PREVIOUS MEETING REFERENCE:

Not Applicable

REASON FOR CONFIDENTIALITY

The Chief Executive Officer's Report is confidential in accordance with s5.23 (2) the *Local Government Act 1995* because it deals with matters affecting s5.23 (2):

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

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Officers Recommendation and Council Decision

MINUTE: 235/2020

MOVED: Cr D Diver

SECONDED: Cr L Rumble

That with respect to Confidential Item – Appointment of Director Community Services, Council:

1. Pursuant to section 5.37(1) of the *Local Government Act 1995* and Council Policy - EMP11 – Senior Employees Policy, designates the position of Director Community Services as a Senior Employee;
2. Note the report in relation to selection activities undertaken in regard to the position of Director Community Services; and
3. Pursuant to s5.37(2) of the *Local Government Act 1995*, accept the Chief Executive Officer's recommendation to appoint the preferred candidate (as outlined in the report) for the position of Director Community Services for a contract term of five (5) years.

CARRIED 7/0

Council Decision

MOVED: Cr D Diver

SECONDED: Cr L Rumble

Council re-open the meeting at 4.18 pm.

There were no members of the public involved in this meeting.

Roll Call – Cr Diver, Cr Rumble, Cr Lynch, Cr de Pledge, Cr White and Cr Richardson present.

CARRIED 7/0

9. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 4.19 pm.

10. NEXT MEETING

The next Ordinary Meeting of Council will be held on 16 February 2021, at the Ashburton Hall, Ashburton Avenue, Paraboradoo commencing at 1.00 pm.