



VISION OF COUNCIL

"A thriving and friendly community that recognises our history and embraces cultural diversity and economic opportunity, whilst nurturing our natural and built environment."

AGENDA

BUSINESS OF AN URGENT NATURE

FOR THE

ORDINARY MEETING OF COUNCIL

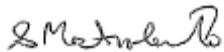
26 MARCH 2020

NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Broome will be held on Thursday, 26 March 2020 in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5:00 PM.

Regards,



S MASTROLEMBO
Chief Executive Officer

19/03/2020

OUR MISSION

"To deliver affordable and quality Local Government services."

CORE VALUES OF THE SHIRE

The core values that underpin the achievement of the mission will be based on a strong customer service focus and a positive attitude:

**Communication
Respect
Transparency**

**Integrity
Innovation
Courtesy**

DISCLAIMER

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions in section 5.25 of the *Local Government Act 1995* establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Broome expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

Should you require this document in an alternative format please contact us.

SHIRE OF BROOME
ORDINARY MEETING OF COUNCIL
THURSDAY 26 MARCH 2020
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8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

The Chief Executive Officer advises that there are matters for discussion on the agenda for which the meeting may be closed, in accordance with section 5.23(2) of the *Local Government Act 1995*.

RECOMMENDATION:

That the following Agenda items be considered under 14. Matters Behind Closed Doors, in accordance with section 5.23(2) of the *Local Government Act 1995*, as specified:

12.1 RFQ 20-05 GUS WINKEL AND OLD BROOME ROAD INTERSECTION UPGRADE

Item 12.1 and any attachments are confidential in accordance with section 5.23(2) of the Local Government Act 1995 section 5.23(2)(c) as it contains “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”.

12.3 SELF - SUPPORTING LOAN APPLICATION : BROOME GOLF CLUB

Item 12.3 and any attachments are confidential in accordance with section 5.23(2) of the Local Government Act 1995 section 5.23(2)(c) as it contains “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”.

12. BUSINESS OF AN URGENT NATURE**12.1 RFQ 20-05 GUS WINKEL AND OLD BROOME ROAD INTERSECTION UPGRADE**

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	RFQ20-05
AUTHOR:	Project Engineer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Infrastructure
DISCLOSURE OF INTEREST:	Nil

SUMMARY: The Shire of Broome has undertaken a Request for Quote to appoint a suitable Contractor to undertake the proposed upgrade of the Gus Winkel and Old Broome Road Intersection.

This report provides an overview of the procurement process and seeks Council's adoption of the recommendation provided in the attached confidential evaluation report.

12.2 COVID-19 GOVERNANCE REVIEW AND BUDGET AMENDMENT

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	ENH07
AUTHOR:	Manager Governance, Strategy and Risk
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY: To provide Council with a preliminary review of Governance and operational arrangements initiated in response to the COVID-19 event.

BACKGROUND

Unprecedented event.

COMMENT

A review of existing governance arrangements has been completed as part of the Shire's COVID-19 response. Minimal governance changes are required at this point as will be outlined below.

Working from home, social distancing including separating work teams, limiting face to face meetings etc are all being implemented and planned for as the situation evolves.

Special Council Workshop – Thursday 19 March 2020

A Special Council Workshop was held on 19 March 2020, commencing at 4.30pm. This provided Councillors with an update on the COVID-19 response and pre-empted the need to close facilities such as the Library, Broome Recreation and Aquatic Centre (BRAC) and the Civic Centre.

Councillors also provided direction to the CEO to lobby the Kimberley Zone member Shires to form a united position on calling on the State and Federal Governments to enforce stricter travel bans in and out of the Kimberley.

Councillors Foy, Mitchell, Male and Rudeforth were in attendance with Councillors Tracey and West participating by phone.

Service Review and Restructure

The Library, Civic Centre and Broome Recreation and Aquatic Centre (BRAC) were closed on Friday 20 March. Events have also been cancelled for the foreseeable future.

Staff are reviewing delivery methods to facilitate the carriage of services in the coming weeks and months. Streaming, online events, delivery services and other options are all being investigated and implemented to soften the impact of facility closures across the community.

Kimberley Regional Group Extraordinary Meetings

The Kimberley Regional Group held two extraordinary meetings on Friday 20 March and Saturday 21 March.

At the conclusion of the Saturday 21 March meeting, the Kimberley Regional Group had adopted a Position Statement on COVID-19 which has subsequently been forwarded to the Police Commissioner, Prime Minister, Premier and several Ministers and Departments.

A copy of these minutes are attached at **Attachments 1 and 2**.

Extended Easter Closure: Tuesday 14 – Friday 17 March 2020

The Easter period provides an opportunity to reduce the movement of Shire staff and the potential spread of COVID-19.

It is recommended that the Shire constrict operations to non-essential services for the 4 working days post Easter Monday. In effect this will provide a ten (10) day period with skeleton services. Staff would be required to utilise annual or accrued leave for the 4 day closure period.

Given the circumstances there is an opportunity to extend the timeframe for the proposed closure to include the following week, April 20 to April 24 inclusive. This would cover the entire Easter and school holiday periods and would align with closures across other organisations in Broome. This would align with recommendations on the isolation of people working in roles considered non-essential.

Management will develop a contingency plan to ensure essential services are still adequately delivered to the community and suitable notice to the public regarding closures will be provided to minimise any inconvenience. Skeleton staff would be required for the following activities and services:

- Executive and Governance;
- Rangers;
- Environmental Health;
- Manning of phones and records (document) processing;
- Accounts payable and receivable;
- Payroll;

It is anticipated that staffing in the Engineering, Parks and Works areas would not be constricted to a large extent due to the requirement to continue with major and minor Infrastructure projects and operational activities.

The Waste Management Facility would remain open.

Refunds

Where the Shire has received pre-payment for an event or service that has been cancelled, refunds will be processed administratively to comply with the Shire's common law obligations.

BRAC are offering several options for customers including refunds, credits and "holding periods" for memberships and programs. This provides flexibility and will also reduce the administrative impact for the organisation.

Council delegation is not required.

Rates

The Shire has received several questions around, and requests for, rates relief since the COVID-19 pandemic began. Business has already been impacted locally and it is reasonable to assume that further impacts will result, including widespread job losses. This will significantly impact our ratepayers ability to meet their obligations in relation to outstanding rates charges.

The final 2019-20 rates installment due date fell on 12 March 2020. In normal circumstances following the final instalment payment the Rates team would then action the debt collection process for any remaining outstanding rates. This would include the issuance of Letters of Demand and the application of 11% penalty interest on outstanding amounts applied daily.

Given the current situation and potential serious impact of COVID-19 officers recommend that penalty interest be waived for outstanding 2019-20 rates and that the debt collection process be paused until Council can assess the full impact of the pandemic.

Tender Delegation

Delegation (LGA37) allows the CEO to award tenders up to \$250,000 administratively. With the current directive to limit Council meetings, consideration could be given to increasing this limit temporarily.

This is not being recommended at this stage however is an option as COVID-19 response evolves.

Council should note that the only major tender remaining for 2019/20 is the McDaniel Road tender which is a multi-million-dollar project and will be tabled with Council.

LGA39 – Write off Debts Up to \$1,000 – (Attachment 3)

Recommended that the name of this delegation be changed to – Defer, Grant Discounts, Waive or Write Off Debts. This clarifies the CEO's ability under s6.12(1)(b) to grant a concession under this delegation as well as write off debts less than \$1,000.

The wording of this delegation was planned to be changed at the next review when adopting the new WALGA template.

This has been brought forward as concession/fee waiver applications are expected to rise in the short to medium term. For example, a request has been received to allow free public access to the BRAC tennis courts.

BRAC tennis courts open to the public for free use

The State Sporting Association for Tennis in Western Australia (Tennis West) have released information advising that in response to COVID – 19, they have cancelled all sanctioned events, programming and their Tennis West managed competition but are leaving it at the discretion of each club as to whether they still allow players to utilise the courts.

Tennis, in its essence is a sport that allows people to keep their distance at either end of the court. As a recreational activity that people could take part in while structured sports are inactive, Council is asked to consider allowing the tennis courts at BRAC to be open at all times and available for public use.

Signage would be installed to advise of the need to maintain social distancing, and usage would be monitored in case there end up being more participants than are safely able to utilise the courts at one time. If that occurs, then the courts would be locked and made unavailable for use.

The current Government advice is that outdoor activities such as running, cycling, walking, tennis etc are acceptable providing social distancing protocols are maintained.

Sub Delegations and Authorisations

These have been reviewed and deemed to be adequate at present. Separating key personnel to alternative work locations has commenced which will aid the Shire's ability to continue operations should the workforce be impacted.

There is the potential for Environmental Health Officers (EHO's) to be seconded by the Health Department. Administrative resources may need to be diverted to this area to maintain the Shire's legislated activities under the guidance of the Shire's authorised EHO's.

Budget Amendment

The COVID-19 threat has already had a significant impact on the finances of the organisation, and these will be worked through at the 3rd Quarter Finance and Costing Review being conducted in early April.

There have already been financial impacts associated with the outbreak including the cancelling of various events, the increase of cleaning services at Shire facilities and reserves and the procurement of various equipment to facilitate the increased demand for online meetings, services and to enable working from home where required.

To ensure that the organisation can react swiftly to the changing nature of this situation it is recommended that a specific COVID-19 expense budget be approved.

In the absence of an approved budget, expenditure cannot be incurred for an additional purpose without the prior approval of the Shire President and then reporting this to the next ordinary Council meeting.

The financial impacts on the Shire and the extraordinary expenditure that may be required cannot be quantified at this stage.

An initial budget of \$100,000 is recommended, with cost savings to be identified as part of the Q3 FACR to limit the impact on the end of year surplus/deficit position.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Section 6.8 (1)(b) requires a budget amendment to be by Absolute Majority.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

COVID-19 financial implications are unknown at this point.

Refunds for prepayments of services is estimated to be in the region of \$40,000 while costs associated with increased sanitation services to Shire facilities and reserves is estimated in the region of \$30,000.

There will be some offset to extraordinary expenditure and refunds through the reduction of services and non essential spending. The Q3 FACR will provide the first opportunity to review this at a whole Shire level.

RISK

Business Continuity planning is occurring across the Shire. Risk assessments are being conducted across a range of services by following the Shire's Risk Acceptance Criteria (Attachment 2)

STRATEGIC IMPLICATIONS

Our People Goal – Foster a community environment that is accessible, affordable, inclusive, healthy and safe:

Effective communication

A healthy and safe environment

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION:

That Council:

1. *Notes the COVID-19 Governance Review; and*
2. *Approves a budget variation as detailed below:*

Description		Budget Figure	Amended Figure	Variation
COVID 19 Expenses	A/c 14296	0	100,000	100,000
Net Impact on Surplus/Deficit				100,000

3. *Waive penalty interest for remaining outstanding 2019-20 rates;*
4. *Pause rates debt collection activities until the full impact of the pandemic is*

considered by Council.

5. *Notes that the Quarter 3 Finance and Costing Review will identify potential savings across the Shire to minimise the impact on the end of year surplus/deficit position.*
6. *Supports the constriction of services and operations over the period commencing Tuesday April 14 2020 through to Friday April 17 inclusive acknowledging that employees will utilise annual or accrued leave for the period.*
7. *Approves changes to LGA39 Write Off of Debts Up to \$1,000 including name change to LGA39 Defer, Grant Discounts, Waive or Write Off Debts.*
8. *Supports the opening of the BRAC tennis courts to the public free of charge until 30 June 2020 at which time decision will be reviewed.*
9. *Receives the minutes of the Kimberley Regional Group Extraordinary meetings held on 20 March 2020 and 21 March 2020.*
10. *Endorses the Position Statement adopted by the Kimberley Regional Group.*

(ABSOLUTE MAJORITY REQUIRED)

Attachments

1. Attachment 1 - Unconfirmed Minutes KRG Extraordinary Meeting held 20 March 2020
2. Attachment 2 - Unconfirmed Minutes KRG Extraordinary Meeting held 21 March 2020
3. Attachment 3 - LGA39 Defer Grant Discounts Waive or Write Off Debts
4. Attachment 4 - Risk Acceptance Criteria

UNCONFIRMED MINUTES
EXTRAORDINARY MEETING OF THE KIMBERLEY REGIONAL GROUP
FRIDAY 20 MARCH AT 4PM BY VIDEO CONFERENCE.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS
--

The Chairman welcomed Members and Officers and declared the meeting open at 4:02PM.

2. RECORD OF ATTENDANCE

ATTENDANCE:

Harold Tracey	Shire of Broome
Sam Mastrolemba	Shire of Broome
Chris Mitchell	Shire of Broome
David Menzel	Shire of Wyndham East Kimberley
Vernon Lawrence	Shire of Wyndham East Kimberley
Geoff Haerewa	Shire of Derby West Kimberley
Wayne Neate	Shire of Derby West Kimberley
James Watt	Shire of Broome
Nathan Cain	Shire of Broome
Debra Goostrey	Zone Executive – ATEA

APOLOGIES:

Amanda O'Halloran	Shire of Derby West Kimberley
Noel Mason	Shire of Halls Creek
Malcolm Edwards	Shire of Halls Creek
Chris Loessl	Shire of Halls Creek
Andrea Selvey	Shire of Cocos (Keeling) Islands

3. DECLARATION OF INTEREST

Nil

4. REPORTS FROM THE KIMBERLEY REGIONAL GROUP

4.1 COVID-19 KIMBERLEY POSITION PAPER

LOCATION/ADDRESS: Nil

APPLICANT: Nil

FILE: KRG01

AUTHOR: Zone Executive

CONTRIBUTOR/S: Nil

RESPONSIBLE OFFICER: Director Corporate Services

DISCLOSURE OF INTEREST: Nil

SUMMARY: COVID-19 has been declared a global pandemic and a State of Emergency was declared in Western Australia on Sunday 15 March. The Kimberley is uniquely placed as COVID-19 free as of the 20th March and it was agreed that consideration should be given to future measures or directives of the State or Federal Governments.

BACKGROUND

Previous considerations

Nil

COMMENT

COVID-19 has been declared a global pandemic and a State of Emergency was declared in Western Australia on Sunday 15 March.

In response the Commissioner for Police, under his powers under the Act has effectively closed Aboriginal communities due to the extremely high vulnerability of that group.

Noting that Aboriginal people move throughout the Kimberley for work, cultural and family business and may not have access to services and goods, the merit of extending the area of exclusion to the whole of the Kimberley is to be considered by the Kimberley Regional Group.

The merits and risks associated with effectively closing the borders to the Kimberley are discussed below.

MERITS

1. The Kimberley region is COVID-19 free which means that the medical system is able to manage the many health issues endemic in the region.
2. The Kimberley receives around half a million visitors each year – however the tourism season has not yet commenced in earnest. The Kimberley pastoral sector has not yet started mustering or other high intensity activities. This means that action over the balance of March/April will not have as much impact as later in the season and may allow for systems, exemptions and other arrangements to be put into place.
3. Closing the Kimberley to non-essential travel allows time to work through the issues and potentially identify areas that may be opened to tourism moving forward, contingent upon broader consideration of the spread of COVID-19.

RISKS

1. Tourism is a significant economic factor in the Kimberley and supports approximately 1833 jobs in the region (12.2% of total employment) and there is both the annual loss and the long term loss that should be considered.
2. The Kimberley is not self-reliant and will continue to require supplies.

Draft Position Statement developed by Stakeholders in conjunction with the KRG.

- a) Introduce maximum level of travel restrictions across and around the region that is consistent with some level of function in our communities (this could take the form of the Kimberley being declared a special control zone).
- b) Government to immediately ensure that our health network is provided with a small minimum number of COVID test kits (100?) and measures put in place to maintain that status.
- c) Allow for a regional decision-making component to the response.

Detail from Draft Position Statement

- a) Introduce maximum level of travel restrictions across and around the region that is consistent with some level of function in our communities (this could take the form of the Kimberley being declared a special control zone).

Welcome early measures to supporting and institute the maximum level of travel restrictions across and around the region that is consistent with some level of function in our communities. You should be assured that this leadership group is ready to support implementation of these measures from government.

- b) Government to immediately ensure that our health network is provided with a small minimum number of COVID test kits (100?) and measures put in place to maintain that status.

There are nil (or a very low number) of test kits available in the region along with other basic supplies. When combined with the regions remoteness there is effectively no "in-region" capacity to test any individual regardless of the status of that individual. Nil is a very different number to " our fair share" from the point of view of having any capacity in the system and community confidence. We encourage the government to immediately ensure that our health network is provided with a small minimum number of COVID test kits (100?) and put in place measures to maintain that status. Like all communities we would of course welcome more. You may be aware that our schools and remote communities do not have soap. It is of course ineffective to ask citizens to enact simple effective prophylactic measures when they do not have the basic materials. Fixing that simple problem could have a material affect on the progress of COVID 19 amongst our young people and aboriginal people.

c) Allow for a regional decision-making component to the response.

*Allow for a regional component to the response. We know our communities, our networks and our capacity. We wish to ensure that everything we do we supports the efforts of the state and commonwealth but also to ensure that well-meaning centralised direction is correct and fit for purpose for our communities and **most of all** is timely. We are ready to support swift decisions and actions.*

In addition to the draft position statement, the Zone/KRG considered a range of matters including:

- a) That funding is urgently provided to support Aboriginal communities to develop a Pandemic Plan (PP) consistent with the Police Commissioner's Directive.
- b) There is clear understanding about who is responsible for PPs.
- c) That funding is provided to enable the Kimberley to assess strategies to manage restrictions without compromising local health outcomes (potential strategic easing of restrictions).
- d) Government develop a targeted support package to support the economic outcomes in the Kimberley.
- e) Targeted consideration of alcohol restrictions in relation to access to remote communities.
- f) The movement of locals in and out of the region (as opposed to visitors).

The meeting agreed that the most urgent matters should be the subject of the current KRG Position Paper with other matters explored as the situation unfolds.

KIMBERLEY ZONE RESOLUTION:

Moved: Cr G Haerewa

Seconded: Cr Chris Mitchell

That the Kimberley Zone:

1. Documents a Position Paper highlighting regional access and regional decision making for approval out of session.
2. The position of the Zone/KRG is communicated to the Police, State and Federal Government agencies, political representatives and other key stakeholders.

Carried unanimously 4/0

ATTACHMENTS - Nil

UNCONFIRMED MINUTES

**EXTRAORDINARY MEETING OF THE KIMBERLEY REGIONAL GROUP
SATURDAY 21 MARCH AT 12:30PM BY TELECONFERENCE CONFERENCE.**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS
--

The Chairman welcomed Members and Officers and declared the meeting open at 12:30PM.

2. RECORD OF ATTENDANCE

ATTENDANCE:

Harold Tracey	Shire of Broome
Chris Mitchell	Shire of Broome
Geoff Haerewa	Shire of Derby West Kimberley
David Menzel	Shire of Wyndham East Kimberley
Debra Goostrey	Zone Executive - ATEA

APOLOGIES:

Malcolm Edwards	Shire of Halls Creek
Chris Loessl	Shire of Halls Creek

3. DECLARATION OF INTEREST

Nil

4. REPORTS FROM THE KIMBERLEY REGIONAL GROUP
--

4.1 COVID-19 KIMBERLEY POSITION PAPER

LOCATION/ADDRESS: Nil

APPLICANT: Nil

FILE: KRG01

AUTHOR: Zone Executive

CONTRIBUTOR/S: Nil

RESPONSIBLE OFFICER: Director Corporate Services

DISCLOSURE OF INTEREST: Nil

SUMMARY: COVID-19 has been declared a global pandemic and the KRG has agreed to prepare a Position Statement for the Kimberley region.

BACKGROUND

Previous considerations

Extraordinary KRG Meeting 20 March Item 4.1

COMMENT

A KRG position paper on the COVID-19 pandemic was discussed at the Extraordinary Meeting of the KRG held on the 20th March 2020 with agreement to finalise the wording and endorse the paper out of session. Due to the rapidly changing situation, a second extraordinary meeting was called to discuss and finalise the position to be communicated to decision makers, noting the National Cabinet meeting Sunday 22 March and the State Disaster Committee Meeting to be held on Monday 23 March.

KIMBERLEY ZONE RESOLUTION:

Moved: Cr D Menzel

Seconded: Cr Geoff Haerewa

That the Kimberley Zone:

- 1. Adopts the modified version of the Position Statement.**

Carried unanimously 3/0

ATTACHMENTS – Final COVID-19 Position Statement March 2020

POSITION STATEMENT COVID-19 21 March 2020

CONTEXT

1. COVID-19 has been declared a global pandemic and a State of Emergency was declared in Western Australia on Sunday 15 March.
2. In response, the State Government has effectively closed Aboriginal communities due to the extremely high vulnerability of that cohort.
3. As of today, the Kimberley region is COVID-19 free, even though the incubation period for the disease and the lack of testing means we might have to assume that there could be some asymptomatic people here already, however if we could keep cases to a minimum it could mean that the medical system is able to manage the many health issues endemic in the region with a minor caseload increase for CV19. This will not be the case if the community spread that is now starting to occur in the cities.
4. The Kimberley receives around half a million visitors each year – however the tourism season has not yet commenced and predictions are that it is unlikely to occur this year. The Kimberley pastoral sector has not yet started mustering or undertaking other high intensity activities. This means that action over the balance of March/April will not have as much impact as later in the season and may allow for systems, exemptions and other arrangements to be put into place. It is noted that if the pandemic spreads this may be unlikely.
5. The Kimberley is not self-reliant for goods and will continue to require supplies including food, construction materials, equipment for the pastoral and mining sector amongst other materials. These can be distributed under emergency arrangements that from time-to-time are rolled out in the region at times of isolation and natural disaster.

At their extraordinary meeting held on the 20 March 2020 a Joint meeting of the Kimberley Zone and Kimberley Regional Group considered the merits and risks associated with reducing the movement of people into the Kimberley and determined the following position. It was agreed that:

1. Consideration should be given to the introduction of the maximum level of travel restrictions across and around the region that is consistent with some level of function in our communities. Obviously those exemptions and other exemptions would be determined on public health grounds and a case by case basis

This is taken to mean:

- Movement associated with the function of our communities including the delivery of goods and services that would normally be available including for commercial activities and, where this may be possible in the coming weeks and months, industrial purposes.
- The movement of staff in and out of the Kimberley where protocols have been put in place to ensure safe practices are enforced and contact trails can be maintained in the case of a confirmed case of COVID-19.

The movement of tourists should be highly restricted. Self-drive holidays where contact trails cannot be maintained are not supported.

2. Regional decision making should be included in the process to enable swift and relevant decisions to be made.

PO Box 653 Broome 6725 Ph: (08) 9192 8355



LGA39 Defer, Grant Discounts, Waive or Write Off Debts

Head of Power *Local Government Act 1995 (Section 5.42 & 5.44)*

Power/Duty Delegated

Part	6. Financial Management
Division	4 General financial provisions
Section	6.12 Power To Defer, Grant Discounts, Waive Or Write Off Debts
Sub section	
Local Law	
Relevant Policies	2.2.5 Debt Recovery Business Operating Procedure 2.1.1 - Sundry Debt Recovery and Write Off

Detail of delegation

The Chief Executive Officer is delegated authority to:

1. Waive a debt which is owed to the Shire of Broome {s6.12(1)(b)}
2. Grant a concession in relation to money which is owed to the Shire of Broome [s6.12(1)(b)]
3. Write off an amount of money which is owed to the Shire of Broome [s6.12(1)(c)]

Conditions Imposed

1. The Chief Executive Officer is required to observe any relevant policy.
2. The debt write-off is only to be actioned, where in the opinion of the Chief Executive Officer all of the following conditions are satisfied:
 - a. the value of the debt inclusive of penalty interest, up to \$1,000 is unrecoverable;
 - b. it would be uneconomical to pursue formal debt recovery procedures; and
 - c. the debtor has maintained a low credit risk history.
3. Monies owing and outstanding after 240 days, that are considered doubtful and where it is uneconomical to pursue further debt recovery, may be written off after authorisation by either the Director Corporate Services or the Manager Financial Services.
4. All amounts stated are exclusive of GST

Sub-delegation Permitted Yes

Sub-delegated to Director Corporate Services
Manager Financial Services

Record requirements Documentation to be recorded to file ARA06 (Rates – Debt Recovery and Legal Action) or ADM06 (Debtors) as applicable.

Appendix A –Risk Assessment and Acceptance Criteria

Shire of Broome Measures of Consequence							
Rating	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant 1	Near miss / minor injuries	Less than \$10,000	No material service interruption	Minor regulatory or statutory impact	Unsubstantiated, localised low impact on community / stakeholder trust, low profile or no media item	Inconsequential damage	Contained, reversible impact managed by on site response
Minor 2	First aid injuries/ Lost time injury <30 Days	\$10,001 - \$250,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, localised impact on community / stakeholder trust or low media item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate 3	Medical type injuries/ Lost time injury >30 Days	\$250,001 - \$2,000,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact on community/stakeholder trust or moderate media profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major 4	Long-term disability / multiple injuries	\$2,000,001 - \$4,000,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, widespread high impact on community / stakeholder trust, high media profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Extreme 5	Fatality, permanent disability	More than \$4,000,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, widespread loss of community/stakeholder trust, high widespread multiple media profile, third party actions	Extensive damage requiring prolonged period of restitution	Uncontained, irreversible impact

Measures of Likelihood			
Rating	Definition	Frequency	Chance of Occurance
Almost Certain (5)	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely (4)	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible (3)	The event should occur at some time	At least once in 5 years	40% - 60% chance of occurring
Unlikely (2)	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare (1)	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		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)

Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
LOW	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Director
EXTREME	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO/Council

Shire of Broome Existing Controls Ratings		
Rating	Foreseeable	Description
Effective	There is little scope for improvement.	Processes (Controls) operating as intended and / or aligned to Policies & Procedures; are subject to ongoing maintenance and monitoring and are being continuously reviewed and tested.
Adequate	There is some scope for improvement.	Whilst some inadequacies have been identified; Processes (Controls) are in place, are being addressed / complied with and are subject to periodic review and testing.
Inadequate	A need for corrective and / or improvement actions exist.	Processes (Controls) not operating as intended, do not exist, or are not being addressed / complied with, or have not been reviewed or tested for some time.

This item and any attachments are confidential in accordance with section 5.23(2) of the Local Government Act 1995 section 5.23(2)(c) as it contains “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”.

12.3 SELF - SUPPORTING LOAN APPLICATION : BROOME GOLF CLUB

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	FIN003
AUTHOR:	Director Infrastructure
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Infrastructure
DISCLOSURE OF INTEREST:	Nil

SUMMARY: The Broome Golf Club (BGC) recently received a \$5.1M Building Better Regions Fund (BBRF) grant to upgrade the facilities at the Broome Golf Club. At the Ordinary Meeting of Council held 13 September 2018 Council approved a \$1.25M self-supporting loan (SSL) to the BGC and requested the Chief Executive Officer (CEO) work with the BGC to review cashflow projections.

On 19 February 2020 following engagement with BBRF and the Shire of Broome the BGC requested a \$510,000 self-supporting loan to cash flow the final 10% retention held by BBRF between Project End and Project Completion.

This report summarises the work undertaken on Project cashflows and the result of an assessment made on the BGC's eligibility and ability to repay and secure the proposed loan as per the requirements of Council Policy 2.2.8 Self-Supporting Loans.

The report makes a recommendation based on the current economic climate and project risks.

14. MATTERS BEHIND CLOSED DOORS
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