

Unconfirmed copy of Ordinary Minutes
from Special Council Meeting held on
25 January 2024 subject to
confirmation at Ordinary Council
Meeting to be held on 23 February 2024



EAST PILBARA SHIRE COUNCIL

MINUTES

SPECIAL COUNCIL MEETING

NOTICE IS HEREBY GIVEN that a
SPECIAL MEETING OF THE COUNCIL
will be held in
Council Chambers, Newman
5.00pm THURSDAY 25 JANUARY 2024

A handwritten signature in black ink, appearing to read 'S. Harding', is written over a horizontal line.

**STEVEN HARDING
CHIEF EXECUTIVE OFFICER**

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of East Pilbara for any act, omission or statement or intimation occurring during Council or Committee Meetings. The Shire of East Pilbara disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

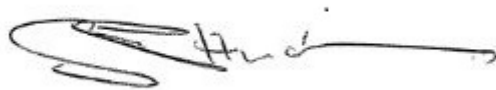
Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee Meeting does so at that person's or legal entity's own risk.

In particular and without derogating any planning application or application of a licence, any statement or intimation of approval made by any member or Officer of the Shire of East Pilbara during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of East Pilbara.

The Shire of East Pilbara warns that anyone who has any application lodged with the Shire of East Pilbara must obtain and should only rely on

WRITTEN CONFIRMATION

of the outcome of the application and any conditions attaching to the decision made by the Shire of East Pilbara in respect of the application. Please be advised this Agenda may include the names of people who are deceased.



Steven Harding
Chief Executive Officer

18 January 2024

Mr Steven Harding
Chief Executive Officer
Shire of East Pilbara
PMB 22
NEWMAN WA 6753

Dear Mr Harding

NOTICE PURSUANT TO SECTION 5.4(a)(i) – SPECIAL COUNCIL MEETING

Pursuant to section 5.4(a)(i) of the *Local Government Act 1995*, I give notice of a Special Meeting of the Council to be convened on **Thursday, 25 January 2024 commencing at 5.00pm.**

The purpose of the Special Meeting is to consider the following matters:

- Grants Budget Amendments
- Capital Project: Asphalt of Newman Streets – Approval to Raise Purchase Order
- Designated Area Migration Agreement (DAMA)
- Nullagine Rage Cage – Award of Contract by Negotiation
- Award of Tender – WEQ 03-2022/23 – ERP Software Replacement
- Tender - RFT 09-2023/24 – Provision of adapted Sea Container or Steel Shed Constructed Plant Room facility at Nullagine Aquatic Centre

and any other items that are considered by you to be necessary for inclusion on the Agenda.

Yours sincerely



–
Anthony Middleton
President
Shire of East Pilbara

Disclosure of Financial, Proximity and Impartiality Interests

Sections 5.65, 5.70 and 5.71 of the Local Government Act 1995

| <i>This form must be used by councillors, committee members and officers to disclose an interest in a matter in accordance with ss5.65, 5.71 and 5.71 of the Local Government Act 1995</i> | |
|--|--|
| Name | |
| Position | |
| Date of Meeting | |
| Type of Meeting | Council / Committee / Corporation Information / Workshop |
| Interest Disclosed | |
| Item Number and Title | |
| Nature of Interest | |
| Type of Interest | Financial / Proximity / Impartiality |
| How I will manage the conflict of interest | <input type="checkbox"/> Leave the room and take no part in the discussion <input type="checkbox"/> Make Impartiality Interest statement that I will consider the item on its merits and vote accordingly |
| Interest Disclosed | |
| Item Number and Title | |
| Nature of Interest | |
| Type of Interest | Financial / Proximity / Impartiality |
| How I will manage the conflict of interest | <input type="checkbox"/> Leave the room and take no part in the discussion <input type="checkbox"/> Make Impartiality Interest statement that I will consider the item on its merits and vote accordingly |

Signed: _____ Date: ____ / ____ / ____

When disclosing an **Impartiality Interest**, you must make the following declaration prior to consideration and discussion of the item:

"In relation to Agenda Item ____ (read item number and title), I disclose that I have an impartiality interest because _____ (state the nature of the interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

TABLE OF CONTENTS

| ITEM | SUBJECT | PAGE NO |
|------|---|---------|
| 1 | DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS..... | 5 |
| 2 | ATTENDANCE BY INSTANTANEOUS COMMUNICATIONS..... | 5 |
| 3 | RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE..... | 5 |
| 3.1 | ATTENDANCE..... | 5 |
| 3.2 | APOLOGIES..... | 6 |
| 3.3 | LEAVE OF ABSENCE..... | 6 |
| 4 | DISCLOSURES OF INTEREST..... | 6 |
| 5 | DECLARATIONS BY COUNCIL MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER BEFORE THE MEETING..... | 7 |
| 6 | PUBLIC QUESTION TIME..... | 7 |
| 7 | OFFICER'S REPORTS..... | 8 |
| 7.1 | GRANTS BUDGET AMENDMENTS..... | 8 |
| 7.2 | CAPITAL PROJECT: ASPHALT OF NEWMAN STREETS – APPROVAL TO RAISE PURCHASE ORDER..... | 13 |
| 7.3 | DESIGNATED AREA MIGRATION AGREEMENT (DAMA)..... | 16 |
| 8 | CONFIDENTIAL MATTERS BEHIND CLOSED DOORS..... | 21 |
| 8.1 | NULLAGINE RAGE CAGE - AWARD OF CONTRACT BY NEGOTIATION..... | 22 |
| 8.2 | AWARD OF TENDER – WEQ 03-2022/23 – ERP SOFTWARE REPLACEMENT..... ERROR! BOOKMARK NOT DEFINED. | |
| 8.3 | TENDER - RFT 09-2023/24 – PROVISION OF ADAPTED SEA CONTAINER OR STEEL SHED CONSTRUCTED PLANT ROOM FACILITY AT NULLAGINE AQUATIC CENTRE..... ERROR! BOOKMARK NOT DEFINED. | |
| 9 | CLOSURE..... | 26 |

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President declared the Shire of East Pilbara Special Council Meeting of 25 January open at 5.00pm at the Newman Council Chambers.

The President acknowledged the Traditional Owners of the land on which the Council met, the Nyiyaparli People, and their continuing connection to the land, waters and community. Council also acknowledged the Martu People as the Custodians of Jigalong which sits in Nyiyaparli Country. The Council paid its respects to all their Elders, past, present and emerging.

All present were requested to turn off and refrain from using their mobile phones for the duration of the meeting. Tablets and Laptops were permitted for the purpose of accessing agenda items.

All present were also advised that the meeting was being live streamed and audio recorded which can be accessed by members of the public and the media, as such Council Members were reminded to refrain from making any defamatory statements.

2 ATTENDANCE BY INSTANTANEOUS COMMUNICATIONS

A request to attend the meeting via a virtual platform (MS Teams) had been received from:

- Cr Wendy McWhirter Brooks
- Cr Lee Anderson

These requests was approved by the Shire President in accordance with regulation 14C of the *Local Government (Administration) Regulations 1996*.

3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

3.1 ATTENDANCE

Council Members

Anthony Middleton
Cr Wendy McWhirter-Brooks
Cr Lee Anderson
Cr David Evrett
Cr David Kular

Shire President
Deputy Shire President (Attended remotely (MS TEAMS))
Council Member (Attended remotely (MS TEAMS))
Council Member
Council Member

Officers

| | |
|-----------------|--|
| Steven Harding | Chief Executive Officer |
| Paul Miller | Acting Director Community Experience |
| Cherie Delmage | Acting Director Corporate Services |
| Etienne Vorster | Acting Director Infrastructure Services |
| Malcolm Somers | Acting Director Aviation and Regulatory Services (Attended remotely (MS TEAMS)) |
| Joshua Brown | Manager Governance, Risk and Procurement |

3.2 APOLOGIES

| | |
|------------------|----------------|
| Cr Karen Lockyer | Council Member |
|------------------|----------------|

Absent

| | |
|-------------------|----------------|
| Cr Peta Baer | Council Member |
| Cr Annabell Landy | Council Member |

3.3 LEAVE OF ABSENCE

COUNCIL DECISION

Moved: Cr Everett
Seconded: Cr Kular

That Leave of Absence for Cr Lou Lockyer be granted for the 25 January 2024 Special Council Meeting.

**CARRIED UNANIMOUSLY
RECORD OF VOTE 5/0**

For: Shire President, Deputy Shire President, Crs Anderson, Everett, Kular
Against: Nil

4 DISCLOSURES OF INTEREST

Nil

5 DECLARATIONS BY COUNCIL MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER BEFORE THE MEETING

Declarations were made and noted for these Minutes by the following Council Members:

| | |
|---------------------------|------------------------|
| Anthony Middleton | Shire President |
| Cr Wendy McWhirter-Brooks | Deputy Shire President |
| Cr Lee Anderson | Council Member |
| Cr David Evrett | Council Member |
| Cr David Kular | Council Member |

6 PUBLIC QUESTION TIME

Nil

7 OFFICER'S REPORTS

7.1 GRANTS BUDGET AMENDMENTS

Responsible Officer: Steven Harding
Chief Executive Officer

Author: Nikki Archer
Coordinator Grants and Partnerships

Proposed Meeting Date: 25 January 2024

Author Disclosure of Interest: Nil

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No:2024 / 01)

Moved: Cr McWhirter-Brooks

Seconded: Cr Kular

That Council, pursuant to s6.8 of the *Local Government Act 1995*, amends the 2023/24 Annual Budget as follows:

| Account | Current Budget | Revised Budget |
|--|----------------|----------------|
| NEW- Revenue Human Resources – AWARE Community Safety | \$0 | \$14,727.00 |
| NEW- Expenditure for Human Resources – AWARE Community Safety | \$40,000 | \$54,727.00 |
| NEW- Revenue Library – Better Beginnings | \$0 | \$8,131.95 |
| NEW- Expenditure Library – Better Beginnings | -\$0 | \$8,131.95 |
| NEW – Revenue Municipal Heritage Inventory Review | \$0 | \$10,000.00 |
| Expenditure – OG0077 Municipal Heritage Inventory Review | \$50,000 | \$60,000.00 |
| NEW – Revenue WALGA Bin Tagging | -\$0 | \$5,000.00 |
| NEW – Expenditure WALGA Bin Tagging | \$0 | \$5,000.00 |

**CARRIED BY AN ABSOLUTE MAJORITY
RECORD OF VOTE 5/0**

For: Shire President, Deputy Shire President, Crs Anderson, Evrett, Kular

Against: Nil

REPORT PURPOSE

For Council to consider amendments be made to the 2023/24 Annual budget to reflect recent success in the Shire's grant applications.

BACKGROUND

The Shire has received advice of successful grant applications under a number of programs. The funding to be granted has not been included in the 2023/24 Annual budget. The Shire has been awarded funding through the following four funding programs:

1. **All West Australians Reducing Emergencies (AWARE)** funding through the Department of Fire and Emergency Services is a competitive grant initiative of the Western Australian Government that invests in building capacity and preparedness activities at a local level. A total of \$238,000 was available to fund projects that further the emergency risk management process, facilitate capability-based exercises, assist in reviewing Local Emergency Management Arrangements, deliver emergency management training and/or host or facilitate emergency management events or forums.
2. **Better Beginnings** funding through the State Library of Western Australia provides opportunities for libraries and community groups to deliver literacy programs that connect families with books through free reading packs and programs. The goal is to inspire a love of literacy and learning for all Western Australian children by encouraging families to read, talk, sing, write and play with their child every day.
3. **Local Government Heritage Consultancy Grant Program** provided through the Department of Planning, Lands and Heritage provides financial assistance to Western Australian local government authorities for professional fees associated with the identification of local heritage places and the development and implementation of a heritage framework. The program does this to support and encourage the identification and protection of local heritage places through best-practice heritage management frameworks and statutory processes.
4. **Bin Tagging Program** funding is provided through WA Local Government Association (WALGA) to local government authorities to deliver bin tagging programs within their area to encourage households to sort separate material into the correct bin at the kerbside to help reduce the significant challenges faced by waste management practitioners.

Bin tagging is a method of providing direct feedback on the content of general waste, recycling, food organics and garden organic bins to residents by placing a tag on each bin to indicate the contents are appropriate.

COMMENTS/OPTIONS/DISCUSSIONS

Through each of the four different funding programs, the following details provide a contextual outline of the services to the community which will be delivered.

All West Australians Reducing Emergencies (AWARE)

Details of the Program (Total Value of the Project \$14,727.00)

The Shire will host training in Newman for employees to participate in the Local Recovery Coordinator Training conducted by WA Local Government Association (WALGA). Under the Western Australian Emergency Management Framework, recovery following a natural disaster is the responsibility of the Local Government. The Shire must have qualified and capable staff to manage post disaster recovery. The granted funding will support around five employees to attend and complete the training. Staff will be selected on the basis of their job roles. Additional places will be made available to emergency response community services.

The course will focus on and build from the National Disaster Recovery principles and explore ways to apply sound leadership and guidance to impacted communities.

The expected learning outcomes of the training include:

- prepare, maintain and test the Local Recovery Plan
- Undertake the role of the Local Recovery Coordinator, including ensuring ongoing continuous improvement and redundancy to the position
- Under the psychological stressors inherent in recovery work and the importance of managing wellbeing amongst recovery workers
- Coordinate the establishment and activities of a Local Recovery Coordinating Group (LRCG) and
- Coordinate local recovery activities following a particular event, as directed by the Local Government, adhering to Disaster Recovery principles and values.

The Graduate Certificate in Emergency and Disaster Management will see 2 Shire employees complete the training, one staff based in Newman and the other in Marble Bar.

Better Beginnings

Details of the Program (Total Value of the Project \$8,131.95)

The Shire funding secured will see the implementation of a Music and Movement program at the Newman Library.

The new programming will be titled Music & Movement, and will encompass all sensory activities. Sessions will be held weekly and will focus on the core Better Beginnings values of reading, talking, singing, writing, and playing with children.

The program will consist of multiple sensory activities, including, but not limited to; water play, social and imaginative play, music play, movement/dance, tactile activities, messy play, and reading.

These activities are designed to develop fine and gross motor skills, build vocabulary and print/phonological awareness, encourage social interaction, investigate tactile and sensory play, provide auditory and visual stimulation, develop creativity and imagination, and even introduce technology to young and growing minds.

Local Government Heritage Consultancy Grant Program

Details of the program (Total Value of the Project \$60,000)

Increase to budget is \$10,000 in revenue and expenditure.

The Shire will engage an individual consultant to undertake a review of the Shire's existing Municipal Heritage Inventory, which was last updated in 1999. The purpose of the review is to link planning applications and decisions have access to relevant heritage related data.

The review will also look to incorporate Aboriginal Cultural Heritage components not captured in the 1999 document. The updated document will also be searchable for ease of access.

The review was considered as a planning priority for the Shire by the Strategic Planning Manager, following an internal planning review of Council planning schemes, their current status, and the identification of planning gaps, and /or issues.

Bin Tagging Program.

Details of the program (Total Value of the Project \$5,000)

Through this funding the Waste Services team will roll out the Bin Tagging program to 750 households in Newman. Household bins will be inspected to check the correct waste material is placed in the correct bin. Where the bin is compliant, a smiley face tag will be affixed to the bin; where the bin is not compliant a sad face sticker will be attached with feedback provided with a reminder of the correct means of disposal of the non-compliant waste material.

STATUTORY IMPLICATIONS/REQUIREMENTS

Consistent with s.6.8 of the *Local Government Act 1995*

POLICY IMPLICATIONS

3.4 BUDGET AMENDMENTS

STRATEGIC COMMUNITY PLAN

2: Social

- 2.1. Advocacy, partnerships and delivery of children's, family and young people services.
- 2.3. Advocacy and partnerships for addressing issues impacting safety of communities, and improving information sharing and coordination.
- 2.4. Promote healthy and safe lifestyle choices, and uphold public health and safety.
- 2.5. Provide facilities, services and programs that provide opportunities for participation in sport, recreation and fitness.
- 2.7. Support art and culture, and events and activities that bring people together in shared experience and celebration.
- 2.8. Improve inclusion and harmony across the diverse groups in the population.

3: Built Environment

- 3.5. Continue to invest in public spaces, amenities and heritage protection across the Shire.
- 3.9. Continue strategic land use planning and administration to meet the current and future development needs and aspirations across the Shire

4: Natural Environment

- 4.2. Increase recycling and waste education

RISK MANAGEMENT CONSIDERATIONS

Reputational – Moderate

Financial – Moderate

FINANCIAL IMPLICATIONS

It is recommended that an adjustment be made to the current 2023/24 Annual budget to new and existing revenue and expenditure accounts as follows:

| Account | Current Budget | Revised Budget |
|--|-----------------------|-----------------------|
| NEW-Revenue Human Resources – AWARE Community Safety | \$0 | \$14,727.00 |
| HR0023 Expenditure for Human Resources – AWARE Community Safety | \$40,000 | \$54,727.00 |
| NEW- Revenue Library – Better Beginnings | \$0 | \$8,131.95 |
| NEW- Expenditure Library – Better Beginnings | -\$0 | \$8,131.95 |
| NEW – Revenue Municipal Heritage Inventory Review | \$0 | \$10,000.00 |
| Expenditure – OG0077 Municipal Heritage Inventory Review | \$50,000 | \$60,000.00 |
| NEW – Revenue WALGA Bin Tagging | -\$0 | \$5,000.00 |
| NEW – Expenditure WALGA Bin Tagging | \$0 | \$5,000.00 |

VOTING REQUIREMENTS

Absolute Majority.

7.2 CAPITAL PROJECT: ASPHALT OF NEWMAN STREETS – APPROVAL TO RAISE PURCHASE ORDER

Responsible Officer: Steven Harding
Chief Executive Officer

Author: Etienne Vorster
A/Director Infrastructure Services

Proposed Meeting Date: 25 January 2024

Author Disclosure of Interest: Nil

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No:2024 / 02)

Moved: Cr Kular
Seconded: Cr Evertt

That Council:

- 1. Authorises the Chief Executive Officer to approve a purchase order for the value of \$2,562,628.24 (excl. GST) for Newman Profile, Seal and Replace to Corps Asphalt & Bitumen Sealing Services (previously Bitumen Sealing Services t/a Karratha Asphalt); and**
- 2. Authorises the Chief Executive Officer to approve future purchase orders for services rendered at the contracted rates under RFT 05-2019/20 for the remainder of the life of the contract in line with the approved budget for that year.**

**CARRIED BY AN ABSOLUTE MAJORITY
RECORD OF VOTE 5/0**

For: Shire President, Deputy Shire President, Crs Anderson, Evertt, Kular

Against: Nil

REPORT PURPOSE

To request Council to approve a purchase order for the provision of asphalt under an existing contract.

BACKGROUND

Corps Asphalt & Bitumen Sealing Services (previously Bitumen Sealing Services t/a Karratha Asphalt) was awarded a five-year contract under tender RFT 05-2019/20 in June 2020 to undertake profiling and asphalt works for the towns of Newman, Marble Bar and Nullagine. The contract expires in 2025.

At its 24 March 2023 ordinary meeting, Council resolved as follows:

(Resolution No: 2023/ 51)

Moved: Cr Baer

Seconded: Cr Smith

That Council:

1. *Notes the Contract executed on 27 August 2020 between the Shire of East Pilbara and Bitumen Sealing Services t/a Karratha Asphalt remains in force and unchanged; and*
 - a) *Amends Resolution 201920/206 to:*

That Council:

1. *Awards Tender RFT 05-2019/20 for Profiling and Asphalt Works for Shire of East Pilbara towns to Bitumen Sealing Services t/a Karratha Asphalt ABN 74 130 384 593 for an initial period of three years;*
2. *Authorises the Chief Executive Officer to extend the Contract with the same conditions for a further period of one (1) year on expiry of the initial contract period;*
3. *Authorises the Chief Executive Officer to extend the Contract with the same conditions for a further and final period of one (1) year on expiry of the first further period;*
4. *Notes that the tendered price for the first year of the Contract is \$589,860.00 (ex GST) and the subsequent years are at the tendered rates per square metre; and*
5. *Authorises the Chief Executive Officer to affix the Common Seal of the Shire of East Pilbara to the Contract between Bitumen Sealing Services t/a Karratha Asphalt ABN 74 130 384 593 with respect to this Tender.*

COMMENTS/OPTIONS/DISCUSSIONS

The Chief Executive Officer is currently delegated to approve payments under the contract up to the value of \$499,999 (excl. GST).

Newman Town Street Reseals (GL129804 Job Number RCS000) is a capital project on the 2023/24 budget with a budget allocation of \$2,677,000.00 (excl. GST).

The quotation from Corps Asphalt & Bitumen Sealing Services (previously Bitumen Sealing Services t/a Karratha Asphalt) for delivery of this capital project totals \$2,562,628.24 (excl. GST).

It is recommended that Council authorise the Chief Executive Officer to approve the payment of \$2,562,628.24 (excl. GST) to Corps Asphalt & Bitumen Sealing Services (previously Bitumen Sealing Services t/a Karratha Asphalt), in accordance with the contract.

It would be appropriate that for the remainder of the life of the contract (which expires in 2025), the Chief Executive Officer be authorised to approve services rendered under the terms of the contract in line with the approved budget for that year.

STATUTORY IMPLICATIONS/REQUIREMENTS

Local Government Act 1995 and Local Government (Functions and General Regulations) 1996 tender regulations.

POLICY IMPLICATIONS

3.14 Procurement and Tender Procedures Policy
4.5 Execution of Documents

STRATEGIC COMMUNITY PLAN

5: Governance

Demonstrated accountability and corporate governance.

G1 Provide efficient, accountable and ethical governance.

G1.1 Enhance governance capability to deliver sustainable outcomes, roads and buildings.

RISK MANAGEMENT CONSIDERATIONS

No known risk management considerations.

FINANCIAL IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocation.

VOTING REQUIREMENTS

Absolute Majority

7.3 DESIGNATED AREA MIGRATION AGREEMENT (DAMA)

Attachments: [Appendix 1 RDA Pilbara DAMA Website Content](#)
[Appendix 2 Employer s Guide to Accessing a Labour Agreement](#)
[Appendix 3 DAMA Process Flowchart](#)
[Appendix 4 Pilbara DAMA DAR Recommended Funding Model](#)
[Appendix 5 Pilbara DAMA Occupation and Concession List](#)

Responsible Officer: Steven Harding
Chief Executive Officer

Author: Joshua Brown
Manager Governance, Risk and Procurement

Proposed Meeting Date: 25 January 2024

Author Disclosure of Interest: Nil

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No:2024 / 03)

Moved: Cr McWhirter-Brooks

Seconded: Cr Kular

That Council:

- 1. Endorses the Shire's participation in the Pilbara Designated Area Migration Agreement;**
- 2. Promotes the scheme and encourages local employers to register for Designated Area Representative (DAR) endorsement to assist address labour shortages;**
- 3. Authorises the President and Chief Executive Officer to write to the Minister for Immigration, to extend the thanks of Council and the Shire for his approval;**
- 4. Authorises the Chief Executive Officer to enter a Funding Agreement with RDA Pilbara in accordance with the Funding Model proposed in Appendix 4 of this report; and**

5. Pursuant to section 6.8 of the *Local Government Act 1995*, amends the 2023/24 Annual Budget as follows:

| Account | Current Budget | Revenue | Revised Budget |
|---|----------------|------------|----------------|
| PJ0008 Other Project Planning | \$250,000 | (\$10,000) | \$240,000 |
| NEW Designated Area Migration Agreement | \$0 | \$10,000 | \$10,000 |

**CARRIED BY AN ABSOLUTE MAJORITY
RECORD OF VOTE 5/0**

For: Shire President, Deputy Shire President, Crs Anderson, Evrett, Kular

Against: Nil

REPORT PURPOSE

For Council to consider a proposal to enter an agreement with the Australian Government to extend the Pilbara Designated Migration Area to include the East Pilbara District.

BACKGROUND

A Designated Area Migration Agreement (DAMA) is a formal agreement between the Australian Government and a regional, state or territory authority. It provides access to more overseas workers than the standard skilled migration program. DAMAs operate under an agreement-based framework, providing flexibility for regions to respond to their unique economic and labour market conditions. The DAMA covers a wide range of occupations, which are listed in **Appendix 5**.

A DAMA is a two-tier framework covering a defined regional area. The first tier is an overarching five-year deed of agreement (head agreement) with the region's representative. The second tier comprises individual labour agreements with employers under the settings of the head agreement for that region.

DAMA head agreements are between the Australian Government and a Designated Area Representative (DAR) (usually state or territory governments or regional bodies such as Chambers of Commerce, Regional Development Australia offices, or Shire Councils). They contain a range of occupations as well as agreed terms and concessions to skilled visa eligibility criteria, as negotiated between parties. Once a DAMA head agreement is established, businesses in the region may seek individual DAMA labour agreements under the head agreement terms and concessions.

Individual DAMA labour agreements are between the Australian Government and endorsed employers/businesses operating within the relevant designated region, and are not relevant for the purposes of this report. Further information is available at this [link](#).

In March 2022, the Pilbara DAMA was established between the Australian Government, RDA Pilbara and the City of Karratha and Town of Port Hedland. RDA Pilbara is the region's appointed Designated Area Representative (DAR) for the purposes of the agreement. A variation to the head agreement was approved by the Hon Andrew Giles MP on 18 January 2024, expanding the DAMA to the Shire of East Pilbara.

COMMENTS/OPTIONS/DISCUSSIONS

Ongoing labour shortages continue to be a major area of concern for the Shire's local business and industry sectors. Continuing consultation with local businesses and the Newman Chamber of Commerce and Industry has repeatedly identified the issue as a contributor to high costs and prices, an impediment to service delivery and business expansion opportunities. For example the impact of labour shortages on services such as child care restricts participation in the workforce by parents with care responsibilities, limiting access to a large pool of skilled workers.

As part of the Shire's comprehensive advocacy program, the Chief Executive Officer initiated discussions with the Federal Government through Regional Development Australia Pilbara (RDA Pilbara) to permit the Shire to join the agreement. The President and Chief Executive Officer made personal representations to the Minister for Immigration, the Hon Andrew Giles MP, with meetings in Parliament House, Canberra.

The Pilbara DAMA provides businesses in the City of Karratha, the Town of Port Hedland and the Shire of East Pilbara with a mechanism to address current workforce shortages and to support future workforce planning. It is a priority for RDA Pilbara and the Federal Government to always promote jobs for Australians first, however, the DAMA allows employers who are unable to find suitably qualified Australians to supplement their workforce with overseas workers.

As the overseas worker is being sponsored through a labour agreement, it ensures the terms and conditions they receive are no less favourable than those provided to Australian workers. This provides protection for both employers and employees.

The Pilbara DAMA is accessible to all employers operating in the City of Karratha, Town of Port Hedland and Shire of East Pilbara, that meet the employer requirements. The Pilbara DAMA head agreement specifies a range of eligible occupations, as well as agreed terms and concessions to the skilled visa eligibility criteria.

Further information on the Pilbara DAMA is available at the following website: <https://www.rdapilbara.org.au/what-is-dama>

Details from the website and FAQs are also attached as **Appendices 1 and 2** respectively.

The Minister's approval of the variation to the Agreement requires the Shire to enter a funding agreement with RDA Pilbara, which has been appointed as the region's Designated Area Representative (DAR) for the purposes of the DAMA.

The DAR is appointed to assess applications from local employers and provide its endorsement for the employer to access the scheme. **Appendix 3** provides a flow chart of the application and assessment process.

As part of its participation in the DAMA, the Shire must agree to contribute to 50 percent of the cost of the assessment undertaken by the DAR, with the other half of the cost to be met by the applicant business. The draft funding agreement will require the Shire to contribute \$350 towards the assessment of each application. It is noted that once endorsed, an employee does not need to apply again. The \$350 contribution will apply only per employer and not per employee. A copy of the proposed funding model is attached as **Appendix 4**.

To effect the Shire's participation in the DAMA, following the Minister's agreement to do so, it is recommended that Council indicates its support for the scheme and agrees to the funding model by authorising the Chief Executive Officer to enter a Funding Agreement with RDA Pilbara in line with the funding model included as **Appendix 4** to this report.

STATUTORY IMPLICATIONS/REQUIREMENTS

There are no known statutory implications.

POLICY IMPLICATIONS

Recommendation is in accordance with Council's Execution of Documents Policy.

STRATEGIC COMMUNITY PLAN

1: Economic

- E1 A diverse and sustainable economy, with a balanced population, providing equal opportunities and prosperity for all, and a fair share of the returns from our resources.
 - E1.1 Develop strong networks for collaboration within and across the corporate and public sectors for growing exports, with a focus on agriculture, mining services, Aboriginal business and tourism.
 - E1.2 Work with local entrepreneurs, existing businesses and artists to increase their internal capacity and explore business opportunities that will reduce leakage from the local economy.
 - E1.5 Support the development, attraction and retention of a skilled workforce that supports local commerce and industry (including childcare, school-based training and TAFE).

2: Social

- S1 Safe, connected and family-friendly communities where all people thrive, and have their needs met at all ages and stages of life.
 - S1.1 Advocacy, partnerships and delivery of children's, family and young people's services.

5: Governance

- G1.1 Continued focus on good governance, transparency and community and stakeholder engagement in significant decisions, including place-based plans.

G1.2 Facilitate collaboration and partnerships with industry and government in key issues for the Shire (such as transport, housing, economic development and tourism, social wellbeing, public spaces, etc.).

RISK MANAGEMENT CONSIDERATIONS

Reputation – Moderate

FINANCIAL IMPLICATIONS

Additional resources will be required to be allocated to support the Shire’s participation in the DAMA. For each application made by an employer seeking DAR endorsement, the Shire will be required to contribute \$350.00 towards the cost of the assessment of the application. It is recommended that an allocation of \$10,000 be made in the 2023/24 Budget to cover this cost. Should additional resourcing be required, a subsequent report will be made to Council. The funds are recommended to be allocated from an existing project management account, which has surplus unallocated funds available.

VOTING REQUIREMENTS

Absolute Majority.

What is a DAMA? | RDA Pilbara

Pilbara Designated Area Migration Agreement (DAMA)

Welcome to the Pilbara Designated Area Migration Agreement (DAMA) site.

Everything you need to know about how the DAMA can work for you, and how to access it for your business can be found on these pages.

18 JANUARY 2024

This website has been updated with additional occupations and changes to concession information and eligibility. Please ensure that you refer to the updated information on the website, and old information and forms are no longer used.

The Pilbara DAMA, signed by the Minister for Immigration on 28 March 2022, is a five-year agreement between the Federal Government and Regional Development Australia (RDA) Pilbara, developed in partnership with the City of Karratha and the Town of Port Hedland. A variation to the head agreement was approved by the Hon. Andrew Giles MP on 18 January 2024 which includes the expansion of the DAMA to the Shire of East Pilbara and an additional 69 occupations.

ABOUT THE PILBARA DAMA

The Pilbara DAMA exists to provide businesses in the City of Karratha, the Town of Port Hedland and the Shire of East Pilbara with a mechanism to address current workforce shortages and to support future workforce planning. It is a priority for RDA Pilbara and the Federal Government to always promote jobs for Australians first, however, the DAMA allows employers who are unable to find suitably qualified Australians to supplement their workforce with overseas workers.

As the overseas worker is being sponsored through a labour agreement, it ensures the terms and conditions they receive are no less favourable than those provided to Australian workers. This provides protection for both employers and employees.

The Pilbara DAMA is accessible to all employers operating in the City of Karratha, Town of Port Hedland and Shire of East Pilbara, that meet the employer requirements. The Pilbara DAMA head agreement specifies a range of eligible occupations, as well as agreed terms and concessions to the skilled visa eligibility criteria.

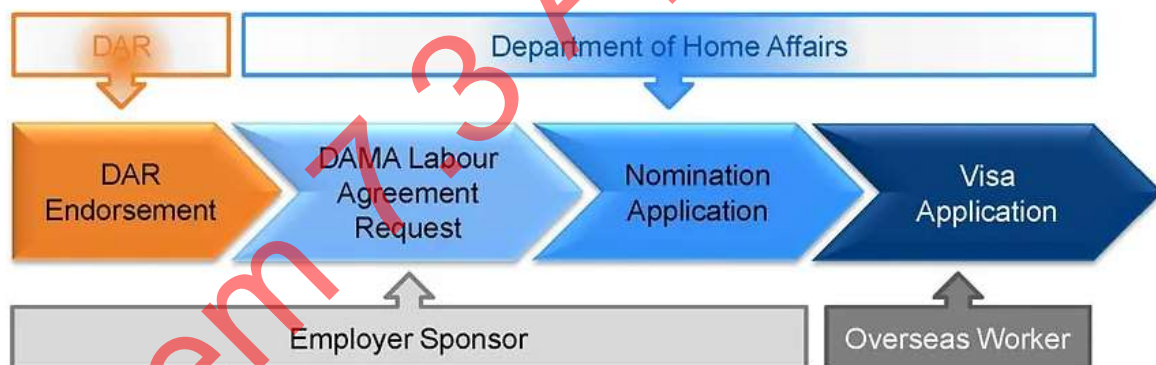
HOW DOES THE PILBARA DAMA WORK?

The Pilbara DAMA operates differently to the standard skilled migration pathways by using a **labour agreement** framework by:

- Enabling the employer to obtain their own labour agreement, which is valid for 5 years, that gives pre-approval for occupations in a variety of skilled and semi-skilled occupations;
- The employer does not need to have already identified the skilled worker to be able to access the DAMA labour agreement - the employer can nominate, or sponsor, overseas workers already employed in their business, or attract skilled and experienced workers from overseas with concessions (if applicable).
- The labour agreement can be varied if the needs of the business change, to include additional occupations or increasing the ceiling of nominations.

WHAT ARE THE STEPS INVOLVED?

There are four steps involved in the process. The following diagram shows the steps and who is responsible for each.



HOW DO I ACCESS THE PILBARA DAMA?

For information on how to access and apply for the Pilbara DAMA, please click [here](#). An information sheet for Employers, on how to access the Pilbara DAMA can be downloaded from [here](#).

<https://www.rdapilbara.org.au/what-is-dama>

ADVICE ABOUT THE PILBARA DAMA

RDA Pilbara is the Designated Area Representative (DAR) for the Pilbara DAMA. RDA Pilbara can provide general information on how the DAMA works, how to access and apply. **RDA Pilbara is not able to provide information about labour agreements, visas or immigration advice.**

Item 7.3 Appendix 1



An Australian Government Initiative



Regional
Development
Australia

PILBARA

Designated Area Migration Agreement

How to Access the Pilbara DAMA – Employers

January 2024

Important Information

By making a request to the Pilbara Designated Area Representative (Pilbara DAR) you are seeking the endorsement of Regional Development Australia Pilbara to be able to:

- Access the Pilbara Designated Area Migration Agreement (DAMA); and
- Request to enter into a Labour Agreement with the Commonwealth of Australia (the Commonwealth).

The Commonwealth considers but is not bound by an endorsement by the Pilbara DAR. Endorsement by the Pilbara DAR does not guarantee a positive migration outcome. The Pilbara DAR is not a party to the Labour Agreement between you and the Commonwealth.

Applying for a Labour Agreement

A Labour Agreement is a legally binding agreement that will be made between you and the Commonwealth to allow you to sponsor overseas workers under the TSS (subclass 482), SESR (subclass 494) and ENS (subclass 186) visa programs. We always advocate that employment should be offered to Australians first. Where there is a skills shortage, overseas workers are critical to supplement the local workforce in circumstances where there is a genuine, significant demand for workers in particular occupations that cannot be met from within the Australian labour market. Also, providing access to occupations that are not available under the standard skills visa programs.

Further information regarding other visa options can be found at <https://immi.homeaffairs.gov.au>.

What you will need to demonstrate

To request endorsement from the Pilbara DAR to access the DAMA you will need to complete the FM002 DAMA Application for Endorsement Form and provide the following information:

1. Evidence that you have been actively operating for a least twelve (12) months and are financially viable. This could include:
 - Evidence of already being a standard business sponsor.
 - Business registration/business name change registrations.
 - ABN/ACN certificate.
 - Trust deed (if applicable)

NOTE: Labour Hire organisations cannot use the DAMA program, only direct employers can. A labour agreement specific to labour hire organisations (“On-Hire”) can be found at:

<https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/sponsoring-workers/nominating-a-position/labour-agreements>

2. Business profile, which could include:
 - Website extracts.
 - Promotional material.
 - Business capability statement/promo material referencing the Pilbara operation.
3. Evidence that the business is operating in the City of Karratha, Town or Port Hedland or Shire of East Pilbara. This could include:
 - Lease agreement.
 - Contracts and/or invoices from suppliers/customers.
4. Job description of each requested position. The job description must match the job advertisements.
5. Organisation chart less than six months old. All requested positions must be displayed (including in multiple locations). If the business is expanding, proposed business structure. The requested positions should match the job advertisement/s.
6. Financial statement for the financial year and business activity statement for the last 12 months immediately preceding the application. This could also include:
 - Letter from your Accountant stating 12 month’s operation, net assets, profit/loss and turnover.
7. **IF REQUIRED** – A Statutory declaration about adverse information. Evidence to be attached. The statement should note any relevant investigations or audits, resulting in an adverse finding to the business or any associated entities (including previously associated entities) in the last five years by bodies such as:
 - The Office of the Fair Work Ombudsman, or former authority with this function, or relevant State or Territory Government authority in relation to compliance with workplace relations provisions.
 - The relevant State or Territory Government authority in relation to compliance with workplace health and safety provisions; and
 - The Department of Home Affairs in relation to compliance with migration provisions.
8. Summary of domestic recruitment efforts for each requested position:
 - Copies of at least two job advertisements – 1 must be of national reach (i.e. Seek, Jora, government job sites, and 1 local reach (ie Facebook, business website etc).

- Evidence to prove the nominated positions have been advertised for 28 consecutive days. Advertising must have been completed during the twelve months prior to submitting a nomination (preferably within 6 months prior).
9. Statement on why the business is not using the standard 482 visa and the impact of negative result (if the business is not endorsed to access the Pilbara DAMA).
10. Evidence to prove the worker will receive terms and conditions no less favourable than those provided to an Australian citizen or permanent resident (required for each requested position). This should include:
- Employment contract for a current/former Australian or Australian permanent resident employee in the same level position.
 - Recent payslips for a current or former Australian or Australian permanent resident employee in the same level position.
 - Relevant enterprise agreement/award for the position (if applicable) OR
 - Any other evidence of market salary levels for the position.

A checklist is available on the website with the above information – CL003 DAMA Document Checklist.

Concessions

Employers need to provide a business case to demonstrate their need to access available concessions (for each occupation and each concession). The available concessions are:

Concession to English Language Requirement

IELTS means the International English Language Testing System or the equivalent in another accepted English language test. Other accepted English language tests are:

- Occupational English Test (OET);
- Test of English as a Foreign Language internet-based test (TOEFL iBT);
- Pearson Test of English (PTE) Academic test; or
- Cambridge English: Advanced (CAE) test.

The English language requirements may be met if a visa applicant would be regarded as an 'exempt applicant' for the purpose of the legislative instruments applicable to TSS, SESR and ENS visas.

For any Occupations that are **not eligible** for the English Language concession, the Overseas Worker is required to meet the minimum standard English language requirements applicable to the TSS, SESR and ENS non-labour agreement visa streams under the Migration Regulations.

For the Occupations that **are eligible** for the English Language concession, the following applies:

- **TSS and SESR:** average score of IELTS 5.0 with no minimum component (unless registration or licensing requires a higher level of English).
- **ENS:** average score of IELTS 5.0 with no component being less than IELTS 4.0 or equivalent (unless registration or licensing requires a higher level of English).

NOTE: The English language concession is not available for all Pilbara DAMA occupations.

Temporary Skilled Migration Income Threshold (TSMIT) Concession

The TSMIT is currently set at AUD\$70,000 for nomination applications lodged on, and after 1 July 2023.

Minimum income – the TSMIT concession may not be available for all occupations included in the DAMA. Where employers can provide a strong business case, a concession to the TSMIT may apply.

- Type 1 – ‘Reduced TSMIT’ (up to 10% concessions to TSMIT). Where TSMIT is equal to or greater than \$70,000, the base rate of pay must be equal to or greater than 90% of TSMIT (\$63,000); or
- Type 2 – (up to 10% concession to TSMIT and the inclusion of non-monetary earnings). Where TSMIT is equal to or greater than \$70,000, the base rate of pay may be equal to or greater than 90% of TSMIT; and these earnings may include ‘non-monetary earnings (other)’ capped at \$4,851 annually. Non-monetary earnings (other) refer to benefits such as phone, vehicle, food and board.

Employers seeking access to a TSMIT concession will need to provide evidence that the salary and employment conditions being offered to an overseas worker are in line with market rates in the Pilbara region.

Annual Market Salary RATE (AMSR)

Employers who wish to nominate workers for subclass 482, 494 and 186 must meet certain salary and employment condition requirements. These requirements help to ensure that:

- Employers pay overseas workers no less than an Australian worker who is doing the same work in the same location, that is, the ‘annual market salary rate (AMSR)’.
- These visa programs are not used to undercut the Australian labour market.

If you will pay the overseas worker an annual salary less than AUD\$250,000 you need to show:

- You have determined the AMSR correctly.
- You will not pay the overseas worker less than the AMSR, that is, less than an Australian worker would be paid and
- Both the AMSR and what you will pay the overseas worker, excluding any non-monetary benefits in both cases, is no less than the TSMIT.

Both the AMSR for the nominated occupation and the guaranteed annual earning you will pay to the worker must be at least as much as the current TSMIT.

The TSMIT does not include non-monetary benefits such as accommodation or a car. Employers must pay such benefits in addition to the TSMIT.

Permanent Residence Pathway

A permanent residence pathway for Overseas Workers may be available via the Subclass 494 (Skilled Employer Sponsored Regional) (SESR) and through Subclass 186 (Employer Nomination Scheme) (ENS) visa program for all applicable occupations under the Pilbara DAMA.

The following conditions will ordinarily be included in a Labour Agreement and will apply to any nomination for an ENS visa (in addition to the ENS requirements outlined in the Migration Legislation).

- a) The Overseas Worker, at the time of an application for approval of the nomination in relation to an ENS visa (‘the ENS nomination’), holds a TSS visa, a Subclass 457 visa (or a bridging visa in association with a TSS/457) visa; and
- b) The Third Party’s ENS nomination identifies an Occupation in the Pilbara DAMA that was the subject of the most recently approved TSS visa for the Overseas Worker; and

- c) The Overseas Worker has been employed on a full-time basis, in the ENS nominated occupation, an applicable occupation under the Pilbara DAMA, or a closely related occupation that is, also specified in the Pilbara DAMA, for a period of at least three (3) years before the ENS nomination is made;
- d) For the whole time that the Overseas Worker was employed in accordance with paragraph c):
 - i. He or she must have held a TSS visa, a Subclass 457 visa (or a bridging visa in association with a TSS/457) visa; and
 - ii. He or she must have worked in the Pilbara Designated Area; and
- e) The Overseas Worker identified in the ENS nomination will be employed on a full-time basis in the position for at least two (2) years; and
- f) The terms and conditions of employment of the Overseas Worker will not include an express exclusion of the possibility of extending the period of employment.

Age Concession

Age concession for the SESR and ENS visa programs of:

- 55 years for overseas workers in skill level 1-4 occupations.
- 50 year for overseas workers in skills level 5 occupations.

Valid need for Overseas Workers

You will need to write a statement regarding the number of overseas workers you will need, the roles they will fill and whether you are requesting any concessions to the standard TSS (subclass 482), ENS (subclass 186) and/or SESR (subclass 494) visa requirements.

- g) Evidence that the recruitment of overseas workers is only to supplement the Australian workforce and will not undermine employment and training opportunities for Australians. You will need to complete the domestic recruitment summary table showing that:
 - You have made genuine efforts to recruit domestic workers in the nominated occupation and location over the past twelve (12) months. This information should include:
 - The types of advertising or recruitment efforts (e.g. website, print media or radio) made in the last 12 months with respect to the relevant occupations;
 - The locations and duration (including start and end dates) where those advertising or recruitment activities took place;
 - The number of applications received;
 - The number of applicants hired; and
 - The general reasons why the other candidates were unsuccessful.

Recruitment activities undertaken must meet Department of Home Affairs Labour Market Testing (LMT) requirements as these apply to TSS or SESR nominations.

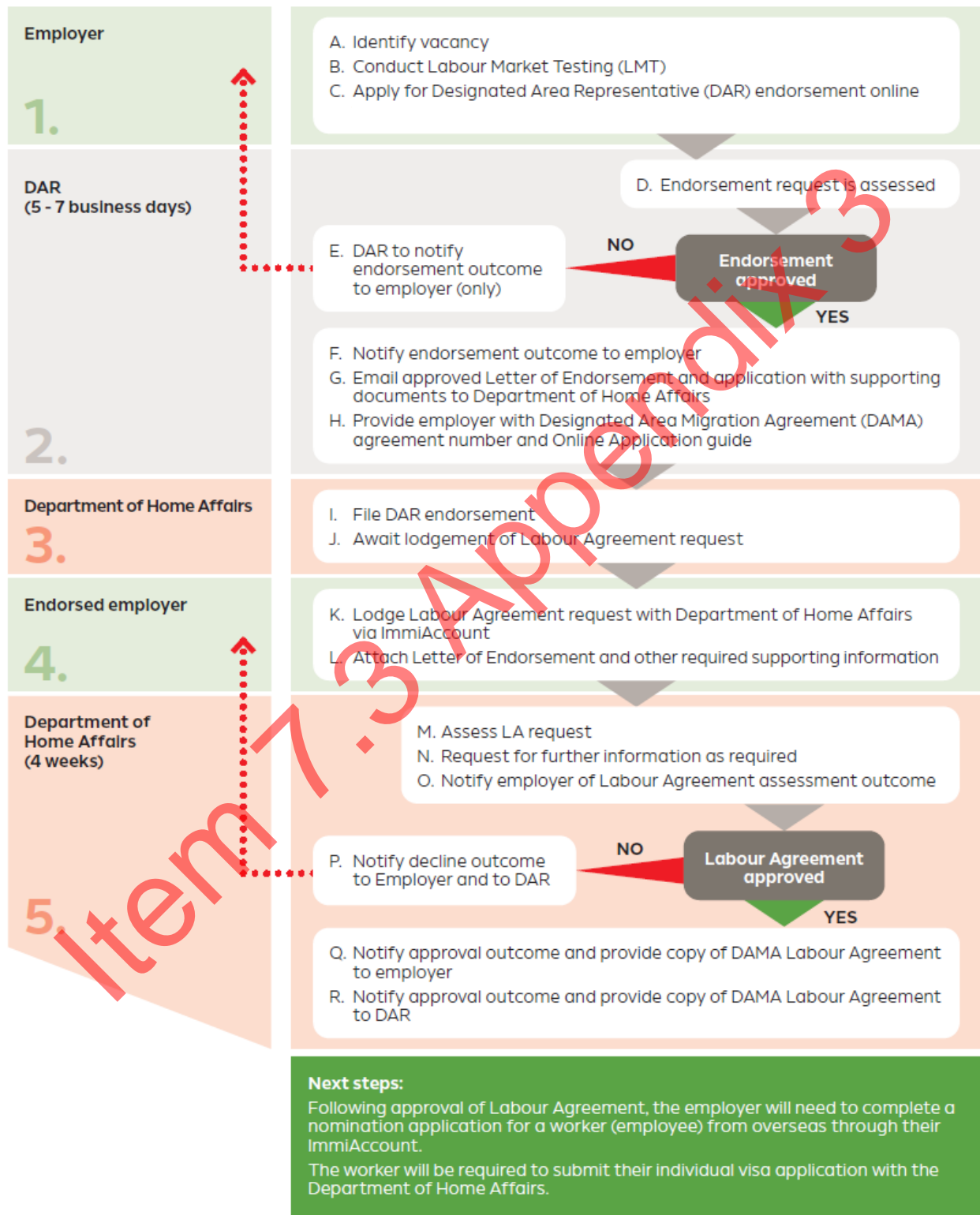
You should also provide:

- Details of any redundancies or retrenchments that have occurred in the last 6 months including any associated (including previously associated) entities for roles in the nominated occupation or similar occupations; and
- Details of your current workforce including the number of Australia citizens/permanent residents, subclass 482, 186 and/or 494 visa holders and other temporary visa holders.

Annexure A: DAMA Process Flowchart

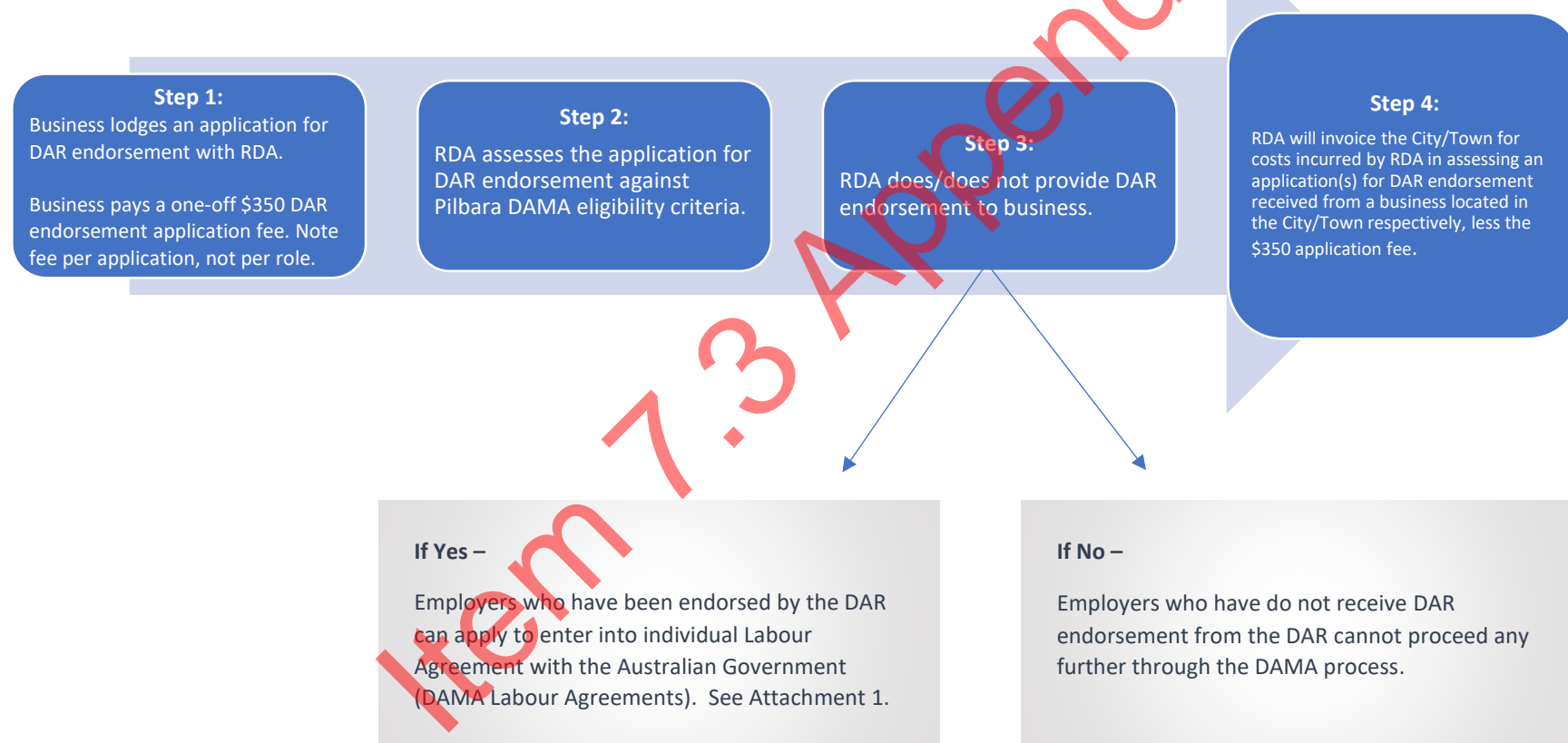
Action owner and response timeframe

Process step



Attachment 2 – Pilbara DAMA DAR Recommended Funding Model

RDA, in its capacity as DAR, will fund the set-up and ongoing maintenance of processes, forms and web platforms.





An Australian Government Initiative



PILBARA DAMA OCCUPATION AND CONCESSION LIST

January 2024

| ANZSCO Code | Occupation | Skill Level | English Language Concession | Age Concession | SESR PR Pathway | TSMIT Concession |
|-------------|--|-------------|-----------------------------|----------------|-----------------|------------------|
| 411511 | Aboriginal and Torres Strait Islander Health Worker | 2 | NO | 55 | YES | NO |
| 141999 | Accommodation and Hospitality Manager | 2 | NO | 55 | YES | NO |
| 221111 | Accountant | 1 | NO | 55 | YES | NO |
| 551111 | Accounts Clerk | 4 | YES | 55 | YES | YES |
| 423111 | Aged or Disabled Carer | 4 | NO | 55 | YES | YES |
| 721111 | Agricultural and Horticultural Mobile Plant Operator | 4 | YES | 55 | YES | YES |
| 342111 | Airconditioning and Refrigeration Mechanic | 3 | YES | 55 | YES | YES |
| 721911 | Aircraft Baggage Handler and Airline Ground Crew | 4 | YES | 55 | YES | YES |
| 442211 | Alarm, Security or Surveillance Monitor | 5 | YES | 50 | YES | YES |
| 362212 | Arborist | 2 | YES | 55 | YES | NO |
| 212111 | Artistic Director | 1 | NO | 55 | YES | NO |
| 899412 | Autoglazier | 4 | YES | 55 | YES | YES |
| 721212 | Backhoe Operator | 4 | YES | 55 | YES | YES |
| 351111 | Baker | 3 | YES | 55 | YES | YES |
| 070499 | Bar Attendant (Supervisor) | 4 | YES | 55 | YES | YES |
| 451111 | Beauty Therapist | 3 | YES | 55 | YES | YES |
| 842311 | Beef Cattle Farm Worker | 4 | YES | 55 | YES | YES |
| 121312 | Beef Cattle Farmer | 1 | NO | 55 | YES | NO |
| 121711 | Broadacre Crop and Livestock Farmer | 1 | NO | 55 | YES | NO |
| 731211 | Bus Driver | 4 | YES | 55 | YES | YES |
| 342311 | Business Machine Mechanic | 3 | NO | 55 | YES | YES |
| 351211 | Butcher or Smallgoods Maker | 3 | YES | 55 | YES | YES |
| 141111 | Café/Restaurant Manager | 2 | NO | 55 | YES | NO |
| 811111 | Car Detailer | 5 | YES | 50 | YES | YES |
| 331211 | Carpenter and Joiner | 3 | YES | 55 | YES | YES |
| 811611 | Carpet Cleaner | 4 | YES | 55 | YES | YES |
| 351311 | Chef | 2 | YES | 55 | YES | NO |
| 399211 | Chemical Plant Operator | 3 | YES | 55 | YES | YES |
| 311411 | Chemistry Technician | 2 | NO | 55 | YES | NO |
| 111111 | Chief Executive Officer | 1 | NO | 55 | YES | NO |
| 134111 | Child Care Centre Manager | 1 | NO | 55 | YES | NO |
| 421111 | Child Care Group Leader | 2 | NO | 55 | YES | NO |
| 421111 | Child Care Worker | 3 | YES | 55 | YES | YES |

Item 7.3 Attachment 5

| ANZSCO Code | Occupation | Skill Level | English Language Concession | Age Concession | SESR PR Pathway | TSMIT Concession |
|-------------|---|-------------|-----------------------------|----------------|-----------------|------------------|
| 233211 | Civil Engineers | 1 | NO | 55 | YES | NO |
| 272311 | Clinical Psychologist | 1 | NO | 55 | YES | NO |
| 811211 | Commercial Cleaner | 5 | YES | 50 | YES | YES |
| 272611 | Community Arts Worker | 1 | NO | 55 | YES | NO |
| 821211 | Concreter | 5 | YES | 50 | YES | YES |
| 149311 | Conference and Event Organiser | 2 | NO | 55 | YES | NO |
| 511111 | Contract Administrator | 2 | NO | 55 | YES | NO |
| 351411 | Cook | 3 | YES | 55 | YES | YES |
| 111211 | Corporate General Manager | 1 | NO | 55 | YES | NO |
| 712111 | Crane, Hoist or Lift Operator | 4 | YES | 55 | YES | YES |
| 842299 | Crop Farm Workers nec. | 5 | YES | 50 | YES | YES |
| 442213 | Crowd Controller | 4 | YES | 55 | YES | YES |
| 423211 | Dental Assistant | 4 | NO | 55 | YES | YES |
| 252312 | Dentist | 1 | NO | 55 | YES | NO |
| 811311 | Domestic Cleaner | 5 | YES | 50 | YES | YES |
| 311412 | Earth Science Technician | 2 | NO | 55 | YES | NO |
| 721211 | Earthmoving Plant Operator | 4 | YES | 55 | YES | YES |
| 233311 | Electrical Engineer | 1 | NO | 55 | YES | NO |
| 312311 | Electrical Engineering Draftsperson | 2 | NO | 55 | YES | NO |
| 899914 | Electrical or Telecommunications Trades Assistant | 5 | YES | 50 | YES | YES |
| 341111 | Electrician | 3 | YES | 55 | YES | YES |
| 721214 | Excavator Operator | 4 | YES | 55 | YES | YES |
| 323211 | Fitter (General) | 3 | YES | 55 | YES | YES |
| 842212 | Fruit Farm Worker | 5 | YES | 50 | YES | YES |
| 842213 | Fruit Picker | 5 | YES | 50 | YES | YES |
| 362211 | Gardener (General) | 3 | YES | 55 | YES | YES |
| 334114 | Gasfitter | 3 | YES | 55 | YES | YES |
| 253111 | General Practitioner | 1 | NO | 55 | YES | NO |
| 842214 | Grain, Oilseed, Pulse and Pasture Farm Worker | 4 | YES | 55 | YES | YES |
| 391111 | Hairdresser | 3 | YES | 55 | YES | YES |
| 363114 | Horticultural Supervisor or Specialist | 3 | YES | 55 | YES | YES |
| 149999 | Hospitality, Retail and Service Manager | 2 | NO | 55 | YES | NO |
| 141311 | Hotel/Motel Manager | 2 | NO | 55 | YES | NO |
| 223111 | Human Resource Advisor | 1 | NO | 55 | YES | NO |
| 135112 | ICT Project Manager | 1 | NO | 55 | YES | NO |
| 263212 | ICT Support Engineer | 1 | YES | 55 | YES | NO |
| 133311 | Importer or Exporter | 1 | NO | 55 | YES | NO |
| 362711 | Landscape Gardener | 3 | YES | 55 | YES | YES |
| 121399 | Livestock Farmers | 1 | NO | 55 | YES | NO |
| 721216 | Loader Operator | 4 | YES | 55 | YES | YES |
| 233512 | Mechanical Engineer | 1 | NO | 55 | YES | NO |
| 322311 | Metal Fabricator | 3 | YES | 55 | YES | YES |
| 323214 | Metal Machinist (First Class) | 3 | YES | 55 | YES | YES |
| 254111 | Midwife | 1 | NO | 55 | YES | NO |
| 121323 | Mixed Cattle and Sheep Farmer | 1 | NO | 55 | YES | NO |

| ANZSCO Code | Occupation | Skill Level | English Language Concession | Age Concession | SESR PR Pathway | TSMIT Concession |
|-------------|--|-------------|-----------------------------|----------------|-----------------|------------------|
| 121799 | Mixed Production Farmers nec. | 1 | NO | 55 | YES | NO |
| 321211 | Motor Mechanic (General) | 3 | YES | 55 | YES | YES |
| 621312 | Motor Vehicle Parts Interpreter/Automotive Parts Salesperson | 4 | YES | 55 | YES | YES |
| 899411 | Motor Vehicle Parts and Accessories Fitter (General) | 4 | YES | 55 | YES | YES |
| 254211 | Nurse Educator | 1 | NO | 55 | YES | NO |
| 254311 | Nurse Manager | 1 | NO | 55 | YES | NO |
| 842216 | Nut Farm Worker | 5 | YES | 50 | YES | YES |
| 251312 | Occupational Health and Safety Adviser | 1 | NO | 55 | YES | NO |
| 252411 | Occupational Therapist | 1 | NO | 55 | YES | NO |
| 512111 | Office Manager | 2 | NO | 55 | YES | NO |
| 251411 | Optometrist | 1 | NO | 55 | YES | NO |
| 421114 | Out of School Hours Care Worker | 3 | YES | 55 | YES | YES |
| 324111 | Panel Beater | 3 | YES | 55 | YES | YES |
| 351112 | Pastry Cook | 3 | YES | 55 | YES | YES |
| 843411 | Pest Control Technician | 4 | YES | 55 | YES | YES |
| 252511 | Physiotherapist | 1 | NO | 55 | YES | NO |
| 334116 | Plumber (General) | 3 | YES | 55 | YES | YES |
| 070499 | Positive Behaviour Support Practitioner | 1 | NO | 55 | YES | NO |
| 511112 | Program or Project Administrator | 2 | NO | 55 | YES | NO |
| 612112 | Property Manager | 3 | NO | 55 | YES | YES |
| 542111 | Receptionist (General) | 4 | NO | 55 | YES | YES |
| 254413 | Registered Nurse (Child and Family Health) | 1 | NO | 55 | YES | NO |
| 254414 | Registered Nurse (Community Health) | 1 | NO | 55 | YES | NO |
| 254415 | Registered Nurse (Critical Care and Emergency) | 1 | NO | 55 | YES | NO |
| 254418 | Registered Nurse (Medical) | 1 | NO | 55 | YES | NO |
| 254421 | Registered Nurse (Medical Practice) | 1 | NO | 55 | YES | NO |
| 254423 | Registered Nurse (Peri-Operative) | 1 | NO | 55 | YES | NO |
| 254499 | Registered Nurses nec | 1 | NO | 55 | YES | NO |
| 142111 | Retail Manager | 2 | NO | 55 | YES | NO |
| 251513 | Retail Pharmacist | 1 | NO | 55 | YES | NO |
| 621511 | Retail Supervisor | 4 | NO | 55 | YES | NO |
| 899923 | Road Traffic Controller | 5 | YES | 50 | YES | YES |
| 711516 | Rubber Production Machine Operator/Rubber Belt Splicer | 4 | YES | 55 | YES | YES |
| 131112 | Sales and Marketing Manager | 1 | NO | 55 | YES | NO |
| 711913 | Sand Blaster | 4 | YES | 55 | YES | YES |
| 821712 | Scaffolder | 4 | YES | 55 | YES | YES |
| 442217 | Security Officer | 4 | YES | 55 | YES | YES |
| 442299 | Security Officers and Guards nec | 5 | YES | 50 | YES | YES |
| 363199 | Senior Aquaculture, Crop and Forestry Workers nec | 3 | YES | 55 | YES | YES |
| 363211 | Senior Beef Cattle Station Worker | 3 | YES | 55 | YES | YES |
| 363115 | Senior Broadacre Crop and Livestock Farm Worker | 3 | YES | 55 | YES | YES |
| 322211 | Sheet Metal Trade Worker | 3 | YES | 55 | YES | YES |
| 272511 | Social Worker | 1 | NO | 55 | YES | NO |
| 252712 | Speech Pathologist | 1 | NO | 55 | YES | NO |
| 821713 | Steel Fixer | 4 | YES | 55 | YES | YES |

| ANZSCO Code | Occupation | Skill Level | English Language Concession | Age Concession | SESR PR Pathway | TSMIT Concession |
|-------------|--|-------------|-----------------------------|----------------|-----------------|------------------|
| 233214 | Structural Engineer | 1 | NO | 55 | YES | NO |
| 233215 | Transport Engineer | 1 | NO | 55 | YES | NO |
| 733111 | Truck Driver | 4 | YES | 55 | YES | YES |
| 899415 | Tyre Fitter | 4 | YES | 55 | YES | YES |
| 842218 | Vegetable Farm Worker | 5 | YES | 50 | YES | YES |
| 842221 | Vegetable Picker | 5 | YES | 50 | YES | YES |
| 324311 | Vehicle Painter | 3 | YES | 55 | YES | YES |
| 242211 | Vocational Education Teacher (Workplace Trainer & Assessor | 1 | NO | 55 | YES | NO |
| 431511 | Waiter | 4 | YES | 55 | YES | YES |
| 712921 | Water Filter Technician (Water Plant Operator) | 4 | YES | 55 | YES | YES |
| 133312 | Wholesaler | 1 | NO | 55 | YES | NO |
| 811612 | Window Cleaner | 5 | YES | 50 | YES | YES |

Item 7.3 Attachment 5

8 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION

Moved: Cr Evrett

Seconded: Cr Kular

That the meeting be closed to the public in accordance with section 5.23(2) of the *Local Government Act 1995* to consider items:

8.1 NULLAGINE RAGE CAGE - AWARD OF CONTRACT BY NEGOTIATION

8.2 AWARD OF TENDER – WEQ 03-2022/23 – ERP SOFTWARE REPLACEMENT

8.3 TENDER - RFT 09-2023/24 – PROVISION OF ADAPTED SEA CONTAINER OR STEEL SHED CONSTRUCTED PLANT ROOM FACILITY AT NULLAGINE AQUATIC CENTRE

**CARRIED UNANIMOUSLY
RECORD OF VOTE 5/0**

For: Shire President, Deputy Shire President, Crs Anderson, Evrett, Kular

Against: Nil

The meeting was closed to the public and live streaming of the meeting was interrupted by Governance Staff at this point.

Closed session of Council commenced at 5.09pm.

Crs Wendy McWhirter-Brooks and Lee Anderson, in accordance with the regulation on members attending meetings by electronic means declared that they will maintain confidentiality during the closed part of meeting in accordance with regulation.

8.1 NULLAGINE RAGE CAGE - AWARD OF CONTRACT BY NEGOTIATION

Responsible Officer: Steven Harding
Chief Executive Officer

Author: Etienne Vorster
A/Director Infrastructure Services

Proposed Meeting Date: 25 January 2024

Author Disclosure of Interest: Nil

REASONS FOR CONFIDENTIALITY

That in accordance with section 5.23 (2) of the *Local Government Act 1995* the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

- (c) A contract entered into or which may be entered into by the Local Government and relates to matters to be discussed at the meeting.
-

COUNCIL RESOLUTION / OFFICER RECOMMENDATION

(Resolution No: 2024 / 04)

Moved: Cr McWhirter-Brooks

Seconded: Cr Evrett

That Council:

- 1. Authorises the Chief Executive Officer to enter into a Contract with Rage Cage Sports Pty Ltd for the Supply and Installation of a Rage Cage at Nullagine for \$1,278,029.00 (excl. GST);**
- 2. Approves a budget amendment to cover the additional cost of \$14,294 (excl. GST) as follows:**

Increase GL: 119100 – Recreation & Culture – Specialised Buildings – Nullagine Rage Cage (Job No: RCB003)

Decrease GL: 112507- CSRFF – Marble Bar Precinct Plan Grant Funding Expenditure

**CARRIED BY AN ABSOLUTE MAJORITY
RECORD OF VOTE 5/0**

For: Shire President, Deputy Shire President, Crs Anderson, Evrett, Kular

Against: Nil

8.2 AWARD OF TENDER – WEQ 03-2022/23 – ERP SOFTWARE REPLACEMENT

Attachment: [Appendix 1 – Recommendation Report](#)
Responsible Officer: Steven Harding
Chief Executive Officer
Author: Peter Smith
Manager Digital Transformation
Proposed Meeting Date: 25 January 2024
Location/Address: N/A
Name of Applicant: N/A
Author Disclosure of Interest: Nil

REASONS FOR CONFIDENTIALITY

That in accordance with section 5.23 (2) of the *Local Government Act 1995* the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

- (c) A contract entered into or which may be entered into by the Local Government and relates to matters to be discussed at the meeting.
-

COUNCIL RESOLUTION / OFFICER'S RECOMMENDATION

(Resolution No: 2024 / 05)

Moved: Cr Evrett

Seconded: Cr McWhirter-Brooks

That Council:

1. **Awards WEQ 03-2022/23 – ERP Software Replacement to Open Systems Technology (Council First) for the contracted price of \$857,745 (GST excl) as follows:**
 - **\$629,800 (GST Excl) - Implementation over a Contract Term of four (4) years; and**
 - **\$227,945 (GST Excl) - Licensing Costs of \$227,945 (GST Excl) for Year One.**
2. **Authorises the Chief Executive Officer to finalise the Contract between the Shire of East Pilbara and Open Systems Technology (Council First) for the ongoing licensing and Software as a Service (SaaS) fees, with the initial term to be for a five (5) year period.**

3. **Authorises the Chief Executive Officer to extend the Contract with the same conditions for the following further option periods:**
 - **A further two (2) year period on expiry of the initial Contract term;**
 - **A second two (2) year period on expiry of the first further option term; and**
 - **A further and final one (1) year period on expiry of the second further option term.**
4. **Authorises the Chief Executive Officer to approve pricing variations (based on Perth All Groups CPI) for licensing and support costs for years two (2) through to year ten (10) of the Contract.**
5. **Authorises the Chief Executive Officer to approve any minor contract variations during the Contract duration.**
6. **Authorises the Chief Executive Officer to approve a variation to the contract for the purchase of the GIS application for \$45,000 (GST Excl).**
7. **Authorises the Chief Executive Officer to apply the Common Seal of the Shire of East Pilbara to a Contract between Open Systems Technology (Council First) and the Shire of East Pilbara.**

**CARRIED UNANIMOUSLY
RECORD OF VOTE 5/0**

For: Shire President, Deputy Shire President, Crs Anderson, Evrett, Kular

Against: Nil

8.3 TENDER - RFT 09-2023/24 – PROVISION OF ADAPTED SEA CONTAINER OR STEEL SHED CONSTRUCTED PLANT ROOM FACILITY AT NULLAGINE AQUATIC CENTRE

Attachment: [Appendix 1 – Recommendation Report](#)

Responsible Officer: Etienne Vorster
A/Director Infrastructure Services

Author: Dawn Ronchi
Coordinator Procurement

Proposed Meeting Date: 25 January 2024

Author Disclosure of Interest: Nil

REASONS FOR CONFIDENTIALITY

That in accordance with section 5.23 (2) of the *Local Government Act 1995* the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

- (c) A contract entered into or which may be entered into by the Local Government and relates to matters to be discussed at the meeting.

COUNCIL RESOLUTION / OFFICER RECOMMENDATION

(Resolution No: 2024 / 06)

Moved: Cr McWhirter-Brooks

Seconded: Cr Kular

That Council:

1. Not accept any Tender received for RFT 09-2023/24 – Provision of Adapted Sea Container or Steel Shed Constructed Plant Room Facility – Nullagine Aquatic Centre in accordance with *Regulation 18(5) of the Local Government (Functions & General) Regulations 1996*;
2. Authorises the Chief Executive Officer (or delegate) to enter into direct negotiations with any suitably qualified and experienced Contractor for a Contract for the Supply & Installation of the Plant Room at the Nullagine Aquatic Centre with no variation to the scope of works as tendered.

**CARRIED UNANIMOUSLY
RECORD OF VOTE 5/0**

For: Shire President, Deputy Shire President, Crs Anderson, Evrett, Kular

Against: Nil

COUNCIL RESOLUTION

Moved: Cr Kular

Seconded: Cr Evrett

That the meeting return to Open Council in accordance with 5.23(2) of the *Local Government Act 1995*.

**CARRIED UNANIMOUSLY
RECORD OF VOTE 5/0**

For: Shire President, Deputy Shire President, Crs Anderson, Evrett, Kular

Against: Nil

9 CLOSURE

The Special Council Meeting of the Shire of East Pilbara held on 25 January 2024 was declared closed at 5.26pm.

The Presiding Member thanked Council Members and Staff for their attendance.