

SHIRE OF KENT



ORDINARY MINUTES

DATE: Wednesday 20 July 2022

TIME: 5:30pm

VENUE: Council Chambers,
Richmond Street, Nyabing WA 6341

ADAM MAJID
CHIEF EXECUTIVE OFFICER

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Adam Majid

CHIEF EXECUTIVE OFFICER

MINUTES

20 JULY 2022

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The meeting was opened at 5:43pm by the Shire President.

2. RECORD OF ATTENDANCE/APOLOGIES AND APPROVED LEAVE OF ABSENCE

Members

Cr SR Crosby	Shire President
Cr KV Johnston	Deputy Shire President
Cr DP Gray	Member
Cr GW Hobley	Member
Cr JN Germain	Member
Cr TD Borgward	Member

Staff

AL Majid	Chief Executive Officer
CJ Smith	Manager Corporate
PE Spencer	Manager Infrastructure
ND Taekema	Governance Officer

Members of the Public

Nil

Apologies

Nil

Members on Approved Leave of Absence

Cr RA Jury	Member
Cr WD Tapscott	Member

3. DISCLOSURES OF INTEREST

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 *Local Government Act 1995*

6. CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING

6.1.1 ORDINARY MEETING OF COUNCIL HELD WEDNESDAY 15 JUNE 2022

OCM2122/001 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr KV Johnston / Cr DP Gray

That the minutes of the Ordinary Council Meeting of the Shire of Kent held at the Council Chambers, on Wednesday 15 June, 2022 be CONFIRMED.

**CARRIED 6/0
By Simple Majority**

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

9. OFFICER REPORTS

9.1.1 MONTHLY FINANCIAL REPORTS TO 30 JUNE 2022

PROPOSED MEETING DATE:	20 July 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	FIN.73
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Monthly Financial Reports to 30 June 2022
DISCLOSURE OF INTEREST:	Nil

PURPOSE

In accordance with the *Local Government (Financial Management) Regulations 1996*, to follow is the presentation of the Monthly Financial Reports to Council.

BACKGROUND

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

COMMENT

The Monthly Financial Reports as presented indicate that Council continues to be in a sound financial position. Please note the reports are the unaudited version, audit will be undertaken in August 2022 and audited financials will be presented to Council accordingly.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Clause 34 and 35

POLICY IMPLICATIONS

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines.
To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council's financial position.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OCM2122/002 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr GW Hobley / Cr JN Germain

That Council receive the following Monthly Financial Reports as presented:

- **Monthly Financial Reports to 31 June 2022**

**CARRIED 6/0
By Simple Majority**

9.1.2 ADOPTION OF 2022/2023 ANNUAL BUDGET

PROPOSED MEETING DATE:	20 July 2022
PROPOSER:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	FIN.91
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 – 2022/23 Statutory Budget Attachment 2 – 2022/23 Fees & Charges Nil
DISCLOSURE OF INTEREST:	

PURPOSE

To consider and adopt the Municipal Fund Budget for the 2022/23 financial year together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, reserve transactions, setting of elected members fees for the year and other consequential matters arising from the budget papers.

BACKGROUND

The draft 2022/23 budget has been compiled based on the principles contained in the 2017 – 2027 Community Strategic Plan and 2021 – 2025 Corporate Business Plan. The 2022/23 draft budget has been prepared in accordance with the presentations made to councillors at the budget workshop held on 15 June 2022.

DETAILS

The budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. The main features of the draft budget include:

- The budget has been prepared with a 2.5% rate increase on the previous year's yield.
- A capital works program of just over \$5.16mil for investment in infrastructure, land and buildings, plant and equipment and furniture and equipment.
- The extension of additional funding initiated by both the federal and state governments to continue to stimulate the economy since the Covid-19 pandemic.
- An approximate opening surplus of \$3,187,261. Factors contributing to high surplus are early Federal Assistance Grants (FAGS) of just over \$1.6mil, teacher housing capital works not completed as expected, large transfer from leave reserve due to resignation of long term staff, and some savings across wages, materials and contracts.
- The operating deficit on the Statement of Comprehensive Income by Program at budget year end, is due to the prepayment of the FAGS funding within minimal funding anticipated in the 22/23 year.

STATUTORY IMPLICATIONS

Local Government Act 1995 S6.2 requires that no later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The draft 2022/23 budget as presented is considered to meet statutory requirements.

POLICY IMPLICATIONS

The budget is based on the principles contained in the Community Strategic Plan. There is no policy on discount on rates, this is determined annually throughout the budget process. Council policy relates to recovery of rates and services charges (policy 3.1.5).

FINANCIAL IMPLICATIONS

The setting of the Shire's Annual Budget is a key decision made by Council on an annual basis. It is imperative that all Councillors fully understand the Budget and recognise the implications of decisions that have been made regarding resource allocation for the following 12 months as a result of the adoption of the Budget.

STRATEGIC IMPLICATIONS

The Shire of Kent Community Strategic Plan identifies a number of key objectives and strategies based upon a sustainable future. The 2022/2 Budget as presented is in keeping with Council's Strategic direction.

Community Strategic Plan 2017-2027

- Economic Objective - Support growth and progress, locally and regionally.
- Social Objective – To provide community facilities and promote social interaction.
- Environment Objective – Conserve, protect and enhance our natural sand built environment.
- Civic Leadership – Continually enhance the Shire's organisational capacity to service the needs of our community.

RISK IMPLICATIONS

Moderate risk of negative public perception if Council does not adopt the budget.

COMMENT

The draft 2022/23 budget continues to deliver on other strategies adopted by the council and maintains a high level of service across all programs while ensuring an increased focus on road and associated infrastructure as well as on renewing all assets at sustainable levels.

OCM2122/003 - COUNCIL RESOLUTION - RECOMMENDATION 1 – MUNICIPAL FUND BUDGET FOR 2022/2023
--

MOVED Cr KV Johnston / Cr JN Germain

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, the Council adopt the Municipal Fund Budget as contained in the attachment to this agenda and minutes, for the Shire of Kent for the 2022/2023 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type on page 2 showing a net result for that year of (\$399,259).
- Statement of Comprehensive Income by Program on page 4 showing a net result for that year of (\$399,259).
- Statement of Cash Flows on page 6.
- Rate Setting Statement on page 7 showing an annual amount required to be raised from rates of \$2,445,739.
- Note to and Forming Part of the Budget on pages 9 to 27
- Transfers to / from Reserve Accounts as detailed in page 21
- Budget program Schedules as detailed (supplementary)

CARRIED 6/0
By Absolute Majority

OCM2122/004 - COUNCIL RESOLUTION - RECOMMENDATION 2 – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

MOVED Cr TD Borgward / Cr GW Hobley

1. For the purposes of yielding the deficiency disclosed by the Municipal Fund Budget adopted as Part A above, council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following general rates and minimum payments on Gross Rental and Unimproved Values.
 - 1.1. General Rates
 - Residential / Commercial (GRV) 9.660 cents in the dollar
 - Rural (UV) 0.739 cents in the dollar
 - Mining (UV) 0.739 cents in the dollar
 - 1.2. Minimum Payments
 - Residential / Commercial (GRV) \$531
 - Rural (UV) \$531
 - Mining (UV) \$531
2. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:

Full payment and instalment due date	4:30pm Friday 16 September 2022
2nd quarterly instalment due date	4.30pm Friday 18 November 2022
3rd quarterly instalment due date	4.30pm Friday 20 January 2023
4th quarterly instalment due date	4.30pm Friday 24 March 2023
3. Pursuant to Section 6.46 of the *Local Government Act 1995*, council offers no discount to ratepayers.
4. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, council adopts an instalment administration charge where the owner has elected to pay rates and

services charges through an instalment option of \$10 for each instalment after the initial instalment is paid.

5. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
6. Pursuant to Section 6.51(1) and subject to Sections 6.51 of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 7% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

CARRIED 6/0
By Absolute Majority

OCM2122/005 - COUNCIL RESOLUTION - RECOMMENDATION 3 – GENERAL FEES AND CHARGES FOR 2022/2023

MOVED Cr DP Gray / Cr JN Germain

That the Fees and Charges and Rental Charges included within the budget document and the following Service Charges be adopted in accordance with the provisions of the *Local Government Act 1995* and the *Health Act 1911*.

Health Act 1911

Sewerage Charges

Nyabing Residential Sewerage	\$5.9579 cents in the dollar minimum charge \$390.00
Nyabing Commercial Sewerage	\$5.9579 cents in the dollar minimum charge \$855.00
Nyabing Vacant lot Sewerage	\$270.00 per property
Pingrup Residential Sewerage	\$7.0612 cents in the dollar minimum charge \$390.00
Pingrup Commercial Sewerage	\$7.0612 cents in the dollar minimum charge \$855.00
Pingrup Vacant Lot Sewerage	\$270.00 per property
Minor fixture charge (first)	\$270.00
Major fixture charge (first)	\$855.00
Additional fixtures	\$111.00

CARRIED 6/0
By Absolute Majority

OCM2122/006 - COUNCIL RESOLUTION - RECOMMENDATION 4 – OTHER STATUTORY FEES FOR 2022/2023

MOVED Cr DP Gray / Cr JN Germain

Pursuant to Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, council adopt the following charges for the removal of domestic and commercial waste:

Refuse Removal Charges for Nyabing and Pingrup Townsites

Residential and Commercial Premises (including recycling

240lt bin per weekly collection	\$250.00 per annum
240lt bin per weekly collection – eligible pensioner	\$125.00 per annum
240lt recycling bin per fortnightly collection	\$138.00 per annum

**CARRIED 6/0
By Absolute Majority**

OCM2122/007 - COUNCIL RESOLUTION - RECOMMENDATION 5 – ELECTED MEMBERS' FEES AND ALLOWANCES FOR 2022/2023

MOVED Cr TD Borgward / GW Hobley

1. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

Shire President	\$9,000 per annum
Councillors	\$9,000 per annum

2. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34A and 34AA of the *Local Government (Administration) Regulations 1996*, council adopts the following annual allowances for elected members:

Allowance – Shire President	\$20,000 per annum
Allowance – Deputy Shire President	\$5,000 per annum
Expenses Reimbursement (all Councillors)	\$1,000 per annum

**CARRIED 6/0
By Absolute Majority**

OCM2122/008 - COUNCIL RESOLUTION - RECOMMENDATION 6 – MATERIAL VARIANCE REPORTING FOR 2022/2023
--

MOVED Cr DP Gray / Cr KV Johnston

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, the level to be used in statements of financial activity in 2022/2023 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

**CARRIED 6/0
By Absolute Majority**

9.1.3 SCHEDULE OF ACCOUNTS PAID TO 30 JUNE 2022

PROPOSED MEETING DATE:	20 July 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	NAM45
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Schedule of accounts paid Attachment 2 - Schedule of direct debits
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Council endorsement of payment to Creditors under CEO Delegated Authority 2.1.2.

BACKGROUND

Details payments made to creditors since last Council Meeting.

COMMENT

The Schedule of Accounts Reports as presented, indicate that Council continues to be in a sound financial position.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4;

Local Government (Financial Management) Regulations 1996 – Part 2 – Regulation 11 & 12

POLICY IMPLICATIONS

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines. To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council's financial position.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OCM2122/009 - COUNCIL RESOLUTION (Officer Recommendation)**MOVED Cr GW Hobley / Cr TD Borgward**

That Council endorse the payments from the Municipal Fund and Trust Fund for the period ending 30 June 2022:

Municipal Fund	\$544,714.99
Trust Fund	\$ 0.00
Direct Debits	\$329,941.19
<u>TOTAL</u>	<u>\$874,656.18</u>

CARRIED 6/0
By Simple Majority

9.1.4 STATUS OF COUNCIL DECISIONS – JUNE 2022

PROPOSED MEETING DATE:	20 July 2022
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Christie Smith – Manager Corporate
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	NAM35
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - Action Sheet Attachment 2 - Outstanding Matters List
DISCLOSURE OF INTEREST:	Nil

PURPOSE

To inform the Council of the actions taken in relation to Council decisions.

BACKGROUND

By providing this report to Council as an agenda item on a monthly basis will keep Council informed on the progress of decisions made.

COMMENT

The status of Council decisions/resolutions is included as an attachment and updated monthly.

It is requested that action items be reviewed at each Council meeting.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 5.41

The CEO's functions are to:-

- c) cause Council decisions to be implemented

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OCM2122/010 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr KV Johnston / Cr GW Hobley

That the following be received by the Council:

- 1. The Action Sheet for the Council Meeting 15 June 2022;**
- 2. The Outstanding Matters list dated 20 July 2022.**

**CARRIED 6/0
By Simple Majority**

9.1.5 PERMISSION TO COLLECT NATIVE PLANT SEED FROM SHIRE RESERVES – GREENING AUSTRALIA

PROPOSED MEETING DATE:	20 July 2022
PROPONENT:	Greening Australia
LOCATION:	Shire of Kent Vested Reserves
AUTHOR:	Nathanael Taekema – Governance Officer
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	ENV.41
ASSESSMENT NO:	N/A
ATTACHMENTS:	Nil
DISCLOSURE OF INTEREST:	Nil

PURPOSE

Council to consider an application from Greening Australia to collect native plant seed from reserve land vested in the Shire of Kent for a period of 12 months.

BACKGROUND

The following submission was received 24 June 2022 on behalf of Greening Australia:

Dear Sir/Madam,

On behalf of Greening Australia Ltd (GAL), I am seeking permission for appointed staff of GAL, to collect native seed from within reserves vested to your shire.

We are a not-for-profit committed to restoring Australia's diverse landscapes and protecting biodiversity in ways that benefit communities, economies, and nature. The seed we seed collect is used for environmental restoration projects, where biodiversity and quality is paramount.

All of our seed management activities are conducted within the framework of the Florabank Guidelines. All representatives collecting seed for GAL are experienced in collecting native seed and are licensed under the Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulations 2018. Any person collecting seed on behalf of GAL is required to abide by the conditions of this licence.

Attached to this email is our proforma response. Please use this template for your response and include additional conditions set by your Shire for approval.

I look forward to your favourable response.

Kind regards,

Kelley Thompson | Office Administrator | Greening Australia

COMMENT

The collection of native plant seed is an annual request from either Parks and Wildlife (DBCA), Greening Australia or others working on their behalf. In the past Council has approved permission to collect seed. Last year the shire granted permission to two applicants being the Badgebup Aboriginal Corporation and Formosa Flora.

It is proposed that the native seed collected will be used for the "Shire of Kent 20 Million Trees" federal grant. Under this program Greening Australia has been contracted to perform revegetation works in the Shires of Kent, Dumbleyung, Wagin and Kojonup. Greening Australia also have their own 20 Million Tree federal grant where they are doing a significant amount of revegetation within the Shire of Kent.

STATUTORY IMPLICATIONS

Local Government Act (1995)

Biodiversity Conservation Act 2016

Biodiversity Conservation Regulations 2018

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2017-2027

Environment Objective - Conserve, protect and enhance our natural and built environment

Outcome 3.1 A preserved natural environment

3.1.1 Conserve, enhance, promote and rehabilitate the natural environment

RISK IMPLICATIONS

N/A

VOTING REQUIREMENT

Simple Majority

OCM2122/011 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr DP Gray / Cr JN Germain

That Council grant Greening Australia Ltd permission to access reserves vested in the Shire of Kent for the purpose of native seed collection subject to the following conditions:

- (i) All persons collecting native seed are licensed according to the *Biodiversity Conservation Act 2016* and *Biodiversity Conservation Regulations 2018* and will abide by the conditions of this license**
- (ii) Permission is for a twelve month period, commencing July 2022.**
- (iii) This letter allows for collection only by Greening Australia Ltd staff members and supervised affiliates.**
- (iv) Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds.**
- (v) All care will be taken to avoid the disturbance of fauna habitat.**
- (vi) All care will be taken to avoid any disturbance that may lead to soil degradation.**
- (vii) A report detailing shire reserves accessed and seed collected be provided once the annual collection period is complete.**

**CARRIED 5/1
By Simple Majority**

Cr TD Borgward Voted Against

9.1.6 VOTING DELEGATES – WALGA ANNUAL GENERAL MEETING 2022

PROPOSED MEETING DATE:	20 July 2022
PROPONENT:	WALGA
LOCATION:	N/A
AUTHOR:	Adam Majid – Chief Executive Officer
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	GOV.121
ASSESSMENT NO:	N/A
ATTACHMENTS:	Notice of AGM
DISCLOSURE OF INTEREST:	Nil

PURPOSE

The Annual General Meeting (AGM) for the Western Australian Local Government Association will be held on Monday 3 October 2022. Council needs to determine voting delegates for the AGM.

BACKGROUND

WALGA is required to hold an AGM annually and has provided notice that the 2022 AGM will be held on Monday 3 October 2022 at Crown, Perth.

Council is required to provide WALGA that names of voting delegates and proxy delegates for registration by Friday 23 September 2022.

Other dates to note, should Council want to pursue are as follows:

Friday 22 July 2022 – Deadline to submit motions proposing amendments to WALGA's constitution

Friday 12 August 2022 – Deadline to submit motions for the AGM Agenda

No indication from Council or the Great Southern Zone in relation to motions has been provided in recent months.

COMMENT

Traditionally, local governments will nominate the Mayor/President and Deputy Mayor/President to be voting delegates and two other elected members as proxy's in case of the circumstances arising where a delegate cannot attend.

It is Council's prerogative who they choose to nominate.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Attendance at the WALGA AGM is free of charge for all elected members and staff of member local governments.

If required, the Shire can cover the cost of accommodation if necessary.

STRATEGIC IMPLICATIONS

Nil

RISK IMPLICATIONS

There are no perceived risk implications associated with the proposal.

VOTING REQUIREMENT

Simple Majority

OCM2122/012 - COUNCIL RESOLUTION (Officer Recommendation)
--

MOVED Cr TD Borgward / KV Johnston

That Council:

- 1. Nominates Cr SR Crosby and Cr KV Johnston as voting delegates for the 2022 WALGA Annual General Meeting;**
- 2. Nominates Cr DP Gray and Cr GW Hobley as PROXY voting delegates in the event that one or both delegates (above) are unable to attend.**

**CARRIED 6/0
By Simple Majority**

9.1.7 EXPRESSION OF INTEREST AND FINANCIAL SUPPORT FOR A GREAT SOUTHERN DESIGNATED AREA MIGRATION AGREEMENT (DARMA)

PROPOSED MEETING DATE:	20 July 2022
PROPONENT:	WALGA GS Country Zone
LOCATION:	N/A
AUTHOR:	Adam Majid – Chief Executive Officer
REPORTING OFFICER:	Adam Majid – Chief Executive Officer
FILE NO:	GOV.106
ASSESSMENT NO:	N/A
ATTACHMENTS:	Attachment 1 - DAMA information Paper Attachment 2 - WALGA GSZONE DAMA Presentation
DISCLOSURE OF INTEREST:	Nil

PURPOSE

A Designated Area Migration Agreement (DAMA) is a labour agreement allowing businesses/employers to sponsor skilled and semi-skilled overseas workers to fill labour shortages in specific areas that cannot be filled with Australian workers. This report seeks a commitment from Council to support the establishment of a DARMA that covers all of the 11 Local Governments in the Great Southern region. Further the report seeks a financial commitment from each of the local governments to fund the business case necessary for the DARMA application.

Establishment of a Great Southern Region DAMA has both in-principle support and financial commitment from Regional Development Australia (RDA) and the Great Southern Development Commission (GSDC).

BACKGROUND

A regional Designated Area Migration Agreement (DAMA) is a formal agreement between the Australian Government and a regional, state or territory authority. Operating under an agreement-based framework, a DAMA provides access to more overseas workers than standard skilled migration programs (Temporary Skills Shortage (TSS) 482 visa or Regional 494 visa) by allowing variations to standard occupations and skills lists.

Establishing a DAMA in the region requires the support of various stakeholder groups as well as an in-depth analysis of relevant employment markets with verified evidence to support the application. Once established, a DAMA is reviewed annually and may be varied yearly.

A DAMA is a two-tier framework covering a defined regional area. The framework is:

- first tier - an overarching five-year head agreement with the region's representative (e.g. Regional Development Australia Great Southern). A region representative is called the Designated Area Representative (DAR).
- second tier - DAMA labour agreements with businesses/employers under the head agreement for the region.

Under the framework the DAR forms the first tier and negotiates a DAMA on behalf of businesses/employers within its region. Negotiations provide the most significant benefit of a DAMA and encompass standard occupations, including skill lists and any concessions that may be appropriate to a specific occupation. Examples of negotiated concessions include an extension of the age criteria, relaxation of English skills requirements or modification to the skills and experiences required. The result is flexibility for regions to respond to their unique economic and labour market conditions.

The framework's second tier formalises the individual DAMA labour agreement. A business/employer applies for a DAMA Labour Agreement to the DAR. The business/employer must first demonstrate via Labour Market Testing (LMT) that it cannot employ suitable Australian employees. (A LMT is a business case presented to a DAR and the Department of Immigration that provides solid evidence and includes advertising on the Australian Government's Jobactive website and other search methods.)

If an application satisfies the DAMA's terms and conditions, and is supported, the DAR provides endorsement of the application through an approval letter. Once endorsed, applications are then subject to assessment by the Department of Home Affairs and Minister of Immigration, Citizenship and Multicultural Affairs.

If an occupation is unavailable under the standard visa programme, or the DAMA program, a business may negotiate its own Labour Agreement with the Minister, separate from a regional DAMA. Negotiations are based on a labour market survey that demonstrates the reason why a previously unlisted occupation has been applied for.

It is noted most regional businesses do not have the capacity to individually negotiate a Labour Agreement due to lack of capacity, expense and time constraints. A regional DAMA would provide a more attractive option to support business owners in the Great Southern.

Benefits of a DAMA

A DAMA could provide a community with economic benefits through population growth and increased output.

The key value opportunity is that immigrant workers cannot move from the area of their DAMA, but can move between businesses within that area. Effectively migrant workers are secured to the region.

Another benefit of a DAMA is that the semi-skilled occupations, that are in shortage in the particular region, could be available under a DAMA, while they are not available under the standard visa program. Some examples of such occupations are truck drivers, wait staff, bar attendants, drillers, driller assistants, earthmoving/mobile plant operators and horticultural workers such as process and field workers.

DAMA concessions

English Language Concession:

The English language test scores required under a DAMA can be lower than under the standard visa program making it easier for the applicant's visa to be processed. This is especially the case where a person is generally a good English communicator but perhaps not able to meet the requirements of a stringent English test for a visa.

Temporary Skilled Migration Income Threshold (TSMIT) Concession:

The TSMIT value is set by legislation to ensure that migrant workers can financially support themselves in Australia and acknowledges the additional costs temporary residents incur, such as health care and education costs. The current value of the TSMIT is \$53,900, excluding superannuation.

When calculating whether the salary paid by an employer meets the TSMIT, annual earnings may consist of the base salary plus guaranteed earnings such as housing, company car, and guaranteed overtime where this is an industry standard. If an employer intends to include these guaranteed earnings to meet TSMIT requirements, they must be valued and written into the agreed employment contract.

The use of concessions must not undermine relevant industrial awards, nor market salary rates for an equivalent Australian employee in the same location.

Skills Concession:

Every occupation requires an assessment of education, qualifications and employment experience to determine comparability against the assessment standards of a DAMA.

Permanent Residency requirements:

Upon an approval of the subclass 482 visa, there may be a pathway to permanent residency, subject to satisfying the criteria and availability, through the subclass 186 scheme Employer Nominated Scheme Visa.

Age Concession:

To transition into permanent residency, every applicant must meet the age criteria, being under the age of 45.

DAMA requirements

Advice from the office of Rick Wilson, Federal Member for O'Connor, states that a request for a DAMA must contain, as a minimum, the following:

1. a letter of endorsement from the relevant stakeholders;
2. a Designated Area Representative (DAR), endorsed by stakeholders, who can manage the request to establish an agreement;
3. a business case if any additional concessions are being requested to the minimum requirements outlined for a company specific labour agreement; and
4. an explanation of how the DAR proposes to support employers and facilitate the integration of overseas workers in their local communities (for example – provision of information on workplace rights and sponsorship obligations; basic services in the local area such as health; emergency and educational services; community activities such as sporting groups and religious services; engagement of a multicultural officer);
5. supporting documentation, which may include:
 - a. profit and loss statements;
 - b. other applicable financial statements; and
 - c. relevant supporting information.

An example of a region in Western Australia currently covered by a DAMA, since 21 March 2019, is the Goldfields region. The City of Kalgoorlie-Boulder is the DAR and represents other regional and nearby shires.

The Goldfields region aimed to secure permanent labour so as to avoid constantly retraining employees, such as backpackers. The Pilbara region had also applied for a DAMA before the Goldfields was secured, however they were unsuccessful in their application due to not being able demonstrate eligibility.

It is important to note the Goldfields DAMA is an employer-sponsored visa programme providing the framework for employers in its designated area to sponsor skilled and semiskilled workers under visa subclasses 482, 494, and 186. This is the same model proposed by the Great Southern region.

The process of becoming a DAMA took the City of Kalgoorlie-Boulder 12 months, once the application was submitted. A financial consultancy business was engaged to undertake their business case, which can take between 3 and 6 months to establish.

From a human resource perspective, the City of Kalgoorlie-Boulder provided a 0.5 FTE (full time equivalent) staff member to liaise with the consultant throughout the formation of the Business Case.

In addition, the following on-going human resource tasks, required as the DAR, include:

1. dealing with an approximate average of 1 to 2 business applications per month. A charge of \$250 is levied for each nomination for endorsement. This includes Statutory Declarations and ensures businesses are financially viable and stable.
2. answering queries from prospective businesses, which can be very time consuming.
3. seeking guidance from a team within the Department of immigration.
4. undertaking of an Annual Report for the Department and Minister.
5. negotiation of ongoing Terms and Conditions of the DAMA.
6. surveys and analysis of the regional labour market.
7. monthly meetings with a Department of Immigration representative to discuss the DAMA programme. Note: The Department also liaises with businesses directly.

Other points of note, gained through research with external organisations, include:

1. a subclass 491 visa, for highly skilled and desired occupations, requires nomination by the State Government, or an eligible family member and doesn't require a sponsor. This type of visa cannot be included in a DAMA;
2. the City of Kalgoorlie-Boulder has a population of approximately 30,000;
3. the more local government authorities involved, the better the chance of securing a DAMA; and
4. a larger organisation, such as a Regional Development Authority is best positioned to take on the role of regional representative (DAR) and offers the application a stronger opportunity for success, indicating collaboration between communities.

Creating a DAMA is an extensive process, particularly for the lead organisation (DAR) involved in the application and consultancy phase. Furthermore, there are significant resources required to manage ongoing applications which require liaison with the Department of Immigration for the five-year term.

This type of project requires the support of many stakeholders including regional Local Governments, Chambers of Commerce, Regional Development Australia (RDA), Development Commissions, and members of parliament. All stakeholders must endorse the organisation that is capable and willing to accept the responsibility of being a Designated Area Representative.

Regional Development Australia (RDA) Great Southern have offered to act as the Designated Area Representative (DAR) which will meet this ongoing administrative requirement.

Alternative Visa Options to DAMA

Pacific Labour Mobility Scheme

This Scheme enables citizens of partner countries to take up low-skilled and semi-skilled work opportunities in all sectors in rural and regional Australia for up to 3 years. Partner countries include: Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu.

Seasonal worker Program (Agriculture and Accommodation)

This Scheme enables citizens of partner countries to take up unskilled and low-skilled work opportunities in the Australian agriculture and accommodation sectors in selected rural and regional locations of Australia for up to 9 months. Partner Countries: Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu.

Industry Labour Agreement

Labour agreements enable approved businesses to sponsor skilled overseas workers when there is a demonstrated need that cannot be met in the Australian labour market and where standard temporary or permanent visa programs are not available. Industry labour agreements are for a specific industry with fixed terms and conditions. The industry is required to show ongoing labour shortage and extensive consultation within the industry. Various approved industry labour agreements include dairy, aquaculture, fishing, meat and livestock, advertising, hospitality, labour-hire and religion.

Standard Business Sponsorship -482 (For highly Skilled Occupations)

This temporary visa lets an employer sponsor a suitably skilled worker to fill a position for which they are unable to find a suitably skilled Australian. Based on the occupation, this visa is generally granted for 2-4 years.

Consultation:

A West Australian Local Government Association (WALGA) Great Southern Country Zone meeting was held in Jerramungup on 24 June 2022. All 11 Local Governments of the region were represented.

The Great Southern Development Commission Chief Executive Officer Natasha Monks also attended and participated in the briefing on a proposed DAMA for the region.

The meeting resolved:

That the Great Southern Country Zone of WALGA supports the concept of the Designated Area Migration Agreement (DAMA) as follows:

- 1. The Great Southern Country Local Governments are to report back to the Zone Executive Officer by Wednesday, 17 August 2022 as to their interest in joining the DAMA.*
- 2. The Great Southern Country Zone acknowledge the Regional Development Australia office will act as the Designated Area Representative (DAR), and*
- 3. The Great Southern Country Zone acknowledges that funding will be required from each Local Government.*

COMMENT

The level of unemployment in the Shire of Kent has remained relatively stable since late 2017. These low unemployment rates indicate the available pool of employees for Shire of Kent businesses is extremely low and is ultimately leading to business disruption. A number of large employers in the Shire of Kent have reduced operating hours in order to cope with lower than desired staffing levels.

On the basis of the current employment conditions the author believes the development of a Great Southern regional DAMA offers part of a solution for those businesses who are currently experiencing under-employment. While it is unlikely a regional DAMA will be the panacea for all businesses it could provide an avenue to assist larger businesses with the capacity to invest in the program.

While a DAMA could produce potential employees, it must also be understood that housing considerations must be taken into account. While housing availability is easing, it is still a significant consideration, and is likely to continue for another 12-24 months, where employers will need to address this consideration in the development of their business case when preparing their DAMA applications.

On the basis of the relatively low cost, matched against the potential to provide businesses with increased access to new labour markets the author recommends the Shire signal its intent to participate at the next WALGA Great Southern Country Zone meeting on 26 August in Katanning. Whilst the intent is for the entire Great Southern zone to be include in the DARMA prescribed area this can only be guaranteed if each of the 11 local governments agree both in principle and support the business case with a level of funding considered commensurate with their population and financial circumstances.

STATUTORY IMPLICATIONS

Statutory Dependency Migration Act 1958.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As outlined in Table 1 below a proposed funding model identifies the relative cost proposed by all stakeholders in the development of a DAMA in the Great Southern. It is expected that between \$80,000 to \$100,000 is required to develop the business case in order to be successful. This includes the cost of a consultant to conduct a survey of regional employers, research and provide statistics, and to identify any occupations that may fit the criteria for inclusion in a DAMA application. The direct costs of the consultant are estimated to be circa \$60,000 to \$80,000, with the balance required for project contingencies.

It is noted that a designated team member resource is required to liaise with the consultant. In the case of Kalgoorlie-Boulder, it was estimated that a staff member to the value of 0.5 FTE basis was required for the purpose of establishing their DAMA. Following the successful DAMA application, a further 0.5 FTE investment with ongoing tasks has been required.

RDA Great Southern have indicated they are prepared to fund the ongoing 0.5 FTE employee costs relating to the DAR for the proposed five-year period. On this basis each local government in the Great Southern are only required to fund the upfront business case. Each employer that makes application in the Great Southern will fund the ongoing administration costs of the DAR. There may also be a proportion of the application fees over the five-year period that recoups some or all of the original local government investment. This will be determined if the Great Southern zone local governments make a commitment to the business case and DARMA application. RDA Great Southern will lead this process and report back to the zone.

Table 1. Proposed Funding Model

		Estimated Population	Contribution based Population	Adjusted Contribution
	Total Funds		\$ 111,803	\$ 100,000
	Organisation			
1	GSDC		\$ 10,000	\$ 10,000
2	RDA		\$ 10,000	10,000
	LGA's	\$ 1.50	\$ 20,000	\$ 20,000
		Per head of pop		
3	City of Albany	38,000	\$ 57,000	\$ 40,000
4	Shire of Denmark	6422	\$ 9,633	\$ 8,000
5	Shire of Plantagenet	5079	\$ 7,619	\$ 8,000
6	Shire of Katanning	4200	\$ 6,300	\$ 7,000
7	Shire of Kojonup	1985	\$ 2,978	\$ 5,000
8	Shire of Gnowangerup	1215	\$ 1,823	\$ 2,500
9	Shire of Broomehill-Tambellup	1144	\$ 1,716	\$ 2,500
10	Shire of Jerramungup	1109	\$ 1,664	\$ 2,500
11	Shire of Cranbrook	1089	\$ 1,634	\$ 2,500
12	Shire of Kent	550	\$ 825	\$ 1,000
13	Shire of Woodanilling	409	\$ 614	\$ 1,000
		61,202	\$ 91,803	\$ 80,000

STRATEGIC IMPLICATIONS

The report and officer recommendation are consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects.

RISK IMPLICATIONS

There are no perceived risk implications associated with the proposal.

VOTING REQUIREMENT

Simple Majority

OCM2122/013 - COUNCIL RESOLUTION (Officer Recommendation)**MOVED Cr KV Johnston / Cr JN Germain****That Council:**

- 1. SUPPORT the development of a Great Southern Designated Area Migration Agreement; and**
- 2. REQUEST the Chief Executive Officer to advise the West Australian Local Government Great Southern Country Zone Meeting, by 17 August 2022, of the Shire of Kent intent to participate, subject to:**
 - a. Regional Development Australia Great Southern undertaking the role of the Designated Area Representative, and**
 - b. A contribution of up to \$1,000, be confirmed as the Shire of Kent contribution with the CEO authorised to commit funding up to this amount.**

CARRIED 6/0
By Simple Majority

- 10. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 11. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL**
- 12. MATTERS BEHIND CLOSED DOORS**

That the meeting be closed to the public in accordance with section 5.23 Local Government Act 1995, 5.5.23(2))

- Matters affecting employee(s)
- Personal affairs of any person(s), including financial and/or commercial Contracts
- Commercial Confidentiality
- Legal advice/matters
- Public safety/security matters where public knowledge may be prejudicial.

13. MEETING CLOSED

There being no further business the Shire President Cr Scott Crosby, closed the meeting at 6:31pm.

I certify these minutes were confirmed at the
Ordinary Meeting of Council held 17 August 2022.

.....
Cr Scott Crosby – Shire President

.....
17 August 2022
Date