

RTA Weipa and the Weipa Town Authority

Management Protocol for Weipa

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RTAW Management Protocol for Weipa

Contents

1.	Introduction	4
2.	Weipa Town Authority – Protocols Vision and Purpose	4
3.	Background	4
3.1	Legislation	4
3.2	Weipa Citizens Advisory Committee	5
3.3	Current Situation	5
3.4	Services	5
4.	Management of Legal Issues	7
4.1	Delegation of powers to the WTA	7
4.2	WTA legal matters	7
4.3	Significant legal matters	7
4.4	Liability of WTA officials	7
4.5	WTA enforcement of powers	7
4.6	WTA legislative requirements	8
5.	Corporate Planning	8
5.1	Corporate Governance	8
5.2	Tendering guidelines and major contracts	9
5.3	Meetings and protocols	9
5.4	Closed sessions	9
5.5	Policy	10
5.6	Proposed [business] structure of the WTA	10
6.	Workplace Health & Safety Improvement Program	11
7.	Infrastructure Improvement Program	11
7.1	Sewerage System Improvement Program	11
7.2	Water Sustainability Strategy	12
8.	Asset Management Program	12
8.1	WTA Assets	12
8.2	WTA Area Custodian Register	13
8.3	Funding for Replacement of Existing Assets	13
8.4	Land Development Assets	13
9.	Town Planning Improvement Plan	13
9.1	Town Planning	13
9.2	Developer Charges	14
9.3	WTA Records	14
9.4	Ongoing Town Planning Reviews	14
10.	Continuous Improvement Program	14
11.	Finances and Funding	14
11.1	Funding for Services provided by the WTA	14
11.2	Levies	15

12. Responsibilities and Authority	15
12.1 Resources to be provided by RT	15
12.2 Funding	15
12.3 Lobbying Function	16
12.4 Authority to be retained by RT	16
13. Consultation	17
Annexure A - Current Situation	18
Schedule 1 - WTA Organisational Structure 2017	21

1. Introduction

The RTA Weipa (RTAW) and Weipa Town Authority (WTA) Management Protocol for Weipa is designed to build on the existing arrangements relating to the management of local governance in Weipa. This Management Protocol is designed to provide a management framework for the operation of local governance in Weipa and support the WTA towards achieving autonomy and financial sustainability.

As such, this Management Protocol is not designed to be exhaustive of all matters pertinent to local governance operations in Weipa. Rather, the Protocol sets the scene for the development of detailed strategic and operational management plans to achieve a vision (set out immediately below) for local governance in Weipa.

The current situation and governance arrangements for the Weipa Town Area are described with Annexure A.

2. Weipa Town Authority – Protocols Vision and Purpose

Vision: A diverse, connected and sustainable community, the hub of our unique Cape lifestyle.

Mission: To deliver strong, accountable and inclusive leadership that meets the needs of the community through:

- *Generating opportunities for economic development*
- *Delivering high quality municipal infrastructure and services*
- *Providing open and transparent governance*
- *Creating and leveraging partnerships with the community including the traditional owners of the land.*

The vision is to be achieved through the implementation of this Protocol, and the continued development and implementation of Strategic Plans and detailed Operational Plans, Policies and Procedures. RTAW and the WTA will work together to achieve this vision.

The vision is designed to take the WTA from where it is now to a position where the WTA is perceived to be separate from and is able to act largely autonomously of RTAW in day to day matters, even though it is not legally separated from RT.

RTAW recognises that property ownership within Weipa is progressively changing and that the majority of the town properties are owned by non-Rio Tinto parties.

RTAW and the WTA also acknowledge that this Protocol is a 'living document' which may be subject to change as social, demographic and ownership structures in Weipa alter over time.

RTAW in consultation with the WTA may amend or terminate this Protocol at any time.

3. Background

3.1 Legislation

RTAW is vested with the powers of a local government within the boundaries of the Weipa township by virtue of the provisions of the *Commonwealth Aluminium Corporation Pty Limited*

Agreement Act 1957 (Qld) (Comalco Act). The Comalco Act gives force of law to the agreement attached to the Act (**Comalco Agreement**).

Clause 45 of the Comalco Agreement allows RTAW to exercise the majority of the powers conferred on a local government under the *Local Government Act 2009 (Qld) (2009 LG Act)* over particular areas of land.

The *Commonwealth Aluminium Corporation Pty Limited Agreement (Weipa Town Area) Regulation 1994*:

- (a) excluded certain lots of land (described as the "area") from the Shire of Cook;
- (b) provided that the excluded "area" is called the Weipa Town Area; and
- (c) constituted Weipa as a "local government area" for the purposes of the 1993 LG Act and the Comalco Act.

This means that currently RTAW governs the Weipa Town Area by virtue of the Comalco Act and Agreement, within the limitations set out by those instruments, **as if** it were the local authority for the Weipa Town Area. While the Comalco Regulation expired in September 2005, this does not affect the operation of the Comalco Agreement or undo the exclusion of the area from the Shire of Cook.

3.2 Weipa Citizens Advisory Committee

The WTA developed originally from the Weipa Citizens Advisory Committee, which was established by the predecessor of RTAW in 1997 to assist with the governance of Weipa. The advisory committee, which acts as though it were a local council, has a Chair (akin to a Mayor) and Members (akin to Councillors) and is creation of RTAW to assist in the exercise of its governing rights under the Agreement.

The WTA is not established by virtue of the Comalco Act or the Agreement – neither of which make provision for an advisory committee. However, the WTA carries out its function in a manner consistent with the rights and obligations of RTAW under the Comalco Act.

3.3 Current Situation

- (a) Annexure A sets out how the WTA operates as at July 2017.
- (b) In essence, the WTA endeavours to operate and function as though it were a local government constituted and established under the 2009 LG Act. The only areas where the WTA is unable (due to its reliance on the Comalco Agreement and Act rather than constitution as a local government under the 2009 LG Act) to act like a local government are as follows:
 - (i) Loan and budget requirements;
 - (ii) Major works contracts for the town (eg. town cleaning and waste management);
 - (iii) Major infrastructure provision; and,
 - (iv) The development/release of land and changes to Weipa Town boundaries.

3.4 Services

The following services are or will be provided by WTA to the Weipa community:

- (a) Corporate service functions relevant to local government – revenue, debt management, accounts receivable, accounts payable, financial management, budgeting, property and rates, governance and records management etc;
- (b) Library;
- (c) Water treatment, storage & distribution;
- (d) Sewer collection, treatment, disposal & recycling;
- (e) Liquid trade waste disposal and treatment;
- (f) Garbage recycling & disposal;
- (g) Maintenance/operation of roads, stormwater drainage systems etc;
- (h) Facilitation of economic development, tourism and diversification of industry;
- (i) Town planning functions;
- (j) Building certifications, approvals and inspection functions;
- (k) Environmental health;
- (l) Pest & noxious weeds control;
- (m) Asset management including establishment of databases, ongoing condition monitoring, replacement,
- (n) Filing and records system which is based upon RTAW and Local Government requirements, including the ability to respond to Right to Information requests;
- (o) Playgrounds, open spaces and recreational areas including all existing facilities;
- (p) Provision and management of community facilities and public conveniences;
- (q) Animal Management;
- (r) Formulation, implementation, enforcement and continual monitoring of local laws;
- (s) Aquatic Centre;
- (t) Representation of the Weipa community;
- (u) Advocating and representing the Weipa community, and engaging with government and community stakeholders;
- (v) Commitment to providing development opportunities for the local community;
- (w) Utilising recognised population prediction forecasting techniques to effectively plan for the ongoing development of Weipa and ensure that infrastructure remains suitable for the community's needs;
- (x) Co-ordination of a community grants and financial assistance program to support the development of community and sporting groups;
- (y) Working with community safety agencies to minimise and reduce crime, and address littering, abandoned vehicles and public nuisances;
- (z) Engaging with the community through programs such as events, sporting activities, school holiday programs;
- (aa) Implementation of programs to support recycling of waste, recycling of sewer effluent, and conservative use of water resources;

- (bb) Disaster Management; and,
- (cc) Any additional services relevant to local government, and as agreed to by RTAW and WTA.

These functions are provided and funded through rates, fees and charges from the community, as well as RTAW funding and Government funding (where eligible).

RTAW's expectation is that the WTA delivers the services at a comparable standard to other local governments in Queensland.

4. Management of Legal Issues

4.1 Delegation of powers to the WTA

RTAW will prepare and approve a formal delegation of authority (**Delegation**) for the WTA and its officers. This Delegation will clarify how the WTA will exercise that authority with respect to its local governance powers in Weipa.

In the event of any inconsistency between this Protocol and the Delegation, the terms of the Delegation will prevail.

RTAW in consultation with the WTA may amend the Delegation at any time.

4.2 WTA legal matters

RTAW Corporate Counsel provides legal support and advice for RTAW operations and are responsible for 'knowledge capture and management' within RTAW.

RTAW Corporate Counsel may arrange for an external firm to provide assistance to the WTA.

4.3 Significant legal matters

For the WTA to proceed with any significant legal action, a majority of the WTA must resolve to proceed with the action. Following such a resolution and before engaging in legal action, the WTA must advise and obtain the approval of RTAW Corporate Counsel to proceed.

Penalties in the form of Penalty Infringement Notices (PINs) may be issued by the WTA provided it has first received legal advice through RTAW Corporate Counsel that it has the requisite power to issue PINs, for example animal management and trade waste.

4.4 Liability of WTA officials

The Comalco Agreement provides that RTAW 'shall not be under any greater liability than would a Local Authority' when exercising its powers with respect to a Local Authority Area (see section 45(a)(i) of the Agreement).

Subject to WTA and its members acting wholly in accordance with the Delegation and this Protocol, RTAW will either indemnify or provide insurance coverage for the WTA members to the same extent as RTAW officers and employees.

4.5 WTA enforcement of powers

WTA Officers should seek the informal resolution of complaints or issues wherever appropriate before proceeding to penalties or prosecution. WTA Officers should act with appropriate flexibility and discretion in the administration of local laws. RTAW and the WTA acknowledge that, while flexibility and discretion are important, RTAW policies and State laws must be

complied with (for example, particularly in respect of the administration of the trade waste provisions and environmental issues).

WTA Officers will ensure the proper investigation of alleged breaches of local and other laws which apply in the Weipa Town Area. All investigations will be conducted in accordance with legislation and documented, including details of attempts made by WTA officials to resolve the matter (if possible) without prosecution or penalty.

4.6 WTA legislative requirements

- (a) The WTA will continue to observe and comply with relevant provisions of State and Federal legislation.
- (b) The WTA will continue to observe and comply with the Comalco Act and Agreement.
- (c) The WTA and RTAW Corporate Counsel will work together to develop, implement and maintain a suite of relevant Local Laws in accordance with the 2009 LG Act.
- (d) The WTA has developed and will maintain a Strategic and Operational Planning Framework in accordance with the requirements set out in the 2009 LGA, including a five (5) year corporate plan, long term financial and asset management plan, capital expenditure program, annual budget, policies and procedures.
- (e) Where possible, RTAW will enable the WTA to hold environmental licences separate and distinct from RTAW's other licences in order for the WTA to manage and operate facilities relating to the town, such as water, sewerage and waste management systems.

5. Corporate Planning

5.1 Corporate Governance

The WTA will implement –

- (a) A five (5) year corporate plan to formulate the long term direction of the authority in accordance with 2009 LG Act. An annual planning workshop will be facilitated by RT for all members of the WTA to review the corporate plan, assess achievements to date, identify risks and potential opportunities, collate and assess results of community satisfaction surveys and stakeholder feedback to provide future strategic direction for the organisation.
- (b) An operational plan prepared on an annual basis which details the major activities that align with the corporate plan and are proposed to be delivered during the relevant financial year. The operational plan must meet the requirements of 2009 LG Act. The operational plan must be endorsed by the WTA and be in place by 1 July each year.
- (c) The operational plan includes a detailed budget for the financial year which clearly sets out the amounts proposed to be spent during the financial year, the major activities under the corporate and operational plans proposed to be undertaken and the actual cost that was incurred for the previous financial year. The budget clearly details the financial contributions to be made by RTAW.
- (d) Any financial contributions by RTAW made to annual budget of the WTA require approval by an authorised representative of RTAW.
- (e) Within three months of the end of the financial year, the WTA must facilitate an audit of its accounts by a qualified external financial auditor.
- (f) By the 30 November of the relevant calendar year, the WTA produces at its own cost an annual report which meets the requirements of 2009 LG Act.

5.2 Tendering guidelines and major contracts

- (a) WTA has adopted and follows the Rio Tinto Procurement Principles and Guidelines. A Financial Delegation of Authority Policy (based on current RTAW Delegations) has been developed and approved by the WTA and RTAW.

5.3 Meetings and protocols

- (a) The WTA conducts monthly general meetings and notify the public of general meetings in accordance with the Local Government meeting requirements stated in 2009 LGA and the Local Government Regulation 2012 (2012 LG Reg).
- (b) The WTA will develop procedures in partnership with RTAW to meet the requirements of the Information Privacy Act 2009 (2009 IP Act) and develop right to information protocols in which clearly set out the circumstances that a member of the community will be allowed to seek information on specific matters. The policy will also clearly detail specific information that cannot be viewed by any member of the public and the process that must be used to determine suitability for release. The WTA will develop an appropriate records management system which facilitates the assessment and response to such requests.
- (c) WTA members are forbidden from directly interfering with day to day WTA operations or approaching WTA staff directly on any matter. WTA members must address all matters regarding the WTA through the office of the Superintendent only. The WTA in partnership with RTAW has developed an acceptable requests guideline consistent with the 2009 LG Act.
- (d) A Code of Conduct has been developed by the WTA in partnership with RTAW which sets out the behaviour to be expected of the WTA members. The code of conduct details the actions that will be taken if it is found that the individual has failed to raise or declare any conflict of interest.
- (e) A member who has a material personal interest must disclose the interest in accordance with 2009 LG Act. No WTA member will be allowed to be present or participate in the meeting while the matter is being considered by the WTA. No proxy vote will be permissible in such circumstances. If a member or members are absent from the meeting due to a material personal interest, the quorum for the meeting must still be met.
- (f) The local Weipa media is encouraged to attend any meeting of the WTA except for closed meetings. During the meeting, the local media is given the right to observe only, not to vote or comment on any aspect of the meeting while the meeting is convened.

5.4 Closed sessions

- (a) The WTA may close a meeting to the public in a manner consistent with the relevant provisions of the Local Government Regulation 2012 (2012 LG Reg). The WTA must not make a resolution in a closed session.
- (b) A separate agenda is prepared for any closed session and only distributed among WTA members, WTA Superintendent and employees nominated by the WTA Superintendent.
- (c) The WTA can resolve to enter into a meeting closed to the public in a manner consistent with 2012 LG Reg to discuss the following:
 - i. the appointment, dismissal or discipline of employees; or
 - ii. industrial matters affecting employees; or
 - iii. the local government's budget; or
 - iv. rating concessions; or

- v. contracts proposed to be made by it; or
 - vi. starting or defending legal proceedings involving the local government; or
 - vii. any action to be taken by the local government under the Planning Act 2016, including deciding applications made to it under that Act; or
 - viii. other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.
- (d) A resolution that a meeting be closed must specify the general nature of the matters to be considered while the meeting is closed.

5.5 Policy

- (a) The WTA will formulate and maintain policies for various administrative and operational matters. The policies are formulated to provide transparency to the Weipa community in respect of any dealings undertaken by the WTA and to provide direction to WTA staff members.
- (b) The most recent version of all policies is published on the WTA website and also available at the WTA front counter upon request by the general public. A current register will be maintained to record the title of all policies, the current version, the date it was most recently adopted and the location of the original electronic copy of the policy.
- (c) The WTA will review policies during the term of the elected members. The WTA records by resolution that they have reviewed any relevant policy and any action that was taken regarding the policy, its amendment, or application to specific circumstances.

5.6 Proposed [business] structure of the WTA

- (a) WTA will continue to use the RTAW Australian Business Number 54 137 266 285. The WTA will be responsible for submission of all reports that are required by the ATO and relevant fair trading departments as a result of its operations and these reports will be submitted in accordance with RTAW requirements.

The existing structure of four (4) elected community representatives, an appointed traditional owner (1) and two (2) appointed RTAW representative will be accepted as the structure for the WTA. Collectively, all of these representatives are the members of the WTA.

- (b) Free democratic elections will be held (consistent with the requirements of the Local Government Electoral Act 2011 (2011 LGE Act)) for the elected member positions on the WTA. Electoral candidates must be residents of Weipa and be enrolled on the electoral roll for their term of office (if elected). The term of office for elected members is the same as local councillors in local governments in Queensland.
- (c) Elected members must meet the minimum criteria to remain eligible for election as a councillor, as provided under 2009 LG Act.
- (d) Elected members are required to enter into a Deed of Appointment and Indemnity with either RTAW or the relevant Rio Tinto entity, following the election process. The Deed seeks to formalise the arrangements for the appointment and functions of WTA elected members.

- (e) The Superintendent of the WTA is appointed by RTAW. The Superintendent is responsible and accountable for the day to day operations of the WTA. All WTA staff (and contractors) report through to the Superintendent. The Superintendent is responsible for implementing the strategic direction for the WTA in accordance with the approved Corporate Plan.
- (f) The WTA may approach the authorised RTAW representative if there are concerns with the performance of the Superintendent. In the event the concerns cannot be resolved between all parties through an informal or formal process, the concerns can be escalated to the RTAW General Manager – Weipa Operations for resolution.
- (g) If WTA becomes a separate legal entity to RTAW with its own Australian Business Number (ABN), the structure and governance arrangements of the WTA will be reviewed. This includes the employment arrangements of the Superintendent and the performance and supervisory structures for WTA staff.

6. Workplace Health & Safety Improvement Program

The WTA has adopted the RT CLASSIC Health, Safety and Environment Standards. With assistance provided by RTAW, the WTA will conduct a periodic gap analysis (every two (2) years as a minimum) in relation to workplace health and safety issues to identify gaps and improvements. Following this, the WTA will develop and implement an action plan to effect the improvements.

7. Infrastructure Improvement Program

7.1 Sewerage System Improvement Program

- (a) Recent works have been undertaken to improve substantially the operation of the sewerage system to comply with regulatory and licensing requirements.
- (b) RTAW retains control and ownership of the sewerage system. The purpose of this is to ensure the necessary investment is provided to continue the Weipa Sewerage System Improvement Program. The aim of the Weipa Sewerage System Improvement Program is to improve process control, reliability of pumping systems, and build redundancy into the system to ensure regulatory and environmental licenses are complied with.
- (c) RTAW is undertaking a number of capital projects to upgrade the Awonga Point Sewerage system, upgrade of sewerage pump stations and installation of telemetry systems to automate process control. In consultation with the WTA, RTAW may pass the control of the sewerage system to the WTA, following the completion of this upgrade.
- (d) Unless and until control of the sewerage system is passed to the WTA, RTAW will maintain full control and ownership of the sewerage system.
- (e) However the WTA is responsible for the gravity sewerage system operational management.
- (f) The WTA provides a customer complaints service for the town area sewerage system. The WTA collects sewerage rates for the town area and funds the maintenance and ongoing operational costs of the gravity sewerage system during this period.
- (g) RTAW and the WTA will form a committee to oversee the handover of the upgraded Weipa Sewerage System. The committee will agree on the extent of the handover, timings of the handover, ongoing operational accountabilities to ensure that regulatory

requirements can be sustainably met, and any operational budget implications which may result due to the upgrade; and,

- (h) The WTA will ensure that all plans required under the *Water Act 2000* will be prepared and implemented, if necessary with the assistance of RTAW.

7.2 Water Sustainability Strategy

- (a) The WTA has developed and implemented a Water Sustainability Strategy for Weipa. The strategy is comprised of a Water Policy, a System Leakage Management Plan, a Strategic Asset Management Plan with Levels of Service Targets, a Drinking Water Quality Management Plan, and a Drought Management Plan. The strategy aims to reduce per capita consumption to a level that is consistent for similar populations and environmental conditions.
- (b) Measures implemented by the WTA include cost recovery and pricing based signals such as two part tariffs structured in part on infrastructure costs and in part on consumption.
- (c) A key measure in the strategy is the implementation of water restrictions during times of water shortage. Levels of water restriction will be based upon water resource trigger points and the ability of the existing water town water infrastructure at that time to service the population.
- (d) A local law is under consideration to impose penalties (insofar as those are applicable under the *Water Act 2000*) for individuals found to be disregarding the water restrictions.
- (e) The strategy places an emphasis on installing water efficient fittings and fixtures, recycling of grey water, water wise education, and communication to the public of the proposed measures; and
- (f) The WTA will ensure that all plans required under the *Water Act 2000* will be prepared and implemented, if necessary with the assistance of RTAW.

8. Asset Management Program

8.1 WTA Assets

- (a) RTAW owns the following assets within the town area:
 - (i) Road and path network, line-marking, associated traffic management facilities and street furniture;
 - (ii) Sewerage network including pump stations, pipes, manholes, sewage treatment plants and septic systems, and associated fittings, meters and controls;
 - (iii) Water network including bores, storage facilities, pumps, pipelines, manholes, and associated fittings, meters and controls;
 - (iv) Stormwater drainage systems including kerb, gully pits, headwalls, pipes, channels and swales; and
 - (v) Community buildings, sporting ovals, parks, playground equipment, exercise points, green corridors and open spaces.
- (b) Subject to (c) below, RTAW will allow WTA exclusive use or control of the above assets.
- (c) Acts or omissions of the WTA in relation to these assets may prejudice the assets or RTAW's commercial operations and activities, and the WTA acknowledges that in these circumstances (without limitation to RTAW general rights), RTAW may amend the Protocol in partnership with the WTA to address such issues.

8.2 WTA Area Custodian Register

- (a) The WTA in partnership with RTAW will prepare an area custodian asset register detailing the assets which the WTA is responsible for maintaining and operating.
- (b) The register provides a clear indication of physical ownership, the replacement value of the asset, the written down value of the asset, the source of funding to be used to maintain the asset, whether the asset is planned to be replaced, planned year of replacement and source of funding planned to be used to replace the asset. The present approach to funding is the WTA first where feasible, and then RTAW if necessary.

8.3 Funding for Replacement of Existing Assets

- (a) WTA will produce a long term strategic plan for the existing assets within the town area. The strategic plan will seek to rationalise the existing asset base and determine those critical assets which need to be replaced, augmented, or improved over time. The WTA will implement rates, fees and charges which will fund ongoing operations, maintenance, depreciation and replacement of well-maintained assets.
- (b) The WTA will give due regard in setting rates, fees and charges to ensuring that they remain comparable with other local authorities within Queensland.
- (c) The WTA will ensure that the replacement of well-maintained critical assets becomes self-funded in a fiscally responsible manner by levying the community.
- (d) The WTA cannot and will not borrow funds to fund asset replacements unless approval has expressly been given by the RTAW General Manager – Weipa Operations (or authorised representative of RTAW).
- (e) The WTA will seek to create financial reserves to fund replacement and renewal of well-maintained critical town infrastructure including water, sewerage, garbage disposal, roads, bike paths, stormwater drainage, kerb & channel and community buildings. Each financial reserve will be specifically designated for its intended purpose and funds will be used only for that specific purpose.
- (f) The WTA and RTAW will undertake investigations for sources of funding by levying additional special rates and charges, after receiving any necessary legal advice as to powers to be used and processes to be followed for the valid levying of such special rates and charges.

8.4 Land Development Assets

When developing land within the Weipa Town Area, RTAW seeks to minimise any impact on the existing population in terms of infrastructure condition or service delivery. RTAW will continue to seek to provide additional infrastructure to maintain minimum standards of infrastructure service delivery.

9. Town Planning Improvement Plan

9.1 Town Planning

- (a) The WTA will develop and introduce a Weipa Town Planning Scheme in accordance with the *Planning Act 2016* (2016 P Act) and *Planning Regulation 2017* (2017 P Reg).
- (b) An appropriate town planning and development assessment process will be implemented by the WTA in accordance with planning legislation.

9.2 Developer Charges

- (a) The WTA will develop and implement a policy which levies appropriate headworks charges on developments that benefit from infrastructure that has been previously constructed.
- (b) The policy will be formulated to ensure that expansion of Weipa does not become economically unviable, but will also ensure that ongoing development of land by private interests is not an immediate or future burden on the ratepayers, RTAW or the general community.

9.3 WTA Records

- (a) The WTA will manage records in accordance with the RTAW Retention Schedule and the Local Government Retention and Disposal Schedule. Where there is inconsistency, the RTAW provisions prevail.
- (b) Specifically, the WTA will maintain adequate hardcopy and/or electronic files for each parcel of land within the town boundaries which records:
 - (i) each town planning / building application made;
 - (ii) the results of the assessment of the application;
 - (iii) a record of any conditions that have been placed on the proposed development;
 - (iv) a receipt recording the amount of any application fees, developer charges or fines paid;
 - (v) a stamped copy of the approved plans for the development;
 - (vi) any objections that have been received regarding the proposed development;
 - (vii) any resolutions that have been passed by the WTA regarding a development proposal; and
 - (viii) any correspondence that may have been received or sent.

9.4 Ongoing Town Planning Reviews

The WTA will implement an annual audit of its process to ensure compliance with town planning scheme policies. The WTA will publish the key findings of the audits in its Annual Report. The WTA will implement actions to address any deficiencies identified during the audit.

10. Continuous Improvement Program

The WTA with the assistance of RTAW will seek continuously to improve its business.

The WTA and RTAW acknowledge that this Protocol is a 'living document' and that the Protocol itself will be reviewed periodically (in conjunction with the WTA election and/or any significant organisational change) and improvements will be made as required.

11. Finances and Funding

11.1 Funding for Services provided by the WTA

- (a) The WTA will prepare an annual budget consistent with the requirements of the 2012 LGR including the preparation and endorsement of a revenue policy, revenue statement and a schedule of fees and charges.

- (b) Where possible, the WTA will promote the provision of services which are fully recoverable by way of fees and charges. The principle of cost-recovery will be based on cost of service provision plus administration costs, and where possible will be "user-pays" philosophy.
- (c) For those services that are currently not fully recoverable, the WTA will seek to ensure that those services are utilised by as large a cross section of the community as possible. WTA will also seek to move to the recovery of these costs over time.
- (d) The WTA will implement appropriate fees and charges for use of community buildings which reflect a reasonable payment for use of the facility, ongoing maintenance, provision of utility services and costs of lease fees. If a specific group should seek exclusive use of community buildings and/or sports ovals, a lease will be entered into. If the facility is reserved to be used by any specific member(s) of the community, then the WTA will seek opportunities to utilise fully the facility for income purposes to minimise the burden to the general community and RTAW.

11.2 Levies

- (a) If requested or agreed by RTAW, the WTA will collect levies on behalf of the RTAW (or the Queensland Government) during the annual rating process.
- (b) The amount to be collected will be communicated by the WTA if it is requested and authorised to collect the funds.

12. Responsibilities and Authority

12.1 Resources to be provided by RT

- (a) RTAW will pay the rates, water, sewerage and domestic waste charges for property owned by RTAW in the Weipa Town Area
- (b) RTAW will continue to provide information technology, human resources, legal, procurement, insurance, engineering, project management and business improvement resources to assist the WTA with its responsibilities.
- (c) At the conclusion of capital upgrades, the WTA and ratepayers may take over continued maintenance and upkeep of WTA assets, in accordance with the Asset Management Plan developed under paragraph 8. WTA in partnership with the RTAW will develop a process incorporating a checklist to facilitate the handover (as required).

12.2 Funding

- (a) The WTA will make application to RTAW for funding in relation to infrastructure upgrades. To apply, the WTA must complete the RTAW Capital Expenditure Approval requests, and must provide a clear description of the purpose and details of any funding sought.
- (b) RTAW reserves the right to place conditions on funding. Potential conditions may include, but not be limited to, providing dollar for dollar matching funding, media communications plans and payment for over expenditure. A minimum condition of the funding request will be to acquit the funding in a manner acceptable to RTAW to ensure that funds are utilised transparently and efficiently.
- (c) WTA will promote the granting of funds by RTAW to the local community using a variety of means. At a minimum, the means will include direct communications with the media, public consultation of projects and annual reports. The WTA also undertakes to erect signage in a format approved by RTAW at the location of any works acknowledging the contribution of RTAW.

- (d) RTAW reserves the right to reduce, suspend or terminate the amount of funding provided should the WTA fail to comply with this Protocol or in the conditions attached to the funding.

12.3 Lobbying Function

- (a) The WTA engages in lobbying with State and Federal Governments, and other resource proponents to encourage investment in and the growth of the Weipa community. The WTA and RTAW will consult each other prior to undertaking any lobbying, to ensure consistency of message and effective use of resources.
- (b) The WTA will brief the authorised RTAW or Rio Tinto representative and the General Manager - Weipa Operations before any lobbying takes place, and will also debrief (if requested, in writing) the authorised RTAW or Rio Tinto representative after the lobbying has been undertaken.
- (c) RTAW will brief the WTA chairperson on any approaches to the government that may take place regarding the WTA functions, and will provide a debrief after the approach has occurred if requested by the WTA chairperson.

12.4 Authority to be retained by RTAW

Without limitation, the following authorities remain with RTAW and are not given to the WTA:

- (a) Final review and approval by the authorised RTAW representative for letting of all consultancies by WTA;
- (b) Final review and approval by the authorised RTAW representative or RTAW General Manager - Weipa Operations for capital works requests (in accordance with the Delegation);
- (c) Final right to veto or approve appointment of WTA Superintendent;
- (d) Approval of major contracts;
- (e) Acceptance and approval of Annual Reports of the WTA, and so copies of annual reports will be submitted to the RTAW General Manager – Weipa Operations following the adoption of the report by the WTA;
- (f) right to remove any member(s) of the WTA (to be exercised by RTAW General Manager – Weipa Operations) for the following reasons:
 - (i) Gross negligence in management;
 - (ii) Defalcation;
 - (iii) Abuse of conflict of interest rules or the Code of Conduct; or
 - (iv) Misconduct,(Any action to remove a member will be contingent on a breach of the code of conduct);
- (g) RTAW retains the right to alter, terminate or suspend the operation of this Protocol at any time. (Any action to suspend the operation of the protocol would result from substantial breaches of the code of conduct by multiple members or a lack of real progress of implementation of the protocol);
- (h) Review and final approval in relation to requests for additional RTAW full time equivalent (FTE) staff at the WTA;
- (i) Review and final approval in relation to requests for additional vehicles for WTA staff; and

- (j) Reporting for tax and financial purposes in the provision of RTAW company accounts.

13. Consultation

The WTA will, in conjunction with RTAW, undertake genuine community engagement for significant matters affecting the community, and as required under the 2009 LGA.

Annexure A

Annexure to Rio Tinto and the Weipa Town Authority Local Governance Protocol and Related Management Structures for Weipa Town Area

Current Situation

Administration

WTA Structure

The WTA is made up of an elected Chair, three (3) elected members (one (1) as deputy chair), two (2) members appointed by RTAW's General Manager–Weipa Operations and a Traditional Owner. Voting for the elected members and Chair is not compulsory, and is conducted at the same time as other Queensland local elections. The elections are run in the same manner as other local elections in Queensland. RTAW enters into a formal Deed of Appointment and Indemnity with the elected chair and members.

Two of the non-elected members are appointed by the General Manager – Weipa Operations, usually on the basis of their roles in RTAW. The third appointed member is an Indigenous representative appointed by the Weipa Town traditional owner group (Alngith Corporation) who are one of the parties to the Western Cape Communities Co-existence Agreement, Town Agreement.

WTA Planning

The WTA has developed a suite of strategic and operational planning documents, including –

- WTA Strategy Map and Five (5) Year Strategy 2017-2022
- WTA Corporate Plan 2015-2020 (with Addendum)
- WTA Operational Plan 2017-2018.

WTA Meetings and Workshops

General meetings and workshops of the WTA are held monthly. Resolutions successfully passed at general meetings are then implemented by the WTA Superintendent. Workshops are for discussion items and no resolutions can be made.

WTA Functions

Apart from the issues set out in paragraph 3.3(b) above, the WTA endeavours to function as a local authority consistently with the 2009 LG Act and relevant legislation affecting local governance in the Weipa Town Area.

WTA Financial Management

There is a bank account with the Queensland Country Credit Union in the name of the WTA, which has RTAW's ABN attached to it. All income for the town goes into a WTA bank account. Signing authority on the bank account is only with the Superintendent, Corporate Services Coordinator and Authorised RTAW Representative. Apart from this, no WTA member either elected or appointed has signing authority.

All day to day expenditure by the WTA up to amounts of \$2 million come out of this bank account and do not enter RTAW's contracting or finance systems. All capital expenditure and operating expenditure that is over \$5,000 must be approved through a Capital Expenditure Authority (CEA) or other relevant authorisation from RTAW. The major contracts managed and led by the WTA are signed by the General Manager – Weipa Operations but are negotiated by WTA staff and Rio Tinto Procurement staff together.

The WTA undertakes an annual budget process including an approved capital program, planned operating expenditure, setting of fees and charges, revenue statement and reporting. The WTA monitors the release of grants and funding from government agencies (and makes application as appropriate).

WTA General Administration

The WTA currently uses Practical Accounting software used by other local authorities in Queensland, but is commencing the transition to a new software system (MAGIQ) in late 2017. This system has software relating to animals, property, rates, complaints and other local government related matters. The WTA has a website and facebook site which are both used to issue public notices and notify the community of important WTA information. The website must meet the statutory requirements for local government websites (as outlined in the 2009 LG Act and 2012 LG Reg).

Functions outside the WTA responsibility

The WTA does not have responsibility for all major infrastructure maintenance, major town improvement projects, release of land, town boundary extensions, or negotiation (as opposed to liaison) with the State and Commonwealth Governments in respect of funding. The WTA has a liaison function, and a lobbying function with the State and Commonwealth Governments, and with other external stakeholders such as other development companies. Members of the WTA describe this as collaboration and influence but not full autonomy. Land, major funding

provision, administrative boundaries and major infrastructure are areas where it has some influence but not autonomy.

Although the Weipa airport is inside the town boundary of Weipa, the Weipa airport is managed and operated by RTAW.

Employment

There are two (2) forms of employment within the WTA currently - RT employee or labour hire (through a third party contract). The Superintendent is an RT employee and as such paid entirely by RT. All other WTA-employees are paid out of the operating budget.

In addition, there are a number of major external contracts in place.

Level of Interaction

Interaction between WTA members and RTAW management occurs as follows -

- (a) Between the Chairperson of the WTA and the General Manager-Weipa Operations on a formal basis two or three times a year; and
- (b) Between the members of the WTA and the Authorised RTAW representative at WTA monthly meetings and workshops.

WTA Organisational Structure 2017

