



# Kimberley Regional Group Meeting

# MINUTES

1.00pm Monday 5 March 2018

Council Chambers,  
Home Island Shire Office  
Cocos (Keeling) Islands

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# Kimberley Regional Group

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairperson opened the meeting at 12:30pm.

## 2. RECORD OF ATTENDANCE / APOLOGIES

### ATTENDANCE:

Stephen Gash	Shire of Derby West Kimberley
Cr Geoff Haerewa	Shire of Derby West Kimberley
Cr Andrew Twaddle	Shire of Derby West Kimberley
Sam Mastrolembro	Shire of Broome
Cr Chris Mitchell	Shire of Broome
Cr Harold Tracey	Shire of Broome
James Watt	Shire of Broome
Carl Askew	Shire of Wyndham East Kimberley
Cr David Menzel	Shire of Wyndham East Kimberley
Cr Tony Chafer	Shire of Wyndham East Kimberley
Rodger Kerr-Newell	Shire of Halls Creek
Cr Malcolm Edwards	Shire of Halls Creek
Cr Chris Loessl	Shire of Halls Creek
Joanne Soderlund	Shire of Cocos (Keeling) Islands
Cr Tony Lacy	Shire of Cocos (Keeling) Islands
Anne Banks-McAllister	Regional Capacity Building Manager - WALGA

### APOLOGIES:

Cr Chris Kloss	Shire of Derby West Kimberley
Greg Hayes	WALGA Roadwise
Glen Chidlow	Australia's North West
Tim Bray	Kimberley Development Commission
Kelly McIntyre	Department of Communities
David Price	Shire of Christmas Island
Cr Gordon Thomson	Shire of Christmas Island
Cr Kee Heng Foo	Shire of Christmas Island
Cr Paul White	Shire of Derby/West Kimberley
Cr Seriwati Iku	Shire of Cocos (Keeling Islands)

## 3. DECLARATION OF INTEREST

- **Financial Interest**  
Nil.
- **Impartiality Interest**  
Nil.
- **Proximity Interest**  
Nil.

**4. CONFIRMATION OF MINUTES**

**KIMBERLEY ZONE RESOLUTION:**  
**(REPORT RECOMMENDATION)**

*Moved: Cr M Edwards*

*Seconded: Cr D Menzel*

*That the Minutes of the combined Kimberley Regional Group Meeting held on 21 November 2017 be confirmed as a true and accurate record of that meeting.*

**CARRIED UNANIMOUSLY 5/0**

**5. BUSINESS ARISING FROM PREVIOUS MEETING**

Nil.

**6. PRESENTATIONS FROM REPRESENTATIVES**

**6.1 WALGA**

Anne Banks McAllister

**7. REPORTS FROM REPRESENTATIVES**

**7.1 WALGA ROADWISE**

Greg Hayes

Attachment 7.1

**7.2 WALGA**

Kimberley Country Zone Status Report

Attachment 7.2

**7.3 REGIONAL DEVELOPMENT AUSTRALIA**

Chris Mitchell

## 8. REPORTS FROM KIMBERLEY COUNTRY ZONE

### 8.1 STATE COUNCIL MEETING AGENDA AND PRESIDENT'S REPORT

<b>LOCATION/ADDRESS:</b>	Kimberley Region
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Director Corporate Services, Shire of Broome
<b>CONTRIBUTOR/S</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Kimberley Zone Secretariat
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	15 February 2018

**SUMMARY:** The State Council Agenda and President's Report for the meeting to be held 7 March 2018 has been received on 15 February 2018 and is attached for member consideration. It is important to note that member Council's should consider this item and provide instruction to the Chairperson as delegate to the State Council on matters that have regional significance.

### BACKGROUND

#### Previous Considerations

Nil

### COMMENT

The State Council Agenda for the 7 March 2018 meeting is attached for Member consideration. The following items have been tabled:

#### 5.1 Local Government Act Review

The Minister for Local Government launched the Government's Consultation Paper on Phase 1 of the Local Government Act Review on 8 November 2017. The Minister advised that the first stage will focus on modernising Local Government, with the policy work and consultation to be completed in the first part of 2018 with a Bill in late 2018. Local Government feedback was requested on the Department's Paper to enable a sector response to be provided.

State Council at its December meeting requested consideration on the role of the Department of Local Government be considered in this report.

#### *Recommendation:*

#### *That WALGA;*

- 1. Endorse the responses to the Department of Local Government, Sport and Cultural Industries consultation paper provided in this report;*
- 2. Forward the WALGA policy positions endorsed at the December 2017 State Council meeting to the Department as part of this submission for the Act review process;*
- 3. Request that the Department of Local Government, Sport and Cultural Industries ensure that representation from WALGA and the Local Government Professionals WA is included in any legislative drafting process as a result of the Local Government Act review; and*
- 4. Support the continuance of the Department of Local Government as a direct service provider of compliance and recommend the Department service its capacity building role through the utilisation of third party service providers.*

It should be noted that the Shire of Broome has raised concerns regarding the manner in which the Act currently prescribes charitable rate exemptions. Clarification has previously been sought regarding:

1. Inclusion of definition surrounding the use of religious rates exemption clauses by Aboriginal Corporations and Native Title bodies in Section 6.26(2)(d) of the Act; and
2. Providing further definition on the term “charitable” as contained in Section 6.26(2)(g).

Amending the Act to further define the framework for assessment of rate exemption applications under Section 6.26(2)(d) and 6.26(2)(g) would assist Local Government Authorities to expedite these matters and avoid the potential of disputes being escalated to the State Administrative Tribunal.

The Shire of Broome requests that the Kimberley Regional Group table its concerns regarding rates exemptions made under Section 6.26(2) of the Act at the next meeting of the State Council of WALGA, for inclusion in WALGA’s response to the Local Government Act Review.

### 5.2 Local Government Act – Audit and Financial Management Regulations Amendment

In accordance with the Partnership Agreement, the Department of Local Government, Sport and Cultural Industries (DLGSC) has requested consultation with the sector regarding proposed amendments to the Local Government (Audit) Regulations 1996 and Local Government (Financial Management) Regulations 1996. These regulatory amendments are proposed to facilitate implementation of the Auditor General’s role in undertaking Local Government audits.

Feedback on the draft regulatory amendments is required to be provided to the DLGSC by 29 March 2018.

#### *Recommendation:*

*That WALGA endorse the following response to the Department of Local Government, Sport and Cultural Industries, regarding proposed regulatory amendments to facilitate introduction of Local Government auditing by the Auditor General:*

- (1) Local Government (Audit) Regulations 1996 proposed amendments are supported, subject to the following:*
  - (a) Proposed amendment of Regulation 9 – supported subject to:*
    - (i) The definition of Australian Accounting Standards being consistent between this Regulation and Financial Management Regulation 3.*
  - (b) Proposed new Regulation 9A – Not Supported:*
    - (i) Section 7.10 of the Act already sufficiently provides for the Auditor’s right of access to documents.*
    - (ii) If proposed new Regulation 9A is retained, then subject to:*
      - Changing requirement for CEO to provide documentation from 14-days to 30-days; or alternatively,*
      - Ensuring audit planning under Audit Regulation 7 includes identification and agreement on documentation required to be provided.*
      - Re-sequencing the definitions for Strategic Community Plan and Corporate Business Plan to align with the sequence of Sub-regulations 9(A)(1)(a) and (b).*
  - (c) Proposed amendment of Regulation 13 – supported subject to:*
    - (i) Consideration of changing the Compliance Return period from a calendar year to a financial year to be consistent with other audits. Noting that this change would require consequential changes to*

*Audit Reg.15.*

- (d) Proposed amendment of Regulation 16 - Supported subject to:
- (i) Sub-regulation 16(a) being deleted as Audit Committee involvement in 'guiding and assisting' Local Government to prepare budgets, financial reports, rates, etc. compromises the Committee's objectivity / impartiality when undertaking the audit role.
  - (ii) Redrafting Sub-regulation 16(d) to prescribe the Audit Committee's function as being 'to monitor and advise the CEO in regard to the outcome of any review undertaken in accordance with Audit Regulation 17(1) and Financial Management Regulation 5(2)(c)'. The redraft is proposed to avoid any confusion between the Audit Committee function and the CEO's responsibilities for the administration of the Local Government.
  - (iii) Amendment of Sub-regulation 16(d) to include a requirement for the Audit Committee to report to Council.
- (2) Local Government (Financial Management) Regulations 1996 proposed amendments are supported, subject to the following:
- (a) Proposed amendment of Regulation 5 - supported subject to:
- (i) Including a requirement for the outcome of a review to be reported to Council via the Audit Committee, consistent with other similar reporting requirements.
- (b) Proposed amendment of Regulation 17A – supported subject to:
- (i) Resolution of the conflict between the proposed 3-5 year review cycle and AASB 116 clause 34 which requires annual review of asset valuations in some circumstances.
  - (ii) Deletion of Sub-regulation 17A(4) as it replicates the requirements of AASB 116 clause 34 and may become inconsistent with the AAS should the AAS be amended in future.
  - (iii) Redrafting of Sub-regulation 17A(6) to enable Local Governments to determine the \$value threshold through their accounting policy, enabling Local Governments to apply an effective size and scale regime.
  - (iv) Inserting a new sub-regulation excluding Local Governments from compliance with AASB 166, clause 36, so to avoid requirements for revaluation of a whole class of assets, on the basis that revaluation within the 3-5 year cycle is sufficient.
- (c) Regulation 17B is not supported on the basis that:
- (i) Regulation 17B is contrary to the intent of Regulation 17A which expenses assets valued less than \$5000.
  - (ii) "Attractive" assets is not defined.
  - (iii) Regulation 17B's purpose is unclear if the asset is written off and therefore active audit is not required.
  - (iv) Theft of portable assets is not considered a widespread problem and where concerns arise regarding theft Local Governments will address those risks, therefore additional red-tape should not be created for the whole sector.
  - (v) If Regulation 17B is proposed to be retained, then its retention should be justified by a cost benefit analysis evidencing that sector wide benefit will be achieved i.e. the actual cost of implementing proposed Regulation 17B versus the actual cost of 'lost' portable assets. If no such benefit is evidenced, then Regulation 17B should not be implemented.

On 22 September 2017, the State Government announced the conduct of a Ministerial review into the State Industrial Relations system. The review will address whether Local Governments should be regulated by the State Industrial Relations system.

WALGA was invited to make a submission and carried out a consultation process with the sector including hosting a Sector Reference Group consultation meeting to inform a representative sector position. Sector feedback recommends that legislation is not imposed prescribing that Local Government be exclusively regulated by the State IR system.

It is also recommended that the State Government broaden the scope of the review as it relates to regulation of Local Government and consults with the Local Government sector regarding how industrial relations jurisdictional certainty is best achieved.

*Recommendation:*

*That the interim submission in response to the Review of the State Industrial Relations System be endorsed.*

#### 5.4 Interim Submission – State Planning Policy 5.4 Road and Rail Noise – Residential Subdivision

On 12 September 2017, the Western Australian Planning Commission (WAPC) released a revised version of State Planning Policy 5.4 Road and Rail Noise (SPP5.4) for public comment.

The revised State Planning Policy aims to provide greater guidance in the Commission's assessment of subdivision applications, where the average lot size variation is greater than five per cent.

The public comment period closed on the 15 December 2017, therefore an interim submission was prepared.

*Recommendation:*

*That the interim submission to the WA Planning Commission on State Planning Policy 5.4 Road and Rail Noise be endorsed.*

#### 5.5 Interim Submission – Planned or Managed Retreat Guidelines

On 26 October 2017, the WA Planning Commission (WAPC) released the Planned or Managed Retreat Guidelines (Guidelines) for public comment. The Guidelines aims to provide greater guidance on how to implement a policy of planned or managed retreat in 'brownfield' and 'infill' development areas.

The Guidelines are based on principles of social, environmental and economic sustainability and adhere to objectives set out in *State Planning Policy No. 2.6 State Coastal Planning Policy* (SPP2.6). The public comment period closed on the 15 December 2017, therefore an interim submission was prepared.

*Recommendation:*

*That the interim submission to the WA Planning Commission on the Planned or Managed Retreat Guidelines be endorsed.*

#### 5.6 Clearance of subdivision conditions relating to Bushfire Management Plans

The Department of Fire and Emergency Services (DFES) advised the Shire of Harvey that it would no longer clear conditions that relate to the implementation of a Bushfire Management Plan (BMP) during subdivisional works. The conditions are now being cleared on behalf of DFES by either the WA Planning Commission or the relevant Local Government.



It is recommended that the Association seek commitment from the State Government to provide greater clarity in the roles and responsibilities between DFES, Department of Planning and Local Government in the clearance of this condition, and to undertake formal consultation with the Local Government sector.

*Recommendation:*

*That WALGA request that the State Government formally consult with the sector in regard to: -*

- 1. The Department of Fire and Emergency Services' (DFES) transferring of responsibility to the Local Government sector for the clearance of a subdivision condition for Bush Fire Management Plans, when the condition has been requested by DFES.*
- 2. Any possible review of the model subdivision condition relating to clearance of Bush Fire Management Plans.*

#### 5.7 Review of the Administrative Road Classification Methodology

The Administrative Road Classification methodology is used to guide determination of whether a road is managed by Main Roads or Local Governments in accordance with the provisions of the *Main Roads Act 1930*.

Main Roads formed a working group with WALGA and Local Government representatives in 2015 to review the existing methodology for roads in the metropolitan area only. The working group agreed on a revised methodology based on a two-tier process including planning and operational criteria. The revised methodology was noted and approved by senior Main Roads staff and by the Minister for Transport Planning and Lands.

The revised methodology was released for feedback from Local Governments in November 2017 and the feedback was supportive of the methodology. A preliminary desktop assessment of the methodology indicates that approximately 26 metropolitan roads could meet the criteria for reclassification.

It is envisaged that the potential reclassifications would be phased over a number of years.

*Recommendation:*

*That WALGA supports the revised Administrative Road Classification methodology used to designate whether a road should be managed by Main Roads WA or Local Governments.*

#### 5.8 Interim Submission - Inquiry into Progress under the National Road Safety Strategy 2011-2020

In September 2017 the Australian Government initiated an Inquiry into progress under the National Road Safety Strategy 2011-2020. A WALGA response has been developed to highlight the key role of Local Governments in creating a safe road transport system, and makes a number of recommendations in relation to the challenges and opportunities for road safety going forward along with suggestions for the next National Road Safety Strategy.

Endorsement by State Council of these recommendations is sought to provide a representative response from the Western Australian Local Government sector.

*Recommendation:*

*That the Interim Submission to the Inquiry into progress under the National Road Safety Strategy 2011-2020 be endorsed.*

### 5.9 Interim Submission - Proposed listing of the 'Tuart Woodlands and Forests of the Swan Coastal Plain' as a Threatened Ecological Community

The 'Tuart Woodlands and Forests of the Swan Coastal Plain' have been nominated as a Threatened Ecological Community under the Commonwealth's *Environmental Protection and Biodiversity Conservation Act 1999*.

A draft Conservation Advice was prepared by the independent Threatened Species Scientific Committee, which provides advice on eligibility for listing, key diagnostic characteristics, minimum condition classes for national protection, and priority conservation actions. An estimated 14% of the original extent of the ecological community remains, which continues to be threatened by land clearing and development, and a reduction in community integrity.

WALGA has prepared a submission to the Department of the Environment and Energy (DoEE) which supports the proposed listing of the ecological community as 'critically endangered', and recommends up-to-date maps of vegetation extent, revision of key diagnostic characteristics, identification of appropriate land uses within buffer zones, and further funding opportunities to assist land managers protect tuart woodlands.

#### *Recommendation:*

*That the Interim Submission to the Department of the Environment and Energy supporting the listing of the 'Tuart (Eucalyptus gomphocephala) Woodlands and Forests of the Swan Coastal Plain' as a Threatened Ecological Community be endorsed.*

### **CONSULTATION/STAKEHOLDERS**

Nil

### **STATUTORY ENVIRONMENT**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

*Simple Majority*

#### REPORT RECOMMENDATION:

*That the Kimberley Zone of WALGA:*

- 1. Notes the State Council Meeting Agenda and President's Report; and*

2. Requests that the Chairperson table the Kimberley Regional Group's concerns regarding charitable use and religious rates exemptions made under Section 6.26(2) of the Local Government Act at the next meeting of the State Council of WALGA and request that they be included as part of WALGA's response to the State Government's Local Government Act Review.

Moved:

Seconded:

FOR:

AGAINST:

**KIMBERLEY REGIONAL GROUP RESOLUTION:**

Moved: Cr G Haerewa

Seconded: Cr M Edwards

That the Kimberley Regional Group:

1. Notes the State Council Meeting Agenda and President's Report; and
2. Requests the Chairperson table the following concerns of the Kimberley Regional Group and request that they be included as part of WALGA's response to the State Government's Local Government Act Review:
  - a. Charitable use and religious rates exemptions made under Section 6.26(2) of the Local Government Act 1995; and
  - b. Limitations contained within section 14A(4) of the Local Government (Administration) Regulations 1996 in relation to attendance of Council meetings by electronic means from within the State of Western Australia.

**CARRIED UNANIMOUSLY 5/0**

Attachment 8.1: 87 pages

Attachment 8.1a: 3 pages

## 9. REPORTS FROM KIMBERLEY REGIONAL GROUP

### 9.1 KIMBERLEY REGIONAL GROUP MEETING RESOLUTION STATUS REPORT

<b>LOCATION/ADDRESS:</b>	Kimberley Region
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Director Corporate Services, Shire of Broome
<b>CONTRIBUTOR/S</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Kimberley Zone Secretariat
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	23 February 2018

**SUMMARY:** This report provides the outstanding resolution status report from the Kimberley Regional Group meetings held.

### BACKGROUND

#### Previous Considerations

Kimberley Regional Group Meeting 24 February 2017	Item 9.1
Kimberley Regional Group Meeting 28 April 2017	Item 9.1
Kimberley Regional Group Meeting 30 June 2017	Item 9.1
Kimberley Regional Group Meeting 31 July 2017	Item 9.1
Kimberley Regional Group Meeting 1 September 2017	Item 9.1
Kimberley Regional Group Meeting 21 November 2017	Item 10.1

### COMMENT

This report has been established to ensure proactive completion of meeting resolution items in a timely manner. The following meeting resolutions are outstanding.

KRG - 24 February 2017 - Halls Creek					
Item	Zone/ RCG	Title	Resolution	Action Items	Status
9.3	KRG	TAKEAWAY ALCOHOL MANAGEMENT SYSTEM UPDATE	That the Kimberley Regional Group; 1. Notes the MOU extension period regarding the Kununurra Wyndham Takeaway Alcohol Management System use, 2. Refer the matter back to the CEO group to scope up a proposal for a regional solution and seek external funding opportunities.	1. Noted. 2. Prepare a project scope for the CEO group.	Outstanding

KRG - 30 June 2017 - Broome					
Item	Zone/ RCG	Title	Resolution	Action Items	Status
11.2	General Business	Liquid Waste	The CEO group are to investigate a liquid waste partnership with the Water Corporation.	Matter to be discussed at the next Waste TAG	In progress

KRG - 21 November 2017 – Darwin					
Item	Zone/ RCG	Title	Resolution	Action Items	Status
10.5	KRG	LAND TENURE BUSINESS CASE UPDATE	That the Kimberley Regional Group; 1. Receives the Final Kimberley Land Tenure Policy - Implementation Strategy Report, 2. Note Recommended Actions1, 3. Note Recommended Actions 2, 4. Take action and write to the Premier, Hon. Ben Wyatt, Hon. Rita Saffioti, Hon MacTiernan and any other relevant Members, and 5. Direct the CEO's to consider commencing work on the proposed changes.	Noted.	Outstanding

### CONSULTATION/STAKEHOLDERS

Nil

### STATUTORY ENVIRONMENT

Nil

### POLICY IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

The Resolution Status Report contains financial implications however they do not record discussion on funding applications which may lead to further financial implications in the future. Where financial implications are relevant these will be presented to the Kimberley Regional Group meetings for approval.

### STRATEGIC IMPLICATIONS

Nil

### VOTING REQUIREMENTS

*Simple Majority*

#### REPORT RECOMMENDATION:

*That the Kimberley Regional Group:*

1. *Notes the outstanding Resolution Status Report;*
2. *Authorises the Secretariat to proceed with co-ordinating the finalisation of outstanding action items arising from meeting resolutions.*

*Moved:*

*Seconded:*

*FOR:*

*AGAINST:*

Attachment: Nil

**KIMBERLEY REGIONAL GROUP RESOLUTION:**

Moved: Cr G Haerewa      Seconded: Cr D Menzel

*That the Kimberley Regional Group:*

1. *Notes the Outstanding Resolution Status Report;*
2. *Authorises the Secretariat to proceed with coordinating the finalisation of outstanding action items arising from meeting resolutions;*
3. *Supports a regional approach to better alcohol management within the Kimberley that aims to minimise alcohol related harm and seeks to develop a regional policy position on the matter which may incorporate the following initiatives:*
  - a. *The development of a Regional Liquor Accord approach;*
  - b. *Western Australian Police alcohol management strategy and policy;*
  - c. *Takeaway Alcohol Management System (TAMS);*
  - d. *Banned Drinkers List; and*
  - e. *Wrap Around Support Services.*
4. *Acknowledges community led alcohol management initiatives currently implemented in the Kimberley.*

**CARRIED UNANIMOUSLY 4/0**

**9.2 KIMBERLEY REGIONAL GROUP 16/17 FINANCIAL ACTIVITY REPORT**

**LOCATION/ADDRESS:** Kimberley Region  
**APPLICANT:** Nil  
**FILE:** KRG01  
**AUTHOR:** Director of Corporate and Community Services,  
 Shire of Derby/West Kimberley  
**CONTRIBUTOR/S** Nil  
**RESPONSIBLE OFFICER:** Kimberley Zone Secretariat  
**DISCLOSURE OF INTEREST:** Nil  
**DATE OF REPORT:** 28 February 2018

**SUMMARY:** This report recommends that the Kimberley Regional Group adopt the Financial Activity Report for the period ended 28 February 2018.

**BACKGROUND**Previous Considerations

Nil

**COMMENT**

As at the 28 February 2018, the Kimberley Regional Group have a surplus of \$249,306.

<b>Kimberley Regional Group</b>	<b>Budget Income</b>	<b>Budget Expenditure</b>	<b>Actual Income</b>	<b>Actual Expenditure</b>
Opening Surplus Carry Forward	153,109	0	153,109	0
\$55,000 contribution from each of the 4 Shires	220,000	0	240,038	0
Regional Project Manager	0	-142,000	0	-84,402
Vehicle Expenses	0	-18,244	0	-5,518
Forums & Conferences	0	-2,500	0	0
Kimberley Zone & RCG Meeting Expenses	0	-52,000	0	-16,200
Reimbursement of Kimberley Zone & RCG Meeting Expenses	48,000	0	10,276	0
Meeting Expenses	0	-7,000	0	-2,226
Reimbursement of Meetings	3,000	0	0	0
Legal advice	0	-5,000	0	0
Audit Fees	0	-5,000	0	-4,951
Office Expenses	0	-10,569	0	-4,924
IT Support	0	-1,000	0	-188
Sundry Expenses	0	-1,000	0	0
Training & Development	0	-11,700	0	-22,013
Kimberley Waste Management Plan	0	-14,710	0	0
Savannah Way Membership	0	-5,000	0	-5,000
Land Tenure Policy Implementation	0	-13,388	0	-13,388
AWARE Emergency Management Training	20,000	-36,890	20,000	-21,042
Interest on Reserve	10,000	0	5,735	0
<b>OPERATING TOTAL</b>	<b>301,000</b>	<b>-326,001</b>	<b>276,049</b>	<b>-179,852</b>
<b>Surplus / Deficit Carry Forward</b>		<b>-25,001</b>		<b>96,197</b>
<b>TOTAL Surplus Carry Forward with Carryover</b>		<b>128,108</b>		<b>249,306</b>

## CONSULTATION/STAKEHOLDERS

Nil

## STATUTORY ENVIRONMENT

### **Local Government (Financial Management) Regulation 1996**

34. *Financial activity statement required each month (Act s. 6.4)*

- (1A) *In this regulation —*
  - committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.
- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
  - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
  - (b) *budget estimates to the end of the month to which the statement relates; and*
  - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
  - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
  - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
  - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
  - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
  - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown —*
  - (a) *according to nature and type classification; or*
  - (b) *by program; or*
  - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
  - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
  - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

These are detailed above.

## STRATEGIC IMPLICATIONS

Nil



**VOTING REQUIREMENTS**

*Simple Majority*

**KIMBERLEY REGIONAL GROUP RESOLUTION:**  
**(REPORT RECOMMENDATION)**

**Moved: Cr M Edwards**

**Seconded: Cr G Haerewa**

***That the Kimberley Regional Group adopts the Financial Activity Report for the period ended 28 February 2018.***

**CARRIED UNANIMOUSLY 4/0**

Attachment: Nil

### 9.3 PRELIMINARY REPORT FROM THE SHIRE OF DERBY WEST KIMBERLEY TO THE KIMBERLEY REGIONAL GROUP FOR THE TRANSFER OF SECRETARIAT

<b>LOCATION/ADDRESS:</b>	Kimberley Region
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Director Corporate Services, Shire of Broome
<b>CONTRIBUTOR/S</b>	Chief Executive Officer, Shire of Broome Project Manager, Kimberley Regional Group
<b>RESPONSIBLE OFFICER:</b>	Kimberley Zone Secretariat
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	22 February 2018

**SUMMARY:** This is the preliminary handover report from the Shire of Derby West Kimberley to the Kimberley Regional Group outlining handover matters.

#### BACKGROUND

##### Previous Considerations

Nil

#### COMMENT

The proposal to move the Secretariat role from the Shire of Derby West Kimberley (SDWK) to the Shire of Broome was made at the 1 September 2017 meeting. SDWK has formally held the position as Secretariat for the Kimberley Zone of WALGA and Kimberley Regional Group since 15 February 2016.

For the transfer of Secretariat to proceed, the Project Manager has developed a checklist of all works to be completed to ensure all legal contractual obligations held by SDWK on behalf of the region have been discharged.

Following the receipt of the Moore Stephens 2017-18 audits and the completion of letters of variation for each open grant to transfer Secretariat, SDWK can hand over all regional matters to the Shire of Broome. This transfer of Secretariat will officially occur on 31 December 2017.

#### COMPLETED PROJECTS

- Acquittal of the Department of Local Government and Communities Business Intelligence system – Corporate Performance Management Project
- Acquittal of the Department of Local Government and Communities Kimberley Youth Strategy – Stage 2 Strategy and Action Plan Project
- Acquittal of the Department of Local Government and Communities Kimberley Volunteering Strategy – Stage 1 Consultation Project
- Acquittal of the Department of Regional Development 2011-12 DRD R4R Country Local Government Fund (CLGF) Key Worker Housing Project
- Acquittal of the Department of Regional Development 2012-13 DRD R4R Country Local Government Fund (CLGF) Key Worker Housing Project
- Land Tenure Stage 1 – Workshop
- Land Tenure Stage 2 – Policy Position
- Land Tenure Stage 3 – Policy Implementation
- Kimberley Drive Market Tourism Initiative
- 2016 Regional Planning Session
- Elected Member Training – Phase 5

- Takeaway Alcohol Management System – East Kimberley Trial
- AWARE Emergency Management Training
- Service Delivery Workshops

## CONTRACTS AND FUNDING PARTNERS

### Office of Emergency Management

- AWARE Emergency Management Training
  - Grant funding of \$20,000 was received by SDWK on 19 July 2017.
  - Reporting requirements are for a quarterly report to be prepared by 31 December 2017, followed by a Final Report which is due 28 April 2018.

## CURRENT PROJECTS

- Takeaway Alcohol Management System
  - A project proposal has been prepared for an expansion of the trial to all of the Kimberley. Stephen Gash has met with Allan Adams and is to provide a report to the Zone.
  - Grant funding has not been sourced, but preliminary investigations indicate 'Proceeds of Crime' could be a source.
  - Consultation has not been commenced.
- Volunteering Strategy – Stage 2 Strategy and Action Plan Project
  - A grant application has been prepared and submitted to the Department of Local Government, Sport and Cultural Industries. Approval and funding is still pending following the machinery of government changes.
- Regional Value for Money for Procurement
  - Working with WALGA to develop a model of best practice. First meeting was held on 1 August 2017 between Andrew Casella WALGA, Tim Bray KDC and Stephen Gash SDWK.
  - This project will incorporate the development of a regional LGA MOU on Aboriginal employment.
- Waste Technical Advisory Group
  - Video Conference Meetings are held bi-monthly.

## PENDING PROJECTS

- Kimberley Regional Group (KRG) Governance Agreement
  - A new KRG Governance Agreement has been prepared and requires endorsement from each Shire (current agreement expired 23 February 2018)
- A workshop for Zone elected members to review Strategic Community Plan and Regional Business Plan needs to be scheduled for one of the face to face RCG meetings in 2018.

## GENERAL MATTERS

The transfer of the secretariat is an opportune time to review the current resourcing arrangements for the RCG and the Kimberley Zone. Traditionally, operating resources were absorbed by the secretariat Council however the volume of work involved makes this option untenable for participating Councils. More recently the Secretariat has employed a Project Manager tasked with administrative and strategic responsibility for the Zone, including the organisation of meetings and the progression of strategic outcomes derived from the KRG SCP.

While more effective, the Project Manager has been required to allocate a significant amount of time to administrative tasks, reducing the effectiveness of the position in relation to the arguably more critical strategic outcomes.

There are many resourcing options available to facilitate the delivery of improved outcomes for the RCG and Zone. One alternative that has been discussed is to employ a part time executive officer to progress strategic outcomes, with administrative support delivered by the secretariat Council or a third party. While it is accepted that this would deliver improved strategic outcomes, it will place further pressure on the secretariat Council providing support. There is concern that the Shire of Broome may find it difficult to provide the level of assistance required for this approach within its current resources.

Another alternative is to engage an appropriately qualified and experienced consultant to undertake strategic and administrative activities on a contract basis. The consultant would be responsible for business case development, policy submissions and would be positioned to provide enhanced political opportunities within State Government. The contracted consultant would also be tasked with administrative activities such as agenda development. The Alliance of Western Australian Regional Capitals (WARCA) has recently taken a similar approach with positive results.

This arrangement would provide benefit to the RCG and Zone, while alleviating the administrative burden traditionally absorbed by secretariat Councils and warrants further investigation. Should the Zone choose to move in this direction a procurement process would be undertaken.

If the status quo is maintained the following items will need to be considered to transition the Project Manager role to the Shire of Broome:

#### **Vehicle**

- A new vehicle lease will need to be taken out by the Shire of Broome.

#### **Office Space**

- The Kimberley Regional Group has been leasing office space for the Project Manager at the RDA Kimberley office at Unit 4, 20 Hamersley St since February 2015. Office space will need to be discussed and the current lease will require review.

#### **IT**

- The Shire of Broome may be required to make arrangements for IT resources for the Project Manager including access to SynergySoft and upload of the financial chart of accounts.
- The computer is the property of the Kimberley Regional Group, it was purchased new in mid-2015.
- No mobile phone is currently being provided however the requirement for a mobile phone should be assessed as part of the transition.

#### **Financial**

- A handover audit to 31 December 2017 will be conducted by Moore Stephens. Once this report is complete, the residual budget surplus will be transferred to the Shire of Broome.
- The Shire of Broome will be required to provide new purchase orders for open projects.
- The Shire of Broome will be required to request a budget amendment via Council.

#### **Human Resources**

- A new Project Manager may be recruited by the Shire of Broome.
- In this case the Shire of Broome will make all arrangements for the new Project Manager's recruitment.

#### **CONSULTATION/STAKEHOLDERS**

Nil

**STATUTORY ENVIRONMENT**

The process involved has had to comply with Local Government audit requirements.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The final financial position of the Kimberley Regional Group will be presented once the Secretariat transfer audit is completed.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

*Simple Majority*

**REPORT RECOMMENDATION:**

*That the Kimberley Regional Group notes the preliminary Secretariat transition report.*

Moved:

Seconded:

FOR:

AGAINST:

Attachment: Nil

**KIMBERLEY REGIONAL GROUP RESOLUTION:**

Moved: Cr D Menzel

Seconded: Cr M Edwards

*That the Kimberley Regional Group notes the preliminary Secretariat transition report and requests the Secretariat to:*

- 1. Undertake an RFQ process for Project Management consultancy services (two-year period) to deliver priority projects as identified in the Kimberley Regional Group's Strategic Community Plan and Regional Business Plan;*
- 2. Concurrently review the Kimberley Regional Group Project Manager position description and detail project delivery that may be completed in-house and/or by means of external consultancy; and*
- 3. Provide a report evaluating the two options to the May 2018 meeting for the Kimberley Regional Group's consideration.*

**CARRIED UNANIMOUSLY 4/0**

**9.4 KIMBERLEY REGIONAL GROUP GOVERNANCE AGREEMENT**

<b>LOCATION/ADDRESS:</b>	Kimberley Region
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Project Manager, Kimberley Regional Group
<b>CONTRIBUTOR/S</b>	Director Corporate Services, Shire of Broome
<b>RESPONSIBLE OFFICER:</b>	Kimberley Zone Secretariat
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	12 February 2018
<b>SUMMARY:</b>	This report presents the Kimberley Regional Group Governance Agreement as attached for member endorsement.

**BACKGROUND**

In September 2010, as part of the Western Australian State Government's local government reform agenda, the four Kimberley Local Government authorities came together as the Kimberley Regional Collaborative Group by the signing of the Agreement for the Kimberley Zone Regional Collaborative Group with the State of Western Australia. The agreement governing the Kimberley Regional Collaborative Group had a finite life and terminated on 30 June 2015.

In view of this and consistent with the WA State Government's local government reform agenda, the participants came together as the Kimberley Regional Group (KRG) for the purpose of undertaking shared regional initiatives in the Kimberley Region. The Participants resolved to enter into an agreement to govern how they would work together as the KRG. The KRG Governance Agreement expired on 24 February 2018 and while clauses exist to extend the agreement prior to the termination date, these were not actioned, and a new agreement is now required.

**COMMENT**

Under the terms of the KRG Governance Agreement, the participants may, by agreement in writing, extend the term of the agreement prior to the agreement terminating. This has not occurred and anew agreement has been drafted.

The new agreement does not differ in intent from the previous agreement with the exception of some minor formatting and grammatical changes. Dates related to inception and termination have also been updated. The schedules attached to the agreement have been reviewed and updated to reflect current information.

The revised KRG Governance Agreement is attached for member endorsement.

**CONSULTATION**

Consultation has occurred between the four Kimberley Shire Councils.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS***Simple Majority***REPORT RECOMMENDATION:**

*That the Kimberley Regional Group endorse the Kimberley Regional Governance Agreement as attached.*

Moved:

Seconded:

FOR:

AGAINST:

**KIMBERLEY REGIONAL GROUP RESOLUTION:**Moved: *Cr D Menzel*Seconded: *Cr M Edwards*

*That the Kimberley Regional Group:*

- 1. Endorse the Kimberley Regional Governance Agreement subject to the Kimberley Regional Group CEO's:
  - a. Reviewing and updating the recital section; and*
  - b. Ensuring there is flexibility for additional membership of the Group without limiting any project endorsement decisions.**
- 2. Request the Secretariat forward a copy of the Kimberley Regional Group Strategic Community Plan and Regional Business Plan to the Shire of Christmas Island and the Shire of Cocos Keeling Islands; and*
- 3. Request the Secretariat officially invite the Shire of Christmas Island and the Shire of Cocos Keeling Islands to join the Kimberley Regional Group.*

**CARRIED UNANIMOUSLY 4/0**

Attachment 9.4: 102 pages

**9.5 PILBARA KIMBERLEY FORUM 2018 UPDATE**

<b>LOCATION/ADDRESS:</b>	Kimberley Region
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Executive Assistant to the CEO, Shire of Broome
<b>CONTRIBUTOR/S</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Kimberley Zone Secretariat
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	21 February 2018

**SUMMARY:** This report is to update the Kimberley Zone on the progress of planning for the 2018 iteration of the Pilbara/Kimberley Forum, due to be hosted by the Pilbara region.

**BACKGROUND**

In 2014 the Pilbara Regional Council (PRC) hosted the Pilbara Kimberley Forum in Jakarta, Indonesia, matching a number of Australian leaders with Indonesian investors and banking capital. The 2016 Forum was considerably larger, however both events were held back by a lack of key government reforms and leadership.

The PRC took the view when evaluating these events that there was little sense in encouraging investors to consider the Pilbara, if the region was characterised by underdeveloped project concepts or known to be a complex investment environment. In 2018, it is proposed that the event be refocused, both in a strategic pivot inward to Canberra and in a focus on advocacy for reform.

In August of 2017 the PRC Council resolved (FY18-16) that the 'Pilbara Kimberley Forum 2018' should be held in Perth with a focus on regional advocacy and issues, with day one devoted to state issues, and day two federal issues.

**COMMENT**

The PRC has made solid progression on the organisation of this event. The PRC has;

- Drafted program and crafted sponsorship packages;
- Designed a A4 and tri-fold event flyer and sponsorship flyers;
- Built a registration platform;
- Purchased a domain name for website;
- Secured a web development and put a website under construction;
- Sent a speaker and sponsor invites;
- Established a partnership with and funding from the PDC;
- Begun negotiation to partner with CEDA WA to include a public event; and
- Signed a contract with a premier venue and accommodation provider (Crown Events & Conferences, and the Crown Metropol).

Confirmed Event Details

Location: Botanical Rooms 1-2 (forum) and Astral Ballroom 1 (CEDA Lunch and Forum Dinner)

Dates: May 1-2, 2018 (recess weeks for both State and Federal Parliaments)

Attendees: ~100

Registration: Registration (no accommodation): \$499 ex GST/Ticket Fees  
Registration (2-nights accommodation) \$929 ex GST/Ticket Fees



## Tentative Proposed Program

### Day One

- Session 1: Keynote addresses and opening remarks
- Session 2: People Power
- CEDA Public Launch: (Event TBC, negotiations underway)
- Session 4: Survive or Thrive
- Sponsored sundowner
- Sponsored dinner

### Registration and event launch

The PRC sent delegates invitations and advised the opening of registration on 12 February 2018.

Invited guests will receive an email invitation directing them to register online. As is customary, the PRC will offer all participating LGAs the option of sending details through to PRC staff for manual entry, and the processing of payment via purchases order and invoice. Online purchases through the registration platform are only possible by credit card.

### Accommodation

The PRC has identified that approximately 50% of expected delegates (mainly Councillors and speakers) will require two nights accommodation for the event.

The PRC has arranged 50 rooms at the Crown Metropol to be included in the contract, and will sell registrations to delegates with and without this component at cost; a discounted rate per night has been achieved through contract negotiations.

The rooms are available on 30 April and 1 May, assuming delegates will fly to Perth the day before the event and back home directly after day two proceedings are concluded.

### Potential speakers

The PRC have identified several agencies and organisations that may have an interest in speaking at the event, confirmed speakers so far include:

- Hon Mark McGowan MLA, Premier of Western Australia
- Ms Melissa Price MP, Assistant Minister for Environment, Member for Durack
- Hon Mia Davies MLA, Leader of the Nationals WA, Member for Central Wheatbelt
- Frank Tudor, Managing Director, Horizon Power
- Jack Archer, Chief Executive Officer, Regional Australia Institute
- Senator Pat Dodson (tentatively confirmed, available day 2 only)
- Andrew Dickson, Business Development Manager, CWP Renewables (on behalf of AREH consortium).

It should be noted that the Pilbara Kimberley Forum held in Perth has been omitted from the Kimberley Zone 2018 Meeting Schedule, with the May meeting being scheduled to take place in Kununurra.

A summary of the Kimberley Zone meeting dates and locations for 2018 endorsed by the group are outlined below:

**RESOLUTION:****(REPORT RECOMMENDATION)**

*That the Kimberley Zone of WALGA endorses the 2017 Schedule of Meetings.*

3 - 6 March 2018	Cocos Is	Aligns with SC
30 April – 1 May 2018	Kununurra	Aligns with SC
2 July 2018		Video Conference for SC
31 July 2018	Perth	Local Government Week
3 September 2018		Video Conference for SC
3-4 December 2018	Broome	Aligns with SC Joint Kimberley/NT Forum

*Moved: Cr Young*

*Seconded: Cr Menzel*

**CARRIED UNANIMOUSLY 5/0**

**CONSULTATION**

PRC member CEO's have been engaged in the drafting of the FY18 Project Concept Document for this initiative, and PRC Council has deliberated on the event's purpose at the August OMC.

The Pilbara Development Commission CEO has been briefed on the event and agreed in principle to join as an event partner. An agreement is currently being drafted to formalise this.

The Kimberley Regional Group have agreed to be an event partner.

The Department of Foreign and Trade (DFAT) will be kept informed of the components of the program that relate to trading partners and Consuls General engagement, and both DFAT and Austrade State Directors will be invited to sponsor and facilitate the day two 'Meet the Neighbours' session.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Council's will need to purchase flights, on top of registration fees. Registration with no accommodation is \$499 ex GST/ticket fees; registration with two nights accommodation is \$929 ex GST/ticket fees.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

*Simple Majority*

**KIMBERLEY REGIONAL GROUP RESOLUTION:  
(REPORT RECOMMENDATION)**

**Moved: Cr M Edwards**

**Seconded: Cr G Haewera**

**That the Kimberley Zone:**

- 1. Notes progress made for the Pilbara Kimberley Forum 2018; and**
- 2. Request the Secretariat amend the 2018 meeting schedule so the meeting scheduled to occur in Kununurra in May is rescheduled to occur in Perth on 30 April 2018, one day prior to the Pilbara Kimberley Forum.**

**CARRIED UNANIMOUSLY 4/0**

Attachment 9.5: 8 pages

## 9.6 REPLACEMENT AGREEMENTS FOR LOCAL GOVERNMENTS IN REGIONAL AND REMOTE AREAS TO PROVIDE LICENSING SERVICES UNDER THE ROAD TRAFFIC (ADMINISTRATION) ACT 2008 (05-001-03-0004 MS)

<b>LOCATION/ADDRESS:</b>	Kimberley Region
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Executive Assistant to the CEO, Shire of Broome
<b>CONTRIBUTOR/S</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Kimberley Zone Secretariat
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	27 February 2018

**SUMMARY:** From 1 January 2008 under the provisions of the *Road Traffic Act 1974*, the (then) Director General of the Department of Planning and Infrastructure entered into agreements with 71 Local Governments in regional and remote areas to provide licensing services prescribed in the *Road Traffic Act 1974*. This agreement expired on 31 December 2017. The Department of Transport now seeks to have those same Local Governments continue to provide licensing services and has granted a three-month extension for the expired agreement to the end of March 2018. The Department of Transport has provided and invited the affected Local Governments to sign replacement agreements so they can continue to provide licensing services.

### BACKGROUND

From 1 January 2008 under the provisions of section 6B of the *Road Traffic Act 1974*, the (then) Director General of the Department for Planning and Infrastructure entered into agreements with 71 Local Governments to provide licensing services prescribed in the *Road Traffic Act 1974*. This agreement expired on 31 December 2017.

Knowing the agreement with Local Governments was to expire in December 2017 and on the basis the Department of Transport (the Department) desired regional and remote Local Governments to continue to provide licensing services, in June 2017 the Department surveyed the CEOs of affected Local Governments seeking the following advice:

- Did the Local Government want to continue to provide licensing services?
- What are the issues encountered with the current agreement?
- What suggested improvements could be incorporated into the new agreements?

The Department received 56 (of 71) responses from affected Local Governments and all but one indicated a willingness to continue to provide licensing services. The common issues raised included:

- Commission payments did not cover the cost of providing the service.
- Merchant fee costs to the Local Government had increased.
- There was an increase in complex transactions compared to simple payment processing.
- There was a need for more training.

According to the Department the replacement agreements were drafted to incorporate feedback from affected Local Governments and the changes to the agreements are minimal.

The Department advises that a restructure of the *Road Traffic Act 1974* has necessitated that two replacement agreements be offered to Local Governments:

1. A main agreement known as the Road Law Agreement.

This agreement covers driver and vehicle licensing transactions under legislation that includes the *Road Traffic (Authorisation to Drive) Act 2008* and *Road Traffic Act 1974*.

2. A subsidiary agreement known as the Non-Road Law Agreement.

This agreement covers transactions under legislation that includes the licensing of vessels (*WA Marine Act 1982*), photo cards (*WA Photo Card Act 2014*), motor vehicle driving instructor fees (*Motor Vehicles Drivers Instructors Act 1963*), and licensing and renewal of licenses for off road vehicles (*Control of Vehicles (Off Road Areas) Act 1978*).

The two replacement agreements contain no services additional to those in the expired agreement.

Under the provisions of section 11 of the *Road Traffic (Administration) Act 2008* in late 2017 the Department provided affected Local Governments with the replacement agreements for signing. In response some Local Governments raised the following matters:

- The timeframe for signing and returning the agreements to the Department did not allow sufficient time for them to be formally put to Councils for consideration.
- Local Governments were offered agreements for either a three year or five-year term rather than a ten-year term as was done previously.
- There was no remarkable increase in commission payment rates except for CPI increase; and generally, it is a cost burden for Local Governments to provide the services.

This matter was considered as an emerging issue at the WALGA State Council meeting in December 2017 resulting in a resolution that WALGA engage with the Department to further investigate the issue of vehicle licencing contracts.

## COMMENT

WALGA met with senior Department representatives who provided the following advice in relation to the matters raised by some affected Local Governments.

### Review of expired agreement

The Department reviewed the ten-year agreement prior to its expiration with the aim to more clearly detail service provision requirements and levels, and process requirements. The replacement agreements were drafted to incorporate feedback from affected Local Governments. Key changes are summarised in Attachment 1.

### Timeframe for signing replacement agreements

The current ten-year agreement for Local Governments to provide licensing services expired on 31 December 2017. A restructure of the *Road Traffic Act 1974* necessitated that two replacement agreements be drafted, which were offered to Local Governments for signing

in late 2017. The timeframe nominated by the Department to sign and return the agreements did not allow sufficient time for Local Government CEOs to put them to their Councils for consideration. Acknowledging the timeframe was insufficient, the Department granted a three-month extension of the expired agreement to the end of March 2018.

### Three-year or five-year replacement agreements

In line with community demands the Department is actively seeking to shift transaction processing to on-line methods. A number of transactions can now be processed and/or paid via on-line modes. Over the coming years the Department plans to implement additional on-line transactions and other initiatives such as e-billing and direct debits that will accelerate the shift from face-to-face processing to on-line processing. These initiatives will have consequences for Local Government as simple transactions will move on-line leaving more complex and time-consuming transactions to be processed face-to-face.

Sixty three percent (63%) of the Department's payments are currently processed online (representing 4.6 million payments) compared with 46% in 2013-2014 (3.4 million transactions).

Transactions processed at Local Governments have fallen 12% since 2011-2012 with a significant portion of the reduction occurring in the last two years. The reduction is due to the shift to on-line payment processing; changed economic conditions; and a move by the WA Police Force to process firearm transactions on-line through its website.

Local Governments were offered replacement agreements for terms of either three or five years. The terms were determined by the Department changing its business practices and processes, the general shift to on-line processing, external factors including current economic conditions, and face-to-face transaction volumes. These factors combined could create situations in the future where it is uneconomical for a Local Government to continue providing the services; therefore, the Department considered a ten-year agreement term too long to afford sufficient flexibility for effective management by both parties. Shorter agreement terms will allow for regular review of the economic viability and service quality.

As a consequence:

- Three-year terms were offered to Local Governments with low transaction volumes located in close proximity (less than 50 kilometres) to other Local Governments providing the services.
- Five-year terms were offered to Local Governments with higher transaction volumes; and Local Governments in remote areas.

### Summary of key changes to replacement agreements as provided by the Department of Transport

Clause change	Reason
Definition of "Database"	Clarify that the agreement relates to DoTs vehicle and driver licensing databases.
Definition of "KPI" removed	KPI considered outdated and replaced by a compliance concept that focusses on no errors and correction if errors are identified during daily audit. Further <i>please explain</i> if errors continue or are significant – see amended Schedule H.
Definition of "PCIDSS Annual Statement" removed	Not required from Shires.

Definition of "Physical stock point" (h)	Referenced to Schedule M for clarity.
Definition of "Principal's Property"	Expanded to include physical stock and equipment provided by the Principal.
Event of Default (g) - wording change	Amended to clarify Principal to be advised and may give consent if Agents personnel have a criminal history. Otherwise it is a default event.
6.3 Agents undertakings	Now includes returning plates through approved couriers.
6.5 Conflict of interest	Better define the Department's understanding of the term.
7.1 Supply by Principal	Remove EFTPOS from (b) (i) - Shires use own systems to process payments.
8.1 Training	(e) Added to recoup taxi fares to and from training - evidence/receipts required.
8.3 Telecommunications	Ongoing rental not covered - originally introduced in infancy of the internet, now all business have internet connection, and DoT upload traffic is small.
10.3 Use of the Principal's Systems and Database	(b) Amended to provide for the Principal to request signing of a confidentiality agreement on demand - providing greater flexibility to ensure Agent personnel are aware of their responsibility.  (d) Require personnel to log off when not using the PC so as not to enable unauthorized staff to access data to reduce unauthorized access and release of personal customer information.
10.5 Return of Confidential information	(b) Provide for more regular return of paperwork or other confidential information to the Department.
15.1 Audit and Review and 15.2 Performance and Compliance review meetings	Include the concept of compliance with business rules (error reduction) as well as performance which relates to quality of service.
16 Disputes	(b) Clarify that the Agents and Principals representatives must resolve disputes.
Schedule A	Minor wording changes: - Definition – Transport Service Centre - Scope of Services – now Road Law due to restructure of legislation - Physical Stock Requirements (c) - Timeliness of Service – (i), (iii) and (b)(iii) - Quality of Service (b) - Auditing by Transport Service Centres
Schedule B	Increased by 3% for selected sites performing over 3,000 transactions per annum. Non- driver or vehicle transactions (maritime, photo card and taxi) removed and placed in the Non- Road Rules Agreement
Schedule E	Changes to allow for directives to be issued by email.
Schedule F	Wording changes to reflect changes to DoT operations.
Schedule H	Changes to focus on error correction and prevention.
Schedule L	Removal of term from main contract to this schedule for flexibility. Contracts either for 3 or 5 years depending on volumes.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The fees and costs incurred by Driver and Vehicle Services (Department of Transport) are reflected in the fees and charges to customers. The Department advised it has an obligation to promote and support lower cost delivery methods because supporting more expensive service delivery methods comes at a cost to customers.

The Department acknowledged that feedback from the June 2017 survey of CEOs indicated commission payments do not fully meet the costs incurred by their Local Governments to provide licensing services. Contributing factors included increased merchant fees, increasing volume of complex transactions, and processing variations of the same transaction requiring additional time investment by staff.

According to the Department, the expired agreement provided for an increase in commission values paid to Local Governments based on CPI increases and became effective from 1 July each year. The replacement agreements continue this practice.

The Department has scheduled a commission increase of 3% effective from 1 January 2018. The cost is expected to be offset by falling transaction volumes. The Department also made a decision to provide additional funding to support Local Governments processing higher volumes of transactions above 3,000 per annum (12 per work day).

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

*Simple Majority*

**KIMBERLEY REGIONAL GROUP RESOLUTION:**  
**(REPORT RECOMMENDATION)**

***Moved: Cr G Haewera***

***Seconded: Cr D Menzel***

***That the Kimberley Regional Group note the advice provided by the Department of Transport on the two replacement agreements being offered to Local Governments in regional and remote areas to continue to provide licensing services under the Road Traffic (Administration) Act 2008.***

***CARRIED UNANIMOUSLY 4/0***

Attachment: Nil



**9.7 REGIONAL WASTE TECHNICAL ADVISORY GROUP (TAG) – MINUTES OF MEETING**

<b>LOCATION/ADDRESS:</b>	Kimberley Region
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Director Corporate Services, Shire of Broome
<b>CONTRIBUTOR/S</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Kimberley Zone Secretariat
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	22 February 2018

**SUMMARY:** This agenda item provides the minutes from the Regional Waste Technical Advisory Group (TAG) meeting held 6 November 2017.

**BACKGROUND**Previous Considerations

Waste TAG Meeting 6 June 2017  
 Waste TAG Meeting 30 June 2017  
 Waste TAG Meeting 14 August 2017  
 Waste TAG Meeting 2 October 2017  
 Waste TAG Meeting 6 November 2017

**COMMENT**

The Kimberley Region Waste TAG met on 6 November 2017.

A meeting was scheduled in January 2018 however did not occur. The next Regional Waste TAG is yet to be scheduled but will occur sometime in March 2018 to be held via Video Conference.

**CONSULTATION/STAKEHOLDERS**

All members of the group have been provided with the minutes of the meeting held.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

*Simple Majority*

***KIMBERLEY REGIONAL GROUP RESOLUTION:  
(REPORT RECOMMENDATION)***

*Moved: Cr C Mitchell*

*Seconded: Cr D Menzel*

*That the Kimberley Regional Group receives the minutes from the Regional Waste TAG meeting held 6 November 2017.*

***CARRIED UNANIMOUSLY 4/0***

Attachment 9.7: 2 pages

**10. CORRESPONDENCE**

The following incoming and outgoing correspondence was tabled at the Meeting.

Date	Type of Correspondence	To/From	Subject Matter
21/2/18	Incoming email	From WALGA	WALGA Member Advisor Program

**11. GENERAL BUSINESS****11.1 Cr C Mitchell**

Presentation on behalf of the Kimberley Zone to Cocos Keeling Islands Councillor Tony Lacy and Acting CEO Joanne Soderlund.

**12. MEETING CLOSURE**

The Chair closed the meeting at 2:41pm.



## Western Australian Local Government Association

### Zone Standing Orders

- 
- |     |  |     |      |  |
|-----|--|-----|------|--|
| 1.  | <b>INTERPRETATIONS</b>   | 1.9 | 1.9  | <b>“State Council”</b> means:  |
|     | For the purposes of these Standing Orders, if not inconsistent with the context, the following words shall have the following meanings:                            |     |      | the Executive of the Western Australian Local Government Association.  |
| 1.1 | <b>“Absolute Majority”</b> means:  |     | 1.10 | <b>“Zone”</b> means:   |
|     | a total majority of delegates for the time being of the Zone, whether present and voting or not.   |     |      | a geographically based subdivision containing Councils and incorporated within a country or metropolitan constituency as listed in Schedule three of the Constitution.   |
| 1.2 | <b>“Association”</b> means:  |     | 1.11 | <b>“Zone Secretary”</b> means:   |
|     | the Western Australian Local Government Association.   |     |      | a person or persons nominated or appointed by the Zone or the Association to undertake Zone secretarial functions as required.   |
| 1.3 | <b>“Chairman”</b> means:   |     | 2.   | <b>ORDINARY AND SPECIAL MEETINGS</b>   |
|     | the Chairman for the time being of the Zone.   |     |      | Meetings of the Zone shall be of two kinds: “ordinary” and “special”. No business shall be transacted at a special meeting other than for which the meeting was called.  |
| 1.4 | <b>“Constitution”</b> means:   |     | 3.   | <b>CONDUCT OF MEETINGS</b>   |
|     | the Constitution of the Western Australian Local Government Association.   |     |      | The proceedings and business of meetings of the Zone shall be conducted according to these Standing Orders.  |
| 1.5 | <b>“Delegate or Deputy Delegate”</b> means:  |     | 4.   | <b>NOTICE OF MEETING</b>   |
|     | those persons duly elected, from time to time, for a fixed term to represent a Council at a Zone of the Western Australia Local Government Association.            |     |      | 4.1 The Zone Secretary shall give at least 7 days notice of a meeting to all delegates of the Zone unless all of the delegates have agreed in writing to shorter notice.   |
| 1.6 | <b>“Deputy Chairman”</b> means:  |     | 4.2  | Notice shall be given at the destinations appearing in the records of the Zone Secretary. Notice shall include the agenda for the meeting and will be deemed to have been delivered immediately if transmitted electronically or on the second working date after posting. |
|     | the Deputy Chairman for the time being of the Zone.  |     |      | 4.3 Ordinary Meetings of the Zone shall be called by the Zone Secretary pursuant to sub-clause 4.1.  |
| 1.7 | <b>“Meeting”</b> means:  |     | 4.4  | Special Meetings of the Zone shall be called by the Zone Secretary on the written request  |
|     | a meeting of a Zone of the Western Australia Local Government Association.   |     |      |  |
| 1.8 | <b>“Simple Majority”</b> means:  |     |      |  |
|     | a majority comprising enough of the delegates for the time being of the Zone for their number greater than 50% of the number of voting delegates that are present. |     |      |  |

of the Chairman or at least one quarter of the delegates.

## 5. QUORUM

5.1 The Zone shall not conduct business at a meeting unless a quorum is present.

5.2 At any meeting of the Zone, greater than 50% of delegates present and entitled to vote shall form a quorum.

5.3 If a quorum has not been established within the 30 minutes after a meeting is due to begin then the meeting can be adjourned –

- (a) by the Chairman of the meeting;
- (b) if the Chairman is not present, by the Deputy Chairman of the meeting;
- (c) if the Chairman or Deputy Chairman is not present, by a majority of delegates present;
- (d) if only one delegate is present, by that delegate; or
- (e) if no delegate is present by the Zone Secretary.

The business that could have been transacted had there been a quorum at the meeting may be transacted at the resumption of the adjourned meeting.

5.4 If at any time during a meeting a quorum is not present, the Chairman shall suspend proceedings for five (5) minutes and if a quorum is not present after that period, the meeting shall be deemed to have been adjourned and the person presiding is to reschedule it to some future time.

5.5 Notice of a meeting adjourned because of the absence of a quorum shall be given to all delegates.

## 6. MEETINGS OPEN TO THE PUBLIC

The business of the Zone shall be open to the public except upon such occasions as the Zone may by resolution otherwise decide.

## 7. ORDER OF BUSINESS

Unless the meeting should decide otherwise, the order of business at Zone meetings, with the exception of special meetings or an adjourned meeting, shall be as follows:

- (a) Recording of attendance and apologies;
- (b) Announcements;

(c) Confirmation of minutes of previous meetings;

(d) Business arising from minutes;

(e) Deputations;

(f) Elections of Delegates/Chair;

(e) State Council agenda items;

(f) Matters for decision;

(g) Reports – Zone Representatives to State Council; and

(h) General business.

## 8. SPECIAL URGENT BUSINESS

At any time during a meeting a delegate may, with the approval of an absolute majority, introduce a motion relating to special urgent business that calls for an expression of opinion from the meeting.

In presenting an item of special urgent business, a delegate shall have sufficient copies of the motion in writing for distribution to all delegates present at the meeting and, where practicable, give prior notice to the Chairman of such intention.

## 9. CHAIRMAN

In the construction of these Standing Orders unless the context requires otherwise, the word "*Chairman*" shall in the absence of the Chairman or include the Deputy Chairman or the delegate chosen by resolution to preside at any meeting.

## 10. DELEGATE AND DEPUTY DELEGATE

10.1 In the construction of these Standing Orders unless the context requires otherwise, the word "delegate" shall in the absence of the delegate include the deputy delegate.

10.2 A deputy delegate acting in the capacity of a delegate unable to attend a meeting shall exercise all rights of that delegate.

## 11. CHAIRMAN TO PRESIDE

11.1 The Chairman shall preside at all meetings of the Zone but in absence of the Chairman, the Deputy Chair shall preside.

11.2 In the absence of the Chairman and the Deputy Chairman, the Zone shall choose by resolution a delegate present to preside at the meeting.

## 12. DEBATE PROCEDURES

12.1A delegate moving a substantive motion may speak for –

- (a) 10 minutes in his or her opening address; and

(b) 5 minutes in exercising the right to reply.

**12.2** Other speeches for or against motions are to be limited to 5 minutes.

**12.3** No delegate, except the mover of a motion in reply, is to speak more than once on the same motion except by way of personal explanation.

**12.4** As soon as the right of reply has been exercised, the motion is to be forthwith put to the vote without further comment.

**12.5** No discussion shall take place on any motion unless it is moved and seconded. Only one amendment on any one motion shall be received at a time, and such amendment shall be disposed of before any further amendment can be received. Any number of amendments may be proposed.

**12.6** The provisions of these Standing Orders applicable to motions apply mutatis mutandis to amendments, except that the mover of an amendment shall have no right of reply.

**12.7** When a motion has been moved and seconded, the person presiding shall at once proceed to take a vote thereon unless a delegate opposes it or an amendment is proposed.

**12.8** No more than two delegates shall speak in succession on one side, either for or against the question before the Zone, and if at the conclusion of the second speaker's remarks, no delegate speaks on the other side, the motion or amendment shall at once be put to the vote.

**12.9** At any time during a debate, but after the conclusion of a delegate's comments, a delegate who has not spoken during the debate may move, without discussion, "that the question be now put". If that motion is seconded and carried by a majority, the question shall be submitted at once to the Zone, after the mover has replied.

### **13. QUESTIONS**

Any delegate seeking to ask a question at any meeting of the Zone shall direct the question to the Chairman.

### **14. DELEGATES TO ADDRESS THE CHAIRMAN**

A delegate moving or seconding a motion or amendment or taking part in a discussion thereon shall address the Chairman.

### **15. POINT OF ORDER**

A delegate who is addressing the Chairman shall not be interrupted except on a point of order, in which event the delegate shall wait until the delegate raising the point of order has been heard and the question of order has been disposed of, whereupon the delegate so interrupted may, if permitted, continue.

### **16. MOTION - SUBSTANCE TO BE STATED**

A delegate seeking to propose an original motion or amendment shall state its substance before addressing the meeting thereon and, if so required by the Chairman, shall put the motion or amendment in writing.

### **17. PRIORITY OF SPEAKERS**

If two or more delegates wish to speak at the same time the Chairman shall decide who is entitled to priority.

### **18. CHAIRMAN TO BE HEARD**

Whenever the Chairman signifies a desire to speak during a debate, any delegate speaking or offering to speak is to be silent, so that the Chairman may be heard without interruption.

### **19. CHAIRMAN MAY CALL TO ORDER**

The Chairman shall preserve order, and may call any delegate to order when holding an opinion that there shall be cause for so doing.

### **20. RULING BY CHAIRMAN**

The Chairman shall decide all questions of order or practice, whose decision shall be final and be accepted by the Zone without argument or comment unless in any particular case the Zone resolves that a different ruling shall be substituted for the ruling given by the Chairman. Discussions shall be permitted on any such motion.

### **21. LIMITATION OF SPEECHES**

**21.1** A delegate shall not speak upon any motion or amendment or in reply for a longer period than five (5) minutes without consent of the Zone which shall be signified without debate.

**21.2** No delegate shall speak more than once on any motion unless in exercising a right to speak in closing the debate on a motion which the delegate has moved.

**22. RESOLUTIONS**

**22.1** Except as otherwise provided in these Standing Orders, all motions concerning the affairs of the Zone shall be passed by a simple majority.

**22.2** Any matter considered by the Zone at a Special Meeting shall not be passed unless having received an absolute majority.

**23. NO DISCUSSION**

Where there is no discussion on a motion, the Chairman may deem the motion to be passed unless the meeting resolves otherwise.

**24. PERMISSIBLE MOTIONS DURING DEBATE**

**24.1** When a motion is under debate, no further motion shall be moved except the following:

- (a) that the motion be amended;
- (b) that the meeting be adjourned;
- (c) that the debate be adjourned;
- (d) that the question be now put;
- (e) that the meeting proceed with the next item of business;
- (f) that the meeting sits behind closed doors.

**24.2** Any delegate who has not already spoken on the subject of a motion at the close of the speech of any other delegate may move without notice any one of the motions listed in clause 24.1 (b)-(f) and, if the motion is seconded, it shall be put forthwith.

**24.3** When a debate is adjourned, the delegate who moves the adjournment shall be the first to speak on the motion when the debate is resumed unless the delegate advises of no desire to speak on the motion. Where this occurs, the Chairman shall then call for further speakers.

**25. METHOD OF TAKING VOTES**

The Chairman shall, in taking a vote on any motion or amendment, put the question first in the affirmative, and then in the negative and may do so as often as is necessary to enable formation and declaration of an opinion as to whether the affirmative or the negative has the majority on the voices or by a show of hands.

**26. DIVISION**

The result of voting openly is determined on the voices or by a show of hands and, immediately upon a vote being taken, a delegate may call for a division.

**27. WITHDRAWAL OF MOTION**

A motion or amendment may be withdrawn by the mover, with the consent of the meeting, which shall be signified without debate.

No delegate may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

**28. ALL DELEGATES TO VOTE**

**28.1** At meetings of the Zone, a delegate present at the meeting when a question is put shall vote on the question.

**28.2** Each delegate shall be entitled to exercise one deliberative vote on any matter considered by the Zone.

**28.3** The Chairman shall exercise a deliberative vote in respect of a matter considered by the Zone. In the event of there being an equality of votes in respect of a matter, the Chairman shall exercise a second vote.

**28.4** Where the Deputy Chairman is required to preside at a meeting, the Deputy Chairman shall exercise a deliberative vote in respect of a matter considered by the Zone. In the event of there being an equality of votes in respect of a matter, the Deputy Chairman shall exercise a second vote.

**28.5** In the absence of the Chairman and Deputy Chairman, the delegate chosen by resolution to preside over the meeting shall exercise a deliberative vote in respect of a matter considered by the Zone. In the event of there being an equality of votes, the presiding delegate shall exercise a second vote.

**29. RESCISSION OF RESOLUTION****29.1 At the same meeting**

Unless a greater majority is required for a particular kind of decision under the Standing Orders (in which event that shall be the majority required), the Zone may, by simple majority at the same meeting at which it is passed, rescind or alter a resolution if all the delegates who were present at the time the original resolution was passed are present in their seats when the rescission or alteration is proposed.

**29.2 At a Future Meeting**

Unless a greater majority is required for a particular kind of decision under the Standing Orders (in which event that shall

be the majority required), the Zone may rescind or alter a resolution made at an earlier meeting:

- (a) by simple majority, where the delegate intending to move the motion has, through the Zone Secretary, given written notice of the intended motion to each of the other delegates at least seven (7) days before the meeting; or
- (b) by absolute majority, in any other case.

### **30. SUSPENSION OF STANDING ORDERS**

**30.1** In cases of urgent necessity or whilst the Zone is sitting behind closed doors, any of these Standing Orders may be suspended by a simple majority.

**30.2** Any delegates moving the suspension of a Standing Order shall state the object of the motion, but discussion shall not otherwise take place.

### **31. NO ADVERSE REFLECTION ON ZONE**

A delegate of the Zone shall not reflect adversely upon a resolution of the Zone, except on a motion that the resolution be rescinded.

### **32. NO ADVERSE REFLECTION ON DELEGATE**

A delegate of the Zone shall not reflect adversely upon the character or actions of another delegate nor impute any motive to a delegate unless the Zone resolves, without

debate, that the question then before the Zone cannot otherwise be adequately considered.

### **33. MINUTES**

Minutes of meetings shall be permanently recorded and copies supplied to all delegates.

### **34. CONFIRMATION OF MINUTES**

The minutes of any preceding meeting, whether ordinary or special, not previously confirmed shall be submitted at the next Ordinary Meeting of the Zone and no discussion thereon shall be permitted except as to their accuracy as a record of the proceedings.

### **35. GENERAL BUSINESS**

A delegate may under general business introduce a motion relating to any item of interest to Local Government, but (except as provided for in clause 8) not otherwise.

### **36. AMENDMENTS**

These Standing Orders may be altered, added to or repealed subject to a resolution passed by not less than 75% of delegates present at a meeting of the Zone. Copies of proposed alterations, additions or amendments shall be forwarded to all delegates by the Zone Executive Officer prior to the meeting.