

# Kimberley Regional Group Meeting

# MINUTES

1.00pm Monday 30 April 2018

Botanical Room 4, Crown Perth

| Item No | Description   | Page No |
|---------|---|---------|
| 1.      | DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....   | 3       |
| 2.      | RECORD OF ATTENDANCE / APOLOGIES.....   | 3       |
| 3.      | DECLARATION OF INTEREST .....   | 3       |
| 4.      | CONFIRMATION OF MINUTES .....   | 4       |
| 5.      | BUSINESS ARISING FROM PREVIOUS MEETING.....   | 4       |
| 6.      | PRESENTATIONS FROM REPRESENTATIVES .....  | 4       |
| 6.1     | REGIONAL GROWTH FUND APPLICATION – KIMBERLEY REGIONAL WASTE SOLUTIONS .....   | 4       |
| 7.      | REPORTS FROM REPRESENTATIVES .....  | 4       |
| 7.1     | WALGA ROADWISE.....   | 4       |
| 7.2     | WALGA.....  | 4       |
| 7.3     | REGIONAL DEVELOPMENT AUSTRALIA (RDA) .....  | 4       |
| 7.4     | DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES .....   | 4       |
| 7.5     | DEPARTMENT OF LIQUOR, RACING AND GAMING .....   | 4       |
| 8.      | REPORTS FROM KIMBERLEY COUNTRY ZONE.....  | 6       |
| 8.1     | STATE COUNCIL MEETING AGENDA AND PRESIDENTS REPORT.....   | 6       |
| 9.      | REPORTS FROM KIMBERLEY REGIONAL GROUP .....   | 14      |
| 9.1     | KIMBERLEY REGIONAL GROUP MEETING RESOLUTION STATUS REPORT.....  | 14      |
| 9.2     | KIMBERLEY REGIONAL GROUP 17/18 FINANCIAL ACTIVITY REPORT.....   | 17      |
| 9.3     | PRELIMINARY REPORT FROM THE SHIRE OF DERBY WEST KIMBERLEY TO THE KIMBERLEY REGIONAL GROUP FOR THE TRANSFER OF SECRETARIAT ..... | 20      |
| 9.4     | REGIONAL WASTE TECHNICAL ADVISORY GROUP (TAG) – MINUTES OF MEETING.....   | 24      |
| 9.5     | POSITION STATEMENT ON A REGIONAL APPROACH TO ALCOHOL MANAGEMENT.....  | 26      |
| 10.     | CORRESPONDENCE.....   | 30      |
| 11.     | GENERAL BUSINESS .....  | 30      |
| 12.     | MEETING CLOSURE.....  | 30      |

# Kimberley Regional Group

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairperson opened the meeting at 1:01pm.

## 2. RECORD OF ATTENDANCE / APOLOGIES

### ATTENDANCE:

|   |   |
|---|---|
| Stephen Gash  | Shire of Derby West Kimberley                                 |
| Cr Geoff Haerewa  | Shire of Derby West Kimberley                                 |
| Cr Chris Kloss  | 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   |
| Cr David Menzel   | Shire of Wyndham East Kimberley                               |
| Cr Malcolm Edwards  | Shire of Halls Creek  |
| Cr Chris Loessl   | Shire of Halls Creek  |
| Ms Lynne Craigie (President)                                      | WALGA   |
| Ms Melanie Davies (Biodiversity & Sustainability Project Officer) | WALGA   |
| Tim Bray  | Kimberley Development Commission                              |
| Ms Jodie Holbrook (Director Local Government Policy & Engagement) | Department of Local Government, Sport and Cultural Industries |
| Mr John King  | Talis Consultants   |

### APOLOGIES:

|                                     |                                  |
|-------------------------------------|----------------------------------|
| Cr Tony Chafer                      | Shire of Wyndham East Kimberley  |
| Greg Hayes                          | WALGA Roadwise                   |
| Glen Chidlow                        | Australia's North West           |
| 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    |
| Joanne Soderlund                    | Shire of Cocos (Keeling) Islands |
| Cr Tony Lacy                        | Shire of Cocos (Keeling) Islands |
| Cr Seriwati Iku                     | Shire of Cocos (Keeling) Islands |
| Rodger Kerr-Newell                  | Shire of Halls Creek             |
| Cr Carl Askew                       | Shire of Wyndham East Kimberley  |
| James McGovern (Manager Governance) | WALGA                            |
| Kelly McIntyre                      | Department of Communities        |

## 3. DECLARATION OF INTEREST

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

**4. CONFIRMATION OF MINUTES****ZONE RESOLUTION  
(RECOMMENDATION)**

*That the Minutes of the combined Kimberley Regional Group Meeting held on 5 March 2018 be confirmed as a true and accurate record of that meeting.*

*Moved: Cr Geoff Haerewa*

*Seconded: Cr David Menzel*

*For: 4  
Against: 0*

**5. BUSINESS ARISING FROM PREVIOUS MEETING**

Nil

**6. PRESENTATIONS FROM REPRESENTATIVES****6.1 REGIONAL GROWTH FUND APPLICATION – KIMBERLEY REGIONAL WASTE SOLUTIONS**

John King – Talis Consultants

**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 (RDA)**

Chris Mitchell advised that the Federal Regional Growth Fund closed on 28 April 2018.

The Building Better Regions grant outcomes were outstanding.

An update on RDA Board nominations was provided and it was noted that the Developing Northern Australia Conference is being held in Alice Springs on 18-19 June 2018.

**7.4 DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES**

Jodie Holbrook - Director Local Government Policy & Engagement  
Attachment 7.4, 7.4(a), 7.4(b)

**7.5 DEPARTMENT OF LIQUOR, RACING AND GAMING**

Peter Minchin – Director Liquor Control and Arbitration

General discussion was held on alcohol related issues in the Kimberley. The Kimberley Regional Group advised of the will to have uniform liquor restrictions across the Kimberley. A copy of the proposed restrictions in the Pilbara were tabled for the Kimberley Regional Group's review.

**7.6 KIMBERLEY DEVELOPMENT COMMISSION**

Tim Bray

Verbal Update

*Cr Harold Tracey left the meeting at 2:27pm.*

*Cr Harold Tracey returned to the meeting at 2:30pm.*

*Cr Chris Loessl left the meeting at 2:30pm.*

## 8. REPORTS FROM KIMBERLEY COUNTRY ZONE

### 8.1 STATE COUNCIL MEETING AGENDA AND PRESIDENTS 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>         | 18 April 2018                                |

**SUMMARY:** The State Council Agenda and President's Report for the meeting to be held 4 May 2018 were received on 12 April 2018 and are attached for member consideration. It is important to note that member Councils 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 4 May 2018 meeting is attached for Member consideration. The following items have been tabled:

#### 5.1 Submission to ERA – Inquiry into Business Licensing

Late last year, the Treasurer tasked the Economic Regulation Authority to undertake an inquiry into reducing the regulatory burden and other economic costs of State Government business and occupational licences (which includes permits and approvals) – including those which are administered by Local Government.

WALGA has prepared a submission to the ERA which covers both issues for the business operations of Local Government and also its role as a regulator. Members were provided the opportunity to contribute to the submission, though limited response was received.

The interim submission was provided to the Executive Committee out of session, and has been submitted to the ERA.

#### *Recommendation:*

*That WALGA's submission to the Economic Regulation Authority Inquiry into Business Licensing be endorsed.*

#### 5.2 Interim Submission – Development Control Policies 1.1, 1.2, 1.7, 2.5, and 5.1

On 3 January 2018, the Western Australian Planning Commission (WAPC) released revised versions of five Development Control Policies for public comment: -

- 1.1 Subdivision of Land – General Principles (DCP1.1),
- 1.2 Development Control – General Principles (DCP1.2),
- 1.7 General Road Planning (DCP1.7),
- 2.5 Special Residential Zones (DCP2.5), and
- 5.1 Regional Roads (vehicular access) (DCP5.1).

The revised Development Control Policies aims to provide guidance on planning decisions and applications.

The public comment period closed on the 23 March 2018, therefore an interim submission was prepared.

*Recommendation:*

*That the interim submission to the WA Planning Commission on Development Control Policies 1.1, 1.2, 1.7, 2.5, and 5.1 be endorsed.*

#### 5.3 Interim Submission – State Planning Policy 4.1 Industrial Interface

On 21 November 2017, the Western Australian Planning Commission (WAPC) released a revised version of State Planning Policy 4.1 Industrial Interface (SPP4.1) for public comment.

The revised State Planning Policy aims to provide guidance on planning decisions that will protect the long term future operation of Industry and Infrastructure facilities by avoiding encroachment from sensitive land uses and promoting compatible land uses.

The public comment period closed on the 21 February 2018, therefore an interim submission was prepared.

*Recommendation:*

*That the interim submission to the WA Planning Commission on State Planning Policy 4.1 Industrial Interface be endorsed.*

#### 5.4 Third Party Appeal Rights – Consultation with members

Following the September 2017 State Council meeting, workshops were held with members on the various suggestions raised in WALGA's Third Party Appeal Rights in Planning Discussion Paper.

In December 2017, the Association formally requested members to consider whether there would be any support for the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels.

The outcomes of the consultation are provided within this report and result in a change to the current policy position of the Association.

*Recommendation:*

*That WALGA:*

- 1. Note the results of the additional consultation with members on the possible introduction of Third Party Appeal Rights into the Planning System;*
- 2. Based on the feedback received, amend its current policy position to support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels;*
- 3. Provide the State Government with the outcomes of this consultation and advocate for the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels as part of the upcoming Independent Planning Reform process; and*
- 4. Further consult with members to provide more clarity on the exact details of the criteria that would need to be established, before any system of Third Party Appeals for decisions made by Development Assessment Panels is implemented by the State Government.*

#### 5.5 Community Resource Centre Funding Cuts

There is an ongoing acknowledgement of the important role of Community Resources Centres (CRCs) in rural, remote and regional Western Australia.

Several reviews have been undertaken, outlining the value of continued support of CRCs

A 40% reduction of funding to CRCs has been included in forward estimates of the 2017 State budget for contracts commencing March 2019.

*Recommendation:*

*That:*

1. WALGA:
  - a. *Acknowledges the difficulties being faced by proposed funding cuts to Community Resource Centres and the flow on effects this may have to Local Governments; and*
  - b. *Considers previous reviews into the location and functionality of Community Resources Centres.*
2. *WALGA coordinate a representative paper with affected Local Governments to highlight the long term implications for the Local Government Sector; and*
3. *WALGA write to the relevant Ministers and Agencies to highlight the concerns of affected Local Governments and the need for appropriate resources and long term planning support to assist rural, regional and remote communities.*

#### 5.6 Interim Submission on Infrastructure WA

In February the Department of Premier and Cabinet released a proposal to establish Infrastructure WA, an independent body to provide expert advice to the Premier and Government on infrastructure needs and priorities in Western Australia.

Infrastructure WA's proposed roles are to develop a 20 year State Infrastructure Strategy, evaluate major project proposals over a threshold value of \$100 million and provide advice to the State Government on infrastructure priorities.

An interim submission was provided to the Department of Premier and Cabinet highlighting strong support for the establishment of Infrastructure WA as a statutory body enabled under legislation.

The Local Government sector seeks representation on the Infrastructure WA Board, an effective, transparent and genuinely open consultative and engagement process and consideration of the on-going costs of asset maintenance and renewal of any assets transferred to Local Government care and control.

*Recommendation:*

*That the interim submission to the Department of Premier and Cabinet on the proposal for establishing Infrastructure WA as a statutory body under legislation be endorsed.*

#### 5.7 Interim Submission on 'Australia's Strategy for Nature 2018 – 2030: Australia's Biodiversity Conservation Strategy and Action Inventory

In November 2016, Australian, State and Territory Environment Ministers agreed to revise 'Australia's Biodiversity Conservation Strategy: 2010- 2030' (the ABC strategy) based on the findings of a review into the first five years of the Strategy's implementation.

The resulting 'Australia's Strategy for Nature 2018-2030: Australia's biodiversity conservation strategy and action inventory' (the strategy), aims to improve its ability to drive change in biodiversity management priorities, and better align with Australia's international biodiversity commitments.

WALGA lodged an interim submission with the Department of the Environment and Energy (DoEE) on 16 March 2018. The submission recommends significant revision of the strategy to provide a strong national framework for biodiversity conservation, meet Australia's



international obligations, identify outcomes and set measurable targets, and commit adequate funding for the implementation of actions and monitoring of results.

*Recommendation:*

*That WALGA's interim submission to the Department of the Environment and Energy on 'Australia's Strategy for Nature 2018 – 2030: Australia's Biodiversity Conservation Strategy and Action Inventory' be endorsed.*

#### 5.8 Submission on the Emissions Reduction Fund Safeguard Mechanism

The Commonwealth Government released the Emissions Reduction Fund Safeguard Mechanism Consultation Paper, proposing changes to the Safeguard Mechanism that would broaden the range of circumstances in which responsible emitters are able to increase their greenhouse gas emissions baseline.

Due to the tight timeframe, WALGA provided a draft submission to the Executive Committee for its out-of-session approval and it was subsequently sent to the Commonwealth.

Key points made in the submission are that the safeguard mechanism is currently not achieving its stated aim, the changes proposed in the Consultation Paper would fundamentally undermine an already compromised national mitigation policy and any changes to the safeguard mechanism must include more ambitious baselines for Australia's heaviest emitters.

WALGA is seeking State Council's endorsement of the submission.

*Recommendation:*

*That the submission to the Department of the Environment and Energy (Cwth) relating to proposed changes to the Emissions Reduction Fund Safeguard Mechanism be endorsed.*

#### 5.9 Surveillance Devices Act 1998 (WA) – Body Worn Camera use in Local Government Law Enforcement

Some Local Governments have either implemented or are considering implementation of body worn cameras, as both an enforcement tool and an occupational safety personal protection equipment item.

The current Surveillance Devices Act 1998 (WA) prescribes the definition of law enforcement officers, which includes a list of specified offices (State Government), but does not include Local Government law enforcement officers.

WALGA's advocacy for amendment of the Surveillance Devices Act 1998 to include Local Government Law Enforcement Officers, will clarify local government operations under this Act, when using body worn cameras and dash cam devices.

*Recommendation:*

*That WALGA advocate for amendment of Regulation 4 of the Surveillance Devices Regulations 1999 (WA) so that it includes Local Government 'Authorised Persons' as a class of Law Enforcement Officers for the purposes of the Surveillance Devices Act 1988 (WA).*

#### 5.10 Vexatious or Malicious Freedom of Information Applications

Local Governments are regularly required to respond to access applications under the Freedom of Information Act 1992(WA).

Local Governments have advised of increasing incidents where Freedom of Information access applications are used for malicious or vexatious purposes.

Where a Freedom of Information access application requires substantial resources to fulfill and the application is withdrawn, the responding Agency is unable to claim for costs incurred.

The current Freedom of Information Act 1992 (WA) does not prescribe for the declaration of vexatious applicants nor sufficiently enable responding Agencies to claim costs arising from withdrawn Freedom of Information access applications.

*Recommendation:*

*That WALGA advocates for amendment of the Freedom of Information Act 1992 (WA) to:*

1. *Enable the Information Commissioner to declare vexatious applicants similar to the provisions of section 114 of the Right to Information Act 2009 (QLD); and*
2. *Enable an agency to recover reasonable costs incurred through the processing of a Freedom of Information access application where the application is subsequently withdrawn.*

### 5.11 Social Media – Cyber Bullying

Social media use and misuse is becoming increasingly prevalent in the community, with Local Governments similarly experiencing increasing incidents where cyber communications negatively impact Local Government operations and governance as well as the health and safety of Elected Members and employees.

Commonwealth legislation controls social media communications and therefore it is recommended that ALGA be requested to take up advocacy for changes that prevent fake online identities.

*Recommendation:*

*That WALGA endorse a request to ALGA for its advocacy for changes to Commonwealth legislation to provide for implementing:*

1. *Cyber-bullying protections for all Australians, similar to those provided to Australian children under the Enhancing Online Safety Act 2015 (Cth);*
2. *Identification validation checks before a new social media account can be established, including a timeframe by which social media providers must ensure that all existing active accounts retrospectively comply;*
3. *A social media / communications control order, similar to a violence restraining order, which prevents a person from contacting any other person through social media.*

### 5.12 Proposed Amendments to the WALGA Constitution

A number of potential amendments to the Association Constitution have arisen since the last governance review and Constitutional amendments in 2016;

Amendment to the Constitution requires endorsement by a special majority of State Council and by a special majority at a WALGA Annual General Meeting;

The issues identified and discussed in this report are as follows, with each issue corresponding to the numbers of the recommendations above:

- i. President and Deputy President – Metropolitan and Country Representation;
- ii. President and Deputy President – Rotation of Presidency between Metropolitan and Country constituencies;
- iii. State Councillor Eligibility – Ex-officio Members;
- iv. State Councillor Eligibility – Ministerial Suspension of Council or Councillor;
- v. Election Procedure – Confirmation that the WALGA President is entitled to vote in elections for the positions of President and Deputy President; and,

## vi. Change of Name – Local Government Professionals Australia WA.

If one or more of the amendments above are endorsed by State Council by special majority an item will be prepared for the 2018 WALGA Annual General Meeting to be held on 1 August.

## Recommendation:

1. That Clause 18 and Clause 19 of the Association Constitution be amended as follows:
  - I. Clause 18, sub-clause (1) be amended with the addition of the underlined words, as follows:
    - (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its metropolitan and country representatives, provided the Deputy President represents the alternate constituency to the President elected pursuant to clause 17.
  - II. Clause 19 be amended with the addition of the underlined words and the deletion of the strikethrough words, as follows:
    - (1) If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution shall hold the office of President for the balance of the term of the President replaced.
    - (2) Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.
    - (3) An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.
    - (4) Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19(5) will be conducted for the office of Deputy President from amongst representatives of the alternate constituency to that of the President just elected.
    - ~~(3)~~(5) If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the term of the Deputy President replaced, provided the Deputy President represents the alternate constituency to that of the President.
    - ~~(4)~~(6) A State Council representative elected to fill a vacancy of President or Deputy President pursuant to clause 18 19 shall still be eligible for election to a subsequent two (2) full consecutive terms.
2. That Clause 17A – Rotation of Presidency be added to the Association Constitution, as follows:

1. At an election for the position of President conducted under sub-clause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.
2. At an election for the position of President conducted under Clause 19, only State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.
3. That Clause 20 of the Association Constitution be amended with the addition of the underlined words as follows:

A person shall cease or be disqualified from being a representative or deputy representative on the State Council, or from being President or Deputy President of the Association, or from attending State Council in an ex-officio capacity, if that person:
4. That sub-clause 20(j) of the Association Constitution be amended with the addition of the underlined words and the deletion of the strikethrough words as follows:
  - (j) Is a Councillor that has been suspended by the Minister for Local Government under Part 8 of an Ordinary Member that has been peremptorily suspended under Section 8.15C(2)(c) of the Local Government Act 1995.
5. That sub-clause 10(2) of the Association Constitution be amended with the addition of the underlined words as follows:
  - (2) Each representative on the State Council shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.
6. That sub-clauses 2(1), 5(7)(a), 9(1)(d), and 31(4)(b) be amended as follows:
  - I. That the following strikethrough words be replaced with the following underlined words in sub-clause 2(1):

~~“Local Government Managers Australia” means the Western Australian Division of the Local Government Managers Australia (LGMA), which body is incorporated under the Victorian Companies Act 1961.~~  
“Local Government Professionals Australia WA” means the Western Australian Division of Local Government Professionals Australia.
  - II. That sub-clause 5(7)(a) of the Association Constitution relating to Associate Members of WALGA be amended with the words “Local Government Managers Australia (LGMA)” to be replaced with the words “Local Government Professionals Australia WA”.
  - III. That sub-clause 9(1)(a) of the Association Constitution relating to ex-officio members of State Council be amended to replace the words “Local Government Managers Australia (LGMA)” with the words “Local Government Professionals Australia WA”.

- IV *That sub-clause 31(4)(b) of the Association Constitution relating to a dispute resolution panel be amended by replacing the word "LGMA" with the words "Local Government Professionals Australia WA".*

*Special Majority Decision Required.*

**CONSULTATION/STAKEHOLDERS**

Nil

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

*Simple Majority*

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

*That the Kimberley Zone of WALGA notes the State Council Meeting Agenda and President's Report.*

*Moved: Cr Geoff Haerewa*

*Seconded: Cr Malcolm Edwards*

**FOR: 4**  
**AGAINST: 0**

Attachment 8.1: State Council Agenda May 2018 172 pages

Attachment 8.1(a): President's Report May 2018 4 pages

**9. REPORTS FROM KIMBERLEY REGIONAL GROUP**

**9.1 KIMBERLEY REGIONAL GROUP MEETING RESOLUTION STATUS REPORT**

**LOCATION/ADDRESS:** Kimberley Region  
**APPLICANT:** Nil  
**FILE:** KRG01  
**AUTHOR:** Director Corporate Services, Shire of Broome  
**CONTRIBUTOR/S** Nil  
**RESPONSIBLE OFFICER:** Secretariat, Shire of Broome  
**DISCLOSURE OF INTEREST:** Nil  
**DATE OF REPORT:** 12 April 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 |
| Kimberley Regional Group Meeting 5 March 2018     | Item 9.1  |

**COMMENT**

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

| <b>KRG - 24 February 2017 – Halls Creek</b> |                  |   |  |  |  |
|---|------------------|---|--|--|--|
| <b>Item</b>                                 | <b>Zone/ RCG</b> | <b>Title</b>                              | <b>Resolution</b>  | <b>Action Items</b>  | <b>Status</b>  |
| 9.3   | KRG              | TAKEAWAY ALCOHOL MANAGEMENT SYSTEM UPDATE | That the Kimberley Regional Group;<br>1. Notes the MOU extension period regarding the Kununurra Wyndham Takeaway Alcohol Management System use,<br>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.<br>2. Prepare a project scope for the CEO group. | Outstanding<br> |
| <b>KRG - 30 June 2017 – Broome</b>          |                  |   |  |  |  |
| <b>Item</b>                                 | <b>Zone/ RCG</b> | <b>Title</b>                              | <b>Resolution</b>  | <b>Action Items</b>  | <b>Status</b>  |
| 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<br> |
| <b>KRG - 21 November 2017 – Darwin</b>      |                  |   |  |  |  |

| Item  | Zone/<br>RCG | Title                                  | Resolution  | Action<br>Items  | Status   |
|---|--------------|--|---|--|--|
| 10.5  | KRG          | LAND TENURE<br>BUSINESS CASE<br>UPDATE | That the Kimberley Regional Group;<br>1. Receives the Final Kimberley Land Tenure Policy - Implementation Strategy Report,<br>2. Note Recommended Actions1,<br>3. Note Recommended Actions 2,<br>4. Take action and write to the Premier, Hon. Ben Wyatt, Hon. Rita Saffioti, Hon MacTiernan and any other relevant Members, and<br>5. Direct the CEO’s to consider commencing work on the proposed changes.  | Noted.   | Outstanding<br> |
| <b>KRG – 5 March 2018 – Cocos Keeling Islands</b> |              |  |   |  |  |
| Item  | Zone/<br>RCG | Title                                  | Resolution  | Action<br>Items  | Status   |
| 9.3   | KRG          | KRG TRANSFER<br>OF<br>SECRETARIAT      | 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;<br>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<br>3. Provide a report evaluating the two options to the May 2018 meeting for the Kimberley Regional Group’s consideration.   | 1. RFQ outstanding<br>2. PD Reviewed<br>3. Report to be tabled at the June meeting                           | In progress<br> |
| 9.4   | KRG          | KRG<br>GOVERNANCE<br>AGREEMENT         | That the Kimberley Regional Group:<br>1. Endorse the Kimberley Regional Governance Agreement subject to the Kimberley Regional Group CEO’s:<br>a. Reviewing and updating the recital section; and<br>b. Ensuring there is flexibility for additional membership of the Group without limiting any project endorsement decisions.<br>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<br>3. Request the Secretariat officially invite the Shire of Christmas Island and the Shire of Cocos Keeling Islands to join the Kimberley Regional Group. | 1. Governance Agreement amended<br>2. Copies of strategic planning documents sent<br>3. Formal invites sent. | Complete<br>  |

|     |     |  |   |  |   |
|-----|-----|--|---|--|---|
| 9.5 | KRG | PILBARA<br>KIMBERLEY<br>FORUM 2018<br>UPDATE | That the Kimberley Zone:<br>1. Notes progress made for the Pilbara Kimberley Forum 2018; and<br>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. | 1. Noted<br>2. Meeting schedule amended. | Complete<br> |
|-----|-----|--|---|--|---|

**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*

**KIMBERLEY REGIONAL GROUP RESOLUTION:**  
**(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; and*
- 3. Notes the finalisation of the KRG Governance Agreement and requests the Secretariat to distribute to member Council's for consideration of endorsing and signing.*

*Moved: Cr Geoff Haerewa*

*Seconded: Cr David Menzel*

**FOR: 4**  
**AGAINST: 0**

Attachment: Nil



**9.2 KIMBERLEY REGIONAL GROUP 17/18 FINANCIAL ACTIVITY 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>    | Director Corporate Services, Shire of Broome |
| <b>DISCLOSURE OF INTEREST:</b> | Nil  |
| <b>DATE OF REPORT:</b>         | 31 March 2018                                |

**SUMMARY:** This report recommends that the Kimberley Regional Group adopt the Financial Activity Report for the period ended 31 March 2018.

**BACKGROUND**

Previous Considerations

Nil

**COMMENT**

As at the 31 March 2018 the Kimberley Regional Group have a surplus of \$247,863.

| <b>Kimberley Regional Group</b>                        | Budget<br>Income | Budget<br>Expenditure | Actual<br>Income | Actual<br>Expenditure |
|--|------------------|-----------------------|------------------|-----------------------|
| 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                     |
| Kimberley Volunteering Strategy Stage Two              | 0                | 0                     | 65,000           | 0                     |
| <b>OPERATING TOTAL</b>                                 | <b>301,000</b>   | <b>-326,001</b>       | <b>276,049</b>   | <b>-181,295</b>       |
| <b>Surplus / Deficit Carry Forward</b>                 |                  | <b>-25,001</b>        |                  | <b>94,754</b>         |

|   |                |                |
|---|----------------|----------------|
| <b>TOTAL Surplus Carry Forward with Carryover</b> | <b>128,108</b> | <b>247,863</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)**

*That the Kimberley Regional Group adopts the Financial Activity Report for the period ended 31 March 2018.*

*Moved: Cr Malcolm Edwards*

*Seconded: Cr Geoff Haerewa*

**FOR: 4**

**AGAINST: 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<br>Project Manager, Kimberley Regional Group |
| <b>RESPONSIBLE OFFICER:</b>    | Kimberley Zone Secretariat  |
| <b>DISCLOSURE OF INTEREST:</b> | Nil   |
| <b>DATE OF REPORT:</b>         | 27 April 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 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) (note this was presented to the KRG meeting held 5 March 2018).
- A workshop for Zone elected members to review Strategic Community Plan and Regional Business Plan was held at the KRG meeting held 5 March 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.

It is noted at the KRG meeting held 5 March 2018 the KRG resolved the following:

**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***

At the time of writing this report the Position Description has been reviewed and an RFQ is in progress.

**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***KIMBERLEY REGIONAL GROUP RESOLUTION:**  
**(REPORT RECOMMENDATION)***That the Kimberley Regional Group notes the preliminary Secretariat transition report.**Moved: Cr Geoff Haerewa**Seconded: Cr Chris Mitchell****FOR: 4***  
***AGAINST: 0***

Attachment: Nil

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

**LOCATION/ADDRESS:** Kimberley Region  
**APPLICANT:** Nil  
**FILE:** KRG01  
**AUTHOR:** Waste Coordinator, Shire of Broome  
**CONTRIBUTOR/S** Nil  
**RESPONSIBLE OFFICER:** Kimberley Zone Secretariat  
**DISCLOSURE OF INTEREST:** Nil  
**DATE OF REPORT:** 12 April 2018

**SUMMARY:** This agenda item provides the minutes from the Regional Waste Technical Advisory Group (TAG) meeting held 6 April 2018.

**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
- Waste TAG Meeting 22 February 2018

**COMMENT**

The Kimberley Region Waste TAG met on 6 April 2018. It was attended via phone link up with members from the Shire of Broome, Shire of Wyndham East Kimberly and the Shire of Derby West Kimberley. The Shire of Halls Creek was an apology.

Items on the agenda included a proposed application to the Regional Growth Fund (RGF) grant. The RGF grant runs over four years from 2018/19 to 2021/22, with the objective of supporting projects which provide long term economic growth and create jobs for the region. The grants are for a minimum of \$10 million (for minimum of \$20 million projects) with the proponent required to contribute at least 50% cash funding. The Shire of Broome is in the process of planning a Regional Resource Recovery Park (RRRP), which includes a new landfill and waste transfer station. The RGF grant is an opportunity for the region to reassess it’s waste /recycling needs and work collaboratively to increase the viability of waste and recycling services and review infrastructure needs. The Shire of Broome has employed a consultant to write the RGF application. All regional Councils have been asked for their interest and to contribute to the process.

At this meeting it became evident that the Regional Waste Management Plan (RWMP 2012-2017) is out of date and requires review. The KRG are requested to consider the allocation of funds to contract a consultant to update the Plan. The consultants (ASK) that completed the initial RWMP were asked to provide a quote to update the plan, and gave these figures as an indicative example, depending upon the scope of the project;

| Description         | \$ (exc GST) | Notes                         |
|---------------------|--------------|-------------------------------|
| Desktop RWMP update | 15,000       | Exc any site meeting / visits |



|  |        |                |
|--|--------|----------------|
| Site visits  | 6,000  | + direct costs |
| Presentations to Council / waste officers (single venue) | 5,000  | + direct costs |
| Presentations to each Council (i.e. all four separately) | 10,000 | + direct costs |

It is requested that the KRG consider progressing a Desktop Review. The Regional domestic waste contract is due for renewal in June 2019. General discussion occurred with members if they were wanting to renew the contract or go back out to tender.

**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**

There is \$14,710 within the KRG 17/18 budget for the Kimberley Waste Management Plan (KWMP).

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

*Simple Majority*

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

*That the Kimberley Regional Group:*

- 1. Receives the minutes from the Regional Waste TAG meeting held 6 April 2018; and*
- 2. Requests the Secretariat to undertake a formal RFQ process for consultancy services to undertake a desktop review of the Kimberley Waste Management Plan.*

*Moved: Cr David Menzel*

*Seconded: Cr Geoff Haerewa*

**FOR: 4**  
**AGAINST: 0**

Attachment 9.7 Regional Waste TAG Meeting Minutes: 2 pages  
Attachment 9.7 (a) KRWMP: 72 pages

*Cr Chris Loessl returned to the meeting at 2:37pm.*

**9.5 POSITION STATEMENT ON A REGIONAL APPROACH TO ALCOHOL MANAGEMENT**

**LOCATION/ADDRESS:** Kimberley Region  
**APPLICANT:** Nil  
**FILE:** KRG01  
**AUTHOR:** Manager Community and Economic Development, Shire of Broome  
**CONTRIBUTOR/S** Nil  
**RESPONSIBLE OFFICER:** Chief Executive Officer, Shire of Broome  
**DISCLOSURE OF INTEREST:** Nil  
**DATE OF REPORT:** 24 April 2018

**SUMMARY:** This report requests the Kimberley Regional Group's consideration of a position statement to provide the basis of a regional approach to better alcohol management within the Kimberley.

**BACKGROUND**Previous Considerations

|   |          |
|---|----------|
| Kimberley Regional Group Meeting 24 February 2014 | Item 8.1 |
| Kimberley Regional Group Meeting 30 April 2014    | Item 7.3 |
| Kimberley Regional Group Meeting 5 March 2018     | Item 9.1 |

The KRG made the following resolution at the meeting on 5 March 2018:

**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**

**COMMENT**

Adoption of a clear position statement may have the following benefits for the KRG:

- Provides a public demonstration of the commitment and unity of the KRG in addressing regional issues;
- Provides clarity to all levels of government and other key stakeholders;

- Demonstrates alignment with other key stakeholders (Eg WA Police and Kimberley Regional Roundtable on Alcohol Management) in working actively to address regional issues linked to alcohol; and
- Provides a framework to inform future work on this issue by the KRG.

As such, a position statement has been drafted for the consideration of the KRG and is included in **Attachment 9.8(a)**. It includes four key principles to guide the approach of the KRG in the development of a regional approach to better alcohol management within the Kimberley that aims to minimise alcohol related harm and is seeking to develop a regional policy position.

The proposed principles are included below:

1. The Kimberley Regional Group is supportive of the implementation of consistent alcohol restrictions and strategies across the Kimberley;
2. The Kimberley Regional Group will work collaboratively to minimise alcohol related harm in the region;
3. The Kimberley Regional Group will engage proactively with the State and Federal Governments, and other key stakeholders, to seek the delivery of solutions and strategies; and
4. The Kimberley Regional Group acknowledges current community led alcohol management initiatives, and contributes as appropriate.

The endorsement of a united approach will enable KRG representatives to proactively engage with key stakeholders including the State and Federal Governments. This includes continued dialogue with WA Police following representations made over the past 12 months on this matter. Further engagement is also recommended with the various liquor accords throughout the Kimberley, and bodies including the Kimberley Regional Roundtable on Alcohol Management.

The Roundtable first met in mid 2017; and a position statement and media release are included in **Attachment 9.8(b)**. The Roundtable was initiated by Nyamba Buru Yawuru with support from the Kimberley District Office WA Police and Commissioner Oscar. It calls for a collaborative regional approach for long term solutions that are driven by community need and community response.

The following documents are attached for the information of the KRG:

- Kularri Patrol Statistics (Attachment 9.8 (c))

The Kularri Patrol statistics depict movement of community members throughout the region, and the subsequent transition of related issues.

## **CONSULTATION/STAKEHOLDERS**

Nil

## **STATUTORY ENVIRONMENT**

Nil

## **POLICY IMPLICATIONS**

Nil – noting however that the proposed position statement would provide the basis for further development of a regional policy position on alcohol management.

## **FINANCIAL IMPLICATIONS**

Nil - there are no identified financial implications related to endorsing the proposed position statement.

### STRATEGIC IMPLICATIONS

The endorsement of the proposed position statement will provide a framework for the Kimberley Regional Zone to lobby and advocate

### VOTING REQUIREMENTS

Simple Majority

#### REPORT RECOMMENDATION:

That the Kimberley Regional Group:

1. Endorses the Position Statement on a Regional Approach to Alcohol Management in the Kimberley as detailed in Attachment 1, including the following key principles:
  - a. The Kimberley Regional Group will work collaboratively to minimise alcohol related harm in the region;
  - b. The Kimberley Regional Group is supportive of the implementation of consistent alcohol restrictions and strategies across the Kimberley;
  - c. The Kimberley Regional Group will engage proactively with the State and Federal Governments, and other key stakeholders, to seek support in delivering solutions and strategies; and
  - d. The Kimberley Regional Group acknowledges community led alcohol management initiatives, and contributes when and where appropriate.
2. Formally invites the Department of Racing Gaming and Liquor and West Australian Police to present updates on alcohol restrictions to the next Kimberley Regional Group Meeting on 2 July 2018.

Moved:

Seconded:

FOR:

AGAINST:

#### KIMBERLEY REGIONAL GROUP RESOLUTION:

That the Kimberley Regional Group:

1. Endorses the Position Statement on a Regional Approach to Alcohol Management in the Kimberley as detailed in Attachment 1, including the following key principles:
  - a. The Kimberley Regional Group will work collaboratively to minimise alcohol related harm in the region;
  - b. The Kimberley Regional Group is supportive of the implementation of consistent alcohol restrictions and strategies across the Kimberley;
  - c. The Kimberley Regional Group will engage proactively with the State and Federal Governments, and other key stakeholders, to seek support in delivering solutions and strategies; and
  - d. The Kimberley Regional Group acknowledges community led alcohol management initiatives, and contributes when and where appropriate.
2. Request the Kimberley CEO Group to review the proposed liquor restrictions in the Pilbara and present a proposed Kimberley wide liquor restriction (noting Fitzroy Crossing's current position) to the next Kimberley Regional Group meeting on 2 July 2018.

**3. Request the Secretariat to investigate the use of proceeds of crime funding towards implementation of Takeaway Alcohol Management Systems across the Kimberley.**

**Moved: Cr Chris Mitchell**

**Seconded: Cr Davide Menzel**

**FOR: 4  
AGAINST: 0**

Attachment 9.8 (a) - Position Statement on a Regional Approach to Alcohol Management in the Kimberley: 1 page

Attachment 9.8 (b) - Media Release and Statement from the Kimberley Regional Roundtable on Alcohol Management: 4 pages

Attachment 9.8 (c) - Kularri Statistics: 25 pages

**10. CORRESPONDENCE**

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

| <b>Date</b> | <b>Type of Correspondence</b> | <b>To/From</b> | <b>Subject Matter</b> |
|-------------|-------------------------------|----------------|-----------------------|
|             |                               |                |                       |
|             |                               |                |                       |
|             |                               |                |                       |
|             |                               |                |                       |
|             |                               |                |                       |

**11. GENERAL BUSINESS****11.1 Argyle Diamond Mining Shutdown (Chris Kloss)**

Requests investigation of disused infrastructure assets for potential community use.

**11.2 Kalumburu Road (Chris Kloss) and Tanami Road (David Menzel)**

Request clarification regarding Main Roads responsibility for road maintenance and investigate impact on total State allocation to local government road maintenance allocations.

**12. MEETING CLOSURE**

The Chair closed the meeting at 3:07pm.



**Western Australian Local Government Association**

**Zone Standing Orders**

- |     |   |     |      |   |
|-----|---|-----|------|---|
| 1.  | <b>INTERPRETATIONS</b>  | 1.9 | 1.9  | <p><b>“State Council”</b> means:</p> <p>the Executive of the Western Australian Local Government Association.</p>   |
|     | <p>For the purposes of these Standing Orders, if not inconsistent with the context, the following words shall have the following meanings:</p>  |     | 1.10 | <p><b>“Zone”</b> means:</p> <p>a geographically based subdivision containing Councils and incorporated within a country or metropolitan constituency as listed in Schedule three of the Constitution.</p>   |
| 1.1 | <p><b>“Absolute Majority”</b> means:</p> <p>a total majority of delegates for the time being of the Zone, whether present and voting or not.</p>  |     | 1.11 | <p><b>“Zone Secretary”</b> means:</p> <p>a person or persons nominated or appointed by the Zone or the Association to undertake Zone secretarial functions as required.</p>   |
| 1.2 | <p><b>“Association”</b> means:</p> <p>the Western Australian Local Government Association.</p>  |     |      |   |
| 1.3 | <p><b>“Chairman”</b> means:</p> <p>the Chairman for the time being of the Zone.</p>   |     | 2.   | <p><b>ORDINARY AND SPECIAL MEETINGS</b></p> <p>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.</p>  |
| 1.4 | <p><b>“Constitution”</b> means:</p> <p>the Constitution of the Western Australian Local Government Association.</p>   |     | 3.   | <p><b>CONDUCT OF MEETINGS</b></p> <p>The proceedings and business of meetings of the Zone shall be conducted according to these Standing Orders.</p>  |
| 1.5 | <p><b>“Delegate or Deputy Delegate”</b> means:</p> <p>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.</p> |     | 4.   | <p><b>NOTICE OF MEETING</b></p>   |
| 1.6 | <p><b>“Deputy Chairman”</b> means:</p> <p>the Deputy Chairman for the time being of the Zone.</p>   |     | 4.1  | <p>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.</p>   |
| 1.7 | <p><b>“Meeting”</b> means:</p> <p>a meeting of a Zone of the Western Australia Local Government Association.</p>  |     | 4.2  | <p>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.</p> |
| 1.8 | <p><b>“Simple Majority”</b> means:</p> <p>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.</p>  |     | 4.3  | <p>Ordinary Meetings of the Zone shall be called by the Zone Secretary pursuant to sub-clause 4.1.</p>  |
|     |   |     | 4.4  | <p>Special Meetings of the Zone shall be called by the Zone Secretary on the written request</p>  |

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.