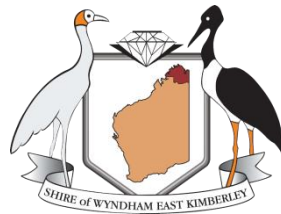


I hereby certify that the Minutes of the Ordinary Council Meeting held are a true and accurate record of the proceedings contained therein.

Shire President

Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

MINUTES ORDINARY COUNCIL MEETING

26 March 2019

DISCLAIMER

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

Signed on behalf of Council



CARL ASKEW

CHIEF EXECUTIVE OFFICER

NOTES

- 1. Councillors wishing to make alternate motions to officer recommendations are requested to provide notice of such motions electronically to the minute taker prior to the Council Meeting.**
- 2. Councillors needing clarification on reports to Council are requested to seek this from relevant Officers prior to the Council meetings.**

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**SHIRE OF WYNDHAM EAST KIMBERLEY
ORDINARY COUNCIL MEETING MINUTES
KUNUNURRA COUNCIL CHAMBERS
HELD 26 MARCH 2019 AT 5:00PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

An audio and/or video record will be made of these proceedings to assist in the taking of minutes.

The Shire President declared the Meeting open at 5.00pm

**2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE
(PREVIOUSLY APPROVED)**

ATTENDANCE

Cr D Menzel	Shire President
Cr T Chafer	Deputy Shire President
Cr N Brook	Councillor
Cr M Dear	Councillor
Cr J Farquhar	Councillor
Cr G Lodge	Councillor
Cr M McKittrick	Councillor
Cr D Pearce	Councillor
C Askew	Chief Executive Officer
N Kearns	Director Planning and Community Development
S Dyson	Director Infrastructure
V Lawrence	Director Corporate Services
F Hamilton	Minute Taker
L Gannon	Safety and Wellbeing Officer
M Northover	Resident
K Wright	Resident
Bec Nadge	Reporter – ABC

LEAVE OF ABSENCE

Cr A Petherick	Councillor
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3. DECLARATION OF INTEREST

- Financial Interest

Councillor/Staff	Item	Title	Description of interest
Cr Narelle Brook	16.1	Additional Flight Options	I am the paid Local Coordinator of the East Kimberley Marketing Group

- Impartiality Interest

Councillor/Staff	Item	Title	Description of interest
Cr Tony Chafer	16.1	Additional Flight Options	Member of the East Kimberley Marketing Group
CEO, Carl Askew	16.1	Additional Flight Options	I represent the Shire at the East Kimberley Marketing Group

- Proximity Interest

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question from Christine McLachlan, Wyndham Resident

Re CBP Item 393, contaminated soil was removed from Pearse St, Wyndham, at a budgeted cost of \$20,000. Please advise how much soil was removed, what was the contamination, where was it moved to and what was the actual cost of removal?

The Director Infrastructure provided the following response:

The contaminated soil contained fragments of asbestos, it was hand dug out to a depth of 100mm. Approximately 3 standard bin bags were filled which were subsequently removed and transported to Kununurra landfill where it was buried in accordance with our licensing requirements.

The costs of the exercise was \$7,600.

Questions from Simone Rushby, Kununurra Resident

1. Could the director of infrastructure please tell me how often he and or staff attend Ivanhoe Crossing?

The Director Infrastructure provided the following response:

Ivanhoe Crossing is inspected on a weekly basis by the Rangers.

2. Could the director please tell me to his knowledge when Ivanhoe Crossing was last at a level below the top of the bollards?

The Director Infrastructure provided the following response:

Ivanhoe Crossing level has been below the bollards for a number of weeks now. The Shire does not use the bollards to determine whether or not to open the crossing. Opening is based on a combination of level and velocity of the water flowing over the crossing.

3. It is my belief that the last time that Ivanhoe Crossing was below the bollards was more than one week ago, why then has Ivanhoe Crossing remained closed?

The Director Infrastructure provided the following response:

When the crossing was inspected this week it was still above the level markers installed and used by the Shire. It is expected that level will continue to fall and when it drops to the required level the crossing will be opened.

4. A reputable government department has reported that in excess of 100 instances of vandalism occurred over the past few days. The Shire President has stated that he will never openly admit to the wider public that Kununurra is experiencing vandalism issues because of the damage to the tourism industry. What damage does the president believe will occur to the industry if this continues during the upcoming Kimberley moon festival where people will have paid large sums of money to visit the region, only to have their experience marred by damage or theft of their property?

The CEO provided the following response:

The Shire President does not recall making this statement nor has a source been provided for when the comment was made. The Shire President has commented however, that he does not want to focus on the negatives as there are so many more exciting positives to note for our Community.

Kununurra does have a problem with antisocial behaviour from a small group and the Shire is working with a range of stakeholder groups to assist where possible. This is an issue for our Community as a whole.

We do have a strong tourism industry that draws thousands of people to the region each dry season and ultimately increases business for all sectors and industries. Regardless of whether people are here for a specific event, travelling through, or live here the Shire supports the WA Police and support agencies in trying to provide a safe community environment for all.

5. While I understand many of the Shire Councillors have personal links to tourism ventures and industries and therefore concern over the impact to the industry, I would like to ask what about the damage that is already being done (so a reality not just an expectancy) to local business , property and householders. Why is the tourism industry being given preference?

The CEO provided the following response:

I refer to the above response. This is not just an issue for the tourism industry and the Shire is supportive of all initiatives which support and promote community safety and wellbeing.

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 26 February 2019

Note: The Minutes of the Ordinary Council Meeting held on 26 February 2019 are provided under separate cover via www.swek.wa.gov.au.

Council Decision

Minute Number: 26/03/2019 - 115950

Moved: Cr J Farquhar

Seconded: Cr M Dear

That Council confirms the Minutes of the Ordinary Council Meeting held on 26 February 2019

Carried:8/0

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Following last month's motion in regards to the Bail House, letters were sent to the Office of the Hon. Rita Saffioti MLA - Minister for Transport; Planning and Lands and to the Office of Hon Fran Logan, Minister for Corrective Services. Minister Saffioti's Office replied stating they did not have time to meet.

Today I received a letter from the Director General for the Department of Justice on behalf of Minister Logan. It stated the Department was satisfied with the consultation completed by Hope Community Services and declined our meeting request.

To clarify – the Shire did not grant an exemption to Hope Community Services. The application was withdrawn before Council was required to make any decision on this matter. The WA Planning Commission is the approving authority and able to grant an exemption under section 6(1) of the *Planning and Development Act 2005* based upon a request from the Department of Justice.

6 March – Met with Clontarf Regional Manager, Phil Docherty to discuss introducing Clontarf Students to Local Government through potential work experience programs.

Thank a Volunteer Breakfast was held on Friday 15 March. The 2018 Volunteers of the Year were awarded; Christine McLachlan and Dick Daniels were recipients in Wyndham and Charlie Buckley in Kununurra.

Monday 18 March – Joined Ian Trust and James Elliott from Wunan for the Senate Community Affairs Legislation Committee Hearing regarding Inquiry into the Income Management and Cashless Welfare Bill.

The Deputy Shire President and CEO accompanied me to Derby for the Kimberley Regional Group and WALGA Zone meeting on Tuesday 19 March. Topics of discussion included the Local Government Act Review Submission, draft Regional Waste Management Plan, Tanami Road Priority Project and the Kimberley Pilbara Joint Forum taking place in Broome on 10 June.

22 March Meeting with Ken Baston – Shadow Minister for Northern Australia and Member for Mining and Pastoral. General update on the area was provided.

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Four (4) matter behind closed doors:

16.1. Additional flight options

16.2. Contract extension - contract c-04-13/14 for the supply of waste disposal goods and the provision of goods and services in respect to the collection of waste

16.3. Contract extension - c-03/14: for the supply of goods and the provision of street sweeping services

16.4. RFT 02 18/19 - Bandicoot Drive and various locations drainage upgrade - stage 1

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12.2. CHIEF EXECUTIVE OFFICER

12.2.1. Standing Item - Use of the Common Seal

DATE:	26 March 2019
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 17 November 2018 to 21 March 2019

Council Decision

Minute Number: 26/03/2019 - 115951

**Moved: Cr T Chafer
Seconded: Cr G Lodge**

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 17 November 2018 to 21 March 2019.

Carried:8/0

PURPOSE

For Council to receive this report on the application of the Shire of East Kimberley Common Seal for the period 17 November 2018 to 21 March 2019.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

STATUTORY IMPLICATIONS

Local Government Act 1995

9.49A. Execution of documents

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.**
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and*
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.**
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 3.1: To deliver the critical infrastructure that will create the conditions for economic growth across the Shire

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

There was one document for the time period of 17 November 2018 to 21 March 2019 with the Shire of Wyndham East Kimberley Common Seal applied.

The following document had the Shire of Wyndham East Kimberley Common Seal applied:

Date of Use	Document
13/03/2019	Community Lease, Neighbourhood House, Lot 507 Chestnut Avenue, Kununurra

ATTACHMENTS

Nil

12.2.2. Standing Item - Outstanding Actions from Previous Council Resolutions

DATE:	26 March 2019
AUTHOR:	Executive Assistant
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council notes the report - Outstanding Actions from Previous Council Resolutions.

Council Decision

Minute Number: 26/03/2019 - 115952

**Moved: Cr M McKittrick
Seconded: Cr N Brook**

That Council notes the report - Outstanding Actions from Previous Council Resolutions.

Carried:8/0

PURPOSE

To report to the Council on the progress of and provide comment on outstanding actions from Council resolutions.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At each meeting of Council, resolutions are made which require actions to be taken by officers to implement those resolutions. This monthly update advises the Council as to the status of the implementation of resolutions.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Not applicable as referenced in individual reports presented to the Council.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.2.2: Ensure community input informs planning and decision making

Goal 4.3: Ensure a strong and progressive organisation delivering customer focused services

Strategy 4.3.2: Create a culture that encourages innovation, collaboration, best practice and organisational discipline to improve efficiency, effectiveness and productivity

RISK IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

Attachment 1 includes actions from the February 2019 Council resolutions.

Attachment 2 summarises all other actions that are outstanding from previous Council resolutions.

ATTACHMENTS

Attachment 1 - Council Action Register - February 2019

Attachment 2 - Council Action Register - Outstanding Actions from Previous Council Resolutions

12.2.3. Local Government Election 2019

DATE:	26 March 2019
AUTHOR:	Senior Governance Officer
RESPONSIBLE OFFICER:	Carl Askew, Chief Executive Officer
FILE NO:	GN.07.15
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council;

- 1. Declare in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2019 ordinary elections together with any other elections or polls which may be required**
- 2. Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.**

Council Decision

Minute Number: 26/03/2019 - 115953

Moved: Cr D Pearce

Seconded: Cr M McKittrick

That Council;

- 1. Declare in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2019 ordinary elections together with any other elections or polls which may be required**
- 2. Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election**

Carried:8/0

PURPOSE

For Council to appoint the Western Australian Electoral Commission (WAEC) to conduct the 2019 Local Government Ordinary election and for Council to consider the method of conducting the election.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader- plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council appointed the WAEC to conduct the 2017 Local Government Ordinary Election. Prior to this, the last time the Shire of Wyndham East Kimberley used the WAEC for the conduct of an election was in 2015 and, prior to that, in 2003.

It is widely acknowledged that making the Electoral Commissioner responsible for elections enables local government CEOs and staff to remain at arm's-length from potentially contentious aspects of the electoral process and ensure elections are conducted independently, professionally and with absolute impartiality.

The 2017 election was conducted by postal vote resulting in an increased participation rate from the 2015 election which was carried out as an "in person" election. In the postal election in 2017, participation was measured by the total number of electors who returned their packages. A total of 1,483 packages were returned giving a participation rate of 41.4%. The State average for local governments using the postal voting method in 2017 was 34.5%. The 2015 election, which was an "in person" election, returned only a 28.9% participation rate.

At the Council meeting in April 2017 the Commissioner resolved:

COUNCIL DECISION

Minute No: 26/04/2017 – 11655

Commissioner resolved:

- 1. Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Western Australian Electoral Commissioner to be responsible for the conduct of the 2017 ordinary election together with any other elections or polls which may also be required; and**
- 2. Declares, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the 2017 ordinary election be held as a postal election**

Carried 1/0

The advantages of postal voting are generally seen as promoting voter participation by making voting more convenient and accessible. For some groups in society attending a Polling Place can be difficult and certainly in a Shire the size of Wyndham East Kimberley, this should be considered relevant. While the Shire has two main centres in Wyndham and Kununurra, our largest indigenous community is over 500 kilometres away and extremely isolated - with the only way in and out via one road (usually closed in the wet season) and/or air travel.

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 4 — Elections and other polls

This Part deals with elections of mayors and presidents by electors, elections of councillors, and polls and referendums, and with related matters.

In particular —

- (a) Divisions 2, 3, 4, 5 and 6 describe the different kinds of elections and direct when those elections are to be held;*
- (b) Division 7 is about the officials who conduct elections;*
- (c) Division 8 sets out the qualifications for enrolment to vote at elections;*
- (d) Division 9 deals with the process of preparing for and conducting an election;*
- (e) Division 10 deals with complaints about the results of elections;*
- (f) Division 11 sets out a number of offences in relation to elections and provides for investigation and prosecution of offences;*
- (g) Division 12 deals with polls and referendums.*

POLICY IMPLICATIONS

CP/GOV 3106 - Council Elections Caretaker Period.

The purpose of this policy is to avoid the making of any major decisions by the Council, prior to an election, that would bind an incoming Council, prevent the use of public resources in ways that are seen as advantageous to, or promoting, the sitting Elected Members who are seeking re-election, or new candidates, and ensuring the Shire of Wyndham East Kimberley administration acts impartially in relation to candidates. This policy also prohibits an Elected Member from using a wide range of Council resources during their candidacy for Council, State or Federal election.

FINANCIAL IMPLICATIONS

The estimated cost for the 2019 election if conducted as a postal ballot is \$32,000 including GST which has been based on the following assumptions:

- 3,600 Electors
- Response rate of approximately 42%
- 4 Vacancies
- Count to be conducted by the Officers of the Shire of Wyndham East Kimberley
- Appointment of a Local Returning Officer
- Regular Australia Post Delivery Service to apply for the lodgement of election packages

An additional amount of \$720 will be incurred if the Council decides to use the priority postal service for the lodgement of election packages.

Costs not included in the estimate include:

- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court Disputed Return
- One Local Government staff member to work in the polling place on the election day
- Any additional postage rate increase by Australia Post.
- Fees associated with the accommodation of a Returning Officer.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

RISK IMPLICATIONS

Risk: Failure to comply with legislation leading to financial loss and reputational damage.

Control: Appointment of the Western Australian Electoral Commission to conduct the Shire of Wyndham East Kimberley Election

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The next local government ordinary elections will be held on Saturday 19 October 2019. The Commission is required by the Local Government Act to conduct local government elections on a full cost recovery basis and it should be noted that the financial implications mentioned above are considered an estimate and may vary depending on a range of factors. This will be accounted for in the 2019/20 budget.

The current procedure required by the Act is that a written agreement be obtained before the vote of Council is taken and that agreement is attached to this report. The provision of the agreement is that the ordinary council elections be conducted by postal election. Council would need to resolve to both enter into this agreement with WAEC as well as agree to conduct the 2019 election by postal ballot.

ATTACHMENTS

Attachment 1 - Agreement Letter Western Australian Electoral Commission

12.2.4. Policy Review - CP/GOV 3105 Public Question Time

DATE:	26 March 2019
AUTHOR:	Senior Governance Officer
RESPONSIBLE OFFICER:	Carl Askew Chief Executive Officer
FILE NO:	GN.05.13
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council adopt the reviewed CP/GOV 3105 Public Question Time Policy as contained in the attachment to this report.

Council Decision

Minute Number: 26/03/2019 - 115954

**Moved: Cr J Farquhar
Seconded: Cr G Lodge**

That Council adopt the reviewed CP/GOV 3105 Public Question Time Policy as contained in the attachment to this report.

Carried:8/0

PURPOSE

That Council adopt the reviewed Draft CP/GOV 3105 Public Question Time Policy as contained in the attachment to this report.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices
Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Under section 5.24 of the *Local Government Act 1995* (the Act) and the *Local Government (Administration) Regulations 1996* (the Regulations) time must be made at every Council

meeting (whether ordinary or special) and every meeting of a committee with delegated powers or duties, for members of the public to ask questions and have them responded to. The Public Question Time Policy assists Council at the Shire of Wyndham East Kimberley in the management of these questions.

Public Question Time is a means by which the public can seek responses from Council about issues affecting the local government that are of concern to them. It assists the public to be better informed about the governing of their district and it provides the local government with a mechanism to identify issues of importance in their community. The policy explains a detailed procedure to assist members of the public to ask their questions, and a set of guidelines which explain the decorum required. Of note and highlighted in the policy, priority will be given to those questions raised which surround the content of the Agenda for the meeting being held, and where questions are regarding issues not related to the Agenda, they will only be permitted if time allows.

At the Council Meeting 25 November 2016 the Commissioner resolved to adopt a Public Question Time policy to assist in the management of public question time. Specifically as indicated in the resolution, the policy highlighted the need for questions submitted by persons not present at the meeting to be read into the record, to be answered where possible, or as the latter states, answered after the meeting and written into the agenda of the next meeting.

COUNCIL DECISION

Minute No: 25/11/16-11524

Commissioner resolved:

That Council adopt the attached Policy CP/GOV 3105 Public Question Time - Management with the amendment at point 3.3 to state that “Written questions submitted by a person not present at the meeting will be read into the record, and answered at that meeting where possible. Where an answer cannot be provided at the meeting, the answer will be supplied to the person asking the question in writing after the meeting and the response will be included in the agenda of the next meeting.”

Carried 1/0

The policy complies with legislative requirements and provides a succinct procedure to manage public question time during the meeting.

STATUTORY IMPLICATIONS

Local Government Act 1995

5.24. Question time for public

(1) Time is to be allocated for questions to be raised by members of the public and responded to at —

- (a) every ordinary meeting of a council; and
 - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

Local Government Administration Regulations 1996

5. Question time for public, meetings that require prescribed (Act s. 5.24)

For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —

- (a) every special meeting of a council;
- (b) every meeting of a committee to which the local government has delegated a power or duty.

6. Question time for public, minimum time for (Act s. 5.24(2))

(1) *The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.*

(2) *Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.*

7. Question time for public, procedure for (Act s. 5.24(2))

(1) *Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —*

- (a) *by the person presiding at the meeting; or*
- (b) *in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,*

having regard to the requirements of subregulations (2), (3) and (5).

(2) *The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.*

(3) *Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.*

(4) *Nothing in subregulation (3) requires —*

- (a) *a council to answer a question that does not relate to a matter affecting the local government; or*
- (b) *a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or*
- (c) *a committee to answer a question that does not relate to a function of the committee.*

(5) *If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —*

- (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- [Regulation 7 amended: Gazette 28 June 2002 p. 3079.]

POLICY IMPLICATIONS

CP/GOV-3105 Public Question Time Policy

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.2: Good decision making through engagement with the community

Strategy 4.3.1: Be adaptive, responsive with a strong customer focus

RISK IMPLICATIONS

Risk: Failure to comply with legislative requirements leading to reputational damage; and Failure to engage effectively with members of the public leading to Council decisions which are not in the best interest of the community.

Control: Following the Policy Management Policy and Guidelines to ensure the best outcome for policy review and careful consultation with Council to ensure effective policies are adopted.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The Public Question Time Policy has only received minor grammatical changes since the last review in November 2016. The policy remains legislatively compliant and provides clear direction to both members of the public and Council in the conduct of public question time at meetings of Council and committees.

ATTACHMENTS

Attachment 1 - CP/GOV-3105 Public Question Time Draft

Attachment 2 - Public Question Time Form Amended

12.3. PLANNING AND COMMUNITY DEVELOPMENT

12.3.1. Kununurra Waringarri Aboriginal Corporation MOU

DATE:	26 March 2019
AUTHOR:	Director Planning and Community Development
RESPONSIBLE OFFICER:	Nick Kearns, Director Planning and Community Development
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Endorses the agreement reached between the Shire and Kununurra Waringarri Aboriginal Corporation (KWAC) as reflected in the Memorandum of Understanding (MOU) and approves the Kununurra Integrated Youth Model and the establishment of a Youth Partnership Facilitator.
2. Authorises the Chief Executive Officer to negotiate formal terms based on the details in the MOU to achieve the purpose.
3. Authorises the Chief Executive Officer under delegated authority to execute a Deed of Agreement reflecting the terms within the MOU.

Council Decision

Minute Number: 26/03/2019 - 115955

Moved: Cr T Chafer

Seconded: Cr N Brook

That Council:

1. Endorses the agreement reached between the Shire and Kununurra Waringarri Aboriginal Corporation (KWAC) as reflected in the Memorandum of Understanding (MOU) and approves the Kununurra Integrated Youth Model and the establishment of a Youth Partnership Facilitator.
2. Authorises the Chief Executive Officer to negotiate formal terms based on the details in the MOU to achieve the purpose.
3. Authorises the Chief Executive Officer under delegated authority to execute a Deed of Agreement reflecting the terms within the MOU.

Carried:8/0

PURPOSE

For Council to endorse a Memorandum of Understanding (MOU) relevant to the Kununurra Integrated Youth Partnership Model and authorise the Chief Executive Officer to formalise the agreement in the MOU by negotiating the terms of and executing a formal agreement.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the September 2018 Ordinary Council Meeting, Council endorsed a collaborative response to youth and community issues to allow the Shire to partner with other stakeholders to implement the Kununurra Integrated Youth Partnership Model. The Integrated Youth Partnership Model includes participation and program support from:

- Shire
- WAPOL
- Youth Justice
- Save the Children
- Department of Communities
- East Kimberley Chamber of Commerce and Industry

COUNCIL DECISION

Minute Number: 25/09/2018 - 115853

Moved: Cr G Lodge

Seconded: Cr N Brook

That Council:

- 1. Endorses a collaborative response to youth and community issues as outlined in this report; and**
- 2. Partners with other stakeholders to implement the Kununurra Integrated Youth Partnership Model as per Attachment 2.**

Decision:4/3

For: Cr T Chafer, Cr N Brook, Cr G Lodge, Cr M McKittrick

Against: Cr M Dear, Cr D Pearce, Cr A Petherick

The integration of the approaches proposed by KWAC, in partnership with the Shire, will provide opportunities to better link efforts to:

- Map (document) all current and available resources (human, financial and physical) and opportunities (short, medium and long term).
- Enhance knowledge sharing and ownership by community members and families along with other stakeholders, services and agencies to develop an agreed direction.
- Secure/identify resources, commitment and timeframes to implement an agreed direction, as well as develop review and evaluation mechanisms.

- Enhance existing activities and efforts in this area, including with respect to broader community safety and crime support initiatives.

The KWAC model is supported by MG and will support a range of youth activities including their Rangga-ranggab Program, MG Empowerment Centre and East Kimberley Healing Centre. A copy of correspondence from MG supporting the program is attached to this report.

Shire officers have been working closely with KWAC staff to finalise and refine the Youth Partnership Model to ensure that a targeted collaborative approach to youth issues is taken. With the confirmation of funding, KWAC are now in a position to advertise for a Youth Partnership Facilitator. The Youth Partnership Facilitator position is supported by major stakeholders including key State Government Departments listed above and a wide range of non-government organisations including key Aboriginal community organisations that are funded to provide community social services to address local needs. The model is illustrated in attachment 1.

STATUTORY IMPLICATIONS

Shire responsibilities are legislated under the *Local Government Act 1995*. Within the Act, there is no specific mention of addressing youth issues. Responsibility for providing community services is within Section 3.18 of the Act which states:

(2) In performing its executive functions, a local government may provide services and facilities.

(3) A local government is to satisfy itself that the services and facilities that it provides –

(a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;

(b) do not duplicate, to an extent that the local government deems inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and

(c) Are managed efficiently and effectively.

The Shire's actions with regard to youth issues therefore, are directed through policy and planning, in particular through the integrated planning and reporting framework including the Strategic Community Plan 2017-2027, Corporate Business Plan 2018-2022 and the Kimberley Regional Group Strategic Framework for Young People (Feb 2016).

POLICY IMPLICATIONS

The purpose of CP/COM-3580 Community Development Policy is to implement a community development approach which "empowers and strengthens the community, encourages collaborative approaches and celebrates the diversity of our community".

A key element of the policy statement is to “collaborate with other agencies, organisations and groups promoting partnership approaches to service delivery.”

This partnership approach accords with the policy.

FINANCIAL IMPLICATIONS

An allocation of \$75,000 has been included in the 2018/19 Shire budget to implement Corporate Business Plan (CBP) action #347 to support the development of a youth strategy and provide a coordinated approach to reducing street present children. The engaging of the Youth Partnership Facilitator supports implementation of this CBP action.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: Healthy vibrant active communities

Goal 1.1: Bring community together and promote our rich culture and heritage

Strategy 1.1.4: Work with partners to inspire young people to become engaged in their families, schools and communities

Goal 1.3: Promote quality education, health, childcare, aged care and youth services

Strategy 1.3.4: Support the development of a broader range of educational opportunities, including alternative education pathways for youth

Focus Area 2: Enhancing the environment

Goal 2.3: Make towns safe and inviting for locals and visitors

Strategy 2.3.1: Lead an interagency approach to address community safety concerns including crime reduction planning and programs

Corporate Business Plan 2018/19

CBP Action: #347 - Promote youth friendly environments that actively engage and improve outcomes for young people.

RISK IMPLICATIONS

Risk: The Shire faces a reputational risk if the needs of the children and youth demographic are not appropriately considered with respect to service delivery as well as those of the whole community in regard to safety and crime prevention.

Control: The Shire will actively participate in the implementation of the Integrated Youth Partnership Model by supporting KWAC through the engaging of a Youth Partnership Facilitator along with the eventual adoption of the updated Community Safety and Crime Prevention Plan.

Risk: The Shire faces a financial risk if the agreement to make payment of the allocated funds is not secured by a formal agreement of the terms and conditions attaching to the payment.

Control: The authorisation of the Chief Executive Officer to negotiate the terms and execute a formal agreement.

COMMUNITY ENGAGEMENT

The Shire has not sought community input about the Integrated Youth Partnership Model at this stage, however ongoing community engagement is part of the development and implementation of the initiative once the Youth Partnership Facilitator is engaged. The model, nonetheless, has been developed through research and community member engagement, including street present children and young people and their families as conducted by KWAC.

COMMENTS

The establishment of an MOU outlines the intentions of KWAC and the Shire to a shared commitment to coordinate the delivery of the Kununurra Integrated Youth Partnership Model, including the engaging of a Youth Partnership Facilitator. The engaging of a Youth Partnership Facilitator is critical in providing support and improved level of collaboration between key stakeholders resulting in approved outcomes with respect to addressing street present youth.

The MOU is of no legal consequence and merely outlines the agreement reached. Therefore, in order to formalise the agreement between the parties and provide certainty around the Shire's financial contribution towards the Integrated Youth Partnership Model and engaging of a Youth Partnership Facilitator, a formal agreement is recommended.

KWAC would be responsible for directly resourcing the Youth Coordinator position, initially to be based at the KWAC offices with a longer term transition to the Kununurra Youth Hub. The objectives of the Youth Partnership Facilitator will be to:

- Support the objectives of the Youth Model. The Youth Partnership Facilitator will be the central point of contact for all activities run by other relevant stakeholders aimed at reducing the prevalence of street present children.
- Develop, design, implement and coordinate youth activities in collaboration with other relevant stakeholders.

A description of key responsibilities attached to the engagement is provided at attachment 3.

The arrangement between the Shire and KWAC is outlined in a Memorandum of Understanding (MOU) (refer to attachments 2 and 4). Should Council endorse the terms of the MOU and authorise the Chief Executive Officer to negotiate formal terms with KWAC and execute a Deed of Agreement reflecting those terms, the Shire will contribute up to \$75,000 to KWAC towards engaging a Youth Partnership Facilitator.

ATTACHMENTS

Attachment 1 - Integrated Youth Model

Attachment 2 - Operational aspects of MoU - SWEK KWAC

Attachment 3 - Youth Partnership Facilitator Engagement Description Form

Attachment 4 - Integrated Youth Model MoU KWAC and SWEK - Draft
Attachment 5 - MG Letter of Support

12.3.2. Future Leaders Award

DATE:	26 March 2019
AUTHOR:	Nick Kearns, Director Planning and Community Development
RESPONSIBLE OFFICER:	Director Planning and Community Development
FILE NO:	CM.11.2
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council adopts CP/COM 3856 Future Leaders Award Policy as contained in attachment 2 to this report.

Council Decision

Minute Number: 26/03/2019 - 115956

**Moved: Cr J Farquhar
Seconded: Cr D Pearce**

That Council adopts CP/COM 3856 Future Leaders Award Policy as contained in attachment 2 to this report.

Carried:8/0

PURPOSE

To adopt a new Council Policy in relation to a Future Leaders Award.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices
Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

At the July 2018 Ordinary Meeting, Council decided the following (part recommendation):

Minute Number: 27/07/2018 – 115814

Moved: Cr D Pearce

Seconded: Cr J Farquhar

That Council:

3. Update Council Policy CP/COM-3582 Community Grant Scheme to include a provision on an annual basis of \$10,000 for a Future Leaders Fund.

In line with CP/GOV-3112 Policy Management Policy, which was adopted at the December 2018 Ordinary Meeting, Officers have made minor amendments to CP/COM-3582, being:

- Replacement of the word 'or' with 'and' in the eligibility criteria to ensure that the criteria forms an inclusive list
- Update of references to positions, being 'Manager Community Development' replacing 'Manager Community Services' and 'Director Planning and Community Development' replacing 'Director Community Development'. These changes reflect organisational structure and position descriptions.
- Reformatting in line with CP/GOV 3112 Policy Management Policy and Organisational Directive OD/GOV 4112 - Policy Management

A copy of the updated Council Policy CP/COM-3582 Community Grant Scheme is provided for reference at attachment 1.

As the eligibility criteria within the Community Grants Scheme is so dissimilar to that which would be required for the Future Leaders Award, Officers have opted to draft a new Policy with respect to funding young persons in the Shire, being titled the 'Future Leaders Award' rather than make significant amendments to the current Grants Policy.

The purpose of the Future Leaders Award is to assist young people within the Shire to participate in activities and events nationally and internationally which benefit their own personal and (future) professional development and which will ultimately benefit the community. A draft of the Policy related to the new fund is provided at attachment 2.

Features include:

- A focus on supporting young people (aged between 12 and 25) in leadership, skill development, presentation skills and communication.
- Annual funding of \$10,000, which can be applied for at any time - similar to making application for a Community Quick Grant.
- Specified funding limits, being up to \$1,000 for activities or events within Australia, and up to \$2,000 for activities or events internationally.
- Acquittal requirements including for the recipient to provide a brief report on what had been learned and how that would be implemented and benefit the community.

STATUTORY IMPLICATIONS

Local Government Act 1995

2.7. Role of council

(1) *The council —*

(a) *governs the local government's affairs; and*

- (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

[Section 2.7 amended by No. 17 of 2009 s. 4.]

Local Government (Administration) Regulations 1996 Regulation 10

10. Revoking or changing decisions made at council or committee meetings — s. 5.25(e)

(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or Local Government

(b) in any other case, by at least 1 /3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1 /3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —

a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or

(b) in any other case, by an absolute majority.

(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

[Regulation 10 amended in Gazette 31 Mar 2005 p. 1030.]

POLICY IMPLICATIONS

The new Policy has been drafted in line with CP/GOV 3112 Policy Management Policy and Organisational Directive OD/GOV 4112 - Policy Management.

FINANCIAL IMPLICATIONS

\$10,000 is proposed to be allocated to the Future Leaders Award Fund.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 1: Healthy vibrant active communities

Focus Area 3: Economic Prosperity

Focus Area 4: Civic Leadership

Goal 1.1: Bring community together and promote our rich culture and heritage

Goal 1.2: Increase participation in sporting, recreation and leisure activities

Goal 3.2: To be business friendly and the Shire of choice for inward investment in the Kimberley

Goal 4.2: Good decision making through engagement with the community

Goal 4.4: Sustainably maintain the Shire's financial viability

RISK IMPLICATIONS

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.

COMMUNITY ENGAGEMENT

There has been no engagement undertaken to date for this policy.

COMMENTS

The new policy has been prepared in line with relevant policies and organisational directives. It reflects the intent of Council's previous resolution in as much as it will provide a new opportunity for young people in the Shire to gain valuable knowledge and experiences from participating in national and international events and which will then benefit the community.

Age eligibility is based on the Department of Communities youth classification rather than the WA Youth Health Policy as there is no requirement for the Shire to align this policy or outcomes with ABS Census statistics and will in any case broaden its availability. Applicants must also be residents of the Shire and to have lived here for at least 12 months.

The award will be assessed similar to the Shire's Community Quick Grants, by the Manager Community Development, and is premised on the applicant obtaining matching funding. The Manager Community Development will acquit the funding, which will require appropriate (proof of) recognition of the Shire and also the submission of a brief report which documents what had been learned and how that may then be applied to benefit the community.

Promotion of the new funding (Award) will commence in April this year, including notification to all local schools.

New Council Policy CP/COM 3856 Future Leaders Award, as contained in attachment 2 to this report, is recommended for adoption.

ATTACHMENTS

Attachment 1: Updated CP/COM-3582 Community Grant Scheme

Attachment 2: Draft CP/COM-3856 Future Leaders Award Policy

12.4. CORPORATE SERVICES

12.4.1. Monthly Financial Report February 2019

DATE:	26 March 2019
AUTHOR:	Coordinator Financial Operations
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.09.5
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the monthly financial report for the period ending 28 February 2019.

Council Decision

Minute Number: 26/03/2019 - 115957

Moved: Cr G Lodge

Seconded: Cr N Brook

That Council receives the monthly financial report for the period ending 28 February 2019.

Carried:8/0

PURPOSE

For Council to receive the monthly financial report for the period ended 28 February 2019.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council is to prepare monthly financial reports as required by section 34 of the *Local Government (Financial Management Regulations) 1996*.

At the 26 June 2018 Ordinary Council Meeting, the Council resolved the following:

COUNCIL DECISION

Minute Number: 26/06/2018-115800

Moved: Cr M McKittrick

Seconded: Cr M Dear

That Council, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, approves the materiality level for monthly reporting to be set at +/- 10% and +/- \$20,000 at account level and +/- 10% and +/- \$100,000 at financial statement level.

Carried 9/0

These materiality levels have been applied in the preparation of this report.

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4.

Local Government (Financial Management) Regulations 1996, Regulation 34.

POLICY IMPLICATIONS

CP FIN-3201 Significant Accounting Policies has been applied in the preparation of the report.

FINANCIAL IMPLICATIONS

There are no additional costs associated with the preparation of this report. Monthly financial reporting is a primary financial management and control process. This report provides the Council with the ability to oversee the Shire's financial performance against budgeted targets.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Annual audit performed.

COMMUNITY ENGAGEMENT

The Shire of Wyndham East Kimberley's *CP/GOV-3100 Community Engagement Policy* has been considered in relation to this item.

No community engagement is required.

COMMENTS

Comments in relation to budget to actual variances are included as notes in the Financial Report attached.

ATTACHMENTS

Attachment 1 - Monthly Financial Report for the period to 28 February 2019.

12.4.2. List of Accounts Paid From Municipal Fund and Trust Fund

DATE:	26 March 2019
AUTHOR:	Creditors Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.09.20
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the listing of accounts paid from the Municipal and Trust funds, being:

Municipal EFT 134226 - 134472 (08 Feb 19 - 28 Feb 19)	\$ 1,620,088.79
Municipal Cheques 51909 - 51919 (01 Feb 19 - 21 Feb 19)	\$ 121,836.46
Trust Cheque 1206 (14 Feb 19)	\$ 300.00
Trust EFT 501751 - 501767 (01 Feb 19 - 28 Feb 19)	\$ 11,333.20
Payroll (13 Feb 19 - 27 Feb 19)	\$ 435,215.86
Direct bank debits (01 Feb 19 – 21 Feb 19)	\$ 50,387.34
Total	\$ 2,239,161.65

Council Decision

Minute Number: 26/03/2019 - 115958

Moved: Cr D Pearce

Seconded: Cr M Dear

That Council receives the listing of accounts paid from the Municipal and Trust funds, being:

Municipal EFT 134226 - 134472 (08 Feb 19 - 28 Feb 19)	\$ 1,620,088.79
Municipal Cheques 51909 - 51919 (01 Feb 19 - 21 Feb 19)	\$ 121,836.46

Trust Cheque 1206 (14 Feb 19)	\$	300.00
Trust EFT 501751 - 501767 (01 Feb 19 - 28 Feb 19)	\$	11,333.20
Payroll (13 Feb 19 - 27 Feb 19)	\$	435,215.86
Direct bank debits (01 Feb 19 – 21 Feb 19)	\$	50,387.34
Total	\$	2,239,161.65
		Carried: 8/0

PURPOSE

To present the listing of accounts paid from the Municipal Fund and Trust Fund in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Regulator - enforce state legislation and local laws.

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Councils Delegations Register 2018/19 which was adopted by the Council on the 28 August 2018, the Council has delegated to the CEO the exercise of its power under regulations 12 and 13 of the *Local Government (Financial Management) Regulations 1996* to make payments from Municipal Fund and Trust Fund.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 5.42

Local Government (Financial Management) Regulations 1996 – Regulations 5, 11, 12, 12(1)(a) and 13.

POLICY IMPLICATIONS

Sub-delegation 12 “Payments from the Municipal Fund and Trust Fund” applies subject to compliance with *Council Policy CP/FIN-3204 Purchasing*.

FINANCIAL IMPLICATIONS

There are no financial implications arising out of the preparation of this report. The financial implications arising from the payments made from the Municipal and Trust funds have been provided for in the 2018/19 Adopted Budget and any subsequent amendments thereto. This

report provides for the ongoing management of the Shire's funds by providing the Council with sufficient information to monitor and review payments made.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027.

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4: Apply best practice financial management to ensure long term sustainability.

RISK IMPLICATIONS

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Controls: Annual Financial Audit. Annual Compliance Return to Department of Local Government, Sport and Cultural Industries.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

In accordance with statutory requirements, each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled each month showing: the payee's name, amount of payment, date of payment and sufficient information to identify the transaction. The list is to be presented to the Council at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

ATTACHMENTS

Attachment 1 - List of Accounts Paid February 2019

12.4.3. Review of CP-FIN 3211 Fees and Charges Pricing Policy.

DATE:	26 March 2019
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
FILE NO:	FM.05.18
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopts the revised Council Policy *CP-FIN 3211 Fees and Charges Pricing*.

Council Decision

Minute Number: 26/03/2019 - 115959

**Moved: Cr J Farquhar
Seconded: Cr N Brook**

That Council adopts the revised Council Policy CP-FIN 3211 Fees and Charges Pricing.

Carried:8/0

PURPOSE

For Council to consider adopting the revised CP-FIN 3211 Fees and Charges Pricing Policy prior to their review of the Fees and Charges Schedule for the 2019/20 financial year.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services
Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Fees and charges are generally established as part of the annual budget setting process. The 2014/15 financial year was the first year that the Council resolved to apply pricing principles and a pricing basis methodology to ensure fair and reasonable charging to the community for the goods and services that the Shire provides. The Policy was reviewed at

the 28 April 2015 Ordinary Council meeting. The Policy was originally due for review in 2019, but Shire Officers considered that it would be prudent to review the Policy on an annual basis as part of the Fees and Charges setting process. This process has been implemented and it was last reviewed in March 2018.

COUNCIL DECISION

Minute No. 27/03/2018 - 117923

Moved: Cr N Brook

Seconded: Cr M McKittrick

That Council adopt the revised Council Policy CP-FIN 3211 Fees and Charges Pricing

Carried 8/0

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 6, Division 5

6.16 Imposition of fees and charges

(1) A local government may impose and recover a fee or charge for any goods and service it provides or proposed to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

(2) A fee or charge may be imposed for the following —

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- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
- (b) supplying a service or carrying out work at the request of a person;*
- (c) subject to section 5.94, providing information from local government records;*
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
- (e) supplying goods;*
- (f) such other service as may be prescribed.*

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

- _____ (a) imposed* during a financial year; and*
- _____ (b) amended* from time to time during a financial year.*

** Absolute majority required.*

6.17 Setting level of fees and charges

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

- (a) the cost to the local government of providing the service or goods; and*
- (b) the importance of the service or goods to the community; and*

(c) the price at which the service or goods could be provided by an alternative provider.

6.18. Effect of other written laws

(1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —

- (a) determine an amount that is inconsistent with the amount determined under the other written law; or*
- (b) charge a fee or charge in addition to the amount determined by or under the other written law.*

(2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.*

POLICY IMPLICATIONS

There are no other policy implications.

FINANCIAL IMPLICATIONS

The application of the Policy and associated financial impacts is not finalised for the 2019/20 Budget at this stage of the budget process. Any significant changes to individual fees and charges will be identified as part of the revised Fees and Charges Schedule that will be presented to the Council for adoption at a later stage in the process. At this stage in the budget process Fees and Charges for the 2019/20 financial year are estimated to be \$8 million.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4 Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

Risk: Failure to maintain services to the community.

Control: Annual review of Fees and Charges with reference to the cost of services, service levels and extent of subsidisation by general rate revenue.

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.

Risk: Inability to deliver levels of service expected by the community.

Control: Current budget and service levels.

COMMUNITY ENGAGEMENT

Engagement will take place in accordance with Section 6.19 of the Local Government Act 1995; this outlines the requirements for the Shire to provide local public notice of fees and charges.

COMMENTS

The Policy has been revised with only minor changes to ensure legislation is referenced correctly and the goods and services pricing basis are still relevant. The Policy makes for good governance in that it provides the community with transparency as to what factors are considered when the Council reviews its annual fees and charges, and also provides guidance for officers as to what principals need to be considered when recommending fees and charges for goods or services.

The detailed schedule of Fees and Charges is due to be reported to Council at the Ordinary Council Meeting in April 2019.

ATTACHMENTS

Attachment 1 - Council Policy CP/FIN-3211 Fees and Charges Pricing - 2019-20 -Track Changes

Attachment 2 - Council Policy CP/FIN-3211 Fees and Charges Pricing - 2019-20

12.4.4. Policy Review - CP/CNC-3141 Elected Member Allowances and Entitlements

DATE:	26 March 2019
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Vernon Lawrence - Director Corporate Services
DISCLOSURE OF INTERESTS:	NIL

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopts the revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements as attached to this report

Council Decision

Minute Number: 26/03/2019 - 115960

Moved: Cr D Pearce

Seconded: Cr G Lodge

That Council adopts the revised Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements as attached to this report.

Carried:8/0

PURPOSE

For Council to consider adopting the revised *CP/CNC-3141 Elected Member Allowances and Entitlements Policy* to provide the Administration with the policy framework to determine Members Allowances and Entitlements in the annual budget process for the 2019/20 financial year.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

Regulator - enforce state legislation and local laws

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

The Council considers Members Allowances and Entitlements on an annual basis. For the 2017/18 financial year the Commissioner reduced the amounts down from 100% of the maximum Salaries and Allowances Tribunal (SAT) determination to 70% of the determination. Council in the 2018/19 budget process maintained the level at 70%.

COUNCIL DECISION

Minute Number: 26/06/2018-115799

Moved: Cr G Lodge

Seconded: Cr N Brook

That Council:

- 1. Notes that the Elected Members annual attendance fees and annual allowances as adopted at the 24 April 2018 Ordinary Meeting of Council (Minute No. 24/04/2018- 117940) have been incorporated into the 2018/19 Municipal Fund Budget.**
- 2. Notes the revised *Council Policy CP/CNC-3141 Elected Member Allowances and Entitlements* adopted at the 24 April 2018 Ordinary Meeting of Council (Minute No. 24/04/2018- 117940) provide for the 2018/19 financial year, adopt the maximum Salaries and Allowances Tribunal (SAT) determination levels so that:**
 - a. The President's Annual Meeting Attendance Fee is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.**
 - b. The Elected Members Annual Meeting Attendance Fee is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.**
 - c. The President's Annual Allowance is 70% of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.**
 - d. The Deputy President's Annual Allowance is 25% of the President's Allowance.**
 - e. The Elected Members will receive an ICT Allowance of \$2,400 per annum.**
- 3. Pursuant to section 5.99 of the Local Government Act 1995, adopts the following annual fees for payment of elected members in lieu of individual 3. meeting attendance fees:**
 - a. President \$21,589**
 - b. Councillors \$16,100**
- 4. Pursuant to section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:**
 - a. President \$43,909**

5. Pursuant to section 5.98(5) of the Local Government Act 1995, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
- a. Deputy President \$10,977

Carried 9/0

STATUTORY IMPLICATIONS

Division 8 — Local government payments and gifts to its members

5.98. Fees etc. for council members

(1A) *In this section —*

determined means determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B.

(1) *A council member who attends a council or committee meeting is entitled to be paid —*

- (a) *the fee determined for attending a council or committee meeting; or*
- (b) *where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.*

(2A) *A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —*

- (a) *the fee determined for attending a meeting of that type; or*
- (b) *where the local government has set a fee within the range determined for meetings of that type, that fee.*

(2) *A council member who incurs an expense of a kind prescribed as being an expense —*

- (a) *to be reimbursed by all local governments; or*
- (b) *which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,*

is entitled to be reimbursed for the expense in accordance with subsection (3).

(3) *A council member to whom subsection (2) applies is to be reimbursed for the expense —*

- (a) *where the extent of reimbursement for the expense has been determined, to that extent; or*
- (b) *where the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement, to that extent.*

(4) *If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.*

(5) *The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —*

- (a) *the annual local government allowance determined for mayors or presidents; or*

(b) where the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents, that allowance.

- (6) A local government cannot —
- (a) make any payment to; or
 - (b) reimburse an expense of,

a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.

(7) A reference in this section to a committee meeting is a reference to a meeting of a committee comprising —

- (a) council members only; or
- (b) council members and employees.

5.98A. Allowance for deputy mayor or deputy president

(1) A local government may decide* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).

* Absolute majority required.

(2) An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.

5.99. Annual fee for council members in lieu of fees for attending meetings

A local government may decide* that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —

- (a) the annual fee determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B; or
- (b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.

* Absolute majority required.

5.99A. Allowances for council members in lieu of reimbursement of expenses

(1) A local government may decide* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all eligible council members —

- (a) the annual allowance determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for that type of expense; or
- (b) where the local government has set an allowance within the range determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for annual allowances for that type of expense, an allowance of that amount,

and only reimburse the member for expenses of that type in excess of the amount of the allowance.

* Absolute majority required.

POLICY IMPLICATIONS

There are no other policy implications.

FINANCIAL IMPLICATIONS

The financial implications of this policy will be contained in the 2019/20 Annual Budget. At this stage of the budget process assuming that there is no change to the policy or the maximum amounts contained in the Salaries and Allowances Tribunal (SAT) determination, the funding requirement is estimated to be \$227k.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal: 4.1: Effective representation through advocacy at a regional, state and national level

Goal: 4.3: Ensure a strong and progressive organisation delivering customer focused services

Strategy 4.1.2: Actively represent the community and provide input to decision making at the regional, state and federal levels that impact the Shire

Strategy 4.3.3: Build internal capacity by attracting, developing and retaining the best people

RISK IMPLICATIONS

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.

Risk: Inability to deliver levels of service expected by the community.

Control: Current budget and service levels.

COMMUNITY ENGAGEMENT

No community engagement is required. Community engagement on the budget in general will be conducted later in the budget process.

COMMENTS

The Salaries and Allowances Tribunal (SAT) determination for 2019 has not been published as at the time of preparing this report. Shire Officers do not expect that the 2019 determination will be materially different to the 2018 determination. The 2019 determination is expected to be published in April 2019 after which the amounts for Members Allowances and Entitlements will be finalised for budget preparation purposes. The Members Allowances

and Entitlements will be reported to Council as part of the 2019-20 Annual Budget at the June 2019 Ordinary Council Meeting.

ATTACHMENTS

Attachment 1 - CP/CNC-3141 Elected Member Allowances and Entitlements Track Changes

Attachment 2 - CP/CNC-3141 Elected Member Allowances and Entitlements

Attachment 3 - LG CEO and Elected Members Determination - 2018

12.5. INFRASTRUCTURE

12.5.1. Regional Waste Management Plan 2018 - 2023

DATE:	26 March 2019
AUTHOR:	Mark Knight, Manager Operations
RESPONSIBLE OFFICER:	Stuart Dyson, Director Infrastructure
ASSESSMENT NO:	Nil
FILE NO:	WM.12.1
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorse, in principle, the Regional Waste Management Plan 2018 – 2023 for the Kimberley Region.

Council Decision

Minute Number: 26/03/2019 - 115961

**Moved: Cr M McKittrick
Seconded: Cr J Farquhar**

That Council endorse, in principle, the Regional Waste Management Plan 2018 – 2023 for the Kimberley Region.

Carried:8/0

PURPOSE

For Council to adopt the Regional Waste Management Plan 2018 – 2023 as a holistic waste management strategy for the Kimberley region, and to provide a uniform approach to data management, landfilling and recycling initiatives across the Kimberley Local Governments.

To provide leverage for future Waste Authority WA (and other) grant funding through individual and joint applications with tangible outcomes.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Funder - provide funds or other resources

Leader - plan and provide direction through policy and practices

BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

Council has not previously considered this matter, however it has been briefed on both the Shire Waste Management strategies and the strategies of the Kimberley Zone and Kimberley Regional Group.

At the 19 March Kimberley Zone Meeting the Kimberley Regional Group resolved the following:

That the Kimberley Regional Group:

- 1. Gives in-principle support for the plan and instructs the Secretariat to write to each Shire seeking their formal support of the Regional Waste Management Plan subject to the following amendments:**
 - a. removal of reference to a Regional Waste Coordinator**
 - b. amendment to the Regional Waste Education Officer to a 'lower priority'**
 - c. inclusion of individual member Council priority projects;**
- 2. Requests the Secretariat to review priority projects for inclusion in the 2018/20 KRG budget utilising Executive Officer resourcing to progress.**

Moved: SWEK

Seconded: SoHC

STATUTORY IMPLICATIONS

The *Local Government Act 1995* provides for future planning under *section 5.56 Planning for the future*.

Section 5.56 (1) A local government is to plan for the future of the district.

Section 6.2 (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

The *Environmental Protection Act 1986* provides for establishing, licencing and operating of Waste Management Facilities.

POLICY IMPLICATIONS

The recommendation does not raise any policy implications for Council.

FINANCIAL IMPLICATIONS

The Regional Waste Management Plan 2018 – 2023 provides a number of recommendations for Local Governments across the Kimberley region, including updates to infrastructure and employment of key roles to provide regional coordination of the plan. These future recommendations may require financial contributions from the Shire for both local infrastructure, mobile infrastructure and the joint appointment of a regional education officer.

Suitable budget considerations will be required across the lifespan of the Regional Waste Management Plan 2018 - 2023 and will be brought to Council as required.

This will be in addition to Council's current Corporate Business Plan 2017 – 2022 commitments to plan for the closure of our existing landfill facilities and the establishment of new facilities and services in Wyndham and a new Waste Management Facility in Kununurra, estimated to be \$1.25 million.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 2: Enhancing the Environment

Goal 2.1: Conserve the Shire's unique natural environment for the enjoyment of current and future generations

Strategy 2.1.3: Manage waste sustainably and provide an integrated approach to waste management that includes waste minimisation

RISK IMPLICATIONS

Risk: Inability to deliver consistent levels of service expected by the community.

Control: Implementation, review policies and procedures in accordance with review schedule.

COMMUNITY ENGAGEMENT

No community engagement is required.

COMMENTS

The Shire has been actively involved in the development of the Regional Waste Management Plan 2018 -2023, through the Kimberley Zone and Kimberley Regional Group, as well as the Kimberley Regions Waste Technical Advisory Group.

The Administration considers the recommendations described within the plan are achievable, realistic, and will deliver meaningful improvements in the way the Shire delivers

waste management practices. Shire activities will complement the Kimberley Region's waste management practices to achieve a high level of professionalism, reduction in landfill and increased awareness and participation in resource recovery and recycling.

Endorsement of this plan, does not commit the Shire to the financial requirements of the plan, nor does it commit the Shire to achieve all of the recommendations. This plan is "aspirational" for the region, and if supported in principle, will allow the region to work cohesively to provide better outcomes for future waste management and environment protection.

ATTACHMENTS

Attachment 1 – Regional Waste Management Plan 2018 - 2023

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

**15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY
DECISION**

Nil

16. MATTERS BEHIND CLOSED DOORS

COUNCIL DECISION

Minute Number: 26/03/2019 - 115962

Moved: Cr T Chafer

Seconded: Cr M Dear

That Council move in-camera 5.28pm. Shire Officers to remain.

Carried:8/0

16.1. ADDITIONAL FLIGHT OPTIONS

Cr N Brook declared a financial interest as the Local Coordinator of the East Kimberley Marketing Group

Cr T Chafer declared an impartiality interest as a member of the East Kimberley Marketing Group

Carl Askew, CEO declared an impartiality interest as he represents the Shire at the East Kimberley Marketing Group

Cr N Brook departed Chambers at 5.30pm

DATE:	26 March 2019
AUTHOR:	Chief Executive Officer
RESPONSIBLE OFFICER:	Chief Executive Officer
FILE NO:	TT.15.3
DISCLOSURE OF INTERESTS:	The CEO declares an impartiality interest as he represents the Shire at the East Kimberley Marketing Group

COUNCIL DECISION

Minute Number: 26/03/2019 - 115963

Moved: Cr T Chafer

Seconded: Cr G Lodge

That Council:

- 1. Note the confidential advice provided, including the commercial sensitivities of the proposal at this time, and endorse the investigations to date for Council to support the trial flights business case, noting the potential risk exposure and broader beneficial impacts on the local community; including evidence to strengthen the business case and funding options for the lengthening of the runway.**
- 2. Financially contribute to and support the trial of an air service between Kununurra and Melbourne for three flights per week between May and August 2020, based on the confidential proposals received and amounts determined in the most likely scenario contained in the confidential financial modelling attached**
- 3. Levy all applicable Passenger Service Fees for Screening, Terminal Passenger Handling Fees and Landing Fees in accordance with the Shire's Fees and Charges Schedules**
- 4. Authorise the CEO to continue negotiations with the East Kimberley Marketing Group and proposal Partners to develop associated Contracts and/or agreement(s) to deliver the proposal as outlined above and in the confidential attachments**

5. Delegates authority to the Chief Executive Officer to negotiate the finalisation and execution of the agreement(s) and contracts as required and in accordance with the details and terms provided in the confidential attachments
6. Refer for consideration in the 2019/20 and 2020/21 budgets the costs associated with the financial underwriting of the trial service as outlined above and using funds from the Airport Reserve as required

Carried:7/0

Cr N Brook returned to Chambers at 5.41pm. The Shire President informed Cr N Brook of the Council's decision.

This item is to be considered behind closed doors as per the *Local Government Act 1995*: section 5.23. (2) (c), (d) and (e)

5.23. Meetings generally open to public

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- (a) *a matter affecting an employee or employees; and*
 - (b) *the personal affairs of any person; and*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*
 - (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and*
 - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

VOTING REQUIREMENT

Simple Majority

PURPOSE

For Council to endorse the CEO and the Administration to continue to investigate and finalise Contracts/Agreements for a proposed trial of a new (additional) air service between the east coast of Australia (Melbourne) and Kununurra, with the proposal to trial three flights per week between May and August 2020, using an 80 seat F100 aircraft to increase the tourism and business potential between Kununurra and Melbourne.

16.2. CONTRACT EXTENSION - CONTRACT C-04-13/14 FOR THE SUPPLY OF WASTE DISPOSAL GOODS AND THE PROVISION OF GOODS AND SERVICES IN RESPECT TO THE COLLECTION OF WASTE

DATE:	26 March 2019
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
DISCLOSURE OF INTERESTS:	Nil

COUNCIL DECISION

Minute Number: 26/03/2019 - 115964

Moved: Cr G Lodge

Seconded: Cr D Pearce

That Council delegates authority to the Chief Executive Officer for the following:

- 1. Pursuance of a fixed twenty four (24) month term extension to contract C-04-13/14: for the supply of waste disposal goods and the provision of goods and services in respect to the collection of waste with ToxFree Australia Pty Ltd;**
- 2. Failing agreement of a fixed twenty four (24) month term extension to contract, authorises pursuance of an alternative extension term amenable to both parties; and**
- 3. Execution of the resultant contract extension documentation.**

Decision: 8/0

This item is to be considered behind closed doors as per the *Local Government Act 1995*: 5.23 (2) (c)

5.23. Meetings generally open to public

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*
- (f) *a matter that if disclosed, could be reasonably expected to —*

- (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) endanger the security of the local government's property; or*
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and*
 - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) such other matters as may be prescribed.*
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

VOTING REQUIREMENT

Simple Majority

PURPOSE

To consider the recommendation to extend Contract C-04-13/14 in accordance with the extension provisions in the General Conditions of Contract.

16.3. CONTRACT EXTENSION - C-03-13/14: FOR THE SUPPLY OF GOODS AND THE PROVISION OF STREET SWEEPING SERVICES

DATE:	26 March 2019
AUTHOR:	Senior Procurement and Contracts Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Director Corporate Services
DISCLOSURE OF INTERESTS:	Nil

COUNCIL DECISION

Minute Number: 26/03/2019 - 115965

Moved: Cr M McKittrick

Seconded: Cr N Brook

That Council delegates authority to the Chief Executive Officer for the following:

1. Pursuance of a fixed twenty four (24) month term extension to contract C-03-13/14: for the supply of goods and the provision of street sweeping services with ToxFree Australia Pty Ltd.
2. Failing agreement of a fixed twenty four (24) month term extension to contract, authorises pursuance of an alternative extension term amenable to both parties; and
3. Execution of the resultant contract extension documentation.

Carried: 8/0

This item is to be considered behind closed doors as per the *Local Government Act 1995*:
5.23 (2) (c)

5.23. Meetings generally open to public

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*
- (f) *a matter that if disclosed, could be reasonably expected to —*

- (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) endanger the security of the local government's property; or*
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and*
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- (h) such other matters as may be prescribed.*
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

VOTING REQUIREMENT

Simple Majority

PURPOSE

To consider the recommendation to extend Contract C-03-13/14 in accordance with the extension provisions in the General Conditions of Contract.

**16.4. RFT 02 18/19 - BANDICOOT DRIVE AND VARIOUS LOCATIONS
DRAINAGE UPGRADE - STAGE 1**

DATE:	26 March 2019
AUTHOR:	Manager Engineering Services
RESPONSIBLE OFFICER:	Stuart Dyson, Director Infrastructure
FILE NO:	CM.16.298
DISCLOSURE OF INTERESTS:	Nil

COUNCIL DECISION

Minute Number: 26/03/2019 - 115966

Moved: Cr G Lodge

Seconded: Cr T Chafer

That Council;

- 1. Accepts the Tender submitted by Roadline Contracting Pty Ltd of 13 McDaniel Road, Broome WA 6725, for Tender T02-18/19 - Bandicoot Drive and Various Locations Drainage Upgrade - Stage 1, as the most advantageous Tender to form a Contract, for the fixed lump sum price of \$989,860.98 (Pricing Tables 1 and 2) excluding GST;**
- 2. Delegates the formation of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract; and**
- 3. Refers for consideration in the 2019/20 Budget a transfer of \$200,000 from the Drainage Reserve to the Bandicoot Drive – Road and Drainage upgrade (GL 104120328) project.**

Carried:8/0

This item is to be considered behind closed doors as per the *Local Government Act 1995* 5.23 (2) (c):

5.23. Meetings generally open to public

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- a matter affecting an employee or employees; and*
- the personal affairs of any person; and*
- a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*

- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*
 - (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and*
 - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

VOTING REQUIREMENT

Simple Majority

PURPOSE

To consider the Tenders received for T02-18/19 and make recommendations for the award of the Tender.

COUNCIL DECISION

Minute Number: 26/03/2019 - 115967

Moved: Cr M McKittrick

Seconded: Cr T Chafer

That Council move out of camera at 6.02pm

Carried:8/0

Members of the gallery were invited back to Chambers. The Shire President read aloud the resolution from matters behind closed doors.

17. CLOSURE

The Shire President declared the meeting closed at 6.10pm