



SHIRE OF WYNDHAM | EAST KIMBERLEY

# AGENDA ORDINARY COUNCIL MEETING

15 December 2020

## **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.

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

Signed on behalf of Council

A handwritten signature in black ink, appearing to read 'V. E. Lawrence', written over a light blue horizontal line.

**VERNON LAWRENCE**

**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 AGENDA  
KUNUNURRA COUNCIL CHAMBERS  
TO BE HELD ON TUESDAY 15 DECEMBER 2020, 5 PM**

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**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

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

**3. DECLARATION OF INTEREST**

- Financial Interest
- Impartiality Interest
- Proximity Interest

**4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**5. PUBLIC QUESTION TIME**

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

**7. PETITIONS**

**8. CONFIRMATION OF MINUTES**

**OFFICER'S RECOMMENDATION**

<p><b>That Council confirms the Minutes of the Ordinary Council Meeting held on 24 November 2020</b></p>
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Note: The Minutes of the Ordinary Council Meeting held on 24 November 2020 are provided under separate cover via [www.swek.wa.gov.au](http://www.swek.wa.gov.au)

**9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

**10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

## 12. REPORTS

### 12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

#### 12.1.1. consideration of recommendation contained within the minutes of the Audit (Finance and Risk) Committee of 9 November 2020

<b>DATE:</b>	15 December 2020
<b>AUTHOR:</b>	Director Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>ASSESSMENT NO:</b>	Various - As Detailed in the Minutes of the 9 November 2020 Audit (Finance and Risk) Committee meeting
<b>FILE NO:</b>	Various - As Detailed in the Minutes of the 9 November 2020 Audit (Finance and Risk) Committee meeting
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### VOTING REQUIREMENT

Simple Majority

#### COMMITTEE RECOMMENDATION

That Council, in accordance with Section 6.12(c) of the *Local Government Act 1995*, write off the following unrecoverable rates and sundry debts with a total value of \$126,503.11:

- Kimberley Diamond Company Pty Ltd (In Liquidation) \$23,643.14
- Valentine Falls Estate Pty Ltd (In Liquidation) \$95,590.22
- Broome Air Services Pty Ltd (In Liquidation) \$3,923.55
- Allianz Australia Insurance Ltd \$3,346.20

#### PURPOSE

To consider the recommendation from the confidential report at the Audit (Finance and Risk) Committee at its meeting held on 9 November 2020.

## **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 background and details supporting the recommendation are contained within the Minutes of the 9 November 2020 Audit (Finance and Risk) Committee meeting and the confidential attachments to the Agenda.

The above recommendation was omitted from the recommendations presented to Council for Consideration at the 24 November 2020 Ordinary Council Meeting.

## **STATUTORY IMPLICATIONS**

As detailed within the Minutes of the 9 November 2020 Audit (Finance and Risk) Committee meeting and the confidential attachments to the Agenda.

## **POLICY IMPLICATIONS**

As detailed within the Minutes of the 9 November 2020 Audit (Finance and Risk) Committee meeting and the confidential attachments to the Agenda.

## **FINANCIAL IMPLICATIONS**

As detailed within the Minutes of the 9 November 2020 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda, the total value of the write offs recommended is \$126,503.11. This amount has been fully provided for in the 2020/21 annual budget.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

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

Strategy 4.3.2: Integrate all planning, resources and reporting in accordance with best practice and statutory requirements.

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

## **RISK IMPLICATIONS**

As detailed within the Minutes of the 9 November 2020 Audit (Finance and Risk) Committee meeting and the confidential attachments to the Agenda.

### **COMMUNITY ENGAGEMENT**

As detailed within the Minutes of the 9 November 2020 Audit (Finance and Risk) Committee meeting and the confidential attachments to the Agenda.

### **COMMENTS**

Details in relation to this item are included within the Minutes of the 9 November 2020 Audit (Finance and Risk) Committee meeting and confidential attachments to the Agenda.

### **ATTACHMENTS**

Nil

## **12.2. CHIEF EXECUTIVE OFFICER**

### **12.2.1. Standing Item - Outstanding Actions from Previous Council Resolutions**

<b>DATE:</b>	15 December 2020
<b>AUTHOR:</b>	Executive Officer to the CEO
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, CEO
<b>DISCLOSURE OF INTERESTS:</b>	NIL

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

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

#### **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**

{scp-risks}

## **COMMUNITY ENGAGEMENT**

No community engagement is required.

## **COMMENTS**

An update of actions from the NOVEMBER 2020 Council resolutions are detailed in Attachment 1.

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

## **ATTACHMENTS**

Attachment 1 - Council Action Register - November 2020

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

## **12.3. PLANNING AND COMMUNITY DEVELOPMENT**

### **12.3.1. Annual Report 2019-20**

<b>DATE:</b>	15 December 2020
<b>AUTHOR:</b>	Senior Projects Officer
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>FILE NO:</b>	CM.13.14
<b>DISCLOSURE OF INTERESTS:</b>	Nil

### **VOTING REQUIREMENT**

Absolute Majority

### **OFFICER'S RECOMMENDATION**

**That Council:**

- 1. Accepts the 2019/2020 Annual Report (including the Annual Financial Statements and Associated Notes) as presented.**
- 2. Convenes the Annual General Meeting of Electors to be held on 2 February 2021 at the Kununurra Council Chambers (commencing at 5pm).**
- 3. Requests that the Chief Executive Officer, pursuant to sections 5.29 and 5.55 of the Local Government Act 1995, provides the requisite statutory local public notice of the acceptance of the 2019/2020 Annual Report and the time and date of the Annual General Meeting of Electors.**
- 4. Requests that the Chief Executive Officer publish the Annual Report on the Shire's website within 14 days after it has been accepted.**

### **PURPOSE**

For Council to accept the Annual Report for 2019/20 and to set the date for the Annual General Meeting of Electors.

### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Facilitator - bring stakeholders together

## **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

The 2019/2020 Annual Report has been prepared in line with the Local Government Act and includes the Audited Annual Financial Report, which has been certified by an independent auditor. The Annual Financial Report reflects the impact of the Covid-19 pandemic with an operating deficit of \$3.6 million recorded for the year compared to the previous year which was \$1.1 million. This is mainly due to a decrease in fees and charges (revenue) and an increase in employee costs due to additional provisions for leave not taken.

The auditor's opinion on the Annual Financial Report is an unqualified report but includes the reporting of a significant adverse trend as a result of the Operating Surplus Ratio being below the Department of Local Government, Sports and Cultural Industries standard for the past 3 years. The Shire does not consider this to be a true reflection of its operating position as the reported ratios have not been adjusted to take into account the timing of financial assistance grant receipts or the write off of assets that have been renewed. Adjusted Operating Surplus Ratios, taking these items into account, do not indicate an adverse trend. It is, however, a directive of the WA Office of the Auditor General that adjusted ratios are not to be included in the annual financial report. The Shire has made a written representation to the Department of Local Government, Sports and Cultural Industries on the relevance of this ratio in its current form. The Financial Health Indicator score of 69 for 2019/20 (70 for 2018/19) is also a reflection of the requirement to report unadjusted ratios.

In addition to the financial information, the report outlines how the organisation has performed against actions within the Corporate Business Plan, with highlights including:

### **Response to COVID-19**

The Council were well planned and coordinated with respect to relevant declarations and determinations and played an active role in supporting emergency management agencies, which included the involvement of elected members.

Council introduced measures to assist community and business through the application of new policy as well as support grants to community organisations. It also kept the community and business sector well informed with updates across all available mediums and conducted community events in collaboration with community organisations for which it received award nominations.

### **Kununurra Water Playground**

The Shire successfully negotiated additional funding to build a high quality water playground in Kununurra, adjacent to the Kununurra Leisure Centre.

### **Town revitalisation - Wyndham**

Officers held productive meetings with Wyndham residents for the purpose of preparing plans to revitalise priority areas within the town, which are now funded.

### Kununurra hardcourt upgrades

The Shire upgraded all the hardcourts in Kununurra for tennis, netball and basketball.

## **STATUTORY IMPLICATIONS**

The *Local Government Act 1995 section 5.54(1)* requires the Shire to accept the Annual Report for a financial year no later than 31 December after that financial year. The Shire is required to then hold a meeting of electors (Annual General Meeting of Electors) no later than 56 days of its acceptance (*section 5.27(2)*).

The Local Government (Audit) Regulations are relevant to the report of the auditor which is included in the Annual Report.

## **POLICY IMPLICATIONS**

CP/FIN-3200 Strategic Rating and CP/FIN-3201 Significant Accounting Policies  
CP COM-3100 - Community Engagement Policy

## **FINANCIAL IMPLICATIONS**

The full financial statement is included as a component of the Annual 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 4.2.1: Engage and communicate with all sections of the community to better understand the needs and priorities

Strategy 4.2.3: Ensure community awareness of issues, activities and decisions affecting the Shire

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

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

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

*Corporate Business Plan*

CBP Action: #53 Coordinate the Integrated Planning and Reporting Framework

## **RISK IMPLICATIONS**

**Risk:** Strategic - failure to comply with legislative requirements leading to damage to reputation and/or financial loss

**Control:** Undertake an independent audit of the Annual Financial Report

## **COMMUNITY ENGAGEMENT**

Engagement will include statutory local public notices and the report will be made available on the Shire website and at the main offices. This will include the public notice for the Annual General Meeting of Electors.

## **COMMENTS**

The Annual Report provides a summary of achievement against stated Council actions as well as comprehensive review of its financial performance and is recommended to be accepted by Council. It has also been prepared in line with relevant legislative requirements and the report of the auditor meets the requirements of the Local Government (Audit) Regulations.

Council is required to convene the Annual General Meeting of Electors no later than 56 days of its acceptance, being no later than 9 February 2021. To allow for Council's Christmas recess and provide the required public notice period, it is recommended that Tuesday the 2 February 2021 (commencing 5pm) be set as the date for this meeting, which will be held in Kununurra.

## **ATTACHMENTS**

Attachment 1 - Annual Report 2019-20

### 12.3.2. Waiver of Fees and Charges - Ord Valley Muster

<b>DATE:</b>	15 December 2020
<b>AUTHOR:</b>	Manager Community Development
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>FILE NO:</b>	AP-71140
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Absolute Majority

#### **OFFICER'S RECOMMENDATION**

**That Council approves a request from the Ord Valley Muster Event Committee to waive the hire fee for Celebrity Tree Park for the 2021 Ord Valley Muster.**

#### **PURPOSE**

For Council to consider a request from the Ord Valley Muster Event Committee to waive the fees and charges associated with the hire of Celebrity Tree Park for the 2021 Ord Valley Muster.

#### **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**

The Ord Valley Muster Event Committee approached the Shire CEO in November 2020 to request a waiver of fees associated with the hire of Celebrity Tree Park for the 2021 Ord Valley Muster events. They also requested a fixed level of fees and other costs and charges associated with the event, which is being reviewed separately.

The Ord Valley Muster Event Committee has booked Celebrity Tree Park for a total of 23 days in May and June next year, which will be the main location for events, which include:

- Sponsors Cocktail party
- Kimberley Moon Experience
- Art in the Park
- Variety Shows

- Comedy Shows
- Daily' Hub Sessions' - which are open to any performers.

The total hire fee applicable to the booking is \$8,395.00.

Other regulatory fees with respect to approvals will still apply, and there are costs associated with water usage and any repairs required to the park on completion of the event.

At the Ordinary Council Meeting of 27 October 2020, Council approved an allocation of Community Grant Program Event funding to Ord Valley Events Incorporated for \$50,000 per year for the next three years, and that funding agreement has since been entered into.

The Committee has indicated that a significant portion of the grant funding Council has allocated would need to be used to pay for any hire and regulatory fees and other Shire expenses.

### **STATUTORY IMPLICATIONS**

In accordance with sections 6.12 and 5.43 of the *Local Government Act 1995*, the waiving of fees and charges requires an absolute majority decision of Council and cannot be waived under delegation. In any case, the CEO does not have the authority to waive fees and charges over \$2,000.

### **POLICY IMPLICATIONS**

CP/FIN-3211 Fees and Charges Pricing Policy is applicable. It seeks fundamentally to ensure that Council considers the income anticipated from the imposition of a charge and the anticipated expenditure of administering the service associated with it.

The Fees and Charges Pricing Policy categorises the hire of a park as a 'Shared Benefit', as an event would have community and private benefits and full cost recovery is not anticipated - so a waiver, in some circumstances, is reasonable. Fees associated with applications are, however, regulatory in nature and are fixed by legislation.

The Fees and Charges Pricing Policy does not make any specific reference to waivers, which can only be made under delegated to the CEO (for sums under \$2,000) or by an absolute majority decision of Council.

### **FINANCIAL IMPLICATIONS**

The current budget anticipates an income of \$7,000 for the hire of all parks within the municipality.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 1: PEOPLE - Healthy vibrant active communities

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

Strategy 1.1.2: Support and promote an increase in the number of events and activities that encourage a sense of identity, belonging and promote cultural diversity

#### Focus Area 3: PROSPERITY - Economic Prosperity

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

Strategy 3.2.1: Market the East Kimberley as the place to live, visit and do business

Strategy 3.2.3: Minimise the bureaucracy placed on business and provide an efficient and effective approval processes

#### Focus Area 4: PERFORMANCE - Civic Leadership

Goal 4.3:

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

### **RISK IMPLICATIONS**

**Risk:** Failure to adequately resource and manage funding requirements which meet the needs of the Shire's service delivery requirements and strategic objectives.

**Control:** Review of resource needs against budgeted income and expenditure and decisions with respect to these matters must be undertaken in line with any applicable policy and legislative requirement.

### **COMMUNITY ENGAGEMENT**

No community engagement is required.

### **COMMENTS**

The hire charges for Celebrity Tree Park were not anticipated, and the organisation will not incur any major administrative expenses by virtue of the hire and booking of the facility.

The regulatory fees are anticipated as income in the annual budget, and the event has previously attracted a significant administrative effort for the purpose of the organisation processing all relevant approvals. There may be some opportunity to identify savings, by virtue of all the events being conducted at one location, and these will be reviewed separately, and any minor waivers recommended in line with the CEO's current authorisation. All costs associated with conducting the event in the park will, in any case, be invoiced together to make it easier for the organiser.



It is recommended that Council approves the request from the Ord Valley Muster Event Committee to waive the hire fee for Celebrity Tree Park for the duration of the 2021 Ord Valley Muster.

### **ATTACHMENTS**

Nil

### 12.3.3. Renaming of Mount Misery

<b>DATE:</b>	15 December 2020
<b>AUTHOR:</b>	Manager Planning and Regulatory Services
<b>RESPONSIBLE OFFICER:</b>	Nick Kearns, Director Planning and Community Development
<b>ASSESSMENT NO:</b>	N/a
<b>FILE NO:</b>	LP.03.2
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council:**

- 1. Supports the renaming of the topographical feature (hill) known as 'Mount Misery' (Lake Argyle) to 'Bilbiljim', subject to consultation with surrounding ratepayers, businesses and the broader community.**
- 2. Requests the Chief Executive Officer to:**
  - a. undertake consultation with surrounding ratepayers, businesses and the broader community; and**
  - b. following consultation, to advise the Geographic Names of its support for the renaming and provide details of any comments received.**

#### **PURPOSE**

For Council to consider a request to rename a hill located on Hagan Island within Lake Argyle formally named "Mount Misery" to the original traditional Miriuwoong name, 'Bilbiljim' meaning grasshopper dreaming.

#### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Advocator - advocate and support initiatives on behalf of the community and the Kimberley Regulator - enforce state legislation and local laws

#### **BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE**

The Shire has recently received a verbal request from the MG Corporation to reinstate the original traditional name for a hill located on Hagan Island within Lake Argyle.

This hill, being the highest point on Hagan Island, has been formally named "Mount Misery", as a reference to the 'miserable 6 weeks' spent camped on the hill by the initial pastoralists while the farrier's (Hagan) leg healed. A copy of the details (geonoma) of this feature as recorded by Landgate is provided as Attachment 1.

An aerial photograph showing the location of the Hagan Island and Mt Misery is provided at Attachment 2.

The MG Corporation has requested that it be renamed to the original Miriuwoong name 'Bilbiljim' which means 'grasshopper dreaming', as it is a site of significance in the Grasshopper Dreaming story.

As part of the Miriuwoong-Gajerrong native title determination in December 2003, exclusive native title rights were recognised over Hagan Island in Lake Argyle, on the basis that Mt Misery on the island is a significant site for Traditional Owners. Although it is now an island it is still of importance and has totemic connections with the area despite the flooding thereof and a strong connection with other Dreaming stories in the southern part of Lake Argyle near Lissadell.

In order for the name to be changed, the recognition of the Aboriginal name for the topographical feature (hill) will need to be approved by the Landgate on behalf of the Minister for Lands, which also requires the support of Council.

Proposals submitted to local governments are compiled and reviewed against Landgate's Policy and Standards for Geographical Naming in Western Australia, and if submissions meet the requirements the local government submits it to Landgate for approval.

Any proposal requesting the renaming of an approved name must include evidence of consultation with the community. Local Governments must ensure that the level and form of consultation undertaken reflects the significance of the naming proposal. This should also include evidence from indigenous communities to ensure that the correct source for the spelling and origin are provided and recorded for historical purposes.

## **STATUTORY IMPLICATIONS**

As per the provisions in the *Land Administration Act 1997*, the Minister for Lands (the Minister) has the authority for officially approving all geographic features and place names in Western Australia. Through delegated authority, Landgate acts on the Minister's behalf to undertake the necessary administrative responsibilities. This includes the development of policies and procedures required for the formal approval of submissions seeking the use of Aboriginal and dual names.

Landgate has produced a document titled *Policies and Standards for Geographical Naming in Western Australia* to provide an open and transparent basis and process on which the assignment of names to places, features, administrative boundaries and roads can be

undertaken. They serve the long-term interests of the community by identifying, protecting and reflecting our culture, heritage and landscape and apply to all nomenclature within Western Australia.

Any person, community group, organisation, government department or local authority can request a new name or an amendment to an existing name, however consultation is required with the relevant local authority. Proposals normally require the support of local government but the Minister is the final authority in all such matters.

In relation to naming topographic features, the policies and standards recommend the following sources:

- names from Indigenous languages formerly identified with the general area
- descriptive names appropriate to the features
- names of pioneers who were relevant to the area
- names of persons who died during war service
- names associated with historical events connected with the area.

The use of Aboriginal names and words for naming features, administrative boundaries and roads are a way of recognising the different enduring cultural and language groups. The use of Aboriginal names is encouraged by Landgate and compilation of recorded Aboriginal topographic names is supported. The identification of a name (or names) of Aboriginal heritage is encouraged to be undertaken by local governments and relevant Aboriginal groups.

Dual naming submissions will be given consideration when a feature already has a widely accepted name of non-Aboriginal origin and newly available information indicates that an Aboriginal name could also apply. All dual naming proposals require the support of the native title representative body and, where relevant, tribal elders of the area.

If a single Aboriginal name is to be applied to an appropriate topographic feature, it should include as part of that name a feature class or generic, ie gorge. Exceptions to this only occur with the use of Aboriginal names or words which already include details of the feature class within the name.

The Policies and Standards outline that consultation should be held with the communities that will be affected by the proposed naming/renaming or boundary adjustment of any feature, locality or road. The guide provided within this document identifies that the immediate and extended community should be consulted when renaming a feature and the type of consultation may include notices and surveys.

The immediate community is defined as including residents, ratepayers and businesses within the immediate area who are directly affected by the submission. The extended community includes residents, ratepayers and businesses surrounding the area directly affected by the proposal, any visitor groups to the area and government or non-government organisations with an interest in the area.

## **POLICY IMPLICATIONS**

In addition to the Policies and Standards document, in late 2020 Landgate approved the new Aboriginal and Dual Naming Guidelines to provide a framework for the naming of Western Australian geographical features and places with Aboriginal names.

Proposals shall demonstrate a description of the Aboriginal name in the form of written or oral tradition (if culturally appropriate). The description must demonstrate the information has been sourced directly from the local Traditional Owner group(s) or their respective representatives.

Information to be included in proposals are as follows:

- the significance and meaning of the proposed name;
- preferred spelling;
- pronunciation, and
- a map outlining the area where the proposed name is to be applied.

A letter outlining evidence of consent must be provided to Landgate demonstrating the support of the relevant Traditional Owner group(s) and relevant Aboriginal organisations.

## **FINANCIAL IMPLICATIONS**

There are no material financial implications other than a possible small cost associated with advertising.

## **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 1: PEOPLE - Healthy vibrant active communities

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

Strategy 1.1.1: Create a unified community that incorporates the needs of all cultures and generations;

Focus Area 4: PERFORMANCE - Civic Leadership

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

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

## **RISK IMPLICATIONS**

**Risk:** Failure to undertake effective community engagement strategies which develop the Shire's understanding of the needs and aspirations of the community, grow community capacity and ensure supportable outcomes are reached with stakeholders.

**Control:** Preparation of a schedule to identify all relevant stakeholders including engagement with Traditional Owners and other interested parties and to ensure that engagement is 'tailored' to the specific needs of the request.

## **COMMUNITY ENGAGEMENT**

Consultation with the relevant Traditional Owner group(s) is paramount in the process of an Aboriginal naming proposal. As the request has come from the Traditional Owner group, who are also the native title holders, the Shire will just require written evidence of the Traditional Owners consent, and confirmation of the significance and meaning of the proposed name and preferred spelling and pronunciation.

In accordance with the Aboriginal and Dual naming guidelines, local governments are strongly advised to seek comment from affected residents (rate payers and businesses surrounding the area directly affected by the proposal). As such, it is intended to consult with and seek comment from existing ratepayers and businesses within the Lake Argyle area including Lake Argyle Resort, Lake Argyle Cruises, Kununurra Visitors' Centre and the Water Corporation. The Shire will provide notice in the Kimberley Echo and on the Shire's website and Facebook page to the broader community for comment. These comments can be used as supporting information for Landgate's consideration.

## **COMMENTS**

As part of preserving history, it is important to acknowledge and embrace the past and continued existence and endurance of Aboriginal languages and cultures, and recognition of their ongoing connection to the landscape.

Across the Kimberley, vast quantities of indigenous knowledge and indigenous place names have been lost since colonisation. Establishing original place names, in common use, helps preserve some of this knowledge base and local Aboriginal names are often given preference in the naming of any geographical feature or place.

Use of the indigenous place name pays respect to Aboriginal culture and provides an avenue of recognition that the area being visited is within a native title area and may add to a visitor's appreciation of the site, particularly when no formal name already exists.

Although the hill has an existing approved name, it is noted that this is associated with a farrier named Hagan, after which the island on which the hill is located is also named. As such, it is noted that both non-Aboriginal and Aboriginal heritage will both be recognised if Mount Misery is renamed.

The Shire will still consult with surrounding ratepayers, businesses and the broader community to seek comments, and subject to a limited objection being received, will forward the proposed renaming to Landgate for consideration.

It is noted that the MG Corporation will need to provide written evidence of the significance and meaning of the proposed name, preferred spelling, and pronunciation, prior to undertaking consultation and to support the request.

## **ATTACHMENTS**

Attachment 1 - Details on Mount Misery

Attachment 2 - Location Plan

## 12.4. CORPORATE SERVICES

### 12.4.1. List of Accounts Paid From Municipal Fund and Trust Fund

<b>DATE:</b>	15 December 2020
<b>AUTHOR:</b>	Creditors Officer
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.09.25
<b>DISCLOSURE OF INTERESTS:</b>	Nil

### VOTING REQUIREMENT

Simple Majority

### OFFICER'S RECOMMENDATION

**That Council receive the list of accounts paid from the Municipal and Trust funds for November 2020, being:**

<b>Municipal EFT 139179 - 139327 (04/11/2020-26/11/2020)</b>	<b>\$ 1,037,876.07</b>
<b>Municipal Cheques 52002 (20/11/2020)</b>	<b>\$ 35.95</b>
<b>Trust EFT 502096 - 502110 (02/11/2020 - 30/11/2020)</b>	<b>\$ 1,332.55</b>
<b>Payroll (04/11/2020 - 18/11/2020)</b>	<b>\$ 454,385.53</b>
<b>Direct Bank Debits (02/11/2020-23/11/2020)</b>	<b>\$ 50,942.42</b>
<b>Total</b>	<b>\$ 1,554,572.52</b>

### PURPOSE

To present the list 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 - Responsible for the enforcement of statutory requirements.

### BACKGROUND/ PREVIOUS CONSIDERATIONS BY COUNCIL/ COMMITTEE

In accordance with Council's Delegations Register which was adopted by Council on 27 October 2020, 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 Delegation of some power and duties to CEO

*Local Government (Financial Management) Regulations 1996* -

Regulation 5. CEO's duties as to financial management.

Regulation 11. Payments, procedures for making etc.

Regulation 12. Payments from municipal fund or trust fund, restrictions on making.

Regulation 13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

### **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 2020/21 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 those payments made.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*.

Focus Area 4: Performance - 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 manage the disbursement of funds to meet the needs of the Shires forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

Controls: Monthly Financial Report and List of Accounts Paid reported to Council on a monthly basis as required by Legislation and Regulations.

### **COMMUNITY ENGAGEMENT**

No community engagement is required in relation to this item.



## **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; the amount of the payment; the date of the payment; and sufficient information to identify the transaction. The list is to be presented at the next Ordinary Council Meeting. After the list is prepared, it is to be recorded in the minutes of the meeting at which it is presented.

## **ATTACHMENTS**

Attachment 1 - List of Accounts Paid November 2020

#### 12.4.2. Interim Monthly Financial Report November 2020

<b>DATE:</b>	15 December 2020
<b>AUTHOR:</b>	Coordinator Finance
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.09.25
<b>DISCLOSURE OF INTERESTS:</b>	Nil

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

**That Council receives the Interim Monthly Financial Report for the period ended 30 November 2020.**

#### **PURPOSE**

For Council to receive the Interim Monthly Financial Report for the period ended 30 November 2020.

#### **NATURE OF COUNCIL'S ROLE IN THE MATTER**

Regulator - Responsible for the enforcement of statutory requirements.

#### **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 23 June 2020 Ordinary Council Meeting, the Council resolved the following:

#### **Council Decision**

**Minute Number: 23/06/2020-118260**

**Moved: Cr D Menzel**

**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 Council with the ability to oversee the Shire's financial performance against budgeted targets.

### **STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2017-2027*

Focus Area 4: Performance - 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 manage the disbursement of funds to meet the needs of the Shires forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

**Controls:** Monthly Financial Report and List of Accounts Paid reported to Council on a monthly basis as required by Legislation and Regulations.

### **COMMUNITY ENGAGEMENT**

No community engagement is required in relation to this item.

### **COMMENTS**

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

The COVID-19 pandemic has had an impact on the financial position of the Shire as at 30 June 2020. Revenue and debt collections have reduced significantly with this being off-set by operational savings and the receipt of 2020/21 Federal Assistance Grants in advance. The full financial implications of COVID-19 are unknown at this stage. However, estimates of

the longer-term impact have been considered in the preparation of the 2020/21 budget. Shire Officers and the Executive Management Team continue to monitor the cash flow of the Shire closely and have modified internal processes to assist in this regard.

It should be noted that the budget figures in the Interim Monthly Financial Report for November 2020 do not include final carry forward figures and end of year adjustments for the year ended 30 June 2020. In contrast, the actual figures include carry forward figures and year-end adjustments. The final position for the 2019/20 financial year will be reported in the 2019/20 Annual Financial Statements included in the Annual Financial Report for 2019/20.

## **ATTACHMENTS**

Attachment 1 - Interim Monthly Financial Report - November 2020.

**12.5. INFRASTRUCTURE**

**13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

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

## 16. MATTERS BEHIND CLOSED DOORS

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

<b>DATE:</b>	15 December 2020
<b>AUTHOR:</b>	Senior Procurement and Contracts Officer
<b>RESPONSIBLE OFFICER:</b>	Stuart Dyson, Director Infrastructure
<b>DISCLOSURE OF INTERESTS:</b>	Nil

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.

## 16.2. 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

<b>DATE:</b>	15 December 2020
<b>AUTHOR:</b>	Senior Procurement and Contracts Officer
<b>RESPONSIBLE OFFICER:</b>	Stuart Dyson, Director Infrastructure
<b>DISCLOSURE OF INTERESTS:</b>	Nil

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. REQUESTS TO WAIVE RATES AND CHARGES

<b>DATE:</b>	15 December 2020
<b>AUTHOR:</b>	Director Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Felicity Heading, Director Corporate Services
<b>FILE NO:</b>	FM.07.6, FM.11.56
<b>DISCLOSURE OF INTERESTS:</b>	Nil

This item is to be considered behind closed doors as per the *Local Government Act 1995*:

#### 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**

Absolute Majority

**PURPOSE**

For Council to consider requests to waive Waste Receptacle Charges, Penalty Interest and Emergency Services Levy (ESL) Penalty.

## 16.4. MELBOURNE TO KUNUNURRA DIRECT FLIGHT TRIAL

<b>DATE:</b>	15 December 2020
<b>AUTHOR:</b>	Chief Executive Officer
<b>RESPONSIBLE OFFICER:</b>	Vernon Lawrence, Chief Executive Officer
<b>DISCLOSURE OF INTERESTS:</b>	Nil

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 relating to the conduct of a trial for direct flights between Melbourne and Kununurra.

## **17. CLOSURE**