

# **Gascoyne Country Zone Minutes**

**19 April 2024**

**Hosted by MS Teams**

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## ANNOUNCEMENTS

Zone Delegates were requested to provide sufficient written notice, wherever possible, on amendments to recommendations within the State Council or Zone agenda to the Zone Chair and Secretariat prior to the Zone meeting.

Agenda Papers were emailed 7 days prior to the meeting date.

Confirmation of Attendance Attendance was confirmed prior to the commencement of the meeting.

## ATTACHMENTS

1. April 2024 Update – Department of Local Government, Sport and Cultural Industries
2. Zone Status Report
3. President's Report
4. State Councillors' Report to the Zone

## 1 OPENING, ATTENDANCE AND APOLOGIES

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### 1.1 OPENING

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*The Chair, President Eddie Smith opened the meeting at 10:02am.*

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### 1.2 ATTENDANCE

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#### MEMBERS

#### 1 Voting Delegates from each Member Council

Shire of Carnarvon

President Eddie Smith - **Chair**  
Andrea Selvey, Chief Executive Officer, non-voting delegate

Shire of Exmouth

President Cr Matthew Niikkula  
Ben Lewis, Chief Executive Officer, non-voting delegate

Shire of Upper Gascoyne

President Cr Jimmy Caunt  
John McCleary, Chief Executive Officer, non-voting delegate

Shire of Shark Bay

Dale Chapman, Chief Executive Officer, non-voting delegate

WALGA Secretariat

Mr Mark Bondietti, Policy Manager Transport and Roads  
Ms Lia Roberts, Policy Officer, Emergency Management

## **GUESTS**

Gascoyne Development Commission      Tim Bray, Chief Executive Officer  
Simone Van Buerle, Director      Regional Development

## **GUEST SPEAKER**

Department of Health      Ms Isabel Ross, Mental Health Promotion Coordinator, with WACHS-Midwest, Mental Health and CADS (Community Alcohol Drug Service)

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### **1.3 APOLOGIES**

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Shire of Shark Bay      President Cr Cheryl Cowell

Roadwise      Ms Samantha Adams, Regional Road Safety Advisor

Main Roads      Gaff Murray, Operations Manager – Carnarvon

Regional Development Australia – Mid West Gascoyne      Mark Holdsworth, Executive Officer

Department of Local Government Sport and Cultural Industries      Craig Vinci, A/Regional Manager, Gascoyne

## **2 ACKNOWLEDGEMENT OF COUNTRY**

We, the delegates of the Gascoyne Country Zone acknowledge the traditional owners of this land that we are meeting on today and pay our respects to Elders past, present and future.

## **3 DECLARATIONS OF INTEREST**

**Nil.**

## **4 DEPUTATIONS**

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### **4.1 DEPARTMENT OF HEALTH**

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Isabel Ross, from the Department of Health provided a presentation to the Zone.

## 5 BUSINESS ARISING

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### 5.1 STATUS REPORT

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A Status Report outlining the actions taken on the Zone's resolutions was enclosed as an attachment within the agenda.

**Noted**

## 6 STATE COUNCIL AGENDA – MATTERS FOR DECISION AND NOTING

***Zone delegates to consider the Matters for Decision contained in the WA Local Government Association State Council Agenda and put forward resolutions to Zone Representatives on State Council.***

The full State Council Agenda can be found via link: [State Council Agenda - 1 May 2024](#)

The Zone can provide comment or submit an alternative recommendation that is then presented to the State Council for consideration.

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### 6.1 MATTERS FOR DECISION

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#### 7.1 Waste Levy Advocacy Position

*By Rebecca Brown, Manager Waste and Environment*

#### **WALGA RECOMMENDATION**

**That State Council:**

- 1. Replace the existing WALGA *Waste Levy Policy Statement and Advocacy Position 7.4 Waste Management Funding*.**

**Local Government considers that:**

- 1. Waste Avoidance and Resource Recovery Levy funds should be hypothecated to strategic waste management activities in line with the State Waste Strategy and strongly opposes the application of the Levy to non-waste management related activities, such as funding State Government core activities; and**
- 2. The Levy should not be applied to licensed landfills outside the metropolitan area.**

- 2. Endorse a new Waste Levy Advocacy Position as follows:**

**The Waste Avoidance and Resource Recovery Levy (the Levy) was established in WA to fund programs relating to the management, reduction, reuse, recycling, monitoring or measurement of waste and administering the fund. The current Levy is applied to waste generated, or landfilled, in the Perth metropolitan area.**

**Currently, only 25% of the collected funds are retained for strategic waste management activities, 75% are allocated to the ongoing operations of the Department responsible for administration of the Levy.**

**Local Government considers that:**

- 1. The Waste Avoidance and Resource Recovery Levy funds must be fully hypothecated to strategic waste management activities in line with the State Waste Strategy and not be used for non-waste management related activities, such as funding State Government core activities.**
- 2. Strategic waste management activities funded by the State Government should:**
  - a. Provide adequate funding and support for Regional Councils, non-metropolitan and metropolitan Local Governments;**
  - b. Reflect the targets and priorities within the Waste Strategy;**
  - c. Fully fund and acknowledge the life cycle costs of infrastructure and services; and**
  - d. Facilitate the development, implementation and ongoing operation of Product Stewardship Schemes.**
- 3. The Levy should not be applied to waste generated in the non-metropolitan area as it is not feasible, or appropriate, to implement the Levy in areas with a limited rate base, access to markets for recycled materials, economic growth and resources to manage such a change.**
- 4. The Levy should not be applied to waste received at premises undertaking licensed activities whose primary purpose is resource recovery.**
- 5. The Levy must be supported by a clear, evidence-based rationale to demonstrate the suitability of how charges are set, how and where funds are allocated, and the extent to which it is delivering on its objectives.**

## **EXECUTIVE SUMMARY**

- The Waste Levy and Strategic Waste Funding Policy Statement was first endorsed in 2008 and was amended in 2018.
- The Statement outlines the Local Government position on levies charged on the weight or volume of waste received at licensed premises and the application of those funds to waste management activities.
- In 2023, the WA Government published the findings of a Review of the Waste Avoidance and Resource Recovery (WARR) Levy. The consultation summary report and supporting consultant report can be accessed on the Department of Water and Environmental Regulation (DWER) [website](#).
- Key outcomes of the Levy Review included a five-year schedule of increases and a commitment to investigate extending the levy boundary to regional areas.
- The new Waste Levy Advocacy Position uses contemporary language emphasises:
  - Full hypothecation of the Levy;
  - The key areas of expenditure for the Levy;
  - Opposition to the expansion of the Levy's geographic application;
  - Opposition to the application of the Levy to resource recovery activities; and
  - The need for a clear evidence-based rationale for setting and expending the Levy.
- The Municipal Waste Advisory Council (MWAC) endorsed the new Advocacy Position in February 2024.

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## 6.2 POLICY TEAM AND COMMITTEE REPORTS

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- 8.1 Environment Policy Team Report
- 8.2 Governance Policy Team Report
- 8.3 Infrastructure Policy Team Report
- 8.4 People and Place Policy Team Report
- 8.5 Municipal Waste Advisory Council (MWAC) Report

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## 6.3 MATTERS FOR NOTING/INFORMATION

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- 9.1 WALGA 2023 Emergency Management Survey
- 9.2 Tree Retention Model Local Planning Policy
- 9.3 Local Emergency Management Arrangements (LEMA) Improvement Plan Implementation
- 9.4 Planning and Building Performance Monitoring Project
- 9.5 2024 WALGA Aboriginal Engagement Forum

### RESOLUTION

**Moved:** Cr Matthew Niikkula

**Seconded:** Cr Jimmy Caunt

**That the Gascoyne Country Zone:**

1. **Supports all Matters for Decision as listed above in the May 2024 State Council Agenda, and**
2. **Notes all Matters for Noting, other Policy Team and Committee Reports and Organisational Reports as listed in the May 2024 State Council Agenda.**

**CARRIED**

## 7 ZONE BUSINESS

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### 7.1 ADOPTION OF POLICY AND ADVOCACY PRIORITISATION FRAMEWORK

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*By Kathy Robertson, Manager Association and Corporate Governance*

#### BACKGROUND

State Council uses a Policy and Advocacy Prioritisation Framework to guide discussion and decision-making on policy and advocacy issues. The Framework was developed in 2020 on the request of State Council to assist State Councillors in determining the priority of a particular issue relative to existing (and competing) policy and advocacy priorities.

The Framework (included below) utilises 11 criteria to sharpen thinking (e.g. the impact on the Local Government sector, the number of Member Local Governments affected, the level of support amongst the public or other stakeholders, etc.), and encourage decision-makers to consider the wider context and impacts of the issue before settling on a pathway forward.

The Great Southern Country Zone also adopted the Prioritisation Framework not long after it was developed in 2020.

## COMMENT

It is proposed that all Zones consider adopting the Policy and Advocacy Prioritisation Framework as included below.

If the Zone were to adopt the Prioritisation Framework, Zone Delegates could use it to guide their decision-making when determining whether or not to request action or advocacy from WALGA on a particular issue (that is, sector-wide issues). Issues that are not sufficiently prioritised (that is, regional issues) could instead be dealt with at the Zone level (e.g. through direct advocacy efforts on behalf of the Zone).

The Prioritisation Framework could also be used by Zone Delegates when drafting Agenda items and motions on policy or advocacy issues, using the criteria as prompts for what kind of information to include.

The Prioritisation Framework does not remove the need for judgements to be made and is intended to *guide*, not replace, decision-making.

How to use the Framework:

- If the majority of the factors are towards the left column, the issue is a high priority.
- If the majority of the factors are towards the middle, the issue requires action, but is not a high priority.
- If the majority of the factors are towards the right column, the issue is a low priority.

Following prioritisation, an appropriate and proportionate policy and advocacy approach can be determined.

<b>Impact on Local Government Sector</b> Impact on Local Government sector without intervention	High	Medium	Low
<b>Reach</b> Number of member Local Governments affected	Sector-wide	Significant (multiple regions, Zones, or bands)	Few
<b>Influence</b> Capacity to influence decision makers	High	Medium	Low
<b>Principles</b> Alignment to core principles such as autonomy, funding, general competence	Strong	Partial	Peripheral
<b>Clarity</b> Policy change needed is clear and well-defined	Clear	Partial	Unclear

<b>Decision-maker support</b> Level of support among decision-makers (political and administrative)	High	Medium	Low
<b>Public support</b> Level of support among the public or other stakeholders	High	Medium	Low
<b>Positive consequences for WALGA</b> Prospect of positive consequences for WALGA. E.g. enhanced standing among members or leverage for other issues.	High	Medium	Low
<b>Negative consequences for WALGA</b> Prospect of negative consequences for WALGA for not undertaking the advocacy effort. E.g. diminished standing among members or other stakeholders.	High	Medium	Low
<b>Partnerships</b> Potential for partnerships with other stakeholders	Yes (3+)	Possibly (1-2)	No (0)

## RESOLUTION

**Moved:** Cr Matthew Niikula  
**Seconded:** Cr Jimmy Caunt

**That the Gascoyne Country Zone adopt the Policy and Advocacy Prioritisation Framework to determine the priority of a particular policy or advocacy issue, and guide future decision-making.**

**CARRIED**

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## 7.2 IMPORTANCE OF WALGA BECOMING A REGISTERED EMPLOYER ORGANISATION

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*By Tony Brown, Executive Director, Member Services,*

### BACKGROUND

Currently, WALGA is a registered industrial agent under the [Industrial Relations Act 1979 \(WA\) \(IR Act\)](#) which allows us to:

- appear as an agent for a WA Local Government or Regional Council (**Local Government**) in the Western Australian Industrial Relations Commission (**WAIRC**), Industrial Magistrate's Court or Industrial Appeal Court (**State Courts**); and
- provide advice or other services to Local Governments in relation to 'industrial matters' as defined in s.7 of the IR Act.

Since the mandate for Local Governments<sup>1</sup> to operate in the State industrial relations (IR) system from 1 January 2023, unions<sup>2</sup> have commenced various Local Government State awards<sup>3</sup> (**LG State Awards**) variation claims in the WAIRC to amend industry employment conditions including to:

- increase minimum wages for outside workers;
- introduce Fair Work standards in the State system (increase casual loading from 20 to 25%; insert casual conversion; and insert flexible working arrangements) and other conditions (insert employment equity for Aboriginal and Torres Strait Islander persons; insert cultural and ceremonial leave; and amend severance pay for regional redundancies); and
- increase industry allowance for compensation for disabilities on construction and maintenance work.

In addition the WASU, LGRCEU and other unions (such as the **Construction, Forestry, and Maritime Employees Union (CFMEU)**) as 'employee organisations' can make industrial agreements with Local Government employers under the IR Act.

A [recent decision of the WAIRC](#) has outlined although WALGA may intervene in award matters we are unable to represent named LG State Award employers and the broader Local Government sector in our own right.

Despite WALGA's advocacy since December 2022, the State Government has not agreed a pathway for WALGA to be provided with standing as an employer organisation under the IR Act.

For WALGA to represent Local Governments' views and have the same standing as the unions under the IR Act it has become vital for WALGA to seek to amend its constitution to apply to become an employer organisation.

If WALGA was to become an employer organisation it would provide more opportunity for WALGA to modernise the LG State Awards and intervene in industrial matters concerning the Local Government sector. In addition, the WAIRC is more likely to notify WALGA of award applications or variations and industrial agreement changes reducing the risk of unions being able to change the terms and conditions of the sector, with limited to no input from Local Governments or WALGA.

## COMMENT

WALGA will be looking to amend its constitution to enable WALGA to become a registered employer organisation at the 2024 AGM in October 2024.

An agenda item will be prepared for the June/July round of Zone/State Council meetings detailing the proposed amendments.

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<sup>1</sup> with the exception of the Shires of Christmas Island and Cocos (Keeling) Islands

<sup>2</sup> The Western Australian Municipal, Administrative, Clerical and Services Union of Employees (**WASU**) and the Local Government, Racing and Cemeteries Employees Union (WA) (**LGRCEU**)

<sup>3</sup> The [Local Government Officers' \(Western Australia\) Award 2021](#) and the [Municipal Employees \(Western Australia\) Award 2021](#). These awards have not been updated significantly since prior to the introduction of the *Fair Work Act 2009* (Cth). They were old 1999 Federal awards which were registered without amendment as interim awards in 2011 in the State system. They then became State awards in 2021. No significant amendments have been made to these awards over 23 years.

This item is for the Zones awareness of the need for WALGA to become an employer organisation and to note that constitutional amendments will be required.

For any questions about the constitutional amendment process, please contact Tony Brown, Executive Director Member Services, [tbrown@walga.asn.au](mailto:tbrown@walga.asn.au) or (08) 9213 2051.

## **Noted**

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### **7.3 ENHANCED AND ALTERNATIVE EDUCATION OPPORTUNITIES FOR REGIONAL WA**

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The Executive Officer of the Great Southern Country Zone has asked for this Item to be considered for inclusion in the Zone Agenda;

*Report by: Great Southern Country Zone*

#### **BACKGROUND**

The Great Southern Country Zone has written to the Minister for Education, Hon. Tony Buti MLA Zone seeking support to prioritise increased State Government investment to improve regional education, including:

- Increased access to alternative programs for students disaffected by main-stream education, those at risk or who have specific learning needs, who may be disruptive, falling behind and at risk of failing to learn; providing these students with intensive support, active, empathic, and practical instruction, combined with health and other services to enable their success.
- Increased secondary education distance ATAR, VET and other WACE subject courses, if necessary supplemented by private providers, with qualified teacher mentoring and support provided in schools closest to students, supplemented with online access to subject specialist teachers to enable student success.
- Implement strategies to attract and retain quality teachers and subject specialists in remote communities, including:
  - Subsidised high standard GROH housing.
  - Increased financial bonuses, for remote locations and to encourage longer term retention.
- Providing sufficient GROH housing for State Government employees to reduce pressure on regional private rental availability and improve housing security for teachers and all Government service staff when transferring to regional locations.

The Great Southern Country Zone's call to action from State Government, seeks to reduce disadvantage for students living in regional Western Australia, so they can access the same quality educational opportunities available in metropolitan and regional centres, without need to attend boarding schools. In addition, these strategies will also deliver substantial economic and social benefit for regional communities.

#### **COMMENT**

If your region also experiences disadvantage in educational opportunities, the Great Southern Country Zone now seeks your consideration of the below recommendations and if the

Gascoyne Country Zone accepts the recommendations below, then your Zone may use the above content to assist in developing your submissions.

The Great Southern Country Zone have requested that the Gascoyne Country Zone consider the following request;

1. Supports the call to action to reduce regional disadvantage in educational opportunities,
2. Agrees to write to the Minister for Education requesting action; and
3. Requests the WALGA Secretariat to advocate to State Government on this matter.

## **RESOLUTION**

**Moved:** Cr Matthew Niikula  
**Seconded:** Cr Jimmy Caunt

**That the Gascoyne Country Zone accepts the following recommendation:**

- 1. Supports the call to action to reduce regional disadvantage in educational opportunities,**
- 2. Agrees to write to the Minister for Education requesting action; and**
- 3. Requests the WALGA Secretariat to advocate to State Government on this matter.**

**CARRIED**

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## **7.4 NON-RATING OF MISCELLANEOUS MINING LICENSES**

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*By Shire of Upper Gascoyne*

### **Request for Support to pursue rateability of Miscellaneous Licenses**

Proposed by Shire of Upper Gascoyne

## **BACKGROUND**

The Mining Act 1978 defines the types of lease and license that may be approved for various mining activities. These include a Mining Lease, a Prospecting License, an Exploration License, and a Miscellaneous License.

A Miscellaneous License is issued for the purposes of infrastructure that is associated with mining activities, but not mining activities themselves.

Approved purposes include Roads, water pipelines, gas pipelines, power supply, airport, bridge, workers accommodation.

The Local Government Act provides in s6.26

## 6.26. Rateable land

- (1) Except as provided in this section all land within a district is rateable land.
- (2) The following land is not rateable land –
  - (a) land which is the property of the Crown and –
    - (i) is being used or held for a public purpose; or
    - (ii) is unoccupied, except –
      - (l) where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or

Traditionally Local Governments have not levied rates on Miscellaneous Licenses. In some limited instances, Local Governments have successfully applied to the Minister for Local Government for approval to rate Mining Camps utilising the Gross Rental Valuation method.

The Shire of Mount Magnet have interpreted the literal meaning of the s6.26(2)a(ii)(1) to be the exception to the exception of s6.26(1).

The Shire of Mount Magnet raised rates on Miscellaneous Licenses held in their Shire, and applied s6.39(2)b to apply rates to the previous 5 financial years -

- (2) A local government –
  - (b) is required, from time to time, to amend a rate record for the current financial year to ensure that the information contained in the record is current and correct and that the record is in accordance with this Act; and
  - (b) may amend the rate record for the 5 years preceding the current financial year.

An objection was received from one ratepayer and lodged with the State Administrative Tribunal.

The SAT heard this objection on 23<sup>rd</sup> January 2024 and their decision was handed down 19<sup>th</sup> March 2024. The decision was in favour of the applicant.

One consequence of the decision is the approval for rating Mining Worker Accommodation Villages on Miscellaneous Licenses, regardless of Valuation method, has been determined to be outside the authority of the Minister of Local Government to approve. Where this leaves Local Governments who have previously received approval is not yet clear.

The consequence to Local Governments across Western Australia is significant and of high value.

The Shire of Mount Magnet has received advice from Senior Counsel that the decision handed down contains errors of law and has recommended on that basis the decision be appealed.

## COMMENT

The SAT leaves the door open to appeal by stating that the decision is “not without doubt”.

The decision also notes that the Shire position was at times “forceful and persuasive”. A similar assessment of the applicant position was not evident.

The Shire of Mount Magnet have appointed Senior Counsel to represent their position and have lodged notice of intent to appeal the decision with the Supreme Court of WA.

The cost burden to the Shire of Mount Magnet is not insignificant, having already reached \$85,000. In consideration that the Shire of Mount Magnet, as with other Murchison zone Shires is one of the smallest in the state with least access to resources for a Supreme Court battle. The Shire is therefore seeking financial support from other Local Governments to continue the matter.

The GVROC are preparing to discuss their support for this proposal at their next meeting of councils. The Shire of Ashburton have previously provided advice they are prepared to offer financial support.

The applicant in the matter is likely to obtain similar, though more significant financial support from other Mining Companies due to the consequence of the matter to that industry.

## RESOLUTION

**Moved: Cr Matthew Niikula**

**Seconded: Cr Jimmy Caunt**

**That the Shires of the Gascoyne Zone are supportive of the Shire of Mount Magnet appeal of the SAT decision in relation to the matter of Atlantic Vanadium Pty Ltd vs Shire of Mount Magnet in the Supreme Court and further, that Councils of the zone will consider provision of financial support on an individual basis and respond to the Shire of Mount Magnet with their decision.**

**CARRIED**

## 8 EXECUTIVE REPORTS

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### 8.1 WALGA PRESIDENT'S REPORT

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State Councillor, President Eddie Smith presented the President's Report. The report was attached within the agenda.

**Noted**

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## **8.2 STATE COUNCILLOR'S REPORT TO THE ZONE**

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President Eddie Smith, presented on the previous State Council meeting.

**Noted**

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## **8.3 GASCOYNE DEVELOPMENT COMMISSION**

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Gascoyne Development Commissioner Chief Executive Officer, Tim Bray, provided an update to the Zone.

**Noted**

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## **8.4 DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES**

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DLGSC Regional Officer, Craig Vinci was an apology for this meeting.

The April 2024 report from the Department of Local Government, Sport and Cultural Industries (DLGSC) was provided as an attachment within the agenda.

**Noted**

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## **8.5 ROADWISE REPORT**

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Samantha Adams, Road Safety Officer, Mid-West was an apology for this meeting.

**Noted**

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## **8.6 REGIONAL DEVELOPMENT AUSTRALIA**

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Executive Officer, RDA Mid-West Gascoyne, Mark Holdsworth was an apology for this meeting.

**Noted**

## **9 OTHER BUSINESS**

**Nil**

## 10 NEXT MEETING

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### 10.1 ZONE MEETING DATES - 2024

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<b>Zone Meeting</b>	<b>Type</b>	<b>Location</b>
<b>10:00am, Friday 23 February</b>	<b>In-Person</b>	<b>Carnarvon</b>
10:00am, Friday 19 April	<i>Teleconference</i>	
<b>10:00am, Friday 21 June</b>	<b>In-Person</b>	<b>Upper Gascoyne</b>
10:00am, Friday 23 August	<i>Teleconference</i>	
<b>10:00am, Friday 22 November</b>	<b>In-Person</b>	<b>Carnarvon</b>

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### 10.2 NEXT MEETING

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The next meeting of the Gascoyne Country Zone will be held Friday, 21 June 2024 at the Shire of Upper Gascoyne commencing at 10am.

## 11 CLOSURE

There being no further business the Chair declared the meeting closed at 11:26am.