

# **Pilbara Country Zone**

## **Minutes**

**26 June 2023**

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# Pilbara Country Zone

Held via MS Teams

Monday 26 June 2023

The Chair declare the meeting open at 11:34 am

## Acknowledgement of Country

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

## Agenda

### MEMBERS

### 2 Voting Delegates from each Member Council

City of Karratha

Mayor Peter Long - **Chair**

Ms Virginia Miltrup, Chief Executive Officer non-voting delegate

Town of Port Hedland

Mayor Peter Carter

Cr Tim Turner

Mr Carl Askew, Chief Executive Officer, non-voting delegate

Shire of East Pilbara

President Cr Anthony Middleton

Cr Wendy McWhirter-Brooks

Mr Steven Harding, Chief Executive Officer non-voting delegate

Shire of Ashburton

President Cr Kerry White (joined at 11.43am)

Cr Linton Rumble

Mr Kenn Donohoe, Chief Executive Officer non-voting delegate

WALGA Secretariat

Deputy President, Cr Paul Kelly

Dana Mason, Manager Economics

Susie Moir, Policy Manager, Resilient Communities

Chantelle O'Brien, Governance Support Officer

DLGSC Representative

Mr Toby Cotterell, Regional Manager (*left the meeting at 12.50pm*)

Regional Development  
Australia – Pilbara

Mr Tony Simpson

Guest Speakers

Mat Rogers, Director – Risk Advisory, Deloitte Touche Tohmatsu

Tayissa Sweetlove, Principal Project Consultant - DFES

### APOLOGIES

City of Karratha

Cr Daiva Gillam

Roadwise

Mr Greg Hayes, Roadwise

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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 prior to the Zone meeting to the Chair and Secretariat.

Agenda Papers were emailed 7 days prior to the meeting date to your Council for distribution to Zone Delegates.

Confirmation of Attendance confirmation of attendance was noted at the commencement of the meeting.

## **ATTACHMENTS WITH THE AGENDA**

1. President's Report
2. Status Report
3. Previous Meeting Minutes
4. WALGA Draft Submission – BAM Act Review Stage 3

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### **1. DECLARATION OF INTEREST**

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Elected Members must declare to the Chairman any potential conflict of interest they have in a matter before the Zone as soon as they become aware of it. Councillors and deputies may be directly or indirectly associated with some recommendations of the Zone and State Council. If you are affected by these recommendations, please excuse yourself from the meeting and do not participate in deliberations.

**Nil.**

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### **2. DEPUTATIONS**

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*Note: Due to a conflict Construction Training Fund's presentation will be rescheduled for the November Pilbara Zone meeting.*

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#### **2.1 Disaster Relief Funding Review**

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WALGA Secretariat joined a Teams brief on Wednesday 7 June, in regard to the Disaster Relief Funding Review that is taking place.

Deloitte are coordinating an independent review and are seeking to engage with the Sector, of which there will be various ways to provide feedback.

Mat Rogers, from Deloitte provided the briefing to the members of the Pilbara Country Zone.

Presentation **attached (Nor for Distribution)**.

Also below is Mat Rogers's contact details and the link for the public submission process for the Review.

Link to the public submission process: [Independent Review of Commonwealth Disaster Funding - Public Submissions now open | National Emergency Management Agency \(nema.gov.au\)](#)

Mat Rogers

Director | Risk Advisory

Deloitte Touche Tohmatsu

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## 2.2 Australian Warning System

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WA's warnings for cyclone, storm, flood and bushfire will soon be changing to an easy to understand three level warning system through the implementation of the Australian Warning System.

Tayissa Sweetlove from DFES provided a brief update to the Zone on this matter.

Presentation **attached (Nor for Distribution)**.

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## 3. CONFIRMATION OF MINUTES

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### RESOLUTION

**Moved:** Mayor Peter Carter  
**Seconded:** Cr Linton Rumble

**That the Minutes of the meeting of the Pilbara Country Zone held on 27 April 2023 be confirmed as a true and accurate record of the proceedings.**

**CARRIED**

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## 4. BUSINESS ARISING

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### 4.1 Zone Status Report

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There are no outstanding items for the Pilbara Zone Status Report.

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## 5. STATE COUNCIL AGENDA - MATTERS FOR DECISION

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***(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 5 July 2023](#)

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

## **Matters for Decision**

### **7.1 Review of Urban Forest Advocacy Position**

That WALGA endorse a new Advocacy Position 4.6 Urban Forest as follows:

*To promote the growth of Western Australia's urban forest the State Government should:*

1. *Identify a lead agency with responsibility for setting the strategic direction and oversight of urban forest initiatives.*
2. *In consultation with Local Government:*
  - a. *Develop an Urban Forest Strategy, based on the overarching principles of a resilient, connected, expanded and equitable urban forest including:*
    - i. *an overall tree canopy target for the Perth and Peel regions,*
    - ii. *robust and contemporary data to inform decision making,*
    - iii. *funding mechanisms to support growth in urban canopy.*
  - b. *Develop contemporary legislative and policy mechanisms to enable the protection and growth of urban forest, including:*
    - i. *an effective and efficient regulatory mechanism that allows Local Government to consider the removal or alteration of a significant tree as a form of development.*
    - ii. *prioritisation of trees and vegetation as a key structural element in the design of new neighbourhoods to facilitate climate resilient and liveable communities.*
    - iii. *consideration of public realm design to maximise opportunities for tree retention and new planting consistent with any tree canopy targets.*
3. *Work with Local Government and other stakeholders to increase community awareness and promote behaviour change in relation to urban forest growth and retention to support State and Local Government targets and action.*
4. *Provide recurrent funding for a comprehensive and accessible Urban Greening Grant program to support Local Government investment in public realm planting, focusing on high urban heat areas and enhancing biodiversity outcomes.*

### **7.2 State Planning Policy 3.7 Bushfire**

That WALGA endorse the submission on *State Planning Policy 3.7 Bushfire* and the *Planning for Bushfire Guidelines*.

### **7.3 Reforming WA Disability Legislation Submission**

That WALGA endorse the submission to the Department of Communities relating to the *Consultation Paper – Reforming WA Disability Legislation*.

### **7.4 Landfill Bans Advocacy Position**

That WALGA endorse the following Landfill Ban Advocacy Position:

*Landfill bans are not supported in the absence of effective product stewardship schemes, or other funding mechanisms, for products which would be subject to the ban.*

### **7.5 Audit Experience Survey Results Summary and Advocacy Position**

That:

1. State Council note the Audit Experience Survey Results Summary; and
2. WALGA advocate to the Office of the Auditor General (OAG) to reform the audit process for Local Governments by seeking:
  - a. Audits of Local Governments are completed and reported on in a timely manner and that the processes, procedures and scope of audits are consistently applied.
  - b. That the OAG review the requirements for pre-audit information with a view to reducing the need for additional information where possible;
  - c. That the OAG review their costing formulae for Local Government audits and show constraint in audit cost increases;
  - d. That the OAG provide a breakdown on the cost of the audit and justification for any variance to the estimate to the Local Government as part of the final billing process;
  - e. That auditors be required to improve their communication and information management and avoid repeated requests for information that has already been provided;
  - f. That Local Governments only be required to communicate with contract Auditors (*unless the OAG is directly auditing the Local Government*) and the onus be placed on the contract Auditors to confirm their advice with the OAG before instructing the Local Government; and
  - g. In-conjunction with the Department of Local Government, Sport and Cultural Industries, review the application of Fair Value principles in the context of the audit.

## **7.6 Amendments to WALGA's Constitution**

That State Council endorse putting two items to the 2023 Annual General Meeting that:

1. propose a new Constitution to give effect to the alternate governance model as per the attached; and
2. amend the Constitution to retain the current governance model with necessary changes, as per the attached mark-up.

## **Matters for Noting / Information**

- 9.1 Flying Minute – Submission to 2023 State Wage Case
- 9.2 Environmental Protection Amendment Regulations 2022: Consultation Response
- 9.3 Local Government Performance Monitoring Project
- 9.4 Street Lighting Tariffs
- 9.5 2023-24 Federal and State Budgets
- 9.6 Update on the Commencement of the Aboriginal Cultural Heritage Act 2021
- 9.7 State Award Variations Impacting on Local Governments

## **RESOLUTION**

**Moved:** Cr Linton Rumble  
**Seconded:** Mayor Peter Carter

**That the Pilbara Country Zone**

1. **Supports all Matters for Decision as listed above in the July 2023 State Council Agenda; and**
2. **Notes all Matters for Noting, Policy Team and Committee Reports and Organisational Reports as listed in the July 2023 State Council Agenda.**

**CARRIED**

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## 6. BUSINESS

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### 6.1 Review of the Biosecurity and Agriculture Management Act 2007: Stage 3 Review

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*By Rebecca Brown, Manager Environment and Waste*

#### Executive Summary

- Consultation for Stage 3 of the review of the Biosecurity and Agriculture Management Act 2007 (BAM Act) has commenced, with feedback sought on potential biosecurity reform opportunities.
- WALGA has developed a draft Submission for sector feedback by 26 June.
- Zones are asked to consider and provide feedback on the proposals in the discussion paper and WALGA's draft Submission.
- Local Governments are also strongly encouraged to provide feedback directly to the Review Panel via the online portal by 30 June 2023.
- Local Governments are invited to attend a WALGA webinar on the proposed reforms, which will include a presentation from the Chair of the Independent BAM Act Review Panel, Kaylene Gulich, at 10.30am, Wednesday 14 June.

#### Background

The first 10-year [statutory review](#) of the [Biosecurity and Agriculture Management Act 2007](#) (BAM Act) is currently underway; this is a key opportunity for Local Government to influence the how post-border biosecurity is managed in Western Australia. The [Independent Panel](#) undertaking the review, is using a three-stage engagement process.

**Stage 1** (closed) - Used open submissions and a survey to identify major themes and issues. To inform comment on this stage of the review WALGA prepared a [Discussion Paper](#) which includes 11 key biosecurity themes and related recommendations reflecting issues raised by Local Government, and those identified in the [Auditor General's 2013 and 2020 Reports](#).

**Stage 2** (closed) - Stage 1 identified the key themes and stage 2 provided an opportunity to focus on these issues, which included:

- principles to underpin WA's biosecurity, including biosecurity in all contexts and shared responsibility.
- legal foundations of WA's biosecurity, including prioritising pests, weeds and diseases, and enabling industry and community action.
- planning, coordinating and resourcing WA's biosecurity system, including responsibilities and timing.
- community-led pest and weed management, including the Declared Pest Rate and Recognised Biosecurity Groups.

**Stage 3** – (now open) A [Discussion Paper](#) sets out nine priority reform areas, and identifies 21 opportunities to clarify, strengthen and support a strengthened biosecurity system in WA. The nine priority reform areas are:

1. Clarifying the role of the BAM Act
2. Working together to protect WA
3. Planning and reporting- vital to a better biosecurity system
4. Prioritising pests and diseases
5. Emergency powers- a necessary precaution
6. Compensation can boost biosecurity efforts
7. Enabling industries to act
8. Community-led pest management
9. Compliance with WA's biosecurity laws.



## Policy Implications

### 4.5 Post Border Biosecurity

Western Australia's economy, environment and the community are facing increasing challenges posed by already established and new pests, weeds and diseases. Local Government has a significant role in biosecurity management, as land managers and regulators, and therefore has an interest in ensuring that Western Australia's biosecurity system, including control of declared pests, is effective and appropriately resourced. WALGA considers significant changes to the operation of the State's biosecurity system, including the Biosecurity and Agriculture Management Act 2007, are required to ensure these risks can be managed now and into the future.

To be effective the Western Australian biosecurity system must:

1. Take a transparent approach to the notion of 'shared responsibility' by ensuring that:
  - a. The respective roles and responsibilities of Commonwealth, State and Local Government, industry, landholders, community groups and individuals are agreed and clearly articulated; and
  - b. There is improved pest management on State Government managed land and a formalised structure for State Government agencies with responsibilities for biosecurity management to work together and coordinate their activities.
2. Be underpinned by a strategic framework, developed in collaboration with stakeholders, that:
  - a. Establishes priorities for biosecurity threats in geographically defined regions, sets measurable targets and guides investment in biosecurity activities; and
  - b. Is regularly evaluated and reported on.
3. Have a greater focus on environmental biosecurity, through the increased recognition and management of pest species that have significant ecological impacts.
4. Be adequately, sustainably and equitably funded:
  - a. The appropriateness and effectiveness of the Declared Pest Rate (DPR) and Recognised Biosecurity Group (RBG) model as key mechanisms for the management of widespread and established declared pests should be reviewed and alternate mechanisms considered;
  - b. Increased and more equitable distribution of funding for every step in the biosecurity continuum and adequate resourcing for all stakeholders, including Local Government; and
  - c. The provision of funding for declared pest management in metropolitan areas.
5. Ensure that the criteria and process for listing of declared pests is evidence-based, timely and transparent.
6. Have an increased emphasis on compliance through education and enforcement activity, to ensure land managers are aware of their legislative responsibilities and are supported to implement biosecurity actions.
7. Facilitate the use of new technologies, strategic monitoring, and the establishment of data management systems to inform biosecurity investment decisions and support adaptive management.
8. Improve the community's understanding, awareness and action in relation to biosecurity to assist with threat surveillance and timely response to incursions.

## Comment

WALGA has developed a Draft Submission (**attached**) for consideration by the sector and is requesting feedback by **COB Monday 26 June** (via [environment@walga.asn.au](mailto:environment@walga.asn.au)). WALGA is hosting a webinar regarding Stage 3 of the Review, at 10.30am, Wednesday 14 June, with a presentation from the Chair of the Independent Review Panel, Kaylene Gulich. Register [here](#).

WALGA requests that the Zone consider the Draft Submission and provide feedback to WALGA on:

- The top priority reform areas (from the nine listed) for the Zone
- Any key reform areas which have been missed
- Feedback on WALGA's comments regarding the 21 Opportunities identified.

Local Governments are strongly encouraged to provide feedback directly to the Review Panel by Friday, 30 June 2023 through the online survey portal [here](#).

## Noted

Cr Anthony Middleton left the meeting at 12.58pm and did not return.

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## **6.2 Council Member – Re-Imbursement Insurance Claim Excess**

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*By the Shire of East Pilbara*

### **BACKGROUND**

At the most recent meeting of the Council of the Shire of East Pilbara, it was unanimously resolved to prepare a submission for consideration by the WALGA Pilbara Country Zone in support the reimbursement of out-of-pocket expenses of Council Members associated with motor vehicle insurance claims arising from Council related travel.

Council undertook a review of its policy relating to insurance cover for Council Members. The review was undertaken in the context of section 5.98(6) of the Act, which states:

*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.*

In addition to insurance coverage for corporate travel and management liability of elected members, the Policy also provided for the payment of any out-of-pocket excess amount or 'shortfall' incurred by a Council Member for insurance claims made for repairs and services to a private motor vehicle used for the purposes of Council business. The provision is inconsistent with s.5.98(6) of the Act and was removed.

Clause 8.2(5) of the Salaries and Allowances Tribunal *Local Government Chief Executive Officers and Elected Members Determination No 1 of 2023* has determined the extent to which reimbursements may be made with respect to travel costs associated with the use of a private motor vehicle "are to be calculated at the same rate contained in Section 30.6 of the *Local Government Officers' (Western Australia) Award 2021* as at the date of this determination", and makes no provision for additional costs, such as gap payments arising from insurance claims.

Given the extensive travel undertaken by Councillors on remote gravel roads in private motor vehicles throughout the East Pilbara District and the high incidence of windscreen breakages, WALGA's Pilbara Country Zone is asked to consider making a submission to the Salaries and Allowances Tribunal in support of extending reimbursements to cover out-of-pocket expenses associated with insurance claim excess payments. This situation will be understood in particular by Council Members representing communities in other local government districts of the Pilbara.

Zone discussion: The Zone was advised that when Elected Members are travelling on Council businesses, a Council vehicle that has appropriate insurance cover should be used.

### **RESOLVED**

**No further action on this item.**

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## **7. OTHER BUSINESS**

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## **8. EXECUTIVE REPORTS**

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### **8.1 President's Report to the Zone**

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WALGA Deputy President, Cr Paul Kelly presented the President's Report.

**Noted**

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### **8.2 State Councillor's report to the Zone**

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WALGA State Councillor, Mayor Peter Long provided some highlights of the previous State Council meeting, as he was an apology for the May State Council meeting.

**Noted**

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### **8.3 Department of Local Government, Sport and Cultural Industries Representative Update Report.**

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The Department of Local Government, Sport and Cultural Industries representative Toby Cotterell, was present at the commencement of the meeting though left before the update could be provided.

**Noted**

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### **8.4 Regional Development Australia – Pilbara Region**

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The Regional Development Australia – Pilbara Region Chief Executive Officer, Tony Simpson provided an update the Zone on the following:

- OECD Conference
- DAMA
- Grant Guru
- Karratha and Port Hedland airport services expansion advocacy (outside of Perth)
- Defence West

**Noted**

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### **8.5 Roadwise Update**

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Greg Hayes was an apology for this meeting.

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**9. DATE, TIME AND PLACE OF NEXT MEETING**

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The next ordinary meeting of the Pilbara Country Zone be held on Tuesday 22 August 2023, to be held by MS Teams, commencing at 11.30 am.

\*Please note the change of date

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**10. CLOSURE**

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There being no further business the Chair declared the meeting closed at 1.15pm.