



# GVROC Council Meeting to consider WALGA State Council Agenda Items

## Unconfirmed Minutes

Friday 17 February 2023  
Zoom Videoconference, commencing at 8.30am

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# GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (GVROC)

**Videoconference meeting of the GVROC Council to consider WALGA State Council Agenda Items held Friday 17 February 2023 8.30am**

## AGENDA

### 1. OPENING AND ANNOUNCEMENTS

The purpose of the meeting is to provide advice to the WALGA State Council Representative, Cr Laurene Bonza on the Agenda for the WALGA State Council Meetings to be held on 1 March 2023.

### 2. DECLARATION OF INTEREST

Pursuant to the Code of Conduct, Councillors and CEOs must declare to the Chairman any potential conflict of interest they may have in a matter before the Goldfields Voluntary Regional Organisation of Councils as soon as they become aware of it. Councillors, CEOs and Deputies may be directly or indirectly associated with some recommendations of the Goldfields Voluntary Regional Organisation of Councils. If you are affected by these recommendations, please excuse yourself from the meeting and do not participate in deliberations.

### 3. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

#### 3.1 Attendance

Cr Mal Cullen (Chair)	President, Shire of Coolgardie
Cr Tracey Rathbone	Councillor, Shire of Coolgardie
Cr Kim Eckert	Councillor, City of Kalgoorlie Boulder
Cr Laurene Bonza	President, Shire of Dundas
Mr Peter Fitchat	CEO, Shire of Dundas
Cr Ian Mickel	President Shire of Esperance
Mr Shane Burge	CEO, Shire of Esperance
Cr Ron Chambers	Councillor, Shire of Esperance
Cr Patrick Hill	President, Shire of Laverton
Mr Phil Marshall	A/CEO, Shire of Laverton
Mr Jim Epis	CEO, Shire of Leonora
Cr Peter Grundy	President, Shire of Wiluna
Mr Kevin Hannagan	CEO, Shire of Ngaanyatjarraku
Mr David Mosel	General Manager of Operations, Shire of Ngaanyatjarraku
Mr Cary Green	Director Governance & Corporate, Shire of Ngaanyatjarraku
Mr Andrew Mann	Executive Officer, GVROC

#### 3.2 Apologies

Mr James Trail	CEO, Shire of Coolgardie
Cr John Bowler	Mayor, City of Kalgoorlie-Boulder
Mr Andrew Brien	CEO, City of Kalgoorlie Boulder
Cr Sharon Warner	Councillor, Shire of Dundas
Cr Robert Wedge	Councillor, Shire of Laverton
Cr Peter Craig	President, Shire of Leonora
Cr Paul Warner	Councillor, Shire of Menzies
Cr Jill Dwyer	Councillor, Shire of Menzies
Mr Rob Stewart	A/CEO, Shire of Menzies
Cr Timothy Carmody	Councillor, Shire of Wiluna
Mr Gary Gaffney	CEO, Shire of Wiluna
Cr Damian McLean	President, Shire of Ngaanyatjarraku

### 3.3 Guests

Nil

### 3.4 WALGA Representatives

**Tim Lane**                      Manager Corporate and Association Governance  
**Tony Brown**                  Executive Director Member Services – joined at 9:35am  
**Michelle Blackhurst**        Regional Road Safety Advisor, WALGA RoadWise Program

### 3.5 DLGSC Representatives

**Tom Fleming**, Principal Policy Officer - Child Safeguarding Implementation Unit  
**Kate McNamara**, Child Safeguarding Implementation Unit

## 4. **MINUTES OF MEETINGS**

### 4.1 Minutes of a Meeting of GVROC to consider WALGA State Council Agenda Items held 25 November 2022

Minutes of the GVROC Council Meeting to consider WALGA State Council held Friday 25 November 2022 are presented for adoption (**Attachment 1**).

#### **RECOMMENDATION:**

That the Unconfirmed Minutes of the GVROC Council Meeting to consider WALGA State Council held Friday 25 November 2022 be confirmed as a true and correct record of proceedings.

**RESOLUTION:**                      **Moved: Cr Ian Mickel, Shire of Esperance**  
    **Seconded: Cr Tracey Rathbone, Shire of Coolgardie**

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**Carried**

### 4.2 Action Sheet Report

An update on the actions based on the resolutions from the meeting held on 25 November 2022 meeting are presented for noting (**Attachment 2**).

#### **RECOMMENDATION:**

That the Action Sheet Report as listed for noting be received.

**RESOLUTION:**                      **Moved: Cr Tracey Rathbone, Shire of Coolgardie**  
    **Seconded: Cr Laurene Bonza, Shire of Dundas**

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**Carried**

## 5. EMERGING ITEMS

**From:** Chair GVROC

**Background:**

WALGA State Council meets five times each year and as part of the consultation process with Member Councils circulates the State Council Agenda for input through the Zone structure. The Zone can provide comment or submit an alternate recommendation that is then presented to the State Council for consideration.

A full copy of the State Council Agenda for the meeting on 1 March 2023 can be found at **Attachment 3**.

Notification of emerging items must be provided to the Chair no later than 24 hours prior to the meeting.

**Motion called by Cr Laurene Bonza to consider Item 5.1 below related to the Local Government Reform Regulations and Superannuation for Sitting Members.**

**MOTION TO ACCEPT ITEM:**

**Moved: Cr Ian Mickel, Shire of Esperance**

**Seconded: Cr Peter Grundy, Shire of Wiluna**

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### 5.1 Local Government Reform Regulations – Superannuation for Sitting Members

**COMMENT:**

Cr Laurene Bonza, Shire of Dundas President noted that the Local Government Act Reform process will be regulated through two tranches through Parliament and it has come to the attention of her that with upcoming Local Government Elections this year to ensure good candidates, and in particular female representation, that it is important that the issue of superannuation for sitting members in the reform process be included as part of the Tranche One reforms to be approved and implemented by Government early this year.

The GVROC do not support this issue being held off until Tranche 2 reforms are considered.

**RECOMMENDATION**

**The GVROC State Councillor, Cr Laurene Bonza, to request WALGA and the State Council to advocate to the Minister for Local Government and the State Government for the Superannuation for Local Government Sitting Members to be included in Tranche One of the Local Government Act Regulation Reform process.**

**MOTION RESOLUTION:** **Moved: Cr Ian Mickel, Shire of Esperance**

**Seconded: Cr Peter Grundy, Shire of Wiluna**

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**Carried**

## **6. Review of WALGA State Council Agenda - Matters for Decision**

### **6.1 Proposed Advocacy Position on Constitutional Recognition of Aboriginal and Torres Strait Islander People**

#### **WALGA Recommendation**

That the following Advocacy Position be endorsed:

**WALGA supports constitutional recognition of Aboriginal and Torres Strait Islander People through the enshrining of a Voice to Parliament.**

#### **IN BRIEF:**

- The Australian Government will hold a referendum in the second half of 2023 on amending the Constitution to enshrine an Aboriginal and Torres Strait Islander Voice to Parliament (the Voice) as part of its commitment to implement the Uluru Statement from the Heart.
- At its December 2022 meeting State Council resolved that WALGA prepare an advocacy position in support of constitutional recognition to be circulated to WALGA Zones for their next meeting for consideration and feedback.
- WALGA has prepared the attached Information Paper for WALGA Zones and State Council to facilitate discussion on the proposed WALGA Advocacy Position.

#### **ATTACHMENT:**

- [Information Paper: Constitutional Recognition of Aboriginal and Torres Strait Islander People](#)

#### **POLICY IMPLICATIONS:**

WALGA does not have a position on constitutional recognition of Aboriginal and Torres Strait Islander people. Relevant current [Advocacy Positions](#) include:

##### **3.1.2 Reconciliation Position Statement**

*The Association supports the efforts of the Local Government sector to recognise and respect Aboriginal cultural practices and places of meaning, through the development of Reconciliation Action Plans.*

(September 2012 - 118.5/2012)

##### **1.1 State-Local Government Partnership Agreement**

The 2021 [Partners in Government Agreement](#) which commits the Western Australian Government and Local Government to work together on the implementation of the National Closing the Gap Agreement.

(December 2020 - 142.6/2020)

##### **2.5 Local Government Legislation**

WALGA's [Local Government Reform Submission](#), endorsed by State Council in February 2022 supported the inclusion of a [principle](#) in the Local Government Act recognising Aboriginal people.

(February 2022 - 312.1/2022)

WA Local Government and other Local Government Association positions are detailed in the attached information paper.

#### **BACKGROUND:**

The Commonwealth Government will hold a referendum in the second half of 2023 seeking support for a constitutional amendment to establish an Aboriginal and Torres Strait Islander Voice to Parliament as part of its commitment to implementing the 2017 [Uluru Statement from the Heart](#).

On 6 December 2022, it was resolved that State Council:

- *Support a robust and respectful national debate on constitutional recognition for Aboriginal and Torres Strait Islanders and requests the Commonwealth Government provide further details on the proposed Voice to Parliament.*
- *Request that the Commonwealth Government ensure that Local Governments and local communities across WA are meaningfully engaged with on this issue.*
- ***Request WALGA prepare an advocacy position in support of constitutional recognition to be circulated to WALGA Zones for their next meeting for consideration and feedback.***

As at January 2023, four WA Local Governments had passed Council motions in support of the Uluru Statement from the Heart and / or a Voice to Parliament, the [City of Bayswater](#), [City of Fremantle](#), [City of Vincent](#), and [Shire of Denmark](#).

A WALGA position would not be binding on individual Local Governments.

**COMMENT:**

Constitutional recognition is a relevant matter for WALGA to consider, given its importance to Aboriginal and Torres Strait Islander people; the implications for all tiers of Government; and Local Governments' unique role in considering and making decisions that impact on Aboriginal people in their communities.

With the focus on connecting the National voice to Local and Regional voices, the implications of a constitutionally enshrined Voice to Parliament will have implications for all levels of government. It will have a tangible impact on Aboriginal and Torres Strait Islander people living in Local Government Areas across Australia, and their capacity to equitably represent all their constituents.

A national Voice to Parliament is likely to be linked via a two-way relationship to local and regional Voices and therefore has a direct link to Local Government. Through their place-based functions and connection to community, Local Governments can provide leadership to develop and build relationships, undertake meaningful local consultation, and provide the building blocks for local, regional and ultimately national change.

Local Government, as the closest level of government to communities, is uniquely placed to build awareness and support for the referendum. Support for constitutional recognition would be an important tangible demonstration of the critical leadership role Local Government plays in the community and with Aboriginal people, and the sector's strong commitment to the ongoing work in progressing reconciliation and Closing the Gap.

A WALGA position would not be binding on individual Local Governments. It would demonstrate leadership and demonstrate the constructive and progressive role of Local Government on a matter of national significance with which all Australians should be engaged, and which is of particular relevance and importance to Aboriginal people.

WALGA taking a position in support of constitutional recognition may also highlight the opportunity for individuals in communities across Western Australia to seek out information and make an informed decision in the lead up to the referendum.

**GVROC COMMENT:**

On 22 December our GVROC State Council Representative emailed all GVROC members advising the following:

Good morning 'GVROC'

I just wanted to send an email in relation to an item that came up at the last State Council meeting on 7<sup>th</sup> December regarding the proposed referendum on constitutional recognition and the Voice to Parliament.

There were three zones, East Metro, South Metro and Peel who all put up zone resolutions that appear to broadly support the proposal that WALGA should have an advocacy position in support of the 'Voice to Parliament' being enshrined in the constitution.

Firstly, there was considerable debate surrounding the question of whether the State Council should consider the resolutions, which had morphed into one, brought forward by Peel. The vote on whether to consider the motion was carried narrowly.

The proposal as put forward by Peel, (after some tweaking and much more debate around the table) is tabled from the minutes, below:

**MOTION Moved:** President Cr Michelle Rich **Seconded:** Cr Doug Thompson

**That the Zone items relating to the Aboriginal and Torres Strait Islander Voice to Parliament be considered at this meeting.**

**RESOLUTION 414.8/2022 CARRIED**

**MOTION Moved:** President Cr Michelle Rich **Seconded:** Cr Doug Thompson

**That State Council:**

- 1. Supports a robust and respectful national debate on constitutional recognition for Aboriginal and Torres Strait Islanders and requests the Commonwealth Government provide further details on the proposed Voice to Parliament.**
- 2. Requests that the Commonwealth Government ensure that Local Governments and local communities across WA are meaningfully engaged with on this issue.**
- 3. Requests WALGA prepare an advocacy position in support of constitutional recognition to be circulated to WALGA Zones for their next meeting for consideration and feedback.**

**AMENDMENT Moved:** Mayor Peter Long **Seconded:** President Cr Chris Pavlovich

**That point 3 be amended to read:**

- 3. Requests WALGA prepare a paper on constitutional recognition to be circulated to WALGA Zones for their next meeting for consideration and feedback.**

**THE AMENDMENT WAS PUT AND LOST**

The original motion was put:

**That State Council:**

- 1. Supports a robust and respectful national debate on constitutional recognition for Aboriginal and Torres Strait Islanders and requests the Commonwealth Government provide further details on the proposed Voice to Parliament.**
- 2. Requests that the Commonwealth Government ensure that Local Governments and local communities across WA are meaningfully engaged with on this issue.**
- 3. Requests WALGA prepare an advocacy position in support of constitutional recognition to be circulated to WALGA Zones for their next meeting for consideration and feedback.**

**RESOLUTION 415.8/2022 CARRIED**

President Cr Michelle Rich called for a division.

**For**

1. Mayor Carol Adams
2. Mayor Ruth Butterfield
3. Cr Carl Celedin
4. Cr John Daw
5. President Cr Tony Dean
6. Cr Catherine Ehrhardt
7. Cr Russ Fishwick
8. Mayor Mark Irwin
9. Cr Paul Kelly
10. Mayor Peter Long
11. President Cr Michelle Rich
12. Cr Kerry Smyth
13. Cr Doug Thompson

**Against**

1. President Cr Phil Blight
2. President Cr Laurene Bonza
3. Cr Cheryl Cowell
4. Cr Frank Cvitan
5. President Cr Moira Girando
6. Mayor Logan Howlett
7. Cr Chris Mitchell
8. Cr Chris Pavlovich
9. Cr Les Price
10. Cr Ken Seymour



As you can see, I voted against the motion as put forward. The motion as to whether the item should be considered prior to zone consultation came out with similar numbers for and against. Given that we didn't have the opportunity to consult with our zones, I thought I'd just let everyone know my thought processes on the day.

1. Like it or not, this issue is emotive and will be divisive.
2. In general, I feel we are being 'forced' to take a position on this matter and that the position we take is also being prescribed to only have one outcome. That outcome is largely being pushed along emotive lines.
3. In the referendum on whether we should become a Republic, LGs were not asked or pushed to take a position one way or the other.
4. Referendums are based on votes by individuals. LGs will not be voting on the referendum except as individual members of the community.
5. In all Councils, as with most things, there will be different opinions on this matter around the table, as there will be different opinions within each of our communities. (This was very evident around the State Council table!!) How then do we canvass a community position on this matter? If we do conduct some kind of survey, how does that then lead to the need for a referendum? How do we reconcile the views of the entire community to come up with one LG position? And how do we then reconcile that position with what may be different views around each of our Council tables. Or if we simply decide a position without community consultation, how do we reconcile that with the varied views in that community? I think we can get ourselves into enough divisive arguments on almost anything we do, without introducing scope for further conflict in the community.
6. Regardless of whether you agree with the premise being put forward for the referendum, I feel we are really being pressured to only vote one way. Given the amount of pressure being brought to bear, why doesn't the Govt simply bring the Voice into being and save the money to be spent on a referendum to use in more practical way.
7. The motion above, as it was carried, appears to me to be contradictory, in that part 1. supports **respectful debate** but, part 3. requests an **advocacy position in support** of constitutional recognition. I'm not sure how or why, you have a respectful debate if you've already taken a position to support.
8. Ultimately, I feel whichever side of the fence you fall, the matter is not one LG should be taking a position on as it is purely an individual vote. If we take a position on this, by extension, we should also support one party or the other at each election, which opens a whole new can of worms in relation to politicising our Local Govts, as is the process in places like NSW and Vic. Personally, I think that would be a very unfortunate path to go down.

In my mind, there are still many questions to be answered in relation to what the question for the referendum will be. Will constitutional recognition be a separate issue to the 'Voice to Parliament'? Who will decide who the representatives of the advisory body, the 'Voice', will be, and how will it be determined that there is equal representation, or even just any representation, of all the various groups of Indigenous people across the country? Will the positions on the advisory body be paid positions and which bucket will that money come from?

I'm happy to be told if these questions have already been answered.

Anyway, I just wanted to convey that in this case I, personally, don't think this is something LGs should take a position on as it comes down to a purely personal evaluation of the question to be put to a referendum. Happy for feedback to inform which way you want me to vote at next State Council meeting, 1<sup>st</sup> March 2023.

Several of the GVROC responses to Cr Bonza's email fully supported her position, but we now require the remainder of GVROC to advise our State Council Representative on whether to support this item at State Council, noting that within the item WALGA clearly states that this WALGA position would not be binding on individual Local Governments.

**RECOMMENDATION**

**The GVROC:**

1. notes WALGA's support for constitutional recognition of Aboriginal and Torres Strait Islander People through the enshrining of a Voice to Parliament.

**MOTION** called to add the following to the recommendation.

**MOTION RESOLUTION:**     **Moved: Cr Patrick Hill, Shire of Laverton**  
  **Seconded: Cr Laurene Bonza, Shire of Dundas**

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2. acknowledge the importance of the recognition of all Australians in the Australian Constitution.
3. advise WALGA through the State Council that it believes it should not be actively participating with an advocacy position in the National Referendum on a Voice to Parliament as it is a vote by individuals, and LGAs are not voting as an organisation on the referendum except as individual members of the community.
4. request that WALGA develop a policy and advisory position on this matter for LGAs once the outcome of the referendum is known, and if passed when the details of how it will work are advised, outlining the impact and responsibilities for LGA's going forward.

**RESOLUTION:**                     **Moved: Cr Tracey Rathbone, Shire of Coolgardie**  
  **Seconded: Mr Jim Epis, Shire of Leonora**

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**Carried**

## **6.2 Community Disaster Resilience Strategy Submission**

### **WALGA Recommendation**

**That the submission on the draft Western Australian Community Disaster Resilience Strategy be endorsed.**

### **IN BRIEF:**

- The State Emergency Management Committee (SEMC) has released the draft Western Australian Community Disaster Resilience Strategy (CDRS) for public consultation, until
- 3 March 2023.
- The Strategy intends to provide the guidance to support all Western Australians to increase their disaster resilience.
- The Strategy builds on a CDRS Discussion Paper. WALGA previously provided input on the discussion paper, and Local Government Consultation was also undertaken by SEMC
- WALGA has prepared a draft Submission that is supportive of the CDRS

### **ATTACHMENTS:**

- *WALGA Submission March 2023 - Community Disaster Resilience Strategy*
- [Draft Community Disaster Resilience Strategy](#)

### **POLICY IMPLICATIONS:**

This submission relates to the following emergency management [Advocacy Positions](#) (included as an appendix to the submission):

- [8.1 Emergency Management Principles](#)
- [8.2 State Emergency Management Framework](#)
- [8.3 Sustainable Grant Funding Model for Emergency Management](#)

The following WALGA advocacy positions are also relevant.

- [3.1.1 Service Delivery to Aboriginal Communities](#)
- [3.11 Homelessness](#)
- [4.1 Climate Change](#)
- [5.4.3 Betterment](#)

### **BACKGROUND:**

WALGA provided feedback to on the WA Community Disaster Resilience Strategy Discussion Paper via letter on Monday, 4 April 2022. The letter expressed support for the preparation of a CDRS to strengthen community resilience to disasters and hazards in WA. WALGA sought feedback from Local Governments through WALGA's Local Government Emergency Management Advisory Group (LGEMAG) and feedback received from members during the consultation period directly, or through the three workshops held for Local Governments by SEMC.

WALGA's submission emphasised the resourcing implications of the initiatives and actions identified in the Discussion Paper and importance of releasing the CDRS for a formal consultation process to ensure that the implementation actions proposed were reasonable and achievable.

- In December 2022, the SEMC released a draft [Western Australian Community Disaster Resilience Strategy](#) for public comment. WALGA prepared a draft submission and sought feedback from the Local Government Sector. Feedback was received from the City of Rockingham, the Shire of Mundaring, and the Shire of Ashburton, the Shire of Wagin, the Shire of Coorow and the Shire of Dundas.

The final Strategy will be submitted to the SEMC and the Minister for Emergency Services for approval to publish in 2023.

### **COMMENT:**

The WA CDRS is a significant strategic milestone for emergency management in our State. Local Government plays a critical role in supporting the community to prevent, prepare for, respond to, and recover from emergencies. Local Governments also build community resilience as part of their everyday business, enhancing health and wellbeing and supporting vulnerable communities including children and young people, the homeless, Aboriginal communities, people with disabilities, multicultural communities and seniors, and undertaking hazard and climate change mitigation activities.

The WALGA submission generally supports the WA CDRS and also recommends the following:

1. The CDRS requires greater coherence and connection between principles, objectives, and initiatives to guide effective action and support meaningful evaluation.
2. WALGA welcomes initiative *4.1 Improved access to Financial Support* and strongly supports the proposed establishment of a State Disaster Risk Reduction Fund. This has the potential to make a significant and positive impact on the resilience of local communities across the State to disasters.
3. The opt-in model for the CDRS, suggests there is no resources committed, nor responsibility allocated for implementing initiatives. This reduces the likelihood that the Strategy will achieve its outcomes and objectives or drive improvements in resilience across Western Australian communities. WALGA recommends that this is addressed by:
  - a. Inclusion of a clear implementation plan with roles, responsibilities, and accountabilities at the State level.
  - b. Exploring options to bring the CDRS into effect, including through allocating funds to support a network of experienced advisors to work with Local Governments and Communities to implement initiatives under the Community Disaster Resilience Strategy.

The draft WALGA submission to the *Western Australian Community Disaster Resilience Strategy* was endorsed by the People and Place Policy Team on Wednesday, 25 January.

## **RECOMMENDATION**

**GVROC endorse the WALGA submission on the draft Western Australian Community Disaster Resilience Strategy.**

**RESOLUTION:**                      **Moved: Cr Tracey Rathbone, Shire of Coolgardie**  
   **Seconded: Cr Laurene Bonza, Shire of Dundas**

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**Carried**

## 6.3 Child Safeguarding Advocacy Position

### WALGA Recommendation

That the Child Safeguarding Advocacy Position as follows be endorsed:

#### Child Safeguarding

1. **Local Government supports:**
  - a. **the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse 2017, in particular Recommendation 6.12 which can be achieved by Local Government implementing and embedding child safeguarding across its functions with support from Governments at the national, state and territory levels; and**
  - b. **the ten National Principles for Child Safe Organisations (Australian Humans Rights Commission).**
2. **The State Government through an Independent Oversight Body should provide financial, resourcing and capacity building support to Local Governments to implement and embed child safeguarding across its functions, through the provision of:**
  - a. **supporting materials such as template policies, procedures and guidelines;**
  - b. **consistent key messaging and resources to promote and share in venues and facilities and online;**
  - c. **examples of best practice, including case studies;**
  - d. **self-assessment tools to assist Local Government;**
  - e. **ongoing training and skills development for Local Government staff, including online training options;**
  - f. **funding for the delivery of the child safeguarding function within smaller, less well resourced (Band 3 and Band 4) Local Governments; and**
  - g. **expert officers within each region to provide support and guidance to Local Government on child safeguarding.**
3. **The Local Government sector supports Local Government participation in the State's National Redress Scheme, with full financial coverage by the State.**

#### IN BRIEF:

- Since 2018 WALGA has consulted extensively with Local Government in relation to the response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) including the National Redress Scheme, Reportable Conduct and Child Safety Officers.
- WALGA has developed a Child Safeguarding Advocacy Position which will be used to guide policy development, advocacy, and capacity building activities for Local Government within the State framework.
- The new Advocacy Position has been developed based on submissions previously endorsed by State Council and extensive consultation with Local Government, and is supported by the Local Government Child Safety Communities of Practice network and the Community Industry Reference Group (CIRG).

#### ATTACHMENT:

- [Draft Child Safeguarding Advocacy Position Background Paper](#)

#### POLICY IMPLICATIONS:

WALGA's existing [Advocacy Position](#):

##### 3.10.2 National Redress Scheme

*The Local Government sector supports Local Government participation in the State's National Redress Scheme, with full financial coverage by the State.*

(March 2020 – Resolution 14.1/2020)

This Advocacy Position is now included at point 3 of the new Position. The proposed new Advocacy Position provides:

### **Child Safeguarding**

1. *Local Government supports:*
  - a. *the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse 2017, in particular Recommendation 6.12 which can be achieved by Local Government implementing and embedding child safeguarding across its functions with support from Governments at the national, state and territory levels; and*
  - b. *the ten National Principles for Child Safe Organisations (Australian Human Rights Commission).*
2. *The State Government through an Independent Oversight Body should provide financial, resourcing and capacity building support to Local Governments to implement and embed child safeguarding across its functions, through the provision of:*
  - a. *supporting materials such as template policies, procedures and guidelines;*
  - b. *consistent key messaging and resources to promote and share in venues and facilities and online;*
  - c. *examples of best practice, including case studies;*
  - d. *self-assessment tools to assist Local Government;*
  - e. *ongoing training and skills development for Local Government staff, including online training options;*
  - f. *funding for the delivery of the child safeguarding function within smaller, less well resourced (Band 3 and Band 4) Local Governments; and*
  - g. *expert officers within each region to provide support and guidance to Local Government on child safeguarding.*
3. *The Local Government sector supports Local Government participation in the State's National Redress Scheme, with full financial coverage by the State.*

### **BACKGROUND:**

Since 2018 WALGA has consulted extensively with Local Government in relation to the response to [recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse \(the Royal Commission\)](#) relevant to the sector, including:

State Government's Child Safety Implementation Plan  
National Redress Scheme  
Reportable Conduct Scheme  
Child Safety Officers  
Independent Oversight System  
Child Safe Awareness Policy (draft)

An overview of previous consultation and State Council resolutions relating to the Royal Commission recommendations is provided in the *Background Paper – Child Safeguarding Advocacy Positions* (attached).

The centerpiece of the State's Child Safety Implementation Plan is the establishment of an Independent Oversight Body that will oversee a statutory framework for the implementation of the National Principles for Child Safe Organisations.

In December 2022, the Department of Premier and Cabinet (DPC) briefed peak bodies, including WALGA, on the progress of the Independent Oversight system. An announcement is expected in early 2023 with draft policy proposals on the regulatory model.

In 2022, the State Government, via the Department of Communities (DoC) in collaboration with Department Local Government Sport and Cultural Industries (DLGSC), commenced the development of a Child Safe Awareness Policy (the Policy) for Local Government aligned with recommendation 6.12, Child Safety Officers. The draft Policy was developed via a co-design process with Local Government, involving 35 Local Government officers, WALGA and the Commissioner for Children and Young People (CCYP).

DLGSC will be providing an update on the draft Policy at February Zone meetings with a view for the draft Policy to be presented to State Council in May 2023.

**COMMENT:**

WALGA continues to advocate to the State Government that the Child Safe Awareness Policy needs to be considered in the context of a broader implementation plan for all the Royal Commission's recommendations relevant to Local Government. WALGA also considers that the establishment of an Independent Oversight Body is a critical step in laying the foundation for an integrated child safeguarding system and is seeking more detailed information on who will be taking on the role of Independent Oversight, and the framework for the capability building approach specifically for Local Government. A formal child safeguarding advocacy position will enable WALGA to continue to advocate strongly on behalf of the sector on these issues.

The new Advocacy Position has been developed based on submissions previously endorsed by State Council and extensive consultation with Local Government, and is supported by the Local Government Child Safety Communities of Practice network and the Community Industry Reference Group (CIRG).

The draft *Child Safeguarding Advocacy Position* was endorsed by the People and Place Policy Team on Wednesday, 25 January.

**GVROC COMMENTS:**

The GVROC noted the presentation from Kate McNamara and Tom Fleming from the Child Safeguarding Implementation Unit housed within the DLGSC and the request for local governments to get involved in the Pilot Program.

While this was noted and the issue of child safety was recognised as something that all people and organisations need to take responsibility for, the GVROC LGAs would like the State Government, and in particular the Department of Communities, to communicate and take action on this critical issue in the region and not asking local governments, especially smaller regional LGAs with limited capacity or capability in this area to step in. All GVROC LGAs expressed their concerns with the lack of action from the Department of Communities and requested Kate and Tom to take this back through the Child Safeguarding Implementation Unit with the Department of Communities.

It was also recommended that Tom and Kate present to the Goldfields District Leadership Group, to ensure they hear this message and understand their role and responsibilities.

On the basis of this discussion, it was also recommended that the GVROC only note the WALGA Child Safeguarding Advocacy Position as presented, rather than endorse it, until there is a better understanding of what the ramifications on LGAs for this position is known.

**RECOMMENDATION**

**GVROC note the WALGA Child Safeguarding Advocacy Position as presented in its recommendation.**

**RESOLUTION:**

**Moved: Cr Ian Mickel, Shire of Esperance**

**Seconded: Cr Patrick Hill, Shire of Laverton**

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**Carried**

## **6.4 Submission on Draft Guideline Minimising Noise Impact from Outdoor Community Basketball Facilities**

### **WALGA Recommendation**

**That the submission on the Draft Guideline: Minimising noise impact from outdoor community basketball facilities be endorsed.**

### **IN BRIEF:**

- The Department of Water and Environmental Regulation released the *Draft Guideline: Minimising noise impact from outdoor community basketball facilities* on 23 December 2022 for a 10 week consultation period.
- The Draft Guideline includes options for how noise, from new community basketball facilities can be mitigated. This includes separation distances between the facility and residents in different circumstances, engineering and facility management controls.
- A draft Submission was circulated to Local Government for feedback and the final Submission has been updated based on the information provided.
- The WALGA Submission provides feedback on the costs and practicality of the various interventions suggested.

### **ATTACHMENT:**

- Submission on Draft Guideline: Minimising noise impact from outdoor community basketball facilities

### **POLICY IMPLICATIONS:**

This submission broadly aligns with WALGA's existing [Advocacy Position](#):

#### **6.11 Public Open Space**

*As public open space is fundamental to lifestyle wellbeing, mental and physical health, Local Government supports the development of new subdivisions that are characterised by a combination of public open space for recreational, sporting or natural purposes, and are distributed for neighbourhood, district and regional use.*

### **BACKGROUND:**

Noise from community basketball facilities has been raised as an issue by some Local Governments, with community complaints in some cases leading to the closure of facilities. These facilities are regulated under [Environmental Protection \(Noise\) Regulations 1997](#).

The Department of Water and Environmental Regulation (DWER), responded to this issue by undertaking a detailed technical assessment of the various approaches to how noise from facilities could be mitigated. This work has culminated in the Draft Guideline, which outlines a range of mitigation options for different basketball court types and locations. DWER provided a copy of the Draft Guideline to Local Government CEO's, WALGA and other organisations including Basketball WA and SportWest on Friday 23 December for feedback by Friday 3 March 2023.

WALGA developed, and distributed, a draft Submission to Local Governments for comment. The draft Submission was also provided to Basketball WA and SportWest for information.

Comments on the draft Submission were received from the Cities of Swan, Wanneroo, Canning, Stirling, Joondalup and Gosnells and the Town of Victoria Park.

### **COMMENT:**

The Guideline is intended to present options to reduce noise to meet regulatory requirements for organisations developing new, or refurbishing existing, basketball facilities. Local Governments are not required to undertake the measures identified in the Guideline.

The submission notes that Local Governments across the State are committed to providing services and facilities that enable their diverse communities to engage in activities which have health and social benefits. It also notes that it can sometimes be difficult to accommodate differing perspectives regarding the appropriate use of public open space (POS), including in relation to noise.



With increasing urban infill and density, including State Government targets for Perth and Peel @ 3.5 Million, the pressures on public open space will increase.

The WALGA Submission outlines the concerns that Local Governments have raised about the costs of some of the mitigation measures, practicality of the separation distances and mitigation measures recommended and the implications this may have for the provision of basketball and other similar facilities.

WALGA acknowledges the intention of the Guideline but has a broader concern that as metropolitan Perth continues to densify, land use conflicts such as those arising from basketball courts are likely to increase. The WALGA Submission notes that the provision of sufficient public open space is essential and that the Department of Water and Environmental Regulation may need to re-examine noise regulation requirements as urban density increases.

The Environment Policy Team considered and endorsed the Submission on 30 January 2023.

## **RECOMMENDATION**

**GVROC note the WALGA submission on the Draft Guideline: Minimising noise impact from outdoor community basketball facilities.**

**RESOLUTION:**                      **Moved: Cr Laurene Bonza, Shire of Dundas**  
   **Seconded: Mr Jim Epis, Shire of Leonora**

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**Carried**

## **6.5 Main Roads Draft Roadside Advertising Policy and Application Guidelines**

### **WALGA Recommendation**

**That the submission to Main Roads on its Draft Roadside Advertising Policy and Application Guidelines be endorsed.**

#### **IN BRIEF:**

- Main Roads is seeking feedback on their Draft Roadside Advertising Policy and Application Guidelines.
- This policy could be used to significantly curtail the deployment of roadside advertising devices, which are currently used by Local Governments as a source of public realm amenity, support funding bus shelter improvements and are a source of revenue for Local Government in some cases.
- As drafted, these guidelines would apply to most of the public road network, including Local Government roads, and signs on private property that are visible from the road. The draft guidelines would cover advertiser-funded bus shelters and information or decorative banners.
- There is no demonstrated road safety problem resulting from roadside advertising devices, as currently deployed in Western Australia. Road safety is the stated rationale for developing this policy.
- WALGA has prepared a submission to Main Roads on the guidelines, requesting:
  - Greater delegation of authority in assessing small format static signs and small format digital signs.
  - Guaranteed processing times for classes of signs for which Main Roads retains the assessment function. This includes requesting a schedule of approval time frames, and a “deemed approved” clause in the event of these timeframes not being met.

#### **ATTACHMENT:**

- *WALGA submission to Main Roads on the Draft Roadside Advertising Policy and Application Guidelines.*

#### **POLICY IMPLICATIONS:**

The draft Guidelines risk prohibiting roadside advertising devices, including advertiser-funded bus shelters, Illuminated Street Name Signs, and Local Government community decorative banners in many locations. This could result in the loss of community amenity and Local Government revenue.

#### **BACKGROUND:**

Main Roads has sought comment from WALGA on its draft Roadside Advertising Policy and Application Guidelines on behalf of the Local Government sector. These Guidelines would determine the location where roadside advertising devices may be approved.

The Guidelines classify signs into four groups: (1) small format static signs; (2) small format digital signs; (3) large format static signs; and (4) large format digital signs. Large format is defined as an area greater than 4 square metres.

WALGA attended an information session at Main Roads offices, which was also attended by members of the outdoor media advertising industry.

WALGA conducted a webinar, which presented information on the draft policy and sought feedback from Local Government officers. The key issues raised by participants during this session included:

- There was general support for being mindful of the road safety implications of different types of signs.
- There was some support for restricting advertising signs for aesthetic reasons.
- Concerns were raised regarding the potential curtailment of Local Governments’ use of decorative banners, for example along the main streets of towns.
- Concerns were raised regarding the potential curtailment of the advertiser-funded bus shelters.
- Concerns were raised regarding the likely processing time of Main Roads approvals, given the likely high volume of applications.

WALGA also received individual feedback from the Shire of Mundaring. This submission expressed support for the intent of the Guidelines, citing concerns regarding the proliferation of advertising signs, the effect of advertising signs on road safety, and consequent effects on visual amenity.

The Guidelines apply to Local Government decorative and information banners, Illuminated Street Name Signs, and advertiser-funded bus shelters. It does not only apply to commercial advertising signs.

**COMMENT:**

The Guidelines may significantly reduce the range of locations where roadside advertising devices may be placed. The Guidelines' scope includes parts of the road network in the vicinity of traffic control devices (which include regulatory signs, not just signals) and near intersections and pedestrian crossings, on both State and Local Roads. This has the effect of applying the Guidelines to a significant part of the public road network.

The Guidelines are written from the basis of improving road safety, and do not consider the competing objectives of Local Governments. These include funding bus shelters and other community infrastructure, hanging of decorative banners by Local Governments, and Local Government revenue. WALGA does not have information on the financial impact of roadside advertising signs being curtailed.

The rationale for increasing the stringency of the regulations over roadside advertising signs is to address road safety. However, the road safety evidence base does not link specific crashes with the presence of advertising signs in Western Australia. It was instead based on cognitive science theory related to the brain's ability to process information, and national engineering studies of different types of road design conditions. No evidence was provided, that there is a road safety problem in Western Australia as a result of roadside advertising devices as they are currently deployed.

Views vary between and within Local Governments on issues of road safety, aesthetics, community amenity and financial considerations. WALGA's submission therefore requests the delegation of authority to Local Governments to self-assess and approve small format signs on Local Government roads. It is considered appropriate for Main Roads to retain oversight of large format static signs and large format digital signs.

**RECOMMENDATION**

**GVROC endorse the WALGA submission to Main Roads on its Draft Roadside Advertising Policy and Application Guidelines.**

**RESOLUTION:**

**Moved: Cr Patrick Hill, Shire of Laverton**

**Seconded: Cr Laurene Bonza, Shire of Dundas**

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**Carried**

## **7. Review of WALGA State Council Agenda - Matters for Noting/Information**

### **7.1 Animal Welfare in Emergencies Grant Program**

#### **WALGA Recommendation**

**That the update on the Animal Welfare in Emergencies Grant Program be noted.**

#### **IN BRIEF:**

- The Animal Welfare in Emergencies Grant Program was established in 2020 between the Department of Primary Industries and Regional Development (DPIRD) and WALGA to improve the capacity of Local Governments, and their communities, to manage the impacts of emergency situations on animal welfare.
- At the conclusion of the Program in June 2022, 40 Local Governments shared in a total of \$414,066.06 funding through project grants and reimbursement of costs to attend a tailored three-day training course at the Muresk Institute.

#### **BACKGROUND:**

The Animal Welfare in Emergencies Grant Program was established in 2020 to provide funding to Local Governments for the development and implementation of projects to improve the preparation and response of Local Governments to animal welfare during emergencies. WALGA administered the program, with funding provided by the Department of Primary Industries and Regional Development (DPIRD).

The Animal Welfare in Emergencies Grant Program aimed to improve the capacity of Local Governments, and their communities, to manage the impacts of emergency situations on animal welfare. The program worked towards achieving the following outcomes:

- Local Government and their communities are prepared for and can respond to emergency situations that impact animal welfare;
- Enhanced capacity for Local Governments and their communities to prepare for, respond to and recover from the impacts of emergency situations on animal welfare;
- Roles and responsibilities of Local Government and community stakeholders are clear regarding animal welfare during and after emergency situations; and
- Emergency management principles of shared responsibility and building resilience are promoted.

The initial project focus of the Program was later expanded to fund Local Government officers, in particular rangers and officers working in emergency management and community safety, to attend a tailored three-day training course in partnership with the Muresk Institute. This training provided the opportunity for officers to enhance their skills and knowledge in safely dealing with animals during an emergency. Presentation and workshop topics included livestock health and welfare, the State Support Plan, fauna handling, containment and transport, a workshop on Local Plans and an exercise activity.

#### **COMMENT:**

Overall, 40 WA Local Governments shared in a total of \$414,066.06 funding to enhance their capability and capacity to prepare for, respond to and recovery from the impacts of emergency situations on animal welfare. A total of 30 Local Governments were awarded grants to support 24 individual and two joint projects. Projects ranged from the preparation of Animal Welfare in Emergencies Plans, acquiring materials to support community engagement and communications, and building local and regional capacity through investment in resources to support response activities including the transportation and storage of animals during an evacuation. Additionally, a total of 65 Local Government officers from 22 Local Governments attended a three-day training course at the Muresk Institute to enhance their capability and knowledge in planning for and responding to animal welfare in emergencies.

WALGA is continuing to work with DPIRD as the WA Local Government sector representative on the State Government's Committee for Animal Welfare in Emergencies, as dictated in the State Support Plan for Animal Welfare in Emergencies. WALGA expects that the training course developed through the grant program will continue to be offered to Local Governments in 2023.

**RECOMMENDATION:**

**GVROC note the WALGA update on the Animal Welfare in Emergencies Grant Program.**

**RESOLUTION:**

**Moved: *Cr Tracey Rathbone, Shire of Coolgardie*  
Seconded: *Cr Laurene Bonza, Shire of Dundas***

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**Carried**

## **7.2 Emergency Management Update**

### **WALGA Recommendation**

**That State Council note this Emergency Management update.**

#### **IN BRIEF:**

- The Department of Fire and Emergency Services (DFES) has revised the timing of the Consultation Exposure Draft Bill for the proposed Emergency Services Act, which is now expected to be released for a three-month consultation period in mid-2023.
- The Auditor General has released Report 13: 2022-23 Funding of Volunteer Emergency and Fire Services, which includes recommendations for DFES and for Local Government.
- The Minister for Emergency Services has written to the WALGA President in response to the WALGA 2023-24 State Budget Submission, including advice that DFES is considering a review of the Local Government Grants Scheme (LGGs).
- WALGA was recently contacted by DFES regarding the legality of Bush Fire Brigades established by Local Governments in the absence of an associated Bush Fire Brigades Local Law, and has sought its own legal advice and contacted impacted LGs.
- WALGA is maintaining a watching brief on the Kimberly Floods emergency, is in communication with the Shire of Broome and Shire of Derby – West Kimberley and will provide support as required to the response and recovery effort.

#### **ATTACHMENT:**

- [DFES Presentation - Consultation Bill: Emergency Services Bill 2022](#)
- [Minister Emergency Services to WALGA President - WALGA 2023-24 State Budget Submission](#)
- [Bush Fire Brigades Local Laws Information Sheet](#)

#### **BACKGROUND:**

A number of emergency management items of interest to Local Governments have emerged and/or progressed since December State Council meeting. Comment on each of these is provided below.

#### **COMMENT:**

##### Consultation Exposure Draft Bill - Emergency Services Act

The Department of Fire and Emergency Services (DFES) has provided updated timing for the release of the Consultation Exposure Draft Bill for the proposed Emergency Services Act, which is now expected to be released for a three-month consultation period in mid-2023. WALGA is committed to collaborative involvement in the preparation of the Consultation Exposure Draft Bill and is remaining informed of its progress. WALGA will support consultation with the Local Government sector when the Exposure Draft Bill is released for consultation and will develop a submission on behalf of the sector. In 2022, WALGA conducted a review of its [Emergency Management Advocacy Positions](#) and prepared a suite of comprehensive policy positions. Positions 8.4 Consolidated Emergency Services Act and 8.10 Management of Bush Fire Brigades are informing our engagement with DFES on the proposed legislation.

##### Auditor General Report 13 Funding of Volunteer Emergency and Fire Services

The Auditor General has released [Report 13: 2022-23 Funding of Volunteer Emergency and Fire Services](#), including recommendations for DFES and for Local Government. The audit assessed DFES and three Local Governments' administration of funding for their land-based volunteer emergency and fire services. Administrative recommendations were made for DFES and Local Governments including that DFES work with the LG sector to adopt a State-wide strategic approach to Local Government Grant Scheme (LGGs) funding based on a more comprehensive understanding of Local Government entities' longer term operating and capital costs.

The LGGs review is also mentioned in the Minister for Emergency Services response to WALGA's State Budget Submission (see below).

##### Minister for Emergency Services Response to the WALGA 2023-24 State Budget Submission

The Minister for Emergency Services has written to the WALGA President responding to the emergency management proposals in the [WALGA 2023-24 State Budget Submission](#):

- increased LGGs funding;
- expansion of the Community Emergency Services Manager (CESM) Program; and
- increased funding for the Mitigation Activity Fund (MAF) Grant Program.

The Minister has indicated that DFES is considering a review of LGGs funding with a Statewide strategic approach, based on a comprehensive understanding of Local Government entities longer-term operating and capital costs and to ensure funding allocations are targeted to areas most in need, which is consistent with the Auditor General's recommendation above. The remaining requests relating the CESM Program and the MAF Grant Program were acknowledged by the Minister and he advised that DFES is considering undertaking a trial to determine the benefits and practicalities of longer-term mitigation funding.

#### Communication from DFES to WALGA regarding Bushfire Brigade Local Laws

WALGA was recently contacted by DFES, following advice from the State Solicitor's Office on the legality of Bush Fire Brigades established by Local Governments in the absence of an associated Bush Fire Brigades Local Law. WALGA obtained its own independent legal advice that confirmed that having established a Bush Fire Brigade, it is a requirement that the Local Government also adopt an associated Bush Fire Brigades Local Law.

Although not having adopted a BFB Local Law will mean that Brigades are not properly constituted, we have been advised that the appointment of Bush Fire Control Officers will mean that Local Governments can effectively ensure the conduct of normal brigade activities, including responding to bush fires and directing firefighting assets and volunteers. Our legal advice provides further reassurances that volunteers will be covered for compensation and protected from liability if conducting normal brigade activities under the direction of a BFCO. WALGA has communicated with Local Governments that may be impacted and provided advice on short and intermediate term arrangements that can be implemented in response to this advice. In the short term, Local Governments should ensure that a sufficient number of bush fire control officers (BFCO) are appointed under s.38(1) of the BF Act. In the medium-term Local Governments should look to adopt a BFB Local Law to ensure its Bush Fire Brigades are properly established and Brigade officers are properly registered and empowered.

Subsequently WALGA became aware that many Local Governments have made Bush Fire Brigade Local Laws prior to or following the commencement of the *Bush Fires Act 1954*. WALGA obtained additional legal advice which confirms that, despite the date of adoption and the lack of review of a Local Law, it remains valid until such time as it is repealed. WALGA advised approximately 50 affected Local Governments that while their Bush Fire Brigade Local Law is technically valid, it may be practically obsolete from a contemporary Bush Fire Brigade management perspective.

WALGA has developed a template BFB Local Law addressing the BF Act local law-making requirements. This can be made freely available upon request.

DFES is undertaking an audit of Bushfire Local Laws and WALGA will continue to work with DFES and Local Governments to help resolve this issue.

#### Kimberley Floods Emergency

WALGA is maintaining a watching brief on the Kimberley Floods emergency, including through attendance at the All Hazards Liaison Group (AHLG), State Emergency Coordination Group (SECG) and the State Welfare Emergency Coordination (SWEC) Operations Committee. WALGA is in communication with the Shires of Broome and Shire of Derby–West Kimberley and will provide support as required to the response and recovery effort.

Communities in the Kimberley are experiencing a one-in-100-year flood event, with the clean-up expected to be long, costly and complex. Individuals and businesses can now donate to the Kimberley Floods Appeal through the [Lord Mayor's Distress Relief Fund](#). Information about where assistance is available and how the public can help is available on the [DFES Kimberley Floods Webpage](#). Volunteering WA has also set up a [registration point](#) for those wishing to provide support. [GIVIT](#) has also launched an appeal to support the management of donations during recovery.

#### **RECOMMENDATION:**

**GVROC note the WALGA Emergency Management update .**

**RESOLUTION:**                    **Moved: Cr Patrick Hill, Shire of Laverton**  
   **Seconded: Cr Tracey Rathbone, Shire of Coolgardie**

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**Carried**

## **7.3 Local Development Plan Background Paper**

### **WALGA Recommendation**

**That State Council note the Local Development Plan Background Paper.**

#### **IN BRIEF:**

- Local Development Plans (LDPs) are planning instruments used to facilitate and coordinate development and assist in achieving built form outcomes.
- WALGA established a Local Government LDP Working Group, including members of the Department of Planning, Lands and Heritage (DPLH) Planning Reform team, following multiple Local Governments raising concerns with LDPs.
- The LDP Background paper identifies four key challenges associated with LDPs and provides recommended solutions that will inform DPLH's formal review of LDPs.

#### **ATTACHMENT:**

- [Local Development Plan Background Paper](#)

#### **BACKGROUND:**

A Local Development Plan (LDP) is a planning instrument used to facilitate and coordinate development. There are approximately 4000 LDPs currently in effect across Western Australia. The deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) sets out how a LDP should be prepared and operate.

Under these Regulations, LDPs can set site and development standards and exempt certain types of development from the requirement to seek development approval. Site and development standards can include setback, open space, dwelling orientation, and vehicle access requirements. This may require amending or supplementing development standards contained within a local planning scheme (LPS) or the Residential Design Codes (R-Codes) to achieve a specific built form outcome on a specific lot or for a precinct or estate.

In 2022, following a decision by the State Administrative Tribunal (SAT) that considered one particular LDP in the City of Cockburn<sup>1</sup>, a number of Local Governments raised specific concerns with WALGA about LDPs. Consequently, WALGA established a Local Government reference group to prepare a background paper outlining the current challenges with LDPs and recommendations for overcoming these challenges. WALGA and the reference group also engaged the Department of Planning, Lands and Heritage (DPLH) planning reform team. The DPLH advised it would include a review of LDPs in the current planning reform process to address the concerns raised by Local Governments.

To assist with this process, the DPLH undertook a preliminary audit of 526 LDPs (approximately 15% of all LDPs currently in effect). The audit and input from the reference group has been used to prepare a background paper which will help inform the DPLH planning reform LDP review process.

#### **COMMENT:**

The DPLH LDP review process aims to investigate the consistency and legibility of LDPs, rationalise the scope and consistency of LDPs, provide contemporary and usable guidance, and address implementation challenges.

The LDP Reference group and DPLH's internal audit identified key challenges experienced by Local Government in preparing, assessing, and implementing LDPs. The background paper discusses these challenges and provides recommendations to:

1. Re-establish LDPs as a development control instrument within the Regulations
2. Rationalise the scope and use of LDPs by determining the most effective and efficient instrument to achieve each current LDP function
3. Prepare clear guidance on the acceptable manner and form of LDPs
4. Prepare clear guidance on the preferred process for normalising LDP provisions into local planning schemes

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<sup>1</sup> *Mastaglia and City of Cockburn* [2021] WASAT 154





## **7.4 2023-24 WALGA Federal Budget Submission**

### **WALGA Recommendation**

**That WALGA's letter in support of the Australian Local Government Association's 2023-24 Federal Budget Submission be noted.**

#### **IN BRIEF:**

- WALGA recently wrote to the Federal Treasurer in support of the Australian Local Government Association's (ALGA) 2023-24 Federal Budget Submission.
- WALGA's letter supports the priority areas identified in ALGA's submission.
- It also highlights several initiatives of particular importance to Western Australia, given the State's unique geographic and economic circumstances including addressing climate change (notably funding support to reduce emissions and for coastal hazard planning); continuation of key infrastructure programs including the Local Roads and Community Infrastructure Program, Roads of Strategic Importance and Roads to Recovery; and addressing the shortage of building surveyors.
- In coming weeks WALGA will be writing to Western Australian members of Federal Parliament to draw their attention to the spending priorities for Western Australian Local Governments in the 2023-24 Budget.

#### **ATTACHMENTS:**

- [2023-24 ALGA Federal Budget Submission](#)
- [WALGA Letter to the Treasurer: 2023-24 Federal Budget Submission](#)

#### **POLICY IMPLICATIONS:**

Priorities identified in WALGA's Federal Budget Submission are consistent with WALGA existing advocacy positions and previous submissions.

#### **BACKGROUND:**

In December 2022, the Federal Government called for submissions in advance of the 2023-24 Budget.

ALGA has prepared a detailed submission which identifies priority areas of spending for Local Governments in the 2023-24 Budget:

- Fair Financial Assistance Grants
- Roads to Recovery
- Local Roads and Community Infrastructure Program
- Regional Infrastructure Recovery Program
- Freight Productivity
- Local Government Cybersecurity Support Program
- Local Government Indigenous Partnership Network
- Local Jobs, Skills and Training Program
- Local Governments Addressing the Housing Crisis
- Waste and Recycling

WALGA and other Local Government Associations provided input to ALGA's submission.

WALGA has written to the Federal Treasurer in support of ALGA's submission. WALGA's letter also highlights several initiatives of particular importance for WA, given the State's unique geographic and economic circumstances:

- Funding support to assist Local Governments to scale up local projects to reduce emissions and address climate change;
- A sustainable, equitable and efficient funding model to enable the implementation of coastal hazard risk planning;
- Continuation of key infrastructure programs including the Local Roads and Community Infrastructure Program, Roads of Strategic Importance and Roads to Recovery; and
- Funding for a Building Surveyor Training Program to encourage uptake of the building surveyor profession and address skills shortages in this area.

**COMMENT:**

The May 2023 Budget will be set against a backdrop of challenging international and domestic economic conditions. The Australian economy is facing significant headwinds from the global economy, inflationary pressures and rising interest rates which may see the economy enter a recession during 2023. It will be difficult for the Government to deliver its economic and social policy agenda and support the domestic economy without further stoking inflation or exacerbating the nation's fiscal challenges.

In this environment it is even more important that expenditure is targeted at programs and infrastructure in areas of greatest need and that provide the highest possible benefit to communities. This provides an important opportunity for Local Governments to work constructively with the Federal Government to ensure funding is directed to the areas of greatest need and impact.

In coming weeks WALGA will be writing to Western Australian members of Federal Parliament to draw their attention to the spending priorities for Western Australian Local Governments in the 2023 24 Budget.

**RECOMMENDATION:**

**GVROC note the WALGA's letter in support of the Australian Local Government Association's 2023-24 Federal Budget Submission.**

**RESOLUTION:**

**Moved: Cr Tracey Rathbone, Shire of Coolgardie  
Seconded: Cr Patrick Hill, Shire of Laverton**

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**Carried**

## **7.5 WALGA Submission on Phase Three of the Aboriginal Cultural Heritage Act 2021 Co-Design Process**

### **WALGA Recommendation**

**That the submission on Phase Three of the Aboriginal Cultural Heritage Act 2021 Co-design Process, endorsed via Flying Minute on 23 December 2022, be noted.**

### **IN BRIEF:**

- The *Aboriginal Cultural Heritage Act 2021* (ACH Act) is expected to commence in July 2023.
- During 2022, the Department of Planning, Lands and Heritage (DPLH) facilitated a three-phase co-design process to develop the regulations, statutory guidelines and operational policies that will support the ACH Act.
- WALGA provided a submission at each stage including in response to Phase Three.
- WALGA's Phase Three submission was endorsed by State Council by way of Flying Minute on 23 December 2022.
- This completes the consultation process for the ACH Act, with DPLH now moving into a document finalisation and implementation phase.
- Since 2018, WALGA has undertaken the following advocacy and capacity building activities in relation to the development of the new ACH Act:
  - filed five State Council endorsed submissions;
  - provided formal feedback twice via letter and survey;
  - co-delivered 10 place-based online workshops to contribute to the preliminary work in developing the activity categories in 2021;
  - convened the Local Government Aboriginal Heritage Reference Group which has included representation from 26 Local Governments; and
  - co-delivered 5 Infosessions and webinars with DPLH to facilitate consultation with, and provide information to, Local Governments; and
  - included a request for funding for the establishment and ongoing functioning of the new Aboriginal heritage system, with respect to the ACH Council, Local ACH Services (LACHS) and Local Governments in the [2023-24 WALGA Budget Submission](#).
- WALGA will continue to support the Local Government sector with ongoing implementation and capacity building support.

### **ATTACHMENTS:**

- [Flying Minute: WALGA Submission Aboriginal Cultural Heritage Act 2021 Co-design Process, Phase Three](#)

### **POLICY IMPLICATIONS:**

This submission aligns with WALGA's existing [Advocacy Position](#) and previous submissions:

#### **3.1.3 Aboriginal Cultural Heritage Act 2021 and South West Native Title Settlement**

*WALGA acknowledges Noongar people as the traditional owners of the South West Region. Local Government is supportive of conserving and protecting the State's Aboriginal cultural heritage.*

*WALGA supports the introduction of the Aboriginal Cultural Heritage Act 2021 which will provide a modern framework for the recognition, protection, conservation and preservation of Aboriginal cultural heritage and recognises the fundamental importance of Aboriginal cultural heritage to Aboriginal people. The State Government must ensure that:*

1. *The legislation balances the need to protect Aboriginal cultural heritage with the requirement for Local Government to undertake activities in a timely and affordable manner;*
2. *The implementation and ongoing operation of the legislative system for the protection of Aboriginal cultural heritage is adequately resourced to ensure that all parties have the capacity, capability and resources to discharge their statutory obligations;*
3. *Support is provided to Local Governments to ensure that they have the resources, capacity and capability to comply with a complex legislative framework; and*
4. *Local Governments have the ability to deliver essential infrastructure works and emergency activities efficiently and effectively in order to maintain public safety.*
5. *WALGA advocate for and support the recognition of regional local Aboriginal people to be actively engaged in the Local Aboriginal Cultural Heritage Services (LACHS) groups; and*

6. *the various Prescribed Body Corporates (PBCs) be required to actively seek out local regional members to be included in the consultation and decision-making process.*

(State Council Resolution December 2022 – 399.8/2022)

Previous WALGA submissions:

- *Aboriginal Heritage Act 1972 - 2018 Review Submission* endorsed by State Council in July 2018;
- *AHA Review Consultation Phase Two*, submission endorsed by State Council in July 2019;
- *WALGA's 2020 response to survey during Phase 3 consultation based on previous submissions and member feedback (including the Aboriginal Heritage Reference Group)*;
- *Aboriginal Cultural Heritage Act 2021 – Co-design Phase One Submission* endorsed by State Council in May 2022.
- *Aboriginal Cultural Heritage Act 2021 – Co-design Phase Two Submission* endorsed by State Council in August 2022.

#### **BACKGROUND:**

The ACH Act passed Parliament in December 2021 and is expected to commence in July 2023. The legislation replaces the *Aboriginal Heritage Act 1972*, providing a contemporary framework for the recognition, protection, conservation and preservation of Aboriginal cultural heritage.

During 2022 DPLH undertook a three-stage co-design process to develop the regulations, statutory guidelines and operational policies that will support the ACH Act. WALGA provided a submission at each stage including Phase Three.

The People and Place Policy Team endorsed the draft submission on Wednesday, 14 December 2022.

#### **COMMENT:**

Throughout the ACH Co-Design process, WALGA has undertaken comprehensive consultation with the Local Government sector on the guidance materials being developed to support the legislation. Sector consultation highlighted the need for the ACH Act to balance the protection of Aboriginal cultural heritage with the requirements for Local Government to deliver essential infrastructure works and emergency management activities efficiently and effectively to maintain public safety and comply with other legislative responsibilities.

WALGA's submissions have influenced positive policy change during the co-design process, with significant progress in the refinement of the activity categories including recognition of the infrastructure maintenance activities undertaken by Local Government, which are now exempt activities unless specifically categorised in another tier. Other improvements include further refinement of definitions around *'new and additional ground disturbance'* and the addition of the *'like for like or less'* activity category.

Key themes from WALGA's Phase Three submission included:

- The need for further refinement of some activity categories and re-classification of some emergency management activities to the exempt activity category;
- The requirement for adequate resourcing to support the establishment, implementation and ongoing functioning of the ACH legislation including for the Aboriginal Cultural Heritage Council (ACHC), Local Aboriginal Cultural Heritage Services (LACHS) and Local Governments; and
- The need for support for the Local Government sector with the transition to the new legislative system, with education and capacity building resources including further advice and guidance materials, training, digital resources, and funding support.

The *Aboriginal Cultural Heritage Act 2021* is a significant legislative reform and as such features as a priority in WALGA's [2023-24 State Budget Submission](#) which seeks resourcing support for:

- Detailed consultation and engagement with Local Governments and other relevant stakeholders;
- Training and assistance for Local Governments to fulfil their obligations under the new legislative framework; and
- The establishment and ongoing functioning of the new Aboriginal heritage system, with respect to Aboriginal Cultural Heritage Council (ACHC), Local Aboriginal Cultural Heritage Services (LACHS) and Local Governments.

This investment will enhance the performance and efficiency of the Local Government sector, ensure equitable levels of service across the State, and maximise the benefits of reform.

Phase Three was the final opportunity to provide feedback on the draft regulations, guidelines and operational policies. DPLH now moves into a phase of document finalisation and implementation. WALGA will continue to liaise with DPLH to ensure that the sector is kept informed of progress, and provide support with capacity building and the implementation.

Since 2018, WALGA has undertaken the following advocacy and capacity building activities to support the Local Government sector:

- filed five State Council endorsed submissions;
- provided formal feedback twice via letter and survey;
- co-delivered 10 place-based online workshops to contribute to the preliminary work in developing the activity categories in 2021;
- convened the Local Government Aboriginal Heritage Reference Group which has included representation from 26 Local Governments; and
- co-delivered 6 webinars with DPLH to facilitate consultation with, and provide information to, Local Governments; and
- included a request for funding for the establishment and ongoing functioning of the new Aboriginal heritage system, with respect to the ACH Council, Local ACH Services (LACHS) and Local Governments in the 2023-24 WALGA Budget Submission.

**RECOMMENDATION:**

**GVROC note the WALGA submission on Phase Three of the Aboriginal Cultural Heritage Act 2021 Co-design Process, endorsed via Flying Minute on 23 December 2022**

**RESOLUTION:**

**Moved: Cr Tracey Rathbone, Shire of Coolgardie  
Seconded: Cr Laurene Bonza, Shire of Dundas**

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**Carried**

## **7.6 Child Care Premises Position Statement: Consultation Response**

### **WALGA Recommendation**

**That State Council note the consultation response to the Child Care Premises Position Statement.**

#### **IN BRIEF:**

- The Department of Planning, Lands and Heritage (DPLH) released a draft Position Statement: Child Care Premises in November 2022 which outlines the DPLH position and key considerations for proponents, decision-makers and the community in the development and assessment of child care premises.
- The WALGA consultation response provides comment on minor matters of a technical nature and supports the continued status of the Position Statement as providing guidance to Local Governments while retaining flexibility needed to develop local planning scheme and policy provisions that respond to local context.

#### **ATTACHMENT:**

- [Consultation Response on Child Care Premises Position Statement](#)

#### **BACKGROUND:**

In November 2022, the Department of Planning, Lands and Heritage (DPLH) released the Draft Position Statement: Child Care Premises for public consultation. The Draft Position Statement is a revision of Planning Bulletin 72 Child Care Centres (2009). Position Statements provide a statement setting out the policy position of the WAPC with respect to a given matter, and have subsumed the function of Planning Bulletins since 2018. The statement outlines key considerations for proponents, decision-makers and the community in the development and assessment of child care premises.

Child care premises provide an important service to communities, by enabling families to participate in full and part time work and study, directly supporting local jobs and boosting local economies. While a critical community service that support child development and parent/caregiver workforce participation, child care premises can generate detrimental amenity and other impacts for the communities in which they are located such as noise and traffic.

Local Governments take different pathways to influence the development of new child care premises, including:

- Preparing scheme provisions that give consideration to land use permissibility in various zones;
- Preparing local planning policies that give consideration to land use compatibility, siting and design, amenity, traffic and noise considerations;
- Assessing development applications for child care premises proposals; and
- Providing comment as the responsible authority where applications are assessed by Development Assessment Panels (DAPs).

The draft Position Statement aims to provide comprehensive guidance to Local Governments in the preparation of scheme provisions and local planning policies and assist with the assessment of proposals for child care premises where Local Governments may not have relevant policies or scheme provisions. Key matters covered by the statement include suitable and unsuitable site characteristics, facility design requirements, and traffic and noise considerations.

#### **COMMENT:**

The draft Position Statement and the process taken by DPLH to seek input from Local Governments aligns with WALGA's current advocacy position 6.1 Planning Principles:

Ensure role clarity and consistency across all legislation controlling development to avoid confusion of powers and responsibilities;

Be easily interpreted by, understood by and accessible to all sections of the community; and

Be amended only with WALGA involvement and/or consultation/involvement with Local Government.

WALGA's Planning and Building Team took the following approach to prepare a consultation response: Hosting an online information session for members in collaboration with the DPLH, which was attended by over 50 Local Government attendees from 19 metropolitan and 9 regional Local Governments on 14 December 2022.

Consulting with Local Governments who had recently adopted or revised local planning policies related to these facilities, others who had been involved in recent State Administrative Tribunal decisions and others who were known to have strong views on the development of these facilities.  
Seeking comment through WALGA's Planning and Building News bulletin.

Feedback received has been largely supportive of the draft Position Statement.

The flexible nature of the position statement, which seeks to guide, as opposed to prescribe, development assessment and policy development, provides Local Governments with the flexibility needed to establish local planning schemes and policies that reflect community needs and values. This flexibility allows Local Governments to continue to take various approaches to address concerns regarding the development of child care premises, to suit local community needs and values, which is most recently demonstrated by new local planning policies adopted by the cities of Joondalup, Stirling and Melville.

WALGA's proposed consultation response provides comment on minor matters of a technical nature and supports the continued status of the Position Statement as providing guidance to Local Governments while retaining flexibility needed to develop local planning scheme and policy provisions that respond to local context.

The Consultation Response was noted by the People and Place Policy Team on 25 January and will be lodged with the Department of Planning, Lands and Heritage on 10 February.

**RECOMMENDATION:**

**GVROC note the WALGA consultation response to the Child Care Premises Position Statement.**

**RESOLUTION:**

**Moved: *Cr Tracey Rathbone, Shire of Coolgardie***  
**Seconded: *Cr Patrick Hill, Shire of Laverton***

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**Carried**



## **7.7 Report Municipal Waste Advisory Council (MWAC)**

### **WALGA Recommendation**

**That the resolutions of the 14 December 2022 Municipal Waste Advisory Council meeting be noted.**

#### **IN BRIEF:**

This item summaries the outcomes of the MWAC meeting held on Wednesday 14 December 2022.

#### **BACKGROUND:**

MWAC is seeking that State Council notes the resolutions from its 29 June, 24 August and 26 October 2022 meetings, consistent with the delegated authority granted to MWAC to deal with waste management issues.

Copies of Agendas and Minutes are available from WALGA staff, on request.

#### **COMMENT:**

Key issues considered at the meeting held on 14 December 2022:

#### Expansion of the NSW Container Deposit Scheme Submission

A Submission was developed on the expansion of the NSW Container Deposit Scheme (CDS) as it is likely to impact on the future direction of the WA Scheme and the scope of containers included.

The Submission focuses on supporting the expansion of the Scheme to cover a range of additional products including wine and spirits, fruit and vegetable juice, plain and flavoured milk and milk substitutes, concentrated fruit juice, cordial, flavoured alcoholic beverages with a wine base and registered health tonics.

WALGA engaged with the NSW Local Government Association (NSW LGA) regarding this Submission to ensure that the two Submissions aligned. NSW LGA were appreciative of the engagement and supportive of the direction of the WALGA Submission.

### **MUNICIPAL WASTE ADVISORY COUNCIL MOTION**

**That the Municipal Waste Advisory Council endorse the Draft Submission on *Driving NSW's Circular Economy Discussion Paper on Enhancing the NSW Container Deposit Scheme*.**

**Moved: Cr Abetz**

**Seconded: Cr Wheatland**

**CARRIED**

#### Environmental Protection Act Discussion Paper

The DWER *Environmental Regulation Reform: A Strategic Review of Regulatory Delivery and Fees for Industry Regulation Discussion Paper* was released for comment. The Paper includes a range of regulatory reform concepts which will impact premises currently regulated under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) and concepts for, and design of, a new fees model. WALGA held several consultation sessions for the sector and sought feedback on the proposed reforms. The Submission was endorsed by State Council. Consultation closed 16 December 2022.

### **MUNICIPAL WASTE ADVISORY COUNCIL MOTION**

**That the Municipal Waste Advisory Council endorse the Submission on the *Environmental Regulation Reform Discussion Paper*.**

**Moved: Cr Abetz**

**Seconded: Cr Wheatland**

**CARRIED**

Waste Priorities 2023

WALGA are working on a range of policy and advocacy priorities across the organisations, MWAC considered options for waste management. This approach to prioritisation will assist staff to focus on key outcomes for the coming year.

These priorities have been developed considering the impact on the sector, capacity to influence change and the State and Federal Government priorities. This approach also means that on some issues or in some areas MWAC may not prioritise making submissions or advocacy.

#### **MUNICIPAL WASTE ADVISORY COUNCIL MOTION**

**That the Municipal Waste Advisory Council endorse priorities for 2023:**

##### **Regulatory Certainty**

- **At least a 5-year trajectory for the Waste Avoidance and Resource Recovery Levy and increase the proportion of the Levy being provided to Local Government to assist the sector in meeting the State Waste Strategy targets**
- **Waste Derived Materials Framework in place**
- **Waste Infrastructure Plan in place**
- **New DWER Regulatory Framework, which takes a risk-based approach to regulation in place, including appropriate guidance for facilities.**

##### **Effective Product Stewardship**

- **Product Stewardship Schemes in place for Electronic Waste, Packaging, Tyres and Mattresses which address WALGA's 10 Principles for Product Stewardship**
- **The WA Container Deposit Scheme expanded to cover wine and spirit bottles, as a minimum.**

**Moved: Cr Abetz**

**Seconded: Cr Wheatland**

**CARRIED**

#### PFAS National Environmental Management Plan 3.0 Submission

Per- and poly-fluoroalkyl substances (PFAS) are manufactured chemicals that have been used for more than 50 years. PFAS make products non-stick, water repellent, and fire, weather and stain resistant. PFAS have been used in a range of consumer products, such as carpets, clothes and paper, and have also been used in firefighting foams, pesticides and stain repellents.

The Consultation Draft of the *PFAS National Environmental Management Plan 3.0* (PFAS NEMP 3.0) has been [released](#). The PFAS NEPM guides how State and Territory Government regulate this product. The Consultation Draft acknowledges that PFAS is omnipresent, to varying degrees, and is intended to provide guidance to support better practice management of PFAS risks.

The PFAS NEPM 3.0 includes additional guidance on resource recovery and waste, including the management of risks associated with PFAS in resource recovery products and landfill monitoring. Consultation closes 20 December 2022.

#### **MUNICIPAL WASTE ADVISORY COUNCIL MOTION**

**That the Municipal Waste Advisory Council endorse the Submission on the *PFAS National Environmental Management Plan 3.0*.**

**Moved: Cr Abetz**

**Seconded: Cr Wheatland**

**CARRIED**

#### **RECOMMENDATION:**

**GVROC note the resolutions of the Municipal Waste Advisory Council from its 14 December 2022 meeting.**

#### **RESOLUTION:**

**Moved: Cr Tracey Rathbone, Shire of Coolgardie**

**Seconded: Cr Patrick Hill, Shire of Laverton**

**Carried**

## 8. Review of WALGA State Council Agenda - Policy Team Reports

The following provides an outline of the key activities of the Policy Teams since the last State Council meeting.

### Policy Teams

#### 8.1 Environment and Waste Policy Team Report

The Environment and Waste Policy Team includes the following subject areas:

- Climate change
- Native vegetation and biodiversity
- Biosecurity
- Water resources
- Sustainability
- Waste management

This Report provides an update on matters considered, since the last State Council meeting, by the Environment and Waste Policy Team at its meetings held on 7 December 2022 and 30 January 2023.

##### 1. Matters for State Council Decision

The Submission on the Department of Water and Environmental Regulation draft Guideline *Minimising noise impact from outdoor community basketball facilities* was considered and endorsed for State Council decision at the March 2023 meeting (see [Agenda item 7.4](#)).

##### 2. Matters for State Council Noting

The following updates were noted by the Policy Team:

New Urban Forest promotional videos – available on the WALGA website [here](#).

Varroa mite and backyard beekeepers – WALGA continues to engage with DPIRD on this issue.

In relation to Foot and Mouth Disease (FMD) and Lumpy Skin Disease (LSD):

- Release of a [National LSD Action Plan](#);
- A Northern Australian Coordination Network has been [established](#) and funded to assist in managing the threat of LSD and FMD;
- The Western Australian taskforce continues to meet, this group includes DPIRD, industry groups, livestock agents and processors; and
- The National FMD Biosecurity Response Zone extended to 30 June 2023 to ensure Australia's strong protections against FMD remain in place.

### RECOMMENDATION:

GVROC notes the matters considered by the Environment and Waste Policy Team.

### RESOLUTION:

**Moved: Mr Jim Epis, Shire of Leonora**

**Seconded: Cr Tracey Rathbone, Shire of Coolgardie**

**Carried**

#### 8.2 Governance and Organisational Services Policy Team Report

The Governance and Organisational Services Policy Team includes the following subject areas:

- Employee relations
- Governance
- Strategy and Association Governance
- Training
- Regional Capacity Building / Local Government Reform

The Governance and Organisational Services (GOS) Policy Team have not had a meeting since the last State Council meeting in December 2022.

A meeting of the GOS Policy Team is scheduled for Friday, 3 February.

A Report providing an update on matters considered at that meeting will be included in the next State Council Agenda.

**RECOMMENDATION:**

**GVROC notes the Governance and Organisational Services Policy Team Report.**

**RESOLUTION:**                    **Moved: Cr Patrick Hill, Shire of Laverton**  
   **Seconded: Cr Laurene Bonza, Shire of Dundas**

**Carried**

**8.3    Infrastructure Policy Team Report**

The Infrastructure Policy Team includes the following subject areas:

- Roads and paths
- Road safety
- Transport
- Freight
- Utilities (including telecommunications and underground power)

This Report provides an update on matters considered, since the last State Council meeting, by the Infrastructure Policy Team at its meetings held on 7 December 2022 and 11 January 2023.

**1.    Matters for State Council Decision**

Nil.

**2.    Matters for State Council Noting**

**2.1   Policy Team meeting on 7 December 2022**

At the meeting on 7 December, the Infrastructure Policy Team considered matters related to:

Road Traffic Issues

This matter was deferred for consideration after the development and endorsement of a clear Local Government advocacy position on speed management.

Car Parking and Traffic Congestion Around Schools

The Policy Team requested WALGA use its role at the Safe Active Travel to School Working Group to advocate for desired outcomes and to provide advice back to the Local Government sector.

Proposal for Regional Road Maintenance Contracts with Main Roads

The Policy Team requested WALGA explore, in discussion with Main Roads WA, opportunities and interest in contracting Local Governments to undertake maintenance and minor works on the State road network.

Northern Australian Beef Roads Program

The Policy Team requested that WALGA engage with the Goldfields-Esperance Regional Road Group regarding the matter of Northern Australian Beef Roads Program.

**2.2   Policy Team meeting on 11 January 2023**

Western Power Access Arrangement 5

At the meeting on 11 January, the Infrastructure Policy Team endorsed the draft submission, consistent with the policy positions endorsed by State Council in April 2022, concerning Western Power Access Arrangement 5 (2022 – 2027) for lodgement with the Economic Regulation Authority.

**RECOMMENDATION:**

**GVROC notes the matters considered by the Infrastructure Policy Team**

**RESOLUTION:**                    **Moved: Cr Tracey Rathbone, Shire of Coolgardie**  
   **Seconded: Cr Laurene Bonza, Shire of Dundas**

**Carried**

## **8.4 People and Place Policy Team Report**

The People and Place Policy Team includes the following subject areas:

- Community
- Emergency Management
- Planning and Building

This Report provides an update on matters considered, since the last State Council meeting, by the People and Place Policy Team at its meetings held on 14 December 2022 and 25 January 2023.

### **1. Matters for State Council Decision**

The Aboriginal Cultural Heritage Act Stage 3 Co-Design Submission was considered and endorsed for State Council decision by Flying Minute (see [Agenda item 9.5](#)).

The following items were considered and endorsed for State Council decision at the March 2023 meeting:

A submission on the draft Western Australian Disaster Resilience Strategy (see [Agenda item 7.2](#)); and  
An updated Child Safeguarding Advocacy Position (see [Agenda item 7.3](#)).

### **2. Matters for State Council Noting**

The following noting items were considered:

The consultation response to the Draft Position Statement: Child Care Premises prior to submission to the DPLH (see [Agenda item 9.6](#)); and

The Local Development Plan Background Paper (see [Agenda item 9.3](#)).

#### **RECOMMENDATION:**

**GVROC notes the matters considered by the People and Place Policy Team.**

**RESOLUTION:**                    **Moved: Cr Tracey Rathbone, Shire of Coolgardie**  
   **Seconded: Cr Patrick Hill, Shire of Leonora**

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**Carried**

## **9. Review of WALGA State Council Agenda - Organisational Key Activity Reports**

- 9.1 Report on Key Activities, Advocacy Portfolio
- 9.2 Report on Key Activities, Infrastructure Portfolio
- 9.3 Report on Key Activities, Member Services Portfolio
- 9.4 Report on Key Activities, Policy Portfolio

### **GVROC COMMENT:**

GVROC note the Organisation Key Activity Reports as provided in State Council Agenda Items.

**RESOLUTION:**                      *Moved: Cr Ian Mickel, Shire of Esperance*  
   *Seconded: Cr Tracey Rathbone, Shire of Coolgardie*

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Carried

## **10. Review of WALGA State Council Agenda - Policy Forums and Other Reports**

The following provides an outline of the key activities of the Association's Policy Forums that have met since the last State Council meeting.

### **10.1 President's Report**

#### **WALGA Recommendation**

That the President's Report for March 2023 be received. (refer to Attachment 4)

### **10.2 CEO's Report**

#### **WALGA Recommendation**

That the CEO's Report for March 2023 be received.

### **10.3 Ex Officio Reports**

- The Rt. Hon. Lord Mayor Basil Zempilas is an apology for this meeting.
- LG Professionals President, Annie Riordan, to provide the LG Professionals report to the meeting.

### **RECOMMENDATION:**

GVROC notes the President's and CEO's Reports for March 2023 and the Ex Officio reports as received.

**RESOLUTION:**                      *Moved: Cr Laurene Bonza, Shire of Dundas*  
   *Seconded: Mr Kevin Hannagan, Shire of Ngaanyatjaraku*

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Carried

<b>11. Review of WALGA State Council Agenda – State Council Status Report</b>
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**11.1 Complete Status Report on State Council Resolutions - To the March 2023 State Council Meeting**

**GVROC COMMENT:**

Additional to the Complete Status Report on State Council Resolutions, **Attachment 5** provides the relevant Goldfields Esperance Country Zone Status Report.

**RECOMMENDATION:**

**GVROC notes the Complete State Council Status Report to the March 2023 State Council meeting and the Goldfields Esperance Country Zone Status Report.**

**RESOLUTION:**

**Moved: *Cr Laurene Bonza, Shire of Dundas***

**Seconded: *Cr Tracey Rathbone, Shire of Coolgardie***

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**Carried**

## **12. LATE ITEMS as notified, introduced by decision of the Meeting**

Motion called to accept the Late Item 12.1 Proposed changes to gun laws.

**MOTION ACCEPTED:**            **Moved: Cr Ron Chambers, Shire of Esperance**  
   **Seconded: Cr Laurene Bonza, Shire of Dundas**

### **12.1 Proposed changes to Gun laws.**

**Shire of Laverton Motion:**

**That GVROC invite the Minister for Police, Hon Paul Papalia CSC MLA, to address the next scheduled GVROC meeting to outline the proposed changes to gun laws.**

#### **IN BRIEF:**

On 14 February 2023 the Minister for Police announced changes to gun ownership laws as follows:

- Firearms and ammunition designed to shoot over long ranges with extraordinary power and precision will be outlawed in WA from 1 July 2023;
- 56 types of firearms will become illegal;
- 19 calibres of ammunition will become illegal;
- A total of 248 licensed firearms in WA will become illegal;
- The WA Government will fund market-value buyback.

#### **ATTACHMENT:**

- [Media Statements - New firearms crackdown to bolster public safety](#)

#### **BACKGROUND:**

Very high-powered firearms that are dangerous at significantly longer ranges and capable of piercing armour plating will be outlawed in Western Australia from 1 July 2023.

The ban will be introduced by the McGowan Government at the request of the Western Australian Police Force as part of the Government's commitment to overhaul WA's 50-year-old gun laws and make sure community safety comes first.

Because these firearms are dangerous at significantly longer ranges than less powerful firearms, WA Police have identified them as posing a significant, high-risk to the community and law enforcement.

Under the ban, 56 types of firearms and 19 calibres of ammunition will become illegal in WA.

That means a total of 248 licensed firearms, which are currently legal in WA, must be disposed of by the 1 July deadline.

The WA Police Force will begin sending correspondence to the owners of these 248 licensed firearms, advising them they must be disposed of by the cut-off date.

The McGowan Government will fund a buyback of the specified firearms, at market value.

The funds will be paid to a nominated bank account within eight weeks of the firearm's official surrender at the nearest police station.

Owners must provide their firearm's licence, bank account details and proof of purchase including purchase price when they surrender their firearm. A valuation from a firearm's dealer may be accepted if proof-of purchase and purchase price are not able to be supplied.

#### **COMMENT:**

While the Laverton Shire council recognises the importance of firearm legislation in ensuring community safety and preventing gun-related incidents, it also acknowledges the need for clear and effective communication with the community on any proposed changes to legislation that affects them.



Therefore, the Shire of Laverton would like the Minister for Police to address the GVROC to explain the changes to the way firearms legislation is proposed to be implemented, as well as the defined process that led to these proposed changes. This will then allow Councils to communicate with their communities in the region including pastoralist stations who rely on guns for the control of vermin (e.g. Feral Camels, Horses, Wild Dogs etc) to be involved in the consultation process.

Comments in recent news articles below, demonstrate a lack of consultation can leave responsible gun owners questioning the current direction without appropriate and meaningful consultation.

*“Mr Papalia last week also announced changes to gun laws that would require licence owners to be subject to mandatory mental health checks....”*

*Police Minister Paul Papalia said “the catalyst for updating the laws came after an incident in May in which a man was found to have similar weapons stashed in an “extraordinary bunker” hidden under his couch in High Wycombe.”*

*“Announced on Tuesday 14 February 2023, the bans target 56 types of guns and 19 calibres of ammunition within WA and will kick in on July 1.”*

*The state government will reimburse the owners of the 248 currently legal weapons covered by the impending ban, with a \$1.5m buyback scheme announced.*

*The changes to WA’s Firearms Act are the first moves to update the state’s gun laws in 50 years.”*

The Shire of Laverton calls on GVROC to request that the Minister for Police attends the GVROC meeting on 31 March 2023 to outline the proposed changes and the consultation process undertaken, to provide clarity and transparency on the matter.

This provides a valuable opportunity for our communities represented by GVROC and councils state-wide to learn more about the changes and have their questions and concerns addressed.

#### **RECOMMENDATION:**

##### **That GVROC:**

- 1. support inviting the Minister for Police, Hon Paul Papalia CSC MLA, to address the next scheduled GVROC meeting on 31 March 2023 to outline the proposed changes to gun laws.**

**MOTION called to add the following to the recommendation.**

**MOTION RESOLUTION:   Moved: *Cr Patrick Hill, Shire of Laverton*  
                                  Seconded: *Cr Laurene Bonza, Shire of Dundas***

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- 2. GVROC Chair to write to the Premier, Minister for Police and the Police Commissioner requesting further consultation on these changes before they are implemented from 1 July 2023 to consider the following issues:**
  - a. Need for exemptions as is what has happened when the Federal Government implemented a similar scheme after the Port Arthur Massacre to allow Pastoralists and farmers in the remote regions to manage the constant issue of feral pests including feral camels, wild horses, donkeys, pigs and dogs that threaten the livelihood of those operating.**
  - b. Better understanding of the mental health checks required and how this will work given the shortages of qualified doctors etc in the region available to undertake these checks.**
  - c. The level of funding towards the buy-back scheme, given the market costs for these guns and the numbers to be bought back outweigh the amount in the fund.**

- 3. GVROC Chair and the GVROC State Councillor raise this issue with WALGA requesting them to advocate the above position on behalf of all regional LGAs to the State Government.**

**RESOLUTION:**

**Moved: Cr Patrick Hill, Shire of Laverton**

**Seconded: Cr Tracey Rathbone, Shire of Coolgardie**

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**Carried**

### **13. FUTURE MEETINGS**

With the continuing and evolving situation of the COVID-19 “Corona Virus” scheduling of future meetings as in person is a watching brief. This will be reviewed at each meeting by GVROC, and decisions made on whether the meetings are held as in person meetings or conducted through Zoom video conferencing.

In noting the above, the following suggested dates in 2023 have been set for the remaining GVROC meetings.

- 31 March 2023 in Esperance (to be hosted by the Shire of Esperance)
- 26 May 2023 in Leonora (to be hosted by the Shire of Leonora)
- 28 July 2023 in Coolgardie (to be hosted by the Shire of Coolgardie)
- Early October 2023 (date and venue to be Confirmed aligned with WALGA AGM in Perth)
- 24 November 2023 in Menzies (hosted by the Shire of Menzies)

The following are the WALGA State Council meeting dates in 2023 with suggested GVROC Zoom video conference meeting dates prior to these to inform the GVROC’s representatives attending the meetings with relevant input for State Council Agenda Items:

- 3 May 2023 WALGA State Council Meeting - GVROC meeting on **21 April 2023**
- 5 July 2023 WALGA State Council Meeting - GVROC meeting on **23 June 2023**
- 7-8 September 2023 WALGA State Council Meeting - GVROC meeting on **25 August 2023**
- 6 December 2023 WALGA State Council Meeting - GVROC meeting on **17 November 2023**

### **14. CLOSURE OF MEETING**

There being no further business the Chair declared the meeting closed at 10:05am.