

# State Council Agenda

5 May 2021

## NOTICE OF MEETING

Meeting No. 2 of 2021 of the Western Australian Local Government Association State Council to be held at City of Cockburn, Cnr Rockingham Road & Coleville Crescent, Spearwood on Wednesday, 5 May 2021 beginning at 12.30pm.

### 1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

#### 1.1 Attendance

Members	President of WALGA - <b>Chair</b>	Mayor Tracey Roberts JP
	Deputy President of WALGA, Northern Country Zone	President Cr Karen Chappel JP
	Avon-Midland Country Zone	President Cr Ken Seymour
	Central Country Zone	President Cr Phillip Blight
	Central Metropolitan Zone	Cr Paul Kelly
	Central Metropolitan Zone	Cr Jenna Ledgerwood
	East Metropolitan Zone	Cr Catherine Ehrhardt
	East Metropolitan Zone	Cr Cate McCullough
	Goldfields Esperance Country Zone	President Cr Malcolm Cullen
	Gascoyne Country Zone	President Cr Cheryl Cowell
	Great Eastern Country Zone	President Cr Stephen Strange
	Great Southern Country Zone	Cr Ronnie Fleay
	Kimberley Country Zone	Cr Chris Mitchell JP
	Murchison Country Zone	Cr Les Price
	North Metropolitan Zone	Cr Frank Cvitan JP
	North Metropolitan Zone	Mayor Mark Irwin
	North Metropolitan Zone	Cr Russ Fishwick JP
	Peel Country Zone	President Cr Michelle Rich
	Pilbara Country Zone	Mayor Peter Long
	South East Metropolitan Zone	Cr Julie Brown
	South East Metropolitan Zone	Mayor Ruth Butterfield
	South Metropolitan Zone	Cr Doug Thompson
	South Metropolitan Zone	Mayor Carol Adams OAM
	South Metropolitan Zone	Mayor Logan Howlett JP
	South West Country Zone	President Cr Tony Dean
Ex Officio	Lord Mayor – City of Perth	Lord Mayor Basil Zempilas
	President, Local Government Professionals WA	Mr Jamie Parry
Secretariat	Chief Executive Officer	Mr Nick Sloan
	EM Commercial & Communications	Mr Zac Donovan
	EM Governance & Organisational Services	Mr Tony Brown
	EM Infrastructure	Mr Ian Duncan
	EM Strategy, Policy & Planning	Ms Narelle Cant
	Manager Strategy & Association Governance	Mr Tim Lane
	Intergovernmental Relations & Risk	Ms Joanne Burges
	Chief Financial Officer	Mr Rick Murray
	Manager Governance	Mr James McGovern
	Executive Officer Governance	Ms Katherine Robertson
	Governance Support Officer	Ms Chantelle O'Brien

#### 1.2 Apologies

## 1.3 Announcements

- 1.3.1 WALGA acknowledges the Whadjuk Nyoongar people who are the Traditional Custodians of this land we meet on today and pays respects to their Elders past, present and future.

## 2. MINUTES

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### 2.1 Minutes of Meeting Held 3 March 2021

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#### Recommendation

That the Minutes of the Western Australian Local Government Association (WALGA) State Council Meeting held on [Wednesday 3 March 2021](#) be confirmed as a true and correct record of proceedings.

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### 2.2 Flying Minute – Draft Position Statement: Dark Sky and Astrotourism – 26 March 2021

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#### Recommendation

That the Flying Minute – [Flying Minute-Dark Sky and Astrotourism Draft Position Statement](#) be confirmed as a true and correct record of proceedings.

## 3. DECLARATIONS OF INTEREST

Pursuant to our Code of Conduct, State Councillors must declare to the Chair any potential conflict of interest they have in a matter before State Council as soon as they become aware of it.

## 4. EMERGING ISSUES

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

## 5. MATTERS FOR DECISION

- As per matters listed
- Items Under Separate Cover to State Council only

## 6. MATTERS FOR NOTING / INFORMATION

- As per matters listed.

## 7. ORGANISATIONAL REPORTS

### 7.1 Key Activity Report

- 7.1.1 Commercial and Communications
- 7.1.2 Governance and Organisational Services
- 7.1.3 Infrastructure

#### 7.1.4 Strategy, Policy and Planning

### 7.2 Policy Forum Reports

#### 7.2.1 Policy Forum Reports

### 7.3 President's Report

#### **Recommendation**

That the President's Report for May 2021 be received.

### 7.4 CEO's Report

#### **Recommendation**

That the CEO's Report for May 2021 be received.

### 7.5 Ex Officio Reports

7.5.1 LG Professionals President, Jamie Parry, to provide LG Professionals Report to the meeting.

7.5.2 Lord Mayor Basil Zempilas to provide City of Perth Report to the meeting.

## **8. ADDITIONAL ZONE RESOLUTIONS**

To be advised following Zone meetings.

## **9. DATE OF NEXT MEETING**

The next meeting of the Western Australia Local Government Association State Council will be a Special Meeting (WALGA Budget) to be held at WALGA, 170 Railway Parade, West Leederville on Wednesday, 2 June 2021 commencing at 4.00pm.

The next ordinary meeting of the Western Australia Local Government Association State Council be held in the Boardroom at WALGA, 170 Railway Parade, West Leederville on Wednesday 7 July, commencing at 4.00pm.

## **10. CLOSURE**

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## 5. MATTERS FOR DECISION

### 5.1 Local Government Financial Ratios (05-034-01-001 FM)

*By Tony Brown, Executive Manager Governance and Organisational Services*

#### Recommendation

That WALGA:

1. Advocate to the Minister for Local Government to amend the *Local Government (Financial Management) Regulations 1996* to prescribe the following ratios:
  - a. Operating Surplus Ratio,
  - b. Net Financial Liabilities Ratio,
  - c. Debt Service Coverage Ratio, and
  - d. Current Ratio.
2. Recommend that Local Governments consider including Asset Management ratios in their Annual Report.
3. Request the Department of Local Government, Sport and Cultural Industries to review the Asset Management ratios in consultation with the Local Government sector.
4. Continue the Local Government Financial Ratios Working Group as a reference group for the development of a Model set of Financial Statements and Budget Statements, and to establish new financial indicators.

#### Executive Summary

- Over a number of years there has been mounting concern as to the appropriateness of the seven financial ratios which are prescribed for inclusion in Local Government annual financial reports.
- WALGA has formed a Sector Reference Group and Working Group to review the ratios and provide recommendations. The composition of the Groups included sector representatives together with officers from the Department of Local Government Sport and Cultural Industries, Office of the Auditor General and WA Treasury Corporation.
- The Working Group has provided a [Local Government Financial Ratios Report](#) with recommendations for the prescribed ratios and other related matters.

#### Attachment

[Local Government Financial Ratios Report](#)

#### Policy Implications

WALGA's current position, adopted in March 2019, on financial ratios is as follows;

That Regulation 50 of the Local Government (Financial Management) Regulations be reduced and amended to the following financial ratios:

- *Operating Surplus ratio*
- *Net Financial Liabilities ratio*
- *Asset Renewal Funding Ratio*

Target ratios for Local Governments be considered in line with the size and scale principle. A review of the formulas for the ratios be undertaken.

## Background

In December 2019, State Council resolved:

*That the item on Financial Ratios be deferred and that WALGA form a Sector Reference Group to further review the ratios including all Zone feedback and provide recommendations to the May 2020 State Council meeting.*

The focus of the industry on matters pertaining to COVID-19 meant that the sector reference group could not be convened until August 2020. The reference group resolved to form a smaller Local Government Financial Ratios Working Group to review the existing ratios and previous proposals for change in order to develop recommendations for meaningful and relevant ratios.

On 2 December 2020, State Council endorsed the *Advocacy Positions for a New Local Government Act: Key issues from recent inquiries into Local Government*, which included the following preliminary recommendation from the Working Group:

*III. Financial Management and Procurement: That the Local Government sector:*

*1. Requests the Minister for Local Government to direct the Department of Local Government to prepare a Model set of Financial Statements and Annual Budget Statements for the Local Government sector, in consultation with the Office of the Auditor General;*

The Working Group have now produced the [Local Government Financial Ratios Report](#), which includes recommendations for prescribed ratios and other related matters.

## Comment

Currently, there are seven financial performance indicators which are required to be included in the Annual Financial Report of a Local Government under section 6.4(2) of the *Local Government Act 1995* and Regulation 50 of the *Local Government (Financial Management) Regulations 1996*.

Over a number of years there has been mounting concern as to the appropriateness of these indicators in providing a reasonable benchmark and measure of the financial performance of all Local Governments in WA.

Of the existing seven prescribed ratios, the Working Group proposes that one ratio be discontinued, one new ratio introduced and three ratios modified. It is also proposed that the Asset Management ratios are no longer prescribed for inclusion in the Annual Financial Report, but Local Governments give consideration to including Asset Management ratios in the Annual Report.

- Current Ratio; (modified)
- Asset Consumption Ratio; (no longer prescribed)
- Asset Renewal Funding Ratio; (no longer prescribed)
- Asset Sustainability Ratio; (no longer prescribed)
- Debt Service Cover Ratio; (modified)
- Operating Surplus Ratio; (modified)
- Own Source Revenue Coverage Ratio (discontinued)

It is the **recommendation of the Local Government Financial Ratios Working Group** that the following financial indicators be prescribed for inclusion in the Annual Financial Report.

- Operating Surplus Ratio,
- Net Financial Liabilities Ratio,
- Debt Service Coverage Ratio, and
- Current Ratio.

The Local Government Financial Ratios Working Group also recommends that:

- I. Local Governments consider including Asset Management ratios in their Annual Report, and the Department of Local Government, Sport and Cultural Industries (DLGSC) is requested to review the Asset Management ratios in consultation with the Local Government sector;
- II. DLGSC prepare a Model set of Financial Statements and Annual Budget Statements, in consultation with the Local Government sector; and
- III. The Local Government Financial Ratios Working Group continue as a reference group for the development of the Model set of Financial Statements and Annual Budget Statements, and to establish new financial indicators.

As previously noted, recommendation II, above, has been included in WALGA's *Advocacy Positions for a New Local Government Act: Key issues from recent inquiries into Local Government*.



## **5.2 Roads Asset Preservation Model Review (05-001-03-0051 SD)**

*By Sebastian Davies-Slate, Policy Officer – Transport and Roads*

### **Recommendation**

**That WALGA:**

- 1. Seek support from the WA Local Government Grants Commission to provide presentations on the inputs, operation of and outputs of the Road Asset Preservation Model at Zone or Regional Road Group meetings where requested.**
- 2. Advocate to the WA Local Government Grants Commission to improve the formatting and labelling of the model and make it available via the Commission's website.**

### **Executive Summary**

- The Local Government Grants Commission's Roads Asset Preservation Model is used to allocate road funding from State and Federal Government grants among Local Governments in Western Australia. WALGA has explored the need for and risks of advocating for a review of this model.
- Investigations to date highlight that the model is comprehensive, robust and been generally accepted by Local Governments, the Grants Commission and the State Government for more than 25 years, with few substantial changes. However, the model is complicated and not fully documented. Its operations are difficult to understand, resulting in a lack of transparency as to the model's operations.
- To help stakeholders understand the model, WALGA has prepared a manual explaining the principles and operation of the model.
- Local Governments and Zones expressed preferences ranging from retaining the status quo, through providing additional information to facilitate more informed decision-making, to seeking advocacy for a full review of the Road Asset Preservation Model when the matter was considered during February 2021.
- Improving the level of understanding of the model and potential implications of alternative approaches will assist future decision-making regarding the desired advocacy position.

### **Background**

The Road Asset Preservation Model aims to distribute State and Federal Government road grant funding among Local Governments in an efficient and equitable manner, taking account of local road asset preservation need and costs. The Asset Preservation Model was originally developed by Main Roads WA and Local Government in 1989-90, based on a theoretical model developed by the Australian Road Research Board. It was introduced the following year. The WA Local Government Grants Commission has responsibility for its on-going administration including updating the costs and other parameters that underpin the model's operation.

In response to a Zone resolution, WALGA investigated options that could be developed and advocated, that would improve the outcomes from the Road Asset Preservation Model. To support decision making a [manual](#) was developed to assist stakeholders better understand the model's objectives and operation.

All Zones were invited to consider a range of possible advocacy positions that the Association could adopt in relation to review and development of the Road Asset Preservation Model. Options to facilitate discussion ranged from status quo, through mechanisms to improve understanding of the model operations, to reviews of the cost and minimum standards assumptions to a full review of the model scope and structure.

## **Comment**

A widely diverse range of views within and between Zones was found through the Zone consultation process in February 2021.

Any decision on the future of the model carries risks, including a decision to make no change. It is difficult to predict the financial effects on individual Local Governments of any changes to the model. The inclusion of a requirement that no individual Local Government be worse off as a result of changes to the model was recommended by several Zones. It is recognised that this is impossible to achieve alongside changes to the model unless additional funding is provided. Total funding provided is outside the scope of the WA Local Government Grants Commission who would be responsible for implementing any change to the Road Asset Preservation Model.

The lack of documentation and complexity of the model create a risk of corporate memory loss, even if no changes are made to the model.

Providing further information to the sector is necessary for an informed choice to be made as to how to proceed with the model. Advocating for the Grants Commission to improve the formatting, labelling and documentation of the model will address the current lack of transparency and the risk of corporate memory loss, without committing to any change in the distribution of funds. There is a desire from a significant number of Local Governments and Zones to be provided with more information in order to make decisions regarding the review of the Road Asset Preservation Model.

### 5.3 Western Australian Development Index (05-104-01-0001 TL)

*By Tim Lane, Manager Strategy and Association Governance*

#### Recommendation

**That the development and implementation of the Western Australian Development Index, led by the Department of Local Government, Sport and Cultural Industries, be supported.**

#### Executive Summary

- Governments at all levels in a number of jurisdictions are leveraging broad wellbeing data, beyond traditional metrics, to measure community and citizen wellbeing over time.
- To research this issue, and the relevance of wellbeing indices to Local Government, WALGA hosted a research intern whose final report is [available here](#).
- In addition, the Department of Local Government, Sport and Cultural Industries (DLGSC) has been working with the Australian National Development Index (ANDI) to progress discussions on the development of a Western Australian Development Index (WADI), which would measure community wellbeing across a broad range of domains in Western Australia.
- Access to objective wellbeing data would provide Local Governments with opportunities to guide policy and budgetary decisions, and to advocate to other spheres of government for policy, program or infrastructure interventions.
- Importantly, the proposed WADI is not intended to be a tool for comparing Local Government performance, rather it is intended to aid decision making, policy interventions and advocacy to other spheres of government.
- The DLGSC is seeking non-financial support (in the form of a State Council resolution) from WALGA to seek State Government funding for the development of WADI.

#### Attachment

[Research Report – Local Government Metrics of Wellbeing](#)

#### Background

Governments around the world are seeking more sophisticated methods of measuring community wellbeing and progress beyond traditional economic measures such as gross domestic product (GDP).

To explore measures of wellbeing currently utilised at a national and sub-national level, WALGA hosted a research intern from UWA's McCusker Centre for Citizenship in early 2021. The intern's research report – [Local Government Metrics of Wellbeing](#) – discusses the purpose and use of wellbeing indices by national and sub-national jurisdictions across three countries (Australia, New Zealand and Canada) as well as exploring future opportunities for Local Government in Western Australia, notably through the proposed Western Australian Development Index (WADI).

The Department of Local Government, Sport and Cultural Industries (DLGSC) has partnered with the Australian National Development Index (ANDI) and Ernst and Young to explore and develop a business case for the establishment of a WADI, which would measure community wellbeing across a range of domains.

The vision of the WADI is to holistically measure the:

1. Wellbeing of Western Australians across a range of domains,
2. Distribution of wellbeing geographically, and

### 3. Societal progress in improving wellbeing over time.

The DLGSC has hosted a number of workshops with representatives from WALGA and the Local Government sector to introduce the ANDI methodology and discuss principles and practicalities that will guide the development of the WADI. Further information is available on the [DLGSC website](#).

The WADI project is progressing to the next phase, with a business case, prepared by Ernst and Young, to be submitted to Cabinet for funding in the near future. As a result, the Department of Local Government, Sport and Cultural Industries are seeking WALGA's support in the form of a State Council resolution to progress with the development of the WADI.

It is anticipated that WALGA and the Local Government sector will be included as part of the governance group providing oversight to the project.

## Comment

Structured, holistic measurement of community wellbeing through a mechanism such as a WADI presents a number of opportunities for Local Government.

In particular, Local Governments will be in a position to leverage reliable and objective wellbeing data to make policy, budgetary and strategic community planning decisions.

Secondly, detailed knowledge of community wellbeing across a range of domains will provide Local Governments with information that can be used to advocate to other spheres of Government.

To illustrate these points, the City of Sydney, for example, categorises community wellbeing indicators within three 'spheres of influence':

1. **Control** – core business or statutory responsibilities where direct decision-making or action is possible,
2. **Influence** – partial or shared responsibility where action may be possible in collaboration with other organisations or spheres of government,
3. **Concern** – issues important to the community but outside the City's control.

Accordingly, depending on the issue or domain, the City can utilise the wellbeing metrics to guide direct intervention, or to advocate to other spheres of government.

More information regarding the City of Sydney's community wellbeing measurement framework and reporting is [available here](#).

The following two points relating to the WADI are important:

1. The intent of the WADI is not to compare Local Government performance; the WADI's intention is to provide a tool for grounded, objective data about the wellbeing of citizens and communities in Western Australia.
2. It is a strong aim of the WADI not to impose an additional data collection burden on Local Governments; rather, data will be available to Local Governments (and other stakeholders) to inform policy and other interventions.

WALGA will continue to work with the DLGSC on the development of the WADI, and will keep the Local Government sector informed as the project progresses.

## **5.4 Review of the State Industrial Relations System (05-034-01-0001 DH)**

*By Davina Hunter, Employee Relations Service Manager*

### **Recommendation**

**That WALGA:**

- 1. Seek confirmation from the State Government on whether it intends to re-introduce legislation for Local Governments to operate solely in the State Industrial Relations System.**
- 2. If the State Government reintroduces legislation to require all Local Governments to operate within the State Industrial Relations System, continue to advocate for the State Government to:**
  - a. Amend the *Industrial Relations Act 1979 (WA)* to include additional provisions to modernise the State IR system; and**
  - b. Provide adequate funding and resourcing to ensure Local Governments are equipped with the appropriate tools and training to enable a smooth transition.**

### **Executive Summary**

- Currently in Western Australia there is a dual system whereby Local Governments apply either the Federal or State Industrial Relations legislation.
- The State Government is seeking to have all Local Governments operate in the State Industrial Relations System based on recommendations made in a Ministerial Report (2017-19).
- The *Industrial Relations Legislation Amendment Bill 2020* (Bill) was passed by the Legislative Assembly on 20 August 2020 but failed to pass the Legislative Council before Parliament was prorogued on 7 December 2020.
- With the recent election results, the WA Labor Government has control of both houses of State Parliament. Therefore, if a new Bill is introduced in similar terms it is unlikely to meet any opposition in Parliament.
- The transition of Local Government employees from the Federal to State Industrial Relations system will affect approximately 23,000 employees and will require Local Government employers and employees to navigate complex transitional legislation and arrangements.
- If legislation to mandate the transition is reintroduced into Parliament, it will be critical for Local Governments to secure State Government funding, resourcing and assistance to ensure the transition is smooth and positive for Local Government employees.

### **Policy Implications**

The recommendation aligns with WALGA's Advocacy Position 2.7.1 Employee Relations – Federal Award Coverage which states:

*That WALGA:*

- 1. Provide information and advice to Local Government to support their assessment of the appropriate industrial relations jurisdiction within which to operate; and*
- 2. Advocate for modernisation of the WA industrial relations framework with a view to achieve consistency with the predominant Federal industrial relations system.*

*Further, WALGA opposes the proposed transfer of all Local Governments to the State Industrial Relations System.*

*If Local Government is to be transferred to the State Industrial Relations system, the State system must be modernised first to ensure it aligns with the Federal system.*

## Budgetary Implications

A Business Case was approved by WALGA State Council in December 2020 for an increase in recurrent budget to provide resourcing to the WALGA Employee Relations team to lead and transition ER Subscribers to the State IR System.

No additional funding is required at this time.

## Background

- On 22 September 2017, the State Government announced the conduct of a Ministerial Review into the State Industrial Relations System (Review).
- The Final Report of the Review into the WA State Industrial Relations System (Report) was tabled in State Parliament on 11 April 2019. The Report recommended the [Industrial Relations Act 1979](#) (WA) (IR Act) be amended to enable a declaration to be made that WA Local Government authorities are not “national system employers” for the purposes of the *Fair Work Act 2009* (Cth) (FW Act).
- If WA Local Government are declared not to be “national system employers” those Local Governments that currently operate in the Federal Industrial Relations System will no longer be covered by the FW Act and will have to transition to the State Industrial Relations System and apply the relevant State industrial relations legislation.
- Currently 84 percent of the sector operates in the Federal Industrial Relations System and only 16 percent operate in the State Industrial Relations System.
- Any change to move all Local Government employers to the State Industrial Relations System will impact approximately 23,000 employees.
- On 25 June 2020, the [Industrial Relations Legislation Amendment Bill 2020](#) (Bill) was introduced into State Parliament to declare that WA Local Governments are not “national system employers” and to amend the IR Act and the *Minimum Conditions of Employment Act 1993* (WA) (MCE Act).
- The Bill was not passed by the Legislative Council before the final sitting date and it lapsed with the proroguing of State Parliament on 7 December 2020.
- The re-introduction of the Bill into WA Parliament is likely to be a high priority for the WA Labor Government. Given the WA Labor Party has a majority of members in both the Legislative Assembly and Legislative Council, there is likely to be little opposition to the Bill.
- A declaration made under the proposed IR Act must be endorsed in writing by the Federal Minister for Industrial Relations. Regulations will fix the relevant day for the commencement of a declaration.

## Summary of changes to IR Act

In addition to the changes outlined above, the Bill sought to:

- Empower the Western Australian Industrial Relations Commission (WAIRC) to vary the scope clauses of private sector awards.
- Amend the definition of employee in the IR Act and MCE Act to include categories of employees that had historically been excluded.
- Establish a single set of record keeping requirements in the IR Act, include a legislative requirement for pay slips to be issued to employees and prohibit an employer from knowingly making and giving false and misleading records or pay slips.
- Introduce stop bullying provisions which allows an employee to make an application to the WAIRC for an application to stop bullying, similar to the FW Act.
- Empower the WAIRC to make equal remuneration orders, similar to the FW Act.
- Increase penalties for non-compliance with the IR Act and expand the powers of industrial inspectors.



- Improving protection of employee rights by including a prohibition on:
  - an employer taking 'damaging action' against an employee because an employee has made an employment related complaint or inquiry (similar to the general protections provisions in the FW Act);
  - sham contracting; and
  - advertising employment at below the minimum pay rate.

## Comment

WALGA filed a [submission](#) in May 2018 outlining 15 recommendations in response to the Interim Report of the Ministerial Review of the State Industrial Relations System. Out of the 15 recommendations, the State Government has:

- not adopted any of WALGA's specific recommendations in respect of modernising the IR Act and improving the transition process from the Federal to State system; and
- partially adopted one recommendation in respect to a consultation process.

By way of consultation the State Government convened a Taskforce comprised of representatives from WALGA, the Department of Mines, Industry Regulation and Safety, the Department of Local Government, Sport and Cultural Industries and two unions (the Western Australian Municipal, Administrative, Clerical and Services Union of Employees and the Western Australian Municipal, Road Boards, Parks and Racecourse Employees' Union of Workers). Two meetings of the Taskforce were convened in 2019 whereby WALGA delivered feedback and recommendations on behalf of the sector.

WALGA will continue to advocate for the State Government to:

1. Provide funding to enable the transition. As per WALGA's 2020 State Budget Submission, the transition is estimated to cost the sector at least \$1 million over two years. For example, funding is required to:
  - a. Develop and deliver training for human resource and industrial relations professionals, payroll employees and Local Government managers about the State IR system to be able to inform and educate their respective workforces and manage risks associated with non-compliance.
  - b. Obtain legal advice to interpret the transitional provisions contained in the Bill and to amend legal documents such as contracts of employment.
  - c. Engage consultants to assist with the redrafting of positions descriptions, employment policies and procedures to reflect the requirements of the State industrial relations legislation.
  - d. Cover the cost of developing template documents and guides to educate the sector on the transition process and the new legislative requirements.
2. Develop practical guides and factsheets, develop and offer training, in conjunction with the WAIRC, similar to that provided by the Fair Work Commission (FWC) and Fair Work Ombudsman. For example, the development of guides similar to the FWC's Enterprise Agreement Benchbook and the Unfair Dismissals Benchbook.
3. Prioritise adopting an award modernisation process to modernise the State Local Government awards prior to transitioning Local Governments to the State IR System.
4. Modernise the State IR System by:
  - a. Developing relevant guidelines and factsheets, as outlined above, to support and guide employers through all claims and processes in the WAIRC.
  - b. Amending any future Industrial Relations Amendment Bill to:
    - i. Introduce State Employment Standards, similar to the National Employment Standards in the FW Act.
    - ii. Eliminate the overlap between the parental leave provisions in the MCE Act and FW Act.
    - iii. Introduce an entitlement to unpaid family and domestic violence leave.

- iv. Introduce a requirement for employees to complete a minimum employment period before being eligible to make an unfair dismissal claim.
- v. Include a provision to offset casual loading if a casual employee makes a claim for entitlements provided to a part-time or full-time employee.
- vi. Introduce stand down provisions similar to the FW Act.
- vii. Amend the current industrial agreement bargaining provisions to provide that the parties to an industrial agreement are the employer and employees, with the option of the union being a party (rather than the legislation mandating the union as a party to all industrial agreements).
- c. Ensuring award variations are appropriately advertised to all interested parties and affected employers, including a mechanism for employers to subscribe to alerts from the WAIRC on these matters, similar to the FWC process.
- d. Developing a function for employers and other interested parties to subscribe to email updates from the WAIRC on the creation or amendment of general orders (to ensure interested parties are notified of opportunities to provide submissions) and all other WAIRC news alerts.
- e. Developing and publishing wage schedules for all State awards.
- f. Ensuring any review of the State awards adopts plain English drafting principles.

Please note this is not an exhaustive list as the individual advocacy points may change and evolve if a new Bill is introduced and further options for improvement are identified.

Although the sector previously opposed mandating this change, the political reality is that the change is likely to go ahead and WALGA is prepared to work effectively and constructively with the State Government to achieve the best possible outcome for Local Governments.



## 6. MATTERS FOR NOTING / INFORMATION

### 6.1 New Regulations Update – Model Code of Conduct for Council Members, Committee Members and Candidates; and CEO Standards for Recruitment, Performance Review and Termination (05-034-01-0001 JM)

*By James McGovern, Manager Governance*

#### Recommendations

**That the information update on the *Local Government (Administration) Regulations 2021* and *Local Government (Model Code of Conduct) Regulations 2021* be noted.**

#### Executive Summary

- In December 2020, State Council adopted advocacy positions in relation to the *CEO Recruitment and Selection, Performance Review and Termination Standards Regulations* (Res: [146.6/2020](#) – p.55) and the *Model Code of Conduct for Council Members, Committee Members and Candidates Regulations* (Res: [147.6/2020](#) – p.61);
- In January 2021 State Council endorsed a submission on the Draft *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020* (Res: [194.FM/2021](#))
- Three new regulations, relating to the above matters were Gazetted and commenced on 3 February 2021;
- WALGA's request for an implementation period in relation to the Council Member Code of Conduct and CEO Standards was unsuccessful.
- WALGA is providing support and assistance to the sector through guidelines, framework for a Complaints process for the Elected Member Model Code of Conduct and developing a Model Employee Code of Conduct.

#### Attachments

1. The *Local Government (Model Code of Conduct) Regulations 2021* can be found [here](#)
2. The *Local Government (Administration) Regulations 2021* can be found [here](#)

#### Background

In December 2020, WALGA adopted the following advocacy positions:

##### *Schedule 2 of the Local Government (Administration) Regulations:*

1. That WALGA support the establishment of CEO Recruitment, Selection and Performance Review Standards subject to:
  - a) removal from the Regulations the requirement to re-advertise CEO positions after 10 year's continual service;
  - b) Encouraging, rather than mandating, the involvement of an independent person in the CEO Recruitment and Selection Process;
  - c) The retention of Regulation 18C of the Local Government (Administration) Regulations;
  - d) Deletion of the requirement under Regulation 18FB(4) to provide a copy of a council resolution certifying compliance with the CEO standards to the Departmental CEO; and
  - e) The conduct of an independent assessment of potential industrial and employment law consequences arising from the proposed regulations under Schedule 2, Division 4 'Standards for termination of employment of CEOs'.
2. Seek that the CEO Recruitment and Selection, Performance Review and Termination Working Group be reconvened to oversee the development of CEO Standards Regulations.

### Local Government (Model Code of Conduct) Regulations 2021:

That WALGA generally supports the *Local Government (Model Code of Conduct) Regulations* with the following recommendations:

- a) Does not support the inclusion of local level complaints about alleged behavioral breaches and Local Governments dealing with complaints provisions in Division 3, Clauses 10 and 11; and
- b) Supports an external oversight body to manage local level complaints involving council members as prefaced in the *Local Government Review Panel Report, City of Perth Inquiry Report* and *Select Committee into Local Government Report*, to be considered in a future Local Government Act.

### Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2020

The draft submission highlighted a number of issues with the draft regulations, principally in relation to consistency with requirements relating to gifts for Council Members and the CEO in terms of gifts, and the need for a template Employee Code of Conduct for the Local Government sector.

## **Comment**

The new regulations that commenced on 3 February 2021 do not reflect the adopted advocacy positions of the Sector, this report is intended to reiterate the importance of ongoing consultation with State Government and provide an update on sector support being provided by WALGA.

In relation to the Model Code of Conduct, Local Governments have progressed the implementation of the new regulations to varying degrees, but notably have appointed a Complaints Officers and adopted a Complaints Form by 23 February 2021, as [advised to do so by the Department of Local Government, Sport and Cultural Industries](#).

Future statutory steps will include the adoption, by absolute majority, of a Code of Conduct for Council Members, Committee Members and Candidates; and the CEO Standards; achieved by replicating the regulated content as a minimum. Additional content will be inoperative to the extent of any inconsistencies with the regulations.

A principal task remaining is the development of a complaints management process to guide the handling of local level complaints. The requirement for such a process is not a matter of regulation, but is an inevitable step in managing complaints in a procedurally fair and consistent manner. The Department has referred the sector to [guidance provided by Ombudsman WA](#) for this purpose.

WALGA's overall advocacy position on this issue is to support the establishment of an Office of the Independent Assessor to replace the Standards Panel and the requirement for Councils to administer their own complaints process. This position is supported by the *Local Government Review Panel Report* (Recommendations 57 to 59), *City of Perth Inquiry Report* (Recommendations 323 to 332) and *Select Committee into Local Government Report* (Recommendation 25), who collectively propose some form of external oversight encompassing complaints involving elected members and the removal of the administration, particularly the CEO, from involvement.

At the time of writing, WALGA is in the process of developing a Complaints Management Framework that will consider procedural fairness from the perspective that Schedule 1, Clause 12 of the Model Code inherently compromises Council Members considering a breach allegation where they have a personal involvement (complainant or subject of a complaint) and potentially raises the perception of bias where the complaint relates to another Council Member:

## ***12. Dealing with complaint***

*(1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.*

## **Conclusion**

To assist the sector through this process, WALGA is preparing the following documentation;

- Resources and guidelines to help Local Governments comply with the new regulations
- A Complaints Management Framework,
- A template Employee Code of Conduct reflecting the requirements of Part 4A of the *Local Government (Administration) Regulations*.

## **6.2 State Election Campaign (04-001-03-0001 TL)**

*By Tim Lane, Manager Strategy and Association Governance*

### **Recommendation**

**That the update on the 2021 State Election Campaign be noted.**

### **Executive Summary**

- WALGA ran a coordinated State Election Campaign that included
  1. Direct engagement with Members of Parliament, candidates for election, and political parties,
  2. Production of a campaign brochure and website, and
  3. A social media and electronic display ads campaign.
- The campaign generated engagement with Members of Parliament and candidates across the political spectrum, and the returned Labor Government made a number of commitments aligned with WALGA's policy agenda.

### **Background**

Through late 2020 and early 2021 WALGA ran a targeted and coordinated State Election campaign, which aimed to:

- Elicit commitments to priority policy and strategic initiatives
- Complement regional and local advocacy undertaken by Local Governments
- Leverage the influence of Members to enhance advocacy effectiveness and outcomes, and
- Enhance relationships between Local Government leaders and Members of Parliament.

In late 2020, the President, Mayor Tracey Roberts, wrote to all members of the Western Australian Parliament as well as endorsed candidates contesting the election enclosing a flyer detailing WALGA's key policy and funding requests.

WALGA's campaign focused on nine key issues:

1. New Local Government Act
2. Fairer Fees – including fees, charges and rate exemptions
3. Working Together – seeking a commitment to a new partnership agreement
4. Greening our Suburbs – tree planting program
5. Getting Good to Market – freight route funding
6. Funding for Local Roads
7. Protecting our Coast
8. Lighting the Way – investment to switch to LED technology in the street light network
9. Sport and Recreation – funding for the CSRFF program

In addition, a campaign website was established, which was supplemented by a social media campaign and digital display ads across the West Australian and Perth Now.

## **Comment**

Engagement with Members of Parliament and candidates led to a range of meetings, and responses to WALGA's priorities across all political parties.

The social media campaign achieved a total reach of over 227,000 with issues targeted geographically. The display ads achieved a reach of approximately 115,000 over two weeks spanning late February and early March 2021.

In terms of policy outcomes, the returned Labor Government made a number of commitments aligned to WALGA's campaign agenda, particularly in relation to sport and recreation upgrades, road infrastructure spending, and coastal erosion.

Focus has now shifted to engaging with Ministers and senior government decision-makers in terms of their policy and legislative agendas, and opportunities for Local Government sector influence.

## 6.3 Draft Position Statement: Dark Sky and Astrotourism (05-036-03-0068 AR)

By Ashley Robb, Senior Planner

### Recommendation

That the endorsed submission on the draft *Position Statement: Dark sky and astrotourism*, be noted.

### Executive Summary

- The Western Australian Planning Commission has released the draft *Position Statement: Dark sky and astrotourism* for public comment. Submissions close on 26 March 2021.
- The position statement outlines a set of planning mechanisms that can be used by planning authorities to preserve dark sky locations for the purposes of supporting astrotourism activities.
- The People and Place Policy Team discussed WALGA's draft submission on 17 March 2021 and recommended that it be considered and endorsed by State Council through Flying Minute.

### Attachments

[Flying Minute and Submission: Dark Sky and Astrotourism](#)

### Background

Astrotourism is a term used to describe a combination of scientific and recreational observation, photography and environmental tourism activities. It is a growing segment of Western Australia's tourism industry that Local Governments are actively supporting in various parts of the State. For example, nine Local Governments in the Wheatbelt have partnered with AstrotourismWA to list their towns as "astrotourism towns" and attract astrotourism visitors.

Light and dust pollution from sources such as industrial areas, residential areas, streets and roads can detrimentally affect dark sky locations and the capacity of communities to support and attract astrotourism businesses and visitors.

On 17 December 2020, the Western Australian Planning Commission (WAPC) released the *draft Dark sky and astrotourism Position Statement* for public comment. The position statement outlines a set of planning mechanisms that can be used by planning authorities, such as Local Governments, to designate dark sky for astrotourism locations and help ensure that new development proposals preserve these locations for the purposes of supporting astrotourism activities.

### Comment

The main planning mechanisms outlined in the position statement include:

- *Regional, sub-regional and local planning strategies*, and *district and local structure plans*, which should identify dark sky locations and broad objectives at a strategic level, early in the planning process.
- *Special control areas*, which would allow planning authorities to ensure that new development is required to seek planning permission, and in particular, demonstrate how it will reduce light and dust pollution to preserve dark sky locations.
- *A set of principles* to guide planning authorities and decision makers when making decisions about new subdivision and development proposed in dark sky locations.
- *A model local planning policy* to provide specific development standards for new development proposed in designated dark sky locations.

WALGA's draft submission supports the intent of the position statement and the mechanisms suggested within the statement and raises several process related issues that require the WAPC's further consideration. The main issues include:

- Guidance as to how planning authorities such as Local Governments should identify dark sky for astrotourism locations and include these locations in regional, sub-regional and local planning strategies.
- Guidance as to how local planning scheme amendments that propose special control areas which affect multiple Local Governments should be processed through the WAPC.
- Special control area provisions that facilitate new development requiring 24 hour operations.
- Clarification as to whether or not development that is currently exempt from the requirement to seek development approval under the *Planning and Development (Local Planning Schemes) Regulations 2015* would need to seek development approval if located in a special control area established to preserve dark sky locations.
- Lighting recommendations and potential impacts on road safety and sporting grounds.

The position statement is not a statutory document or regulation, meaning that Local Governments generally have discretion over whether or not the position statement should be applied within their localities.

It is recommended that State Council endorses a new advocacy position and include this position in WALGA's Policy Positions document, to guide future WALGA activities and support the development of astrotourism activities across Western Australia.

### 3.9 Tourism

*Local Governments are well placed to (1) work with relevant agencies to identify dark sky for astrotourism locations, and (2) determine appropriate planning mechanisms to preserve these locations in their localities.*

The draft submission was prepared in consultation with Local Governments and presented to the People and Place Policy Team on 17 March. The submission was endorsed by WALGA's State Council via Flying Minute on 26 March 2021 (RESOLUTION 198.FM/2021) with one minor amendment. The amendment related to seeking further guidance on how planning authorities, such as Local Governments, should identify these locations during the preparation of planning strategies. The public comment period closed on 26 March 2021.

## **6.4 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)**

*By Rebecca Brown, (Manager, Waste & Recycling)*

### **Recommendation**

**That State Council note the resolutions of the Municipal Waste Advisory Council at its 24 February meeting.**

### **Executive Summary**

This item summaries the outcomes of the MWAC meeting held on 24 February 2021.

### **Background**

The Municipal Waste Advisory Council is seeking State Council noting of the resolutions from the **24 February** meeting, consistent with the delegated authority granted to the Municipal Waste Advisory Council to deal with waste management issues.

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

### **Comment**

The key issues considered at the meeting held on **24 February 2021** included:

#### **Submission on Productivity Commission inquiry into the Right to Repair**

Following direction from the Federal Treasurer the Productivity Commission is examining the potential benefits and costs associated with Right to Repair in the Australian context, including current and potential legislative, regulatory and non-regulatory frameworks and their impact on consumers' ability to repair products that develop faults or require maintenance.

In December 2020, WALGA undertook a short online survey of Local Government seeking feedback on the potential for Right to Repair legislation. Forty-four Local Governments responded to the survey with 95% indicating that they supported federal action to introduce laws to improve consumers' Right to Repair options.

The 'reuse and repair' approach holds enormous potential to move the State to a low-waste society by reducing waste generation, increasing the amount of resources recovered and reducing disposal to landfill for both the metropolitan and non-metropolitan areas. The development of effective legislation that will strengthen consumers' Right to Repair will drive clear economic, environmental and community benefits. There will be further opportunity to comment on this matter when the Commission release their draft Report mid-year.

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

**That the Municipal Waste Advisory Council endorse the Draft Submission to the Productivity Commission into the Right to Repair.**

**Moved: Cr Price   Seconded: Cr Stroud  
CARRIED**

#### **Submission on Technical Discussion Paper on Regulating the Export of waste plastic**



The national *Recycling and Waste Reduction Act 2020* provides the legislative head of power for the Federal Government to implement the various export bans for glass, plastics, paper, cardboard and tyres. The Technical Discussion Paper is the first step of engagement regarding plastics.

The kerbside audit which was undertaken as part of the Container Deposit Scheme implementation indicated that mixed plastic – which will be completely banned from export – was 2.2% of the material collected through kerbside. The 18/19 Local Government Census indicated that, Statewide, 225,673 tonnes of material was collected through kerbside recycling. As an approximation, using these figures equate to 4,900 tonnes of material collected through kerbside being mixed plastic. From 1 July this year, other options will be needed for this material, either further sorting or reprocessing within Australia. Some mixed plastic from WA is currently being sent to South Australia for further processing. The State Government also announced funding for a range of recycling facilities on Tuesday 2 February .

The Submission identifies the challenges that Western Australia will have in meeting the export ban timeline for plastics.

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

**That the Municipal Waste Advisory Council endorse the Draft Submission to the Department of Agriculture, Water and Environment on the Technical Discussion Paper on Regulating the Export of waste plastic.**

**Moved: Mayor Price   Seconded: Cr Stroud  
CARRIED**

## 7. ORGANISATIONAL REPORTS

### 7.1 Key Activity Reports

#### 7.1.1 Report on Key Activities, Commercial and Communications Unit (01-006-03-0017 ZD)

*By Zac Donovan, Executive Manager Commercial and Communications*

#### **Recommendation**

**That the Key Activity Report from the Commercial and Communications Unit to the May 2021 State Council meeting be noted.**

Commercial and Communications comprises of the following WALGA work units:

- Commercial Development
- Commercial Management
- LGIS Contract Management
- Communications (Marketing and Events)
- Media and Advocacy (currently vacant)

The following provides an outline of the most recent key activities of Commercial and Communications:

#### **Commercial Development**

##### **Energy Project**

The project to contract an aggregate energy purchasing agreement for applicable Local Governments has been given a boost following a round-table meeting of Chief Executive Officers.

On March 26, WALGA hosted representatives from 22 of the largest WA Local Governments to review and discuss the Energy Sustainability and Renewables Project.

The group, which consisted of 18 CEOs and four Directors, overwhelmingly supported the direction proposed by WALGA and recognised the opportunity for Local Government to lead the community in energy sustainability.

For the next phase of the project WALGA will create a working group of Local Government professionals to assist with the development of Memorandums of Understanding so as to quantify the sector commitment when entering contract discussions with service providers.

The Commercial and Communication unit is also aware of the need to ensure that the Elected Member cohort is kept informed of the project and its potential savings and benefits. As such team representatives intend to attend Zone meetings with a member of the team schedule to present at the next South-West Regional Zone Meeting.

#### **Commercial Management**

##### **Member Engagement**

The Commercial Management Team has continued to prioritise visits to Member Local Governments, especially in the regions. As has been demonstrated previously face-to-face interaction with Member Local Governments directly enhances Preferred Supplier activity.

During the past month representatives from the team have visited 30 Local Governments:

- February 23-25: Great Southern region
- March 2-4: South West and Peel regions
- March 8-9: Karratha, Port Hedland and Broome
- March 16-19: Goldfields and Esperance regions
- March 25-16: Gascoyne and Pilbara regions

In addition to visiting Local Governments, the Commercial Management team has now implemented a matrix engagement structure whereby each contract manager is assigned responsibilities for both specific supplier panels and geographic regions. The consequence of assigning geographic regions will ensure that Member Local Government have consistency and greater familiarity with the contract manager assigned to assist them leverage their WALGA membership.

## **Marketing and Communications**

### **Sector Promotional Campaign**

In March, WALGA commenced a new sector promotional campaign highlighting the many positive experiences available through Local Government facilities and services that contribute to the quality of life of local communities

Themed 'What's your happy place?' the campaign employs television, print and online ads, TV news features, two lift outs in the West Australian newspaper and a dedicated website with long form content <https://walga.asn.au/happyplace>.

In addition, an online competition will launch in May in which community members are encouraged to share their own Council-related 'happy place' story for the chance to star in a Happy Place commercial, to be filmed later in the year.

Local Governments are encouraged to support and participate in the campaign through: contribution to print editorial placements; story ideas for news features; and local promotion of the campaign, in particular encouraging community participation in the competition phase for a chance to feature their Local Government in a future advertisement.

## **WALGA Events**

### **Meet the Minister Breakfast with Hon John Carey MLA: April/May**

New Local Government Minister, the Hon John Carey has indicated his interest in participating in the next of WALGA's Meet the Minister Breakfast Series, (date pending confirmation of Parliamentary sitting dates). This event will provide WA Elected Members and Local Government Chief Executive Officers an opportunity to hear of the Minister's priorities and intentions over the next term of Government, and provide the chance for the Minister to meet key decision makers of the sector.

### **Transport and Roads Forum: 14 May 2021**

This Forum aims to stimulate discussion, challenge thinking, share knowledge and provide the opportunity to network with colleagues. The 2021 program includes themes of disaster recovery, road design and construction, delivering a freight network that meets local needs, transport and the urban environment, and will also incorporate the Local Government Road Safety Awards to acknowledge outstanding road safety achievements. A trade exhibition will provide an opportunity to network with a range of representatives from the WALGA Road Building Supplies and Services panel.

## **7.1.2 Report on Key Activities, Governance and Organisational Services (01-006-03-0007 TB)**

*By Tony Brown, Executive Manager Governance & Organisational Services*

### **Recommendation**

**That the Key Activity Report from the Governance and Organisational Services Unit to the May 2021 State Council meeting be noted.**

Governance and Organisational Services comprises of the following WALGA work units:

- Governance and Procurement
- Employee Relations
- Training
- Regional Capacity Building
- Strategy & Association Governance

The following provides an outline of the key activities of Governance and Organisational Services since the last State Council meeting.

### **Governance and Procurement**

#### **Local Government Audits**

During the February 2021 round of Zone meetings a number of Zones raised the issue of some Local Governments experiencing delays with the finalisation of the 2019/20 financial audits.

WALGA carried out a survey of the sector seeking information on the status of audits and concerns with the audit process. 90 Local Governments responded to the survey. The following is a summary of the information obtained;

- 60 Local Governments had their audit completed (of the 60, 10 Local Governments had concerns with the audit process)
- 11 Local Governments audits had not been scheduled, however issues were at the Local Governments end.
- 19 Local Governments audits were not complete or scheduled and were concerned with the audit process.

The above information's shows that 30% of Local Governments had concerns with the audit process. The key issues identified as causing delays in the audit process were as follows;

#### **1. Financial Management Regulations Amendment**

The delay by the Department of Local Government Sport and Cultural Industries in not finalising the amendments to the Financial Management Regulations that were required due to the changes to the National Accounting Standards. The regulations were not amended until early November 2021. This delay was raised as an issue by most Local Governments including those who had their audits completed. Retrospective amendments to regulations should be avoided. This placed the audit process 4 months behind to start with and caused a domino effect on delays to the audits across the State.

#### **2. Contract Auditor/ OAG confusion**

There was feedback advising that Local Governments who are audited by a private contracted auditor by the OAG, that sometimes the private auditor provides an interpretation or a request for information and then at the end of the process the OAG has a different interpretation or a different request for information. This causes confusion for the Local Government

### 3. OAG – Resourcing and project management

There were concerns that audits are longer and more drawn out than they need to be. A number of Local Governments advised that they had been sent invoices for additional costs due to COVID, that the Local Governments thought were unreasonable. There were also instances of OAG staff requesting information at unreasonable times.

The above information will be collated and provided to the OAG and the Department of Local Government, Sport and Cultural Industries.

## **Training**

### **Update**

WALGA Training has returned to normal operations in the training space and courses have been very busy and well received.

Our flexible training options are all in demand with Face to Face training at WALGA offering an ideal networking opportunity and a day away from the desk.

So far, many Local Governments have taking up the convenience of Face to Face training at their Local Government and our Virtual Class Room option via ZOOM.

The 2021 Training Directory has been circulated and well received with lots of interest across all key training areas for Elected Member & Officer Training together with our specialist courses in Procurement, Emergency Management and Town Planning. The link to the directory can be found here; [https://drive.google.com/file/d/1M9iZYz\\_8krwd0FtCnZRvhG6dTnWLWxKQ/view](https://drive.google.com/file/d/1M9iZYz_8krwd0FtCnZRvhG6dTnWLWxKQ/view)

The Governance and Organisational Services Team are already preparing for the October 2021 Local Government elections to ensure a smooth course offering of the Council Members Essential training (Universal training courses).

## **Strategy & Association Governance**

### **Strategic Planning**

State Council endorsed WALGA's [Corporate Strategy 2020-2025](#) in December last year. The Corporate Strategy details WALGA's overall strategic direction for the next few years.

Work is ongoing to develop an Integrated Strategic Plan that will consist of a number of strategic initiatives to embed the Corporate Strategy, as well as a Performance Framework consisting of a number of key metrics.

### **7.1.3 Report on Key Activities, Infrastructure (05-001-02-0003 ID)**

*By Ian Duncan, Executive Manager Infrastructure*

## **Recommendation**

**That the Key Activity Report from the Infrastructure Unit to the May 2021 State Council meeting be noted.**

## **Roads**

### **Condition Assessment of Roads of Regional Significance**

A condition survey of all Roads of Regional Significance in the Mid West region, funded through the *State Road Funds to Local Government Agreement*, was completed and results presented to the Regional Road Group. This provides the Group and individual Local Governments with consistent data from which to plan road investment strategies. It also provides initial function evidence in the event that claims for disaster recovery funding are made.

Proposals have been evaluated to conduct condition surveys of Roads of Regional Significance in the Great Southern and Goldfields – Esperance Regions. This work is planned to commence in April.

### **Guidelines for Road Gravel Supplies in Western Australia**

WALGA published [guidelines](#) to assist Local Governments source gravel as a road building material. These guidelines provide information on the process for accessing gravel under various types of land tenure and offers information on legislative requirements such as native vegetation clearing, proclaimed water management areas, dieback management, aboriginal heritage and native title considerations, and data support to meet regulatory requirements.

### **ROADS 2040: Development Strategies for Regionally Significant Local Roads**

Feedback was invited and received from Local Governments and Regional Road Groups outside the metropolitan area concerning revised draft Guidelines for Regionally Significant Local Roads. Outside the metropolitan area, only these roads are eligible for Road Project Grant funding through the *State Road Funds to Local Government Agreement*. Once the Guidelines are accepted, Regional Road Groups will be tasked to review their roads and strategies for development of regionally significant roads.

### **Road Assets and Expenditure 2019/20**

Data collection for the 2019/20 Road Assets and Expenditure Report was completed. Analysis and reporting was commenced and the report will be published in May.

### **Transport and Roads Forum 2021**

The Transport and Roads Forum is scheduled for Friday, 14 May 2021 at Crown, Perth.

## **Funding**

### **State Road Funds to Local Government Agreement**

The State Road Funds to Local Government Advisory Committee will meet in mid-April to consider the 2021/22 Local Roads Program. It is noted that the State Government budget has been deferred, and delegates will be seeking support for early approval of the program.

### **Regional Road Safety Program**

A proposed \$35 million program of work to provide sealed shoulders and audible edge lines on about 1000km of Local Government roads in 2021/22 has been developed in conjunction with Local Governments and Main Roads WA. This will be considered for funding by the Commonwealth in April.

## **Urban and Regional Transport**

### **Regional Roadworks Signage Review**

WALGA is contributing to a Regional Roadworks Signage Review initiated by the Minister for Transport. This review will be using local forums and digital platforms to seek direct input from a wide range of stakeholders during April and May.

## **Road Safety**

### **Road Safety Council Update**

The Road Safety Council is focussed on implementation of the new road safety strategy within the current context. Data reflecting pandemic-related factors including freight movements, travel restrictions, public transport use, housing, drug and alcohol use, vehicle sales, the redeployment of Police traffic enforcement and driver behaviour was considered along with the latest results of community attitudes surveys which shows a drop in public concern for road safety.

Preparation for the 2021-22 Road Trauma Trust Account (RTTA) process included consideration of an historical analysis of RTTA funding allocations, projected funding requirements and long-term optimal allocations.



#### **7.1.4 Report on Key Activities, Strategy, Policy and Planning (01-006-03-0017 NC)**

*By Narelle Cant, Executive Manager Strategy, Policy and Planning*

### **Recommendation**

**That the Key Activity Report from the Strategy, Policy and Planning Unit to the May 2021 State Council meeting be noted.**

### **Planning and Building**

#### **Regional Building Surveyor Meeting**

In Western Australia, there is a critical shortage of building surveyors with declining numbers due to Professional Indemnity insurance issues in the private sector, and lack of training opportunities for both new and existing officers in Local Government. In particular, WALGA's regional members have expressed concern about the difficulty in finding capable staff to fulfil roles in building surveying, and the lack of professional development and networking opportunities for their existing staff.

WALGA held the first meeting of regional Local Government building surveyors via webinar in February to provide a forum to discuss these and other common issues, such as implementing Building Act processes, dealing with unsafe/dilapidated buildings, changes to building legislation with regard to bushfires, and repurposing of old buildings in regional towns. This will be a regular forum to complement WALGA's regular meetings of metropolitan building surveyors. The meetings will assist in WALGA's advocacy for improvements to the Building Act.

The Planning and Building team is also working with WALGA's Training team and State Government agencies to investigate the provision of additional vocational training opportunities for planning and building officers, particularly building surveyors.

### **Environment**

#### **Urban Canopy Grant Program**

The Local Government Urban Canopy Grant Program, funded by the Water Corporation and administered by WALGA, provides \$750,000 to support additional planting or bring forward future tree planting in Local Governments' urban forest plans. The Program was created to expand tree canopy in high urban heat risk areas in Local Governments within the Perth and Peel regions, including verges in residential, industrial and commercial districts, multi-use precincts, car parks, rail reserves, road median strips and parks and reserves.

Fourteen Local Governments will be offered funding in Round 1 of the Program, to be announced in April. Submissions for Round 2 (\$94,000 ex GST) are open until Monday, 31 May 2021. The grant guidelines and application form can be found on WALGA's website [here](#).

#### **Herbicide Use and Integrated Weed Management Working Group**

The first meeting of the WALGA Herbicide Use and Integrated Weed Management Working Group will be held in April. The Working Group was convened following a December 2020 WALGA workshop where Local Governments from across the State identified a number of areas where improvements could be made to promote best practice weed management, and demonstrate environmental and social responsibility. The Working Group aims to share information, technical advice and guidance to help inform Local Government decisions on the most suitable weed management approaches for their local context. The Working Group comprises representatives from the Australian Local Government Association (ALGA), LGIS, and 17 Local Governments, including Albany, Bassendean, Bridgetown, Cockburn, Denmark, Fremantle, Joondalup, Karratha, Mandurah, Melville, Mosman



Park, Perth, Rockingham, South Perth, Swan, Wanneroo and the Eastern Metropolitan Regional Council (EMRC). Membership remains open to all Local Governments, with new members welcome.

### **Climate Resilient Councils Project**

WALGA is progressing initiatives as part of the Climate Resilient Councils Project with funding from the Commonwealth Natural Disaster Resilience Program, LGIS and State Government agencies. The Project aims to strengthen the capacity of Local Governments to adapt to climate change impacts and reduce greenhouse gas emissions.

WALGA hosted the launch of the Climate Change Templates and Guidelines on Wednesday, 24 February. In February, WALGA hosted an event to launch templates and guidelines developed by Ernst & Young to support climate change adaptation and mitigation actions by Local Government and their communities. The templates are intended to support Local Governments that are commencing their climate actions as well as those that are well progressed in their approach. The Climate Change Templates and Guidelines and a recording of the launch can be viewed [here](#).

As part of Stage 2 of the Project, WALGA is facilitating a Climate Change Collaborative to strengthen the capacity of Local Governments to manage the impacts of climate change (adaptation) and reduce greenhouse gas emissions (mitigation). The Collaborative will support knowledge sharing between Local Government officers, the identification of collaborative research opportunities and potential partnerships, and the building of a network of Local Government officers to share best practice. Meetings will be held online, with the first meeting planned for May. More information on the Climate Change Collaborative can be found [here](#).

## **Resilient Communities**

### **New State Strategy for WA Libraries**

The Public Libraries Working Group (PLWG) is currently consulting on the development of a new state strategy for libraries in WA. Consultation opportunities include voting and commenting on crowd-sourced ideas through the iThink challenge, three showcases and a workshop *Demonstrating the Value of Libraries* hosted by Public Libraries WA. This is a preliminary consultation with the State and Local Government sectors prior to public consultation later in 2021.

Dates for the Showcases and Workshop are:

- Showcase: Digitally Inclusive Libraries - Monday, **29 March** at the State Library of WA
- Showcase: Libraries Supporting Communities - Wednesday, **21 April** at City of Belmont Library
- Showcase: Library Led Learning - Monday, **17 May** at WALGA
- Workshop: Demonstrating the Value of Libraries - Thursday, **27 May** at the Boulevard Centre, Cambridge

### **Aboriginal Cultural Heritage Consultation Workshops with DPLH**

WALGA and the Department of Planning, Lands and Heritage (DPLH) hosted nine online workshops in February and March with Local Governments with a regional/Zone focus, to obtain input from the sector on the categorisation of activities under the draft *Aboriginal Cultural Heritage Regulations*. Forty Local Governments participated in the workshops. WALGA developed a draft composite Local Government activity list and a consultation report to assist DPLH in their drafting of the Regulations. WALGA's Aboriginal Cultural Heritage Working Group will continue to provide sector feedback to DPLH as they consult on aspects of the new Aboriginal cultural heritage legislation.

# STATUS REPORT ON STATE COUNCIL RESOLUTIONS

## To the May 2021 State Council Meeting

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
<b>2020 December 2</b> <b>Item 5.4</b> Underground Power	1. That Local Government supports the: <ol style="list-style-type: none"> <li>continuation of cooperative arrangements between the State Government, Western Power and Local Government to progressively replace the overhead electricity distribution network in residential areas with underground power.</li> <li>development of a new approach to identifying and prioritizing areas for investment in underground power, initiated by the need to invest in the overhead network to meet safety, reliability and capability requirements.</li> <li>development of a new approach to allocating State Government resources to facilitate projects proceeding in areas with a high electricity network need and lower economic capacity of ratepayers while retaining a commitment to funding an average of 25% of program costs.</li> <li>opportunity for Local Governments to initiate projects to convert areas to underground power be retained with Western Power to continue to contribute the amount recoverable as an efficient investment as calculated by the New Facilities Investment Test (NFIT).</li> </ol> 2. That WALGA advocate for a targeted funding mechanism through the State Government to assist property owners in underground power program project areas that would suffer disadvantage as a result of needing to contribute to the cost of underground power.	<p>The Association has written to Energy Policy WA, the responsible State Government agency setting out the policy position adopted and rationale.</p> <p>The policy endorsed by State Council was discussed with the Minister for Energy during January 2021. The Minister committed to consider the options following the State Election.</p>	Complete	Ian Duncan Exec Manager Infrastructure
<b>2018 December 5</b> <b>Item 5.1</b> Proposed Removal by Main Roads WA of the "Letter of Approval" Restricted Access Vehicle Operating Condition	That WALGA: <ol style="list-style-type: none"> <li>Opposes withdrawal of the "Letter of Approval" Restricted Access Vehicle Operating Condition until an acceptable alternative to Local Government is developed;</li> <li>Supports the position that Local Governments not use provision of the Letter of Authority to charge transport operators to access the Restricted Access Vehicle network;</li> <li>Supports the development of standard administrative procedures including fees and letter formats; and</li> <li>Supports the practice of Local Governments negotiating maintenance agreements with freight owners/ generators in cases where the operations are predicted to cause extraordinary road damage as determined by the Local Government.</li> <li>Advocates to Main Roads to establish a stakeholder working group to develop an appropriate mechanism through which the increased infrastructure costs from the use of heavy vehicles and those loaded in</li> </ol>	<i>On advice from the State Solicitors Office, Main Roads WA is intending to remove the CA07 condition that requires a transport operator to obtain a letter of approval from the relevant Local Government. Main Roads is proposing to replace the condition with a notification process (CA88). After consultation with Regional Road Groups and a Stakeholder Working Group, the overwhelming majority of participants are of the view that the proposed arrangement is not an acceptable alternative. WALGA has written to Main Roads WA stating that WALGA does not support the alternative and that the position adopted by State Council in December 2018 has not changed.</i>	Ongoing	Ian Duncan Exec Manager Infrastructure

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	<p>excess of limits (concessional loading) can be recovered from those benefiting, and redirected into the cost of road maintenance.</p> <p><u>RESOLUTION 132.7/2018</u></p>			
<b>2021 March 3 Item 5.3</b> Eligibility of Slip On Fire Fighting Units for Local Government Grants Scheme Funding	<p>That WALGA:</p> <ol style="list-style-type: none"> <li>1. Supports the inclusion of capital costs of Trailer Fire Fighting Units and Slip On Fire Fighting Units including for Farmer Response Brigades (for use on private motor vehicles) on the Eligible List of the Local Governments Grants Scheme (LGGS).</li> <li>2. Requests the Local Government Grants Scheme Working Group to include this matter on the Agenda of their next Meeting (expected March 2021).</li> <li>3. Requests WALGA to work with the Local Government Grants Scheme Working Group to develop appropriate operational guidelines and procedures for the safe use of Slip On Fire Fighting Units funded in accordance with the LGGS.</li> <li>4. Supports the update of the WALGA membership of the Local Government Grants Scheme Working Group to include one Local Government Elected Member and one Local Government Officer, with these appointments determined through the WALGA Selection Committee process.</li> </ol>	<p>A letter was sent to DFES Commissioner Klemm on 16 March 2021 advising of State Council's decision on 3 March. The Local Government Grants Scheme Working Group met on 20 March 2021 however did not discuss eligible items in the Manual. An EOI for the positions for an Elected Member and Officer on the LGGS Working Group will be released shortly.</p>	May 2021	Narelle Cant Executive Manager Strategy, Policy and Planning
<b>2021 March 3 Item 7.1.4</b> Report on Key Activities, Strategy, Policy and Planning	<p>That the Key Activities Report from the Strategy, Policy and Planning Unit to March 2021 State Council meeting be noted and request the Department of Local Government, Sport and Cultural Industries for an extension on the consultation process on the Child Safety Officers issue from 2 April to 30 June 2021.</p>	<p>WALGA sent request to DLSCG on 5 March. DLSCG decided to uphold closing date of 2 April. This update, including the justification was circulated via Infopage to all Local Governments on 12 March.</p>	Complete March 2021	Narelle Cant Executive Manager Strategy, Policy and Planning
<b>2020 December 2 Item 5.3</b> Family and Domestic Violence and the Role of LGs	<p>That:</p> <ol style="list-style-type: none"> <li>1. WA Local Governments recognise the prevalence, seriousness and preventable nature of family and domestic violence and the roles that Local Governments can play in addressing gender equity and promoting respectful relationships in their local community.</li> <li>2. WALGA advocates to the State Government: <ol style="list-style-type: none"> <li>a. to work with Local Government in defining the role and responsibilities and expectations of Local Governments in family and domestic violence.</li> <li>b. for adequate funding for family and domestic violence programs and services, particularly in regional areas.</li> <li>c. for appropriate resources and funding be allocated to Local Governments to implement any particular roles and actions addressing family and domestic violence as defined in the State Strategy.</li> <li>d. to provide support to Local Government in the broader rollout of the Prevention Toolkit for Local Government.</li> <li>e. to continue advocacy to the Commonwealth Government for additional funding and support.</li> </ol> </li> </ol>	<p>In February 2021 WALGA wrote a letter to the Director General Communities, Michelle Andrews, to advise of WALGA State Council's newly adopted policy position on family and domestic violence.</p> <p>WALGA met with the Department of Communities on Thursday, 25 February 2021 to discuss WALGA State Council's endorsed policy position and key advocacy statements. The key message provided was that the Department of Communities needs to engage more thoroughly with Local Governments, and in particular more engagement and communication is required regarding the State Strategy which was adopted in July 2020.</p> <p>Since 18 January 2021 WALGA has been meeting with the Australian Local Government Association and other Local Government Associations, together with Our Watch (the National prevention agency established by the Commonwealth Government) to share information and combine advocacy efforts for Local Governments across Australia. Our Watch is working on a strategy to engage more thoroughly with Local Governments across Australia through this group.</p>	Ongoing	Narelle Cant Executive Manager Strategy, Policy and Planning

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	3. WALGA organises presentations for Local Governments that address family and domestic violence, as part of relevant events or webinars.	WALGA is working with the Local Government Community Safety Network Steering Committee to deliver an event on 18 May focusing on family and domestic violence.		
<b>2020 July 1</b> <b>Item 4.3</b> Teacher Housing Availability	<p>That WALGA contact the Director General of the Department of Housing to:</p> <ol style="list-style-type: none"> <li>1. Seek action and acknowledge the extra challenges in attracting and retaining public sector staff in remote and rural areas of the state;</li> <li>2. Immediately review and address the issue of insufficient GROH housing (and the high cost of subsidised rental) for public sector staff and actively seek and enter into Joint Venture arrangements with Councils to address the shortfall in accommodation;</li> <li>3. Request that the agencies be requested to engage with WALGA to seek a solution to the current short supply of GROH housing within all regions.</li> </ol> <p><u>RESOLUTION 91.3/2020</u></p>	<p>In July 2020 a letter was sent to the Director General Department of Communities as the responsible agency for Government Regional Officer Housing (GROH) seeking a response to the Resolution. In August 2020, WALGA received a response from the Director General, Communities, which stated that the Department of Communities has diverted much of its resources towards the social and economic recovery of the State. Therefore, work on the planned GROH review is placed on hold until the conclusion of the COVID-19 emergency period.</p> <p>It was acknowledged that GROH plays an important role in attracting and retaining staff in regional and remote communities. On 21 August 2020 WALGA met with relevant staff from the Department of Communities to further discuss the issue.</p> <p>WALGA staff met with the Department of Communities to receive an update on GROH on 18 February 2021. WALGA and the Department of Communities hosted a webinar on 30 March 2021 to update Local Governments on GROH.</p>	In progress	Narelle Cant Executive Manger Strategy, Policy and Planning
<b>2018 December 5</b> <b>Item 4.1</b> State / Local Government Partnership Agreement on Waste Management and Resource Recovery	<ol style="list-style-type: none"> <li>1. That State Council endorse investigating a State / Local Government Partnership Agreement on Waste Management and Resource Recovery.</li> <li>2. That the item be referred to MWAC for is development and negotiation with the State Government.</li> <li>3. A report regarding a proposed "State / Local Government Partnership Agreement on Waste Management and Resource Recovery" be brought back to the next meeting of State Council.</li> </ol> <p><u>RESOLUTION 131.7/2018</u></p>	This matter will be progressed with the new Minister for Environment, Hon Amber-Jade Sanderson, MLA.	Ongoing	Narelle Cant Exec Manager Strategy, Policy and Planning
<b>2021 March 3 Item 5.1</b> External Oversight and Intervention – Authorised Inquiries and Show Cause Notices	<p>That WALGA:</p> <ol style="list-style-type: none"> <li>1. Continues to advocate for the State Government to increase resourcing of the Department of Local Government, Sport and Cultural Industries particularly by engaging experienced and qualified staff to conduct timely inquiries and interventions when instigated under the provisions of the Local Government Act 1995; and</li> <li>2. Requests the Departmental CEO, of the Department of Local Government, Sport and Cultural Industries to engage with affected Local Governments in order to attempt to resolve identified issues, improve performance and achieve good governance before considering an intervention under Part 8 of the Local Government Act 1995; and</li> <li>3. Requests the Minister for Local Government to: <ol style="list-style-type: none"> <li>a. Provide written reasons prior to issuing any Show Cause Notices;</li> </ol> </li> </ol>	Correspondence has been written to the Minister for Local Government and the Department of Local Government, Sport and Cultural Industries on this resolution.	Complete	Tony Brown Executive Manager Governance & Organisational Services

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	<ul style="list-style-type: none"> <li>b. Require regular progress reports to be provided to any Local Government that is the subject of any Authorised Inquiry; and</li> <li>c. Require that any Authorised Inquiry be conducted within a specified timeframe that may be extended with the approval of the Minister.</li> <li>4. Advocates for legislative change to ensure that Show Cause Notices are required to contain reasons.</li> </ul>			
<b>2021 March 3 Item 5.2</b> Cost of Revaluations	That WALGA advocate to the State Government for the equal distribution of valuation costs for properties where the Water Corporation, the Department of Fire and Emergency Services and the Local Government require the valuation.	Correspondence has been written to the Minister for Lands on this resolution	Complete	Tony Brown Executive Manager Governance & Organisational Services
<b>2020 December 2 Item 5.1</b> Local Government Act Review Advocacy Paper Key issues from Recent Inquiries into LG	<p>That:</p> <ol style="list-style-type: none"> <li>1. Ongoing advocacy relating to the Review of the <i>Local Government Act 1995</i> be noted; and,</li> <li>2. The Advocacy Positions for a New Local Government Act: <i>Key issues from recent Inquiries into Local Government</i> – be endorsed, subject to the following amendments; <ol style="list-style-type: none"> <li>I. Roles and Responsibilities: That clarification of the roles and responsibilities for mayors / presidents, councillors and CEO's be considered <i>to ensure that there is no ambiguity.</i></li> <li>II. External Oversight: The Local Government sector supports: <ol style="list-style-type: none"> <li>1. Establishing an Office of the Independent Assessor to replace the Standards Panel to provide an independent body to receive, investigate and assess complaints against elected members and undertake inquiries.</li> <li>2. Remove the CEO from being involved in processing complaints.</li> <li>3. That an early intervention framework of monitoring to support Local Governments be provided <i>with any associated costs to be the responsibility of the State Government.</i></li> </ol> </li> <li>III. Financial Management and Procurement: That the Local Government sector: <ol style="list-style-type: none"> <li>1. Requests the Minister for Local Government to direct the Department of Local Government to prepare a Model set of <i>Financial Statements and Annual Budget Statements</i> for the Local Government sector, in consultation with the Office of the Auditor General;</li> <li>2. Requests the Department of Local Government to re-assess the amount of detail required to be included in annual financial reports, in particular for small and medium sized entities as suggested by the Office of Auditor General;</li> <li>3. Supports Local Governments being able to use freehold land to secure debt;</li> <li>4. Supports Building Upgrade Finance being permitted for specific purposes such as cladding, heritage and green improvements;</li> </ol> </li> </ol> </li> </ol>	<p>Positions have been updated to reflect the endorsement of the "Advocacy Positions for a New Local Government Act: <i>Key issues from recent Inquiries into Local Government</i>".</p> <p><i>Correspondence has been sent to the new Minister for Local Government advising of WALGA's advocacy positions</i></p>	Complete	Tony Brown Executive Manager Governance & Organisational Services

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	<p>5. Supports the alignment of Local Government procurement thresholds, rules and policies with the State Government.</p> <p>IV. Intergovernmental Cooperation: That a Partners in Local Government Agreement promoting a collaborative partnership approach be signed by the Premier, Minister for Local Government, <i>Western Australian Local Government Association and Local Government Professionals WA</i>, at the commencement of each term of the State Government.</p>			
<b>2020 July 1</b> <b>Item 5.4</b> WALGA JLT Scheme Management Agreement Extension	<p>State Council require that:</p> <p>a) The terms of existing WALGA JLT/Marsh Scheme Management Agreement be maintained for a further 12 months or until the review actions are completed.</p> <p>b) A contingency planning project be undertaken to ensure the WALGA LGIS insurance service is competitive, resilient and appropriate to serve the needs of Member Councils.</p> <p>c) All other details as to the State Council LGIS review to remain confidential.</p> <p><u>RESOLUTION 95.3/2020</u></p>	<p>Action implemented. Completed Contingency planning project in scoping stage. To be aligned with previous review actions with a June 2021 completion target.</p>	July 2021	Zac Donovan Executive Manager Commercial and Communications