

MINUTES OF THE ZONE MEETING

held at the Wangaree Community Centre, 131 Gingin Road, Lancelin
Friday 23 February 2018 commencing at 10:01 am

1 OPENING & WELCOME

The Zone President, Cr Court, welcomed delegates and observers and introduced Cr Sam Collard, President, Shire of Gingin. Cr Collard welcomed delegates to Lancelin and commented on –

- The Shire of Gingin is approximately 3,400 km² in area, has a population of around 5,000 (which doubles in the tourism season), Gingin is 90 km from Perth and the Shire has 80 km of beachfront.
- Industry includes grain production (the largest grower in the Shire producing around 12,000t per year), livestock, poultry, diverse horticulture, mining (lime sand, mineral sands, limestone), fishing (currently 20-25 boats; use to be 70-80 boats) and tourism.
- Approximately 1 million tonnes of lime sand comes out of Lancelin each year and this puts pressure on roads.
- A safe harbour is needed for the fishing industry.
- The Gingin Regional Outdoor Hardcourt Facility was established 8 years ago catering for tennis, netball and basketball.
- The Shire has 470km of sealed road and 430km unsealed road.
- Two major highways traverse the Shire and an accident on either highway diverts traffic onto local roads.
- Education is an issue with a significant number of students who had previously attended the Gingin and Lancelin schools now travelling south by bus.
- On-going issues for the Shire include maintenance of roads, rubbish, medical facilities, aged accommodation and coastal erosion.
- The City of Wanneroo is closing its off-road vehicle areas and as a consequence off-road vehicles are being pushed north into the Shire of Gingin; a significant issue.
- The Shire's CEO, Mr Jeremy Edwards, is leaving in a fortnight after 5-6 years with the Shire to take up the position of CEO with the Shire of East Pilbara. He will be sadly missed.

2 ATTENDANCE & APOLOGIES

2.1 Attendance

Delegates -

Cr Gordon Houston	Shire of Chittering
Cr Leslee Holmes	Shire of Dandaragan
Cr Jan Court	Shire of Gingin
Mr Clem Kerp	Shire of Goomalling
Cr Louise House	Shire of Moora
Cr Chris Antonio	Shire of Northam
Cr Brian Rayner	Shire of Toodyay
Cr Denese Smythe	Shire of York

Observers –

Cr Peter Osborn	Shire of Chittering
Mr Alan Sheridan	Shire of Chittering
Ms Jean Sutherland	Shire of Dalwallinu
Cr Sam Collard	Shire of Gingin
Cr John Elgin	Shire of Gingin
Cr Frank Johnson	Shire of Gingin
Cr Frank Peczka	Shire of Gingin (from 11:05 am)
Mr Jeremy Edwards	Shire of Gingin
Ms Ziggy Edwards	Shire of Gingin
Mr Stan Scott	Shire of Toodyay
Ms Glenda Teede	Shire of Victoria Plains
Hon Lawrie Graham MLC	Member for Agricultural Region

Mr Mal Shervill	Policy Officer Road Safety, WALGA
Ms Alison Maggs	Strategic Sourcing Manager, WALGA
Mr Nick Sloan	Department of Local Government, Sport and Cultural Industries
Ms Sandra Labuschagne	Acting Deputy General, Office of the Auditor General
Robert Dew	Zone Executive Office

2.2 Apologies

Cr Steven Carter	Shire of Dalwallinu
Cr Darren Slyn	Shire of Dandaragan
Cr Barry Haywood	Shire of Goomalling
Cr Rolly Van Gelderen	Shire of Goomalling
Cr Ken Seymour	Shire of Moora
Cr David Lovelock	Shire of Victoria Plains
Cr Pauline Bantock	Shire of Victoria Plains
Mr Tony Brown	Exec Manager Governance & Organisational Services, WALGA
Mr Cliff Simpson	Road Safety Advisor (Wheatbelt North), WALGA
Hon Martin Aldridge MLC	Member for Agricultural Region
Hon Rick Massa MLC	Member for Agricultural Region
Ms Mia Davies MLA	Member for Central Wheatbelt
Mr Shane Love MLA	Member for Moore
Ms Anne Fergusson-Stewart	Office of Hon R Mazza MLC

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 ANNOUNCEMENTS

The President drew attention to the visit to Seabird following the meeting to inspect the seawall. Afternoon tea would be available.

5 GUEST SPEAKERS / PRESENTATIONS

Local Government Audit (11:30 am)

Presentation by Ms Sandra Labuschagne, Acting Deputy General, Office of the Auditor General.

Following the passage through Parliament and proclamation of the *Local Government Amendment (Auditing) Act 2017* the Office of the Auditor General (OAG) is attending the Zone Meeting to meet with as many local governments as possible and provide an overview of the role of the OAG in local government and what to expect from both the performance and financial audit.

It is intended to also outline the implementation of the legislative change as well as answering any questions from delegates.

NOTED

Seabird Seawall (12:00 noon)

Presentation by Mr Jeremy Edwards on the seawall constructed at Seabird to alleviate coastal erosion.

NOTED

6 MINUTES

6.1 Confirmation of Minutes

Minutes of the Zone Meeting held 23 November 2017 at Toodyay. Copies of these Minutes have been circulated to all member Councils.

RECOMMENDATION

That the Minutes of the Zone Meeting held on 23 November 2017, as printed and circulated, be confirmed.

RESOLUTION

Cr D Smythe moved and Cr G Houston seconded –

That the Minutes of the Zone Meeting held on 23 November 2017, as printed and circulated, be confirmed.

CARRIED

6.2 Business Arising from the Minutes

(a) Other

There were no other matters were brought forward.

7 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION BUSINESS

7.1 WALGA State Council Agenda

Review of the Agenda for the State Council meeting to be held Wednesday 7 March 2018. The Agenda has been circulated by WA Local Government Association to member Councils for distribution to delegates. The Zone is able to provide comment or submit alternate recommendations to State Council for consideration.

Matters for Decision

5.1 Local Government Act Review (Page 6)

WALGA Recommendation

That WALGA;

- Endorse the responses to the Department of Local Government, Sport and Cultural Industries consultation paper provided in this report;*
- Forward the WALGA policy positions endorsed at the December 2017 State Council meeting to the Department as part of this submission for the Act review process;*
- Request that the Department of Local Government, Sport and Cultural Industries ensure that representation from WALGA and the Local Government Professionals WA is included in any legislative drafting process as a result of the Local Government Act review; and*
- Support the continuance of the Department of Local Government as a direct service provider of compliance and recommend the Department service its capacity building role through the utilisation of third party service providers.*

In Brief

- The Minister for Local Government launched the Government's Consultation Paper on Phase 1 of the Local Government Act Review on 8 November 2017.*
- The Minister advised that the first stage will focus on modernising Local Government, with the policy work and consultation to be completed in the first part of 2018 with a Bill in late 2018.*
- Local Government feedback was requested on the Department's Paper to enable a sector response to be provided.*
- This report presents a proposed sector response to the eleven (11) areas considered in the paper.*
- State Council at its December meeting requested consideration on the role of the Department of Local Government be considered in this report.*

The meeting recommended that the Zone support the recommendation to State Council.

5.2 Local Government Act – Audit and Financial Management Regulations Amendment (Page 23)

WALGA Recommendation

That WALGA endorse the following response to the Department of Local Government, Sport and Cultural Industries, regarding proposed regulatory amendments to facilitate introduction of Local Government auditing by the Auditor General:

- (1) *Local Government (Audit) Regulations 1996 proposed amendments are supported, subject to the following:*
 - (a) *Proposed amendment of Regulation 9 – supported subject to:*
 - (i) *The definition of Australian Accounting Standards being consistent between this Regulation and Financial Management Regulation 3.*
 - (b) *Proposed new Regulation 9A – Not Supported:*
 - (i) *Section 7.10 of the Act already sufficiently provides for the Auditor's right of access to documents.*
 - (ii) *If proposed new Regulation 9A is retained, then subject to:*
 - *Changing requirement for CEO to provide documentation from 14-days to 30-days; or alternatively,*
 - *Ensuring audit planning under Audit Regulation 7 includes identification and agreement on documentation required to be provided.*
 - *Re-sequencing the definitions for Strategic Community Plan and Corporate Business Plan to align with the sequence of Sub-regulations 9(A)(1)(a) and (b).*
 - (c) *Proposed amendment of Regulation 13 – supported subject to:*
 - (i) *Consideration of changing the Compliance Return period from a calendar year to a financial year to be consistent with other audits. Noting that this change would require consequential changes to Audit Reg. 15.*
 - (d) *Proposed amendment of Regulation 16 - Supported subject to:*
 - (i) *Sub-regulation 16(a) being deleted as Audit Committee involvement in 'guiding and assisting' Local Government to prepare budgets, financial reports, rates, etc. compromises the Committee's objectivity / impartiality when undertaking the audit role.*
 - (ii) *Redrafting Sub-regulation 16(d) to prescribe the Audit Committee's function as being 'to monitor and advise the CEO in regard to the outcome of any review undertaken in accordance with Audit Regulation 17(1) and Financial Management Regulation 5(2)(c)'. The redraft is proposed to avoid any confusion between the Audit Committee function and the CEO's responsibilities for the administration of the Local Government.*
 - (iii) *Amendment of Sub-regulation 16(d) to include a requirement for the Audit Committee to report to Council.*
- (2) *Local Government (Financial Management) Regulations 1996 proposed amendments are supported, subject to the following:*
 - (a) *Proposed amendment of Regulation 5 - supported subject to:*
 - (i) *Including a requirement for the outcome of a review to be reported to Council via the Audit Committee, consistent with other similar reporting requirements.*
 - (b) *Proposed amendment of Regulation 17A – supported subject to:*
 - (i) *Resolution of the conflict between the proposed 3-5 year review cycle and AASB 116 clause 34 which requires annual review of asset valuations in some circumstances.*
 - (ii) *Deletion of Sub-regulation 17A(4) as it replicates the requirements of AASB 116 clause 34 and may become inconsistent with the AAS should the AAS be amended in future.*
 - (iii) *Redrafting of Sub-regulation 17A(6) to enable Local Governments to determine the \$value threshold through their accounting policy, enabling Local Governments to apply an effective size and scale regime.*
 - (iv) *Inserting a new sub-regulation excluding Local Governments from compliance with AASB 166, clause 36, so to avoid requirements for revaluation of a whole class of assets, on the basis that revaluation within the 3-5 year cycle is sufficient.*

- (c) *Regulation 17B is not supported on the basis that:*
- (i) *Regulation 17B is contrary to the intent of Regulation 17A which expenses assets valued less than \$5000.*
 - (ii) *"Attractive" assets is not defined.*
 - (iii) *Regulation 17B's purpose is unclear if the asset is written off and therefore active audit is not required.*
 - (iv) *Theft of portable assets is not considered a widespread problem and where concerns arise regarding theft Local Governments will address those risks, therefore additional red-tape should not be created for the whole sector.*
 - (v) *If Regulation 17B is proposed to retained, then its retention should be justified by a cost benefit analysis evidencing that sector wide benefit will be achieved i.e. the actual cost of implementing proposed Regulation 17B versus the actual cost of 'lost' portable assets. If no such benefit is evidenced, then Regulation 17B should not be implemented.*

In Brief

- *The In accordance with the Partnership Agreement, the Department of Local Government, Sport and Cultural Industries (DLGSC) has requested consultation with the sector regarding proposed amendments to the Local Government (Audit) Regulations 1996 and Local Government (Financial Management) Regulations 1996.*
- *These regulatory amendments are proposed to facilitate implementation of the Auditor General's role in undertaking Local Government audits.*
- *Feedback on the draft regulatory amendments is required to be provided to the DLGSC by 29 March 2018.*

The meeting recommended that the Zone support the recommendation to State Council.

5.3 Interim Submission – Review of the State Industrial Relations System (Page 58)

WALGA Recommendation

That the interim submission in response to the Review of the State Industrial Relations System be endorsed.

In Brief

- *On 22 September 2017, the State Government announced the conduct of a Ministerial review into the State Industrial Relations system.*
- *The review will address whether Local Governments should be regulated by the State Industrial Relations system.*
- *WALGA was invited to make a submission and carried out a consultation process with the sector including hosting a Sector Reference Group consultation meeting to inform a representative sector position.*
- *Sector feedback recommends that legislation is not imposed prescribing that Local Government be exclusively regulated by the State IR system.*
- *It is also recommended that the State Government broaden the scope of the review as it relates to regulation of Local Government and consults with the Local Government sector regarding how industrial relations jurisdictional certainty is best achieved.*

The meeting recommended that the Zone support the recommendation to State Council.

The Shire of Goomalling advised that it would be staying with the State Award as it considered that there were better conditions for staff under this Award when compared to the Federal Award.

5.4 Interim Submission – State Planning Policy 5.4 Road and Rail Noise – Residential Subdivision
(Page 100)

WALGA Recommendation

That the interim submission to the WA Planning Commission on State Planning Policy 5.4 Road and Rail Noise be endorsed.

In Brief

- On 12 September 2017, the Western Australian Planning Commission (WAPC) released a revised version of State Planning Policy 5.4 Road and Rail Noise (SPP5.4) for public comment.
- The revised State Planning Policy aims to provide greater guidance in the Commission's assessment of subdivision applications, where the average lot size variation is greater than five per cent.
- The public comment period closed on the 15 December 2017, therefore an interim submission was prepared.

The meeting recommended that the Zone support the recommendation to State Council.

5.5 Interim Submission – Planned or Managed Retreat Guidelines (Page 114)

WALGA Recommendation

That the interim submission to the WA Planning Commission on the Planned or Managed Retreat Guidelines be endorsed.

In Brief

- On 26 October 2017, the WA Planning Commission (WAPC) released the Planned or Managed Retreat Guidelines (Guidelines) for public comment.
- The Guidelines aims to provide greater guidance on how to implement a policy of planned or managed retreat in 'brownfield' and 'infill' development areas.
- The Guidelines are based on principles of social, environmental and economic sustainability and adhere to objectives set out in *State Planning Policy No. 2.6 State Coastal Planning Policy* (SPP2.6).
- The public comment period closed on the 15 December 2017, therefore an interim submission was prepared.

The meeting recommended that the Zone support the recommendation to State Council.

5.6 Clearance of Subdivision Conditions Relating to Bushfire Management Plans (Page 126)

WALGA Recommendation

That WALGA request that the State Government formally consult with the sector in regard to: -

1. *The Department of Fire and Emergency Services' (DFES) transferring of responsibility to the Local Government sector for the clearance of a subdivision condition for Bush Fire Management Plans, when the condition has been requested by DFES.*
2. *Any possible review of the model subdivision condition relating to clearance of Bush Fire Management Plans.*

In Brief

- *The Department of Fire and Emergency Services (DFES) advised the Shire of Harvey that it would no longer clear conditions that relate to the implementation of a Bushfire Management Plan (BMP) during subdivisional works.*
- *The conditions are now being cleared on behalf of DFES by either the WA Planning Commission or the relevant Local Government.*
 - *It is recommended that the Association seek commitment from the State Government to provide greater clarity in the roles and responsibilities between DFES, Department of Planning and Local Government in the clearance of this condition, and to undertake formal consultation with the Local Government sector.*

RESOLUTION

Cr B Rayner moved and Cr L House seconded –

That the Zone urges the WA Local Government Association not to shelve its efforts to ensure the implementation by the State Government of the recommendations from the Special Inquiry into the January 2016 Waroona Fire.
CARRIED

Cr Chris Antonio left the meeting.

5.7 Review of the Administrative Road Classification Methodology (Page 129)

WALGA Recommendation

That WALGA supports the revised Administrative Road Classification methodology used to designate whether a road should be managed by Main Roads WA or Local Governments.

In Brief

- *The Administrative Road Classification methodology is used to guide determination of whether a road is managed by Main Roads or Local Governments in accordance with the provisions of the Main Roads Act 1930.*
- *Main Roads formed a working group with WALGA and Local Government representatives in 2015 to review the existing methodology for roads in the metropolitan area only.*
- *The working group agreed on a revised methodology based on a two tier process including planning and operational criteria.*
- *The revised methodology was noted and approved by senior Main Roads staff and by the Minister for Transport; Planning; Lands.*
- *The revised methodology was released for feedback from Local Governments in November 2017 and the feedback was supportive of the methodology.*
- *A preliminary desktop assessment of the methodology indicates that approximately 26 metropolitan roads could meet the criteria for reclassification.*
- *It is envisaged that the potential reclassifications would be phased over a number of years.*

RESOLUTION

Cr D Smythe moved and Cr B Rayner seconded –

That the Zone support the recommendation to State Council but recommends that for clarity the recommendation be amend by adding the word 'metropolitan' before the words 'road managed by Main Roads'.
CARRIED

5.8 Interim Submission - Inquiry into Progress under the National Road Safety Strategy (Page 142)

WALGA Recommendation

That the Interim Submission to the Inquiry into progress under the National Road Safety Strategy 2011-2020 be endorsed.

In Brief

- *In September 2017 the Australian Government initiated an Inquiry into progress under the National Road Safety Strategy 2011-2020.*
- *A WALGA response has been developed to highlight the key role of Local Governments in creating a safe road transport system, and makes a number of recommendations in relation to the challenges and opportunities for road safety going forward along with suggestions for the next National Road Safety Strategy.*
- *Endorsement by State Council of these recommendations is sought to provide a representative response from the Western Australian Local Government sector.*

The meeting recommended that the Zone support the recommendation to State Council.

5.9 Interim Submission - Proposed listing of the 'Tuart Woodlands and Forests of the Swan Coastal Plain' as a Threatened Ecological Community (Page 156)

WALGA Recommendation

That the Interim Submission to the Department of the Environment and Energy supporting the listing of the 'Tuart (Eucalyptus gomphocephala) Woodlands and Forests of the Swan Coastal Plain' as a Threatened Ecological Community be endorsed.

In Brief

- *The 'Tuart Woodlands and Forests of the Swan Coastal Plain' have been nominated as a Threatened Ecological Community under the Commonwealth's Environmental Protection and Biodiversity Conservation Act 1999.*
- *A draft Conservation Advice was prepared by the independent Threatened Species Scientific Committee, which provides advice on eligibility for listing, key diagnostic characteristics, minimum condition classes for national protection, and priority conservation actions.*
- *An estimated 14% of the original extent of the ecological community remains, which continues to be threatened by land clearing and development, and a reduction in community integrity.*
- *WALGA has prepared a submission to the Department of the Environment and Energy (DoEE) which supports the proposed listing of the ecological community as 'critically endangered', and recommends up-to-date maps of vegetation extent, revision of key diagnostic characteristics, identification of appropriate land uses within buffer zones, and further funding opportunities to assist land managers protect tuart woodlands.*

The meeting recommended that the Zone support the recommendation to State Council.

RECOMMENDATION

That the above recommendations and comments be endorsed.

RESOLUTION

Cr G Houston moved and Cr L Holmes seconded –

That the above recommendations and comments be endorsed.

CARRIED

Matters for Noting/information

6.1 Heritage Bill 2017 (Page 171)

WALGA Recommendation

That State Council notes that WALGA has sent a letter to The Hon David Templeman MLA, Minister for Local Government; Heritage; Culture and the Arts to address sector concerns on parts of the Heritage Bill 2017.

In Brief

- *On 8 November 2017 the State Government introduced the Heritage Bill 2017 which is currently being debated in Parliament.*
- *The Goldfields Esperance Country Zone raised concerns on parts of the Heritage Bill 2017 around ownership and the potential impacts on Local Government.*
- *WALGA has previously sought member feedback to the Heritage Bill 2015 and submitted an interim submission to the Heritage Council endorsed by the WALGA State Council.*

6.2 Fuel Reduction Activities in Western Australia (Page 174)

WALGA Recommendation

That State Council notes the Summary of 2016-17 Fuel Reduction Activities in Western Australia

In Brief

- *The Office of Bushfire Risk Management (OBRM) have released a summary of Fuel Reduction Activities as reported by Local Governments and a selection of state and federal agencies on their planned burning, mechanical and chemical fuel reduction activities.*
- *80 Local Governments participated in the reporting process providing information on their fuel reduction activities.*

- *In 2016-17, Local Government, state and federal agencies and other organisations reported 5,950,887 hectares of planned burning was undertaken, and 80,265 hectares and 9,845 kilometres of other fuel reduction activities.*

6.3 Proposed State Road Funds to Local Government Agreement (Page 177)

WALGA Recommendation

That State Council note the current status of negotiations for a new State Road Funds to Local Government Agreement.

In Brief

- *The current State Road Funds to Local Government Agreement 2011/12 to 2015/16 was extended a further two years to 2017/18.*
- *After meeting with WALGA in August 2017, The Minister for Transport; Planning; Lands agreed to the negotiation of a new Agreement.*
- *Based on a Local Government survey performed by WALGA in 2015 and ongoing consultation with the Regional Road Groups and Main Roads WA, WALGA drafted a proposed new Agreement for consideration by Main Roads.*
- *Main Roads have supplied feedback on the proposed draft that includes some significant points of difference that will require further negotiation.*

6.4 Report Municipal Waste Advisory Council (MWAC) (Page 180)

WALGA Recommendation

That State Council note the resolutions of the Municipal Waste Advisory Council at its 13 December 2017 meeting.

In Brief

- *This item summaries the outcomes of the MWAC meeting held on 13 December 2017.*

RECOMMENDATION

That the above matters for noting/information be noted.

RESOLUTION

**Cr B Rayner moved and Cr G Houston seconded –
That the above matters for noting/information be noted.**

CARRIED

Organisational Reports

- 7.1.1 Report on Key Activities, Environment and Waste Unit (Page 183)
- 7.1.2 Report on Key Activities, Governance and Organisations Services (Page 186)
- 7.1.3 Report on Key Activities, Infrastructure (Page 189)
- 7.1.4 Report on Key Activities, People and Place (Page 193)
- 7.2.1 Mayors/Presidents Policy Forum (Page 198)
- 7.2.2 Mining Community Policy Forum (Page 198)
- 7.2.3 Container Deposit Legislation Policy Forum (Page 199)
- 7.2.4 Freight Policy Forum (Page 199)

RECOMMENDATION

That the above organisational reports be noted.

Cr Frank Peczka entered the meeting at 11:05 am

RESOLUTION

**Cr G Houston moved and Cr D Smythe seconded –
That the above organisational reports be noted.**

CARRIED

7.2 WALGA President's Report

Presentation of the WALGA President's Report (attached to Agenda).

RECOMMENDATION

That the WALGA President's Report be received.

RESOLUTION

**Cr G Houston moved and Cr D Smythe seconded –
That the WALGA President's Report be received.**

CARRIED

7.3 State Councillor's Report

Report by the Zone's Representative Cr Jan Court on State Council meeting held 7 December 2017.

RECOMMENDATION

That the State Councillor's Report be received

Cr Court commented on –

- Rating exemption for charitable purposes.
- Elected member training.
- Leave of absence for elected members standing at State or Federal elections.
- Closing of bridges.
- She has been appointed to the People and Place and Container Deposit Forums.

RESOLUTION

**Cr G Houston moved and Cr D Smythe seconded –
That the State Councillor's Report be received.**

CARRIED

7.4 Zone Status Report

Report by WA Local Government Association on status of Zone resolutions for action by the Association – November 2017

Recommendation

That the November 2017 Status Report be received.

The Executive Officer reported that the WA Local Government Association had advised that there were no outstanding matters for report.

NOTED

8 ZONE REPORTS

8.1 Local Government Agricultural Freight Group

(a) Minutes

Minutes of the Local Government Agricultural Freight Group meeting held 5 February 2018 (attached to Agenda).

The next meeting of the Group is scheduled for 13 April 2018.

RECOMMENDATION

That the minutes of the Local Government Agricultural Freight Group meeting held 5 February 2018, as circulated, be received.

RESOLUTION

**Cr G Houston moved and Cr D Smythe seconded –
That the minutes of the Local Government Agricultural Freight Group meeting held
5 February 2018, as circulated, be received.**

CARRIED

(b) Report

Report by delegate Cr Ken Seymour.

RECOMMENDATION

That the Local Government Agricultural Freight Group Report be received.

Cr L House presented report on behalf of Cr Seymour.

RESOLUTION

Cr L Holmes moved and Cr B Rayner seconded –

That the Local Government Agricultural Freight Group Report be received.

CARRIED

Hon L Graham MLC advised that he would follow up the matter of the movement of agricultural machinery exceeding 6 metres in width.

(c) Chair of the Local Government Agricultural Freight Group

The Zone's delegate to the Local Government Agricultural Freight Group, Cr Seymour, has been elected as the Chair of the Group. Under the Group's Terms of Reference the constituent Zone from whom the Chair is elected is entitled to appoint a further delegate to the Group. The Terms of Reference also provide that each constituent Zone is entitled to exercise only one vote.

The Zone may care to consider appointment of a further delegate to the Group.

RECOMMENDATION

That, in accordance with the Local Government Agricultural Freight Group's Terms of Reference, the Zone appoints Cr _____ as its delegate to the Local Government Agricultural Freight Group.

RESOLUTION

Cr B Rayner moved and Cr D Smythe seconded –

That, in accordance with the Local Government Agricultural Freight Group's Terms of Reference, the Zone appoints Cr Louise House as its delegate to the Local Government Agricultural Freight Group.

CARRIED

(d) Matters for Discussion

- Movement of Agricultural Machinery

The Group requests comment from its Zones on the Heavy Vehicle Agricultural Pilot Authorisation 2017. The authorisation does not apply to the movement of agricultural vehicles exceeding 6 metres in width or 40 metres in length. In these instances an accredited Heavy Vehicle Pilot would be required. As many agricultural implements now exceed 6 metres in width the Group has recommended that an abbreviated Heavy Vehicle Pilot License training course be established for agricultural pilots accompanying agricultural vehicles exceeding 6 metres in width or 40 metres in length.

The Group resolved to requested clarification as to the requirements regarding the movement of agricultural vehicles in convey. The current Agriculture Machine Operational Guidelines state that "A maximum of two Agricultural Machines may travel in convoy with one another when accompanied by pilot vehicles, unless otherwise specified on the permit". To assist in discussions comments from Zones on these requirements would be appreciated.

Mr M Shervill advised that the Agricultural Vehicle Advisory Committee, which advises the Minister for Transport, is looking at the issue of agricultural machinery exceeding 6 metres in width or 40 metres in length. The matter of an on-line course for agricultural pilots has been discussed; the Department of Transport is keen to progress, however Main Roads has some reservations. The Committee has representatives from the Department of Transport, Main Roads WA, WA Local Government Association, WA Farmers Federation and the Pastoralists and Graziers Association. He currently sits on the Committee as the WA Local Government Association representative.

RESOLUTION

Cr B Rayner moved and Cr D Smythe seconded –

That that the Zone support the introduction of a short course for agricultural pilots.

CARRIED

- Harvest Mass Management Scheme

For the last two harvests special arrangements have been in place under the Harvest Mass Management Scheme to allow access by RAV combinations to paddocks on roads that have not been approved on the respective RAV networks. The Group resolved to invite representatives from Main Roads Heavy Vehicle Services to its next meeting to discuss arrangements for the Harvest Mass Management Scheme for the 2018/2019 harvest and review of the Scheme.

The Group would appreciate comments from Zones on the operation of the Harvest Mass Management Scheme and on the special access arrangements approved for the 2016/2017 and 2017/2018 harvests.

NOTED

- Road User Cost Recovery

The attention of local governments is drawn to WALGA's Road User Charging Policy.

Current concessional loading (AMMS) access requires each transport operator to obtain, from each local government they travel through, a local road access letter. It has been pointed out that this arrangement is cumbersome, that few operators actually request the letter and that it does not address the issue of recouping maintenance costs associated with AMMS access. To assist the Group in formulating approaches to government on this issue feedback and comment from Zones is requested.

Mr M Shervill commented that the WA Local Government Association is working with ARRB on developing a guide for assessing damage to unsealed roads. He anticipates that work will be completed in the middle of the year.

RECOMMENDATION

For Discussion

9 AGENCY REPORTS

9.1 Department of Local Government, Sport and Cultural Industries

Presentation and report from the Department of Local Government, Sport and Cultural Industries.

Mr Nick Sloan commented on –

- Changes in the Department.
- Review of the Local Government Act.
- Feedback on engagement with the Department on the review of the Act.
- Sport and Recreation Offices will become the shop front for the Department including for local government.
- The Department is keen to progress engagement with local government and will also take up engagement where a need is seen for other Departments.
- The new Director General of the Department is Mr Duncan Ord.
- Department keen to ensure that representatives attend Zone meetings.

Mr Stan Scott enquired as to the delays with the Community Sporting and Recreation Facilities Fund (CSRFF). Mr Sloan replied that he would follow up.

Mr Clem Kerp commented that it was pleasing to see the new Department's focus on engaging with local government. The last 5 years have been seen as the Department taking an autocratic and 'big brother' approach to local government.

RESOLUTION

Cr B Rayner moved and Cr D Smythe seconded –

That the Department of Local Government, Sport and Cultural Industries' Report be received.

CARRIED

9.2 Other

There were no other reports brought forward.

10 FINANCE

10.1 Financial Reports

Balance Sheet and Profit and Loss Report for the period ending 31 January 2018 are attached.

RECOMMENDATION

That the financial reports for the period ending 31 January 2018, as attached, be received.

RESOLUTION

Mr C Kerp moved and Cr B Rayner seconded –

That the financial reports for the period ending 31 January 2018, as attached, be received.

CARRIED

10.2 Accounts for Payment

The following accounts are submitted for payment -

<u>Payee</u>	<u>For</u>	<u>Amount</u>
Great Eastern Country Zone	Sponsorship Wheatbelt 2018 Conference	6,600.00
R W & L A Dew	Secretarial Services to Zone – March 2018 Quarter	3,891.25
	TOTAL (including GST)	<u>\$10,491.25</u>

RECOMMENDATION

That the accounts as listed totalling \$10,491.25 be approved for payment.

RESOLUTION

Mr C Kerp moved and Cr D Smythe seconded –

That the accounts as listed totalling \$10,491.25 be approved for payment.

CARRIED

11 ZONE BUSINESS

11.1 Equitable Access to State Funding for Rural Communities

BACKGROUND

Last meeting resolved that the that the matter of the impact of the withdrawal of infrastructure projects by the State Government on small local governments be listed for discussion at this meeting and accepted the offer of the Shire of Chittering to prepare a discussion paper on this issue.

COMMENT

The discussion paper prepared by the Shire of Chittering was circulated to all Zone members on 14 February 2018 together with a request for examples of projects where funding was been withdrawn.

The Shire of Toodyay referred to the withdrawal of \$46.19m investment to fund the construction of 150 specially designed, age-appropriate houses across 28 local governments in the Wheatbelt and Great Southern, and 22 houses for key workers in the Great Southern. The Shire points out –

- Even though the Financial Assistance agreements had been distributed they had not been executed by the Department at the time of the State election and funding was withdrawn.
- The Government has announced a new Regional Aged Housing Initiative with a funding pool of \$22m across the State. The previous program was part of the Growing our South Initiative in those regions that had not had the advantage of a regional investment plan.

RECOMMENDATION

To be determined

Cr L House commented on –

- A joint aged housing project proposed by the Shires of Dalwallinu, Wongan-Ballidu and Moora.
- The costs associated with keeping the Moora Residential College open. The community understands that the \$8.7m referred to as the cost of upgrading the college relates to the funds remaining from the total project for upgrades to rural residential colleges. The Moora Residential College was the last College to have work done and it is believed that no plans for the works required have been costed. The community believes that work to the value of \$500,000 would be sufficient to bring the College up to a sufficient standard.

Cr L Holmes commented that she understood that a business case went through the Wheatbelt Development Commission for refurbishment of the Moora Residential College at \$8.7m.

Hon L Graham commented –

- That the only figure seen by Members of Parliament for the work at the Moora Residential College is the \$8.7m.
- The Royalties for Regions Act provides for 25% of the forecast mining and onshore petroleum royalty income to be returned to the State's regional areas. The fund established under the Act is capped at \$1 billion. There has been no change to these and any change would require the Act to be amended.

M A Sheridan commented on the waste water scheme required for Bindoon. The Water Corporation's costings for the project are \$12m; the Shire of Chittering engaged an independent consultant who costed the project at \$2.2m.

RESOLUTION

Cr L House moved and Mr C Kerp seconded –

That the Zone urge for the reinstatement of the original 25% allocation (no spending cap) to regional Western Australia under the Royalties for Regions program. CARRIED

RESOLUTION

Cr B Rayner moved and Cr L House seconded –

That the Zone seek the endorsement of Country Zones and the WA Local Government Association to the reinstatement of the original 25% allocation (no spending cap) to regional Western Australia under the Royalties for Regions program. CARRIED

RESOLUTION

Cr S Smythe moved and Cr G Houston seconded –

That member Councils be requested to provide further details of projects impacted by the withdrawal of funding by the State Government for inclusion in the Discussion Paper on Equitable Access to State Funding for Rural Communities. CARRIED

Hon Lawrie Graham left the meeting.

11.2 Delegates and Deputy Delegates to Zone

FROM: Executive Officer

BACKGROUND

Following the biennial local government elections member Councils are to appoint a delegate and deputy delegate to the Zone.

COMMENT

The Shire of York has confirmed that its delegates to the Zone are Cr Denese Smythe (Delegate) and Cr Heather Saint (Deputy Delegate).

RECOMMENDATION

For noting

NOTED

11.3 Replacement Agreements for Local Governments in Regional and Remote Areas to Provide Licensing Services under the Road Traffic (Administration) Act 2008

FROM: Mal Shervill, Policy Officer Road Safety, WALGA

IN BRIEF:

- From 1 January 2008 under the provisions of the Road Traffic Act 1974, the (then) Director General of the Department of Planning and Infrastructure entered into agreements with 71 Local Governments in regional and remote areas to provide licensing services prescribed in the Road Traffic Act 1974. This agreement expired on 31 December 2017.
- The Department of Transport now seeks to have those same Local Governments continue to provide licensing services and has granted a three month extension for the expired agreement to the end of March 2018.
- The Department of Transport has provided and invited the affected Local Governments to sign replacement agreements so they can continue to provide licensing services. The replacement agreements are for a three year or five year term. The different terms of the agreements are based on transaction volumes.
- The circumstances of the replacement agreements was raised as an emerging issue at State Council at its December 2017 meeting.
- On 8 January 2018 WALGA met with senior representatives of the Department of Transport who provided specific advice addressing the matters raised about the replacement agreements.

BACKGROUND

From 1 January 2008 under the provisions of section 6B of the *Road Traffic Act 1974*, the (then) Director General of the Department for Planning and Infrastructure entered into agreements with 71 Local Governments to provide licensing services prescribed in the *Road Traffic Act 1974*. This agreement expired on 31 December 2017.

Knowing the agreement with Local Governments was to expire in December 2017 and on the basis the Department of Transport (the Department) desired regional and remote Local Governments to continue to provide licensing services, in June 2017 the Department surveyed the CEOs of affected Local Governments seeking the following advice:

- Did the Local Government want to continue to provide licensing services?
- What are the issues encountered with the current agreement?
- What suggested improvements could be incorporated into the new agreements?

The Department received 56 (of 71) responses from affected Local Governments and all but one indicated a willingness to continue to provide licensing services. The common issues raised included:

- Commission payments did not cover the cost of providing the service.
- Merchant fee costs to the Local Government had increased.
- There was an increase in complex transactions compared to simple payment processing.
- There was a need for more training.

According to the Department the replacement agreements were drafted to incorporate feedback from affected Local Governments and the changes to the agreements are minimal.

The Department advises that a restructure of the *Road Traffic Act 1974* has necessitated that two replacement agreements be offered to Local Governments:

1. A main agreement known as the Road Law Agreement.
This agreement covers driver and vehicle licensing transactions under legislation that includes the *Road Traffic (Authorisation to Drive) Act 2008* and *Road Traffic Act 1974*.
2. A subsidiary agreement known as the Non-Road Law Agreement.
This agreement covers transactions under legislation that includes the licensing of vessels (*WA Marine Act 1982*), photo cards (*WA Photo Card Act 2014*), motor vehicle driving instructor fees (*Motor Vehicles Drivers Instructors Act 1963*), and licensing and renewal of licenses for off road vehicles (*Control of Vehicles (Off Road Areas) Act 1978*).

The two replacement agreements contain no services additional to those in the expired agreement.

Under the provisions of section 11 of the *Road Traffic (Administration) Act 2008* in late 2017 the Department provided affected Local Governments with the replacement agreements for signing. In response some Local Governments raised the following matters:

- The timeframe for signing and returning the agreements to the Department did not allow sufficient time for them to be formally put to Councils for consideration.
- Local Governments were offered agreements for either a three year or five year term rather than a ten year term as was done previously.
- There was no remarkable increase in commission payment rates except for CPI increase; and generally it is a cost burden for Local Governments to provide the services.

This matter was considered as an emerging issue at the WALGA State Council meeting in December 2017 resulting in a resolution that WALGA engage with the Department of Transport to further investigate the issue of vehicle licencing contracts.

COMMENT

WALGA met with senior Department of Transport representatives who provided the following advice in relation to the matters raised by some affected Local Governments.

Review of expired agreement

The Department reviewed the ten year agreement prior to its expiration with the aim to more clearly detail service provision requirements and levels; and process requirements. The replacement agreements were drafted to incorporate feedback from affected Local Governments. Key changes are summarized in Attachment 1.

Timeframe for signing replacement agreements

The current ten year agreement for Local Governments to provide licensing services expired on 31 December 2017. A restructure of the *Road Traffic Act 1974* necessitated that two replacement agreements be drafted, which were offered to Local Governments for signing in late 2017. The timeframe nominated by the Department to sign and return the agreements did not allow sufficient time for Local Government CEOs to put them to their Councils for consideration. Acknowledging the timeframe was insufficient, the Department granted a three month extension of the expired agreement to the end of March 2018.

Three year or five year replacement agreements

In line with community demands the Department is actively seeking to shift transaction processing to on-line methods. A number of transactions can now be processed and/or paid via on-line modes. Over the coming years the Department plans to implement additional on-line transactions and other initiatives such as e-billing and direct debits that will accelerate the shift from face-to-face processing to on-line processing. These initiatives will have consequences for Local Government as simple transactions will move on-line leaving more complex and time consuming transactions to be processed face-to-face.

Sixty three percent (63%) of the Department's payments are currently processed online (representing 4.6 million payments) compared with 46% in 2013-2014 (3.4 million transactions).

Transactions processed at Local Governments have fallen 12% since 2011-2012 with a significant portion of the reduction occurring in the last two years. The reduction is due to the shift to on-line payment processing; changed economic conditions; and a move by the WA Police Force to process firearm transactions on-line through its website.

Local Governments were offered replacement agreements for terms of either three or five years. The terms were determined by the Department changing its business practices and processes, the general shift to on-line processing, external factors including current economic conditions, and face-to-face transaction volumes. These factors combined could create situations in the future where it is uneconomical for a Local Government to continue providing the services; therefore the Department considered a ten year agreement term too long to afford sufficient flexibility for effective management by both parties. Shorter agreement terms will allow for regular review of the economic viability and service quality. As a consequence:

- Three year terms were offered to Local Governments with low transaction volumes located in close proximity (less than 50 kilometres) to other Local Governments providing the services.
- Five year terms were offered to Local Governments with higher transaction volumes; and Local Governments in remote areas.

Fees and costs

The fees and costs incurred by Driver and Vehicle Services (Department of Transport) are reflected in the fees and charges to customers. The Department advised it has an obligation to promote and support lower cost delivery methods because supporting more expensive service delivery methods comes at a cost to customers.

The Department acknowledged that feedback from the June 2017 survey of CEOs indicated commission payments do not fully meet the costs incurred by their Local Governments to provide licensing services. Contributing factors included increased merchant fees, increasing volume of complex transactions, and processing variations of the same transaction requiring additional time investment by staff.

According to the Department, the expired agreement provided for an increase in commission values paid to Local Governments based on CPI increases and became effective from 1 July each year. The replacement agreements continue this practice.

The Department has scheduled a commission increase of 3% effective from 1 January 2018. The cost is expected to be offset by falling transaction volumes. The Department also made a decision to provide additional funding to support Local Governments processing higher volumes of transactions above 3,000 per annum (12 per work day).

Summary of key changes to replacement agreements as provided by the Department of Transport

Clause change	Reason
Definition of "Database"	Clarify that the agreement relates to DoTs vehicle and driver licensing databases.
Definition of "KPI" removed	KPI considered outdated and replaced by a compliance concept that focusses on no errors and correction if errors are identified during daily audit. Further <i>please explain</i> if errors continue or are significant – see amended Schedule H.
Definition of "PCIDSS Annual Statement" removed	Not required from Shires.
Definition of "Physical stock point" (h)	Referenced to Schedule M for clarity.
Definition of "Principal's Property"	Expanded to include physical stock and equipment provided by the Principal.
Event of Default (g) - wording change	Amended to clarify Principal to be advised and may give consent if Agents personnel have a criminal history. Otherwise it is a default event.
6.3 Agents undertakings	Now includes returning plates through approved couriers.
6.5 Conflict of interest	Better define the Department's understanding of the term.
7.1 Supply by Principal	Remove EFTPOS from (b) (i) - Shires use own systems to process payments.
8.1 Training	(e) Added to recoup taxi fares to and from training - evidence/receipts required.
8.3 Telecommunications	Ongoing rental not covered - originally introduced in infancy of the internet, now all business have internet connection, and DoT upload traffic is small.
10.3 Use of the Principal's Systems and Database	(b) Amended to provide for the Principal to request signing of a confidentiality agreement on demand - providing greater flexibility to ensure Agent personnel are aware of their responsibility. (d) Require personnel to log off when not using the PC so as not to enable unauthorized staff to access data to reduce unauthorized access and release of personal customer information.
10.5 Return of Confidential information	(b) Provide for more regular return of paperwork or other confidential information to the Department.
15.1 Audit and Review and 15.2 Performance and Compliance review meetings	Include the concept of compliance with business rules (error reduction) as well as performance which relates to quality of service.
16 Disputes	(b) Clarify that the Agents and Principals representatives must resolve disputes.

Schedule A	Minor wording changes: - Definition – Transport Service Centre - Scope of Services – now Road Law due to restructure of legislation - Physical Stock Requirements (c) - Timeliness of Service – (i), (iii) and (b)(iii) - Quality of Service (b) - Auditing by Transport Service Centres
Schedule B	Increased by 3% for selected sites performing over 3,000 transactions per annum. Non driver or vehicle transactions (maritime, photo card and taxi) removed and placed in the Non Road Rules Agreement
Schedule E	Changes to allow for directives to be issued by email.
Schedule F	Wording changes to reflect changes to DoT operations.
Schedule H	Changes to focus on error correction and prevention.
Schedule L	Removal of term from main contract to this schedule for flexibility. Contracts either for 3 or 5 years depending on volumes.

RECOMMENDATION

That the Zone note the advice provided by the Department of Transport on the two replacement agreements being offered to Local Governments in regional and remote areas to continue to provide licensing services under the *Road Traffic (Administration) Act 2008*.

RESOLUTION

Cr D Smythe moved and Cr G Houston seconded –

That the Zone note the advice provided by the Department of Transport on the two replacement agreements being offered to Local Governments in regional and remote areas to continue to provide licensing services under the *Road Traffic (Administration) Act 2008*. CARRIED

The Shire of Goomalling requested that their vote against the resolution be recorded.

11.4 Elected Member Training

FROM: Jacqueline Dodd, Training Services Manager, WALGA

COMMENT:

An additional phase of DLGSC and WALGA's subsidised training, funded by the State Government through the Royales for Regions and Country Local Government Fund program, has just been released for completion by 30 June 2018.

A range of training courses were selected by DLGSC, with input from WALGA resulting in a schedule which considered what courses had already recently been delivered in each Zone for Elected Members.

WALGA has liaised with the selected host Council's with the program below to be delivered to the Avon-Midland Country Zone at a subsidised cost of only \$50 per course per Elected Member.

To ensure that this training opportunity reaches the maximum number of Elected Members effectively and efficiently, WALGA will market these dates directly to CEO's, their EA's and Elected Members. If this could be highlighted at any of your upcoming Zone Meetings it would be greatly appreciated to ensure good participation (as we have a short timeline to market and deliver).

<u>Training Course</u>	<u>Host Council</u>	<u>Date</u>
Effective Community Leadership	Dandaragan	15 March (Thursday)
Integrated Strategic Planning – the Essentials	Northam	14 May (Monday)

RECOMMENDATION

That the Zone strongly recommends participation by elected members in the training courses provided under the Country Local Government Fund Program.

RESOLUTION

Cr B Rayner moved and Cr D Smythe seconded –

That the Zone strongly recommends participation by elected members in the training courses provided under the Country Local Government Fund Program.

CARRIED

11.5 Wheatbelt Conference 2018

FROM: Executive Officer

BACKGROUND

The Avon-Midland, Central and Great Eastern Country Zones have resolved to support the holding of the Wheatbelt Conference on 5-6 April 2018. The Conference will be held in Jurien Bay and its theme is Small Town, Big Dreams: Transitioning Regional Economies.

COMMENT

The Conference program features –

- Keynote speaker - Mr Barry Urquhart speaking on changes, challenges and new opportunities and the next big steps.
- The Minister for Local Government, Heritage, Culture and The Arts will be attending and will address the Conference.
- Other speakers include, from –
 - Carnegie Clean Energy – Future proofing the Wheatbelt – the role of renewable energy and battery storage.
 - North Eastern Wheatbelt Regional Organisation of Councils – Fixing communications the NEWROC way.
 - Market Creations – Embracing the E-change.
 - CEACA Project – Innovations in the delivery of regional housing for an ageing population.
 - Panel discussion - Local leadership in Dandaragan.
 - CBH – Improving mental health.
 - Wheatbelt Development Commission.
 - Local Government Insurance Services – Contemporary local government issues – A matter of risk.
 - Office of Emergency Management – Future directions for recovery in WA.
- MC – Ms Sue Campbell.
- A Partners Program for Thursday and Friday.
- A pre-conference tour highlighting the Jurien Bay area.

The program will be spread from lunch on the Thursday to lunch on the Friday. A Conference dinner will be held on the Thursday night.

Registration Fees – Conference:

Full Delegate	\$370.00 (inc GST)
Thursday or Friday only	\$220.00 (inc GST)
Dinner	\$130 (inc GST).

Venue – Jurien Bay Sport and Recreation Centre.

Registrations will be through Keynote Conferences.

Registration forms and program are being finalised and will be circulated in the near future.

Members are encouraged to promote the Conference through their networks. The Conference is not restricted to local government and is open to all interested persons. Members are encouraged to book accommodation early.

RECOMMENDATION

For Noting

NOTED

12 URGENT BUSINESS (as permitted by the Presiding Member)

No matters of Urgent Business were brought forward.

13 MEMBERS OF PARLIAMENT

No matters were brought forward.

14 DATE, TIME AND PLACE OF NEXT MEETING

The Zone's next meeting is scheduled for Friday 20 April 2018 and to be hosted by the Shire of Victoria Plains.

Future meetings of the Zone are scheduled for –

22 June 2018	Shire of York
24 August 2018	Shire of Chittering
23 November 2018	Shire of Wongan-Ballidu

RECOMMENDATION

That the next ordinary meeting of the Zone be held Friday 20 April 2018 and be hosted by the Shire of Victoria Plains.

RESOLUTION

Cr D Smythe moved and Cr B Rayner seconded –

That the next ordinary meeting of the Zone be held Friday 20 April 2018 and be hosted by the Shire of Victoria Plains.
CARRIED

15 GUEST SPEAKERS / PRESENTATIONS

15.1 Local Government Audit

Presentation by Ms Sandra Labuschagne, Acting Deputy General, Office of the Auditor General.

15.2 Seabird Seawall

Presentation by Mr Jeremy Edwards on the seawall constructed at Seabird to alleviate coastal erosion.

16 CLOSURE

There being no further business the Chairman thanked attendees, the Shire of Gingin for hosting the meeting and declared the meeting closed at 1:34 pm.

CERTIFICATION

These Minutes were confirmed by the meeting held on

Signed:
(Chairman of meeting at which the Minutes were confirmed)