

# State Council

## Full Minutes

6 September 2019

## NOTICE OF MEETING

Meeting No. 6 of 2019 of the Western Australian Local Government Association State was held at the Shark Bay Recreation Centre, Francis Street Denham, on Friday 6 September 2019.  
The meeting commenced at 11:23am.

### 1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

#### 1.1 Attendance

Members	President of WALGA Chair Deputy President of WALGA, North Metropolitan Zone Avon-Midland Country Zone Central Country Zone Central Metropolitan Zone East Metropolitan Zone East Metropolitan Zone Goldfields Esperance Country Zone Gascoyne Country Zone Great Eastern Country Zone Great Southern Country Zone Murchison Country Zone North Metropolitan Zone North Metropolitan Zone Northern Country Zone Peel Country Zone South East Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South West Country Zone	President Cr Lynne Craigie OAM Mayor Tracey Roberts JP  Cr Jan Court JP President Cr Philip Blight Cr Jenna Ledgerwood Cr Brooke O'Donnell Cr Kate Driver President Cr Malcolm Cullen President Cr Cheryl Cowell President Cr Stephen Strange President Cr Keith House JP Cr Les Price Cr Giovanni Italiano JP Cr Nige Jones (Deputy) President Cr Karen Chappel JP President Cr Michelle Rich Cr Julie Brown Cr Jon Strachan (Deputy) Cr Doug Thompson Mayor Logan Howlett JP President Cr Tony Dean
Guest	Chief Executive Officer LGIS	Mr Jonathon Seth
Secretariat	Chief Executive Officer EM Environment & Waste EM Governance & Organisational Services EM Finance & Marketing EM People and Place EM Infrastructure EM Business Solutions Manager Strategy & Association Governance Economics Policy Manager Executive Officer Governance	Mr Nick Sloan Mr Mark Batty Mr Tony Brown Mr Zac Donovan Ms Joanne Burges Mr Ian Duncan Mr John Filippone Mr Tim Lane Mr Nebojsa Franich Ms Margaret Degebrodt

#### 1.2 Apologies

South Metropolitan Zone North Metropolitan Zone Kimberley Country Zone Kimberley Country Zone Pilbara Country Zone South East Metropolitan Zone Central Metropolitan Zone Local Government Professionals WA (Ex Officio) Chair of Commissioners, City of Perth (Ex Officio) Chair, LGIS	Mayor Carol Adams OAM Cr Russ Fishwick JP Cr Chris Mitchell JP President David Menzel (Deputy) President Cr Kerry White Cr Brian Oliver Cr Paul Kelly Mr Ian Cowie Mr Andrew Hammond  Mr Howard King
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## **ORDER OF PROCEEDINGS**

### **1. OPEN and WELCOME by President Cr Lynne Craigie OAM**

The Chair declared the meeting open at 11:23am.

- Acknowledgement of Country
- Welcome to State Councillors;
- Gascoyne Country Zone Delegates;
- Mr Jonathon Seth, Chief Executive Officer LGIS; and
- WALGA Secretariat

### **MEETING ASSESSMENT**

The Chair invited Cr Brooke O'Donnell to undertake a meeting assessment at the conclusion of the meeting.

### **ANNOUNCEMENTS**

The Chair extended thanks to President Cr Cheryl Cowell for hosting the September Regional State Council.

### **2. MINUTES OF THE PREVIOUS MEETINGS**

#### **2.1 Minutes of 3 July 2019 State Council Meeting.**

**Moved: President Cr Phillip Blight**  
**Seconded: Cr Giovanni Italiano**

**That the Minutes of the Western Australian Local Government Association (WALGA) State Council Meeting held on 3 July 2019 be confirmed as a true and correct record of proceedings.**

**RESOLUTION 90.6/2019**

**CARRIED**

#### **2.1.1 Business Arising from the Minutes of 3 July 2019.**

Nil

### **3. DECLARATION 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.

I note that there are several State Councillors and deputies that may be directly or indirectly associated with the recommendations of the Selection Committee. I ask that if you are affected by these recommendations, that you excuse yourself from the meeting and do not participate in deliberations.

*Cr Jon Strachan declared an interest in item 5.13 Selection Committee Minutes.*

### **PAPERS**

The following papers were distributed to State Councillors prior to the meeting under separate cover:

- Program State Council 5-6 September 2019;
- Strategic Forum Agenda;
- Item 5.10 State Council and Zone Structure and Process Working Group Report
- Item 5.11 Select Committee Submission
- Item 5.12 Executive Committee Minutes and Financials Packs
- Item 5.13 Selection Committee Minutes;
- Item 5.14 LGIS Minutes;
- Item 5.15 LGIS Trust Deed – Confidential
- Item 5.16 LGIS Review Action – Confidential
- Item 5.17 2019 Annual General Meeting
- CEO's report to State Council; and
- President's Report (previously emailed to your Zone meeting)

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## 4. EMERGING ISSUE

### 4.1 Proposed Elected Member 'Welfare/Counselling' Program(s)

*By Mayor Logan Howlett, State Councillor, South Metropolitan Zone*

**Moved: President Cr Michelle Rich**  
**Seconded: Cr Brooke O'Donnell**

**That the Emerging Issue relating to Proposed Elected Member 'Welfare/Counselling' Program(s), be considered by State Council.**

**RESOLUTION 91.6/2019**

**CARRIED**

#### **BACKGROUND**

1. The provision of a 'welfare/counselling' program(s) [both pro-active and re-active] through WALGA for Elected Members aimed at addressing mental health and well-being challenges that Elected Members face in carrying out their role.
2. Coverage of Elected Members through LGIS in terms of insurance relating to point 1 above.

#### **COMMENT**

LGIS currently provides Employee Assistance Programs' to our members, designed to enhance the emotional, mental and general psychological wellbeing of Local Government employees. This program is in the format of a short term counselling service which aims is to provide preventive and proactive support for the early detection, identification and/or resolution of both work and personal problems that may adversely affect performance and wellbeing.

The Confidential Counselling service helps employees resolve issues and stress before they become overwhelming, or can provide assistance following the aftermath of a tragic event, for example.

LGIS with WALGA, would be pleased to consider the design and development of a tailored support service for Elected Members including the provision of a short term counselling service that provides access to support for variety of work and / or personal issues.

Whilst this program is intended to mitigate against the potential of Elected Members suffering mental health issues, it is also important to have strategies to transfer any residual risk. Therefore, LGIS have been working with the Elected Member Personal Accident insurer to provide a loss of income / lumps sum benefit cover, should Elected Members suffer mental anguish due to their capacity as an Elected Member. We expect to be in a position to present this to members in 2020.

Further, through the Councillors and Officers insurance arranged by LGIS on behalf of members, Elected Members also have access to a complimentary legal helpline to support them in matters concerning alleged wrong doings in their capacity as an Elected Member.

**Moved: Mayor Logan Howlett**  
**Seconded: Cr Les Price**

**That WALGA requests LGIS to investigate the design and development of a tailored support service for Elected Members including the provision of a short term counselling service.**

**RESOLUTION 92.6/2019**

**CARRIED**

## 5. MATTERS FOR DECISION

<b>5.1 Interim Submission - Draft Position Statement: Fibre Ready Telecommunications Infrastructure (05-036-03-0048 VJ)</b>
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*By Vanessa Jackson, Policy Manager Planning and Improvement*

**Moved: Mayor Logan Howlett**

**Seconded: Mayor Tracey Roberts**

**That the interim submission on Draft Position Statement: Fibre Ready Telecommunications Infrastructure, be endorsed, subject to the following amendment:**

**Recommendation 7 of the Submission, being modified to read:**

- 7. That the Position Statement be amended to specify that the conditions to be placed on a subdivision assigned responsibility to the WAPC rather than the Local Government – “arrangements being made to the satisfaction of the WAPC...”.**

**RESOLUTION 93.7/2019**

**CARRIED**

### **In Brief**

- On 23 May 2019, the Western Australian Planning Commission (WAPC) released the draft position statement for Fibre Ready Telecommunications Infrastructure, for public comment.
- The position statement aims to provide guidance on greenfield and infill subdivision and development applications of land for residential, commercial and industrial purposes.
- The public comment period closed on the 22 July 2019, therefore an interim submission was prepared.

### **Attachment**

Submission - draft Position Statement: Fibre Ready Telecommunications Infrastructure.

### **Relevance to Strategic Plan**

#### **Key Strategies**

#### Sustainable Local Government

- Provide support to all members, according to need
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia

#### Enhanced Reputation and Relationships

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government
- Develop simple and consistent messages that are effectively articulated
- Promote WALGA's supplier agreements to assist Local Governments.

### **Policy Implications**

Nil.

### **Budgetary Implications**

Nil.



## Background

The WA Planning Commission released for public comment a new Position Statement called Fibre Ready Telecommunications Infrastructure. The position statement aims to ensure appropriate internet access in future land development within Western Australia. A key role of the position statement is to provide guidance on greenfield and infill subdivision and development applications of land for residential, commercial and industrial purposes.

## Comment

The interim submission supports the draft Position Statement, though does provides 10 specific recommendations on how to improve the utility of the document for decision makers, particularly in regard to how Local Government is able to be satisfied that the proposed telecommunications solution is appropriate. The three main recommendations are as follows: -

1. That the Position Statement specifically outline how the document connects to State Planning Policy 5.2 - Telecommunications Infrastructure and the accompanying *Guidelines for the location, siting and design of telecommunications Infrastructure*.
2. That the Position Statement clarify whether it is ultimately proposed to incorporate the content of the Position Statement into the *Guidelines for the location, siting and design of telecommunications Infrastructure*.
3. That clarity be provided about the reference to the *Model Subdivision Conditions Schedule* and whether the two proposed conditions or the proposed advice note on Page 2 of the Position Statement are going to be incorporated into the *Model Subdivision Conditions Schedule*.

The public comment period closed on 22 July 2019, therefore, an interim submission was prepared. In accordance with State Council policy, the interim submission was referred to the Executive Committee and Policy Team.

The interim submission was then submitted to the WA Planning Commission to meet the public comment period deadline of 22 July 2019.



# INTERIM SUBMISSION TO THE DEPARTMENT OF PLANNING, LANDS AND HERITAGE

## Draft Position Statement: Fibre Ready Telecommunications Infrastructure

### INTRODUCTION

The Western Australian Local Government Association (WALGA) is the united voice of Local Government in Western Australia. The Association is an independent, membership-based group representing and supporting the work and interests of 138 Local Governments in Western Australia.

The Association provides an essential voice for 1,222 elected members and approximately 15,000 Local Government employees as well as over 2 million constituents of Local Governments in Western Australia. The Association also provides professional advice and offers services that provide financial benefits to the Local Governments and the communities they serve.

### GENERAL COMMENTS

The Association welcomes the release of the draft Position Statement on Fibre Ready Telecommunications as it aims to address the current loophole in the legislative framework where small developments have avoided the need to provide telecommunications infrastructure.

Comments on the specific details of the Position Statement are provided in this submission, querying some of the statements made and the proposed policy measures, in an effort to improve the clarity of the document.

Within the Position Statement, it is unusual that there is no mention, or connection to State Planning Policy (SPP) 5.2 – Telecommunications Infrastructure which outlines some requirements for development, nor is there any reference to the accompanying *Guidelines for the location, siting and design of telecommunications Infrastructure*. Is it proposed that this Position Statement will be incorporated into the existing Guidelines at a later date?

Within the SPP there is specific clause 3.4 which outlines the below ground telecommunications infrastructure requirements, as follows: -

For the purposes of this policy, below ground infrastructure refers to pit and pipe infrastructure used to house fixed line (fibre, Hybrid Fibre Coaxial, copper) to carry voice and data services. In accordance with the Fibre Deployment Amendment 2011 to the Telecommunications Act, developers that are corporations are required to provide fibre-ready pit and pipe infrastructure to new developments that are within the National Broadband Network Corporations' (NBN Co) fibre footprint. Developers of all new developments are encouraged to engage with a telecommunications carrier to ensure that pit and pipe infrastructure complies with industry specifications or any standards set by the ACMA.

The draft Position Statement should clearly outline the connection to the higher order planning instrument of the SPP and the associated guidelines, so there is no confusion as to the interaction between the documents.

**Recommendation:**

1. That the Position Statement specifically outline how the document connects to State Planning Policy 5.2 - Telecommunications Infrastructure and the accompanying *Guidelines for the location, siting and design of telecommunications Infrastructure*.
2. That the Position Statement clarify whether it is ultimately proposed to incorporate the content of the Position Statement into the *Guidelines for the location, siting and design of telecommunications Infrastructure*.

## **SPECIFIC COMMENT AND RECOMMENDATIONS**

### **1.0 Policy Intent**

This paragraph specifically refers to the *Model Subdivision Conditions Schedule* and being consistent with the requirements of this existing document. In reviewing the Model Subdivision conditions schedule, only condition T7 states that an easement may be required over a lot for telecommunications purposes, there is nothing specifically that states that infrastructure must be provided as part of a subdivision. Later in the document (on page 2), there is a recommended subdivision condition that could be applied.

Is it anticipated that the two proposed conditions or the proposed advice note within this Position Statement, are going to be incorporated into the *Model Subdivision Conditions Schedule*?

At the end of the paragraph, there is a statement referring to the Commonwealth *Telecommunications Act 1997*, and the application of this Act for subdivision and development. Therefore in deferring to this Act, it is queried whether the Position Statement provides any additional value in the WA planning framework.

**Recommendation:**

3. That clarity be provided about the reference to the *Model Subdivision Conditions Schedule* and whether the two proposed conditions or the proposed advice note on Page 2 of the Position Statement are going to be incorporated into the *Model Subdivision Conditions Schedule*.

### **3.0 Application of this policy**

Throughout the document, there is reference to subdivision and development requirements, and the first sentence of 3.0 outlines that the position statement applied to “*greenfield and infill subdivision and development applications of land for residential commercial and industrial purposes*”. However later in the document it states that for “*development applications, no specific policy measures are identified in this Position Statement*”. Therefore, should the Position Statement only be for subdivision applications, as it provides no additional assistance for assessment of development applications?

It is unusual that there is no mention in this section of the recently released State Planning Policy 7.3 (Apartments) and the telecommunications requirements that are stated in Objective 4.18 (on Page 110).

An alternative is that the position statement could be reworked for subdivision applications only, or be separated into the subdivision requirements and development requirements with reference to the existing State Planning Policy requirements.

**Recommendation:**

4. That the Position Statement be amended to clearly refer to existing State Planning Policy requirements for telecommunications and apartments (i.e. SPP 7.3 objective 4.18) or the policy rewritten to only include requirements for subdivision applications.

The third dot point in this section states that telecommunications in a rural zone or equivalent is exempt if the WAPC or a Local Government is satisfied that it is not warranted. This could lead to uncertainty as 'rural zone or equivalent' could be misinterpreted to mean also within special rural or special residential developments (or are they proposed to also be exempt?). It is also not aligned with the requirements of section 5.0 of the Policy, which requires a 'suitably qualified person' to provide the advice on the specifications of the infrastructure.

It is unclear whether it is proposed for Local Government to use the Australian Classification of Local Government code for the entire Local Government as a determinant for requiring the various telecommunication types. NBN has muddied the waters in this regard by having its own, highly arbitrary and often vague, delineations of fibre/fixed wireless/satellite coverage areas. While it might seem counter-intuitive to argue that a subdivision in a satellite-only NBN area should have fibre provision, there are many situations where fibre provision would definitely be in the interests of incoming owners and tenants. Just about every coastal Local Government south of Perth or adjacent to any of our regional cities will have compelling arguments to support their potential to expand their residential areas (into currently satellite-only areas) and therefore to have appropriate in-ground telecommunications infrastructure.

Without any guidance on how to determine whether the infrastructure is in a 'rural or equivalent' zone or without having the technical expertise to determine that it 'is not warranted' infrastructure, then it will be too open ended for Local Government to be satisfied that it's not required.

**Recommendation:**

5. That the Position Statement provide additional guidance on how a Local Government would be satisfied that telecommunications infrastructure in a 'rural zone or equivalent' 'is not warranted'.

**4.0 Policy objectives**

Point 1 in this sections refers to 'Fibre to the Node' however there is no guidance provided on how far away from the connecting node the fibre should be located, or what capacity the nearest node should have. If these controls are covered by the existing Commonwealth *Telecommunications Act 1997* then there should be a note to explain that these matters will be mandated and controlled by NBN, as the regulation of these specifications are well outside the realms of the state planning framework. Or will it be up to the 'suitably qualified person' to provide the sign off on the specifications and capability of the network?

**Recommendation:**

6. That the Position Statement clarify how the 'Fibre to the Node' requirements will be implemented.

**5.0 Policy Measures**

This section discusses the specific conditions to be applied at the subdivision stage, however, it only mentions that "*arrangements being made to the satisfaction of the Local Government...*" whereas it should be "*arrangements being made to the satisfaction of the WAPC and the Local Government...*". Further, considering the interaction of both Commonwealth and State legislation in the provision of telecommunications infrastructure, has SSO advice been received to indicate that the wording of these proposed subdivisions conditions are appropriate?

**Recommendation:**

7. That the Position Statement be amended to specify that the conditions to be placed on a subdivision include the following underlined words, *“arrangements being made to the satisfaction of the WAPC and the Local Government...”*
8. That SSO advice be obtained to ensure that the proposed conditions are deemed appropriate.

## **6.0 Implementation**

Within this section there is mention of the guideline produced by the ‘Communications Alliance’. As this Alliance is not a consumer orientated group, nor a government aligned organisation, the advice and best practice may still need to be independently verified and not just taken at face value.

### **Recommendation:**

9. The Position Statement includes a note that the guidelines of the ‘Communications Alliance’ are just a best practice guide, and an applicant will still need a suitably qualified person to confirm the location and specifications of the proposed telecommunications infrastructure.

## **Appendix 1**

It is assumed that the circles/dots on the diagrams are trees rather than fibre pits, fibre nodes or telecommunication hot spots, as there is no reference to the, and as the diagrams with the Guidelines provided by the Communications Alliance do not include any built structures or trees.

### **Recommendation:**

10. That the diagrams on Appendix 1 clarify that the ‘dots’ shown on the lots are trees.

## **5.2 Interim Submission on the WA Motorsport Strategy (05-053-03-0012 MM)**

*By Marissa MacDonald, Senior Policy Advisor, Community*

**Moved: President Cr Karen Chappel**

**Seconded: Mayor Tracey Roberts**

**That the interim submission on the WA Motorsport Strategy be endorsed with implementation of the strategy in terms of new and/or upgraded facilities focuses on, as a priority, existing facilities and the opportunities that exist to expand these facilities to cater for additional motor sporting activities and to ensure that motor sports within Western Australia can attract state, national and international motor sporting events.**

**RESOLUTION 94.6/2019**

**CARRIED**

### **In Brief**

- On 18 May 2019 the State Government released the WA Motorsport Strategy for consultation.
- The WA Motorsport Strategy provides a strategic framework to guide the motorsport industry to safely and sustainably develop the sport to benefit the industry and the wider community.
- While motorsport venues are not governed by Local Governments, they are a key stakeholder due to the numerous motorsport venues located on Local Government owned land.
- The Strategy focuses on six current and future bitumen based motorsport venues in Albany, Collie, Kalgoorlie, Keysbrook, Perth (Kwinana), and Wanneroo (Barbagallo).
- WALGA received comments from City of Albany, City of Busselton, Shire of Esperance, Shire of Plantagenet and City of Wanneroo to develop the submission.
- The main recommendation is for the State Government to review non-bitumen based motorsport to ensure representation of all motorsport disciplines and provide appropriate assistance to relevant Local Governments.

### **Attachment**

WA Motorsport Strategy Submission

### **Relevance to Strategic Plan**

#### **Key Strategies**

##### Engagement with Members

- Improve communication and build relationships at all levels of member Local Governments;
- Build a strong sense of WALGA ownership and alignment.

##### Sustainable Local Government

- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

##### Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government.

## Policy Implications

WALGA State Council has previously endorsed the following related recommendations regarding Off Road Vehicles (ORV). The recommendations included that WALGA advocates for the State Government to:

1. Conduct a review of current legislation to align registration and licensing of Off Road Vehicles (ORVs) with other vehicle types and users.
2. Allocate funding for feasibility studies to identify suitable sites for new ORV Permitted Areas throughout the State, which considers environmental values, future land use planning impacts, public safety, amenity and environmental issues and Local Government risk and liability issues.
3. Develop and implement, in collaboration with WALGA and ORV stakeholders, educational resources and training suitable to the specific needs of ORV users, stakeholders and Local Governments. Resources should include; guidance on compliance and enforcement arrangements aligned with the *Control of Vehicles (Off-road Areas) Act 1978* and other relevant legislation, user and permitted area operational safety, signage standards, insurance and liability mitigation strategies.
4. Develop and implement, in collaboration with ORV vendors, resources and practices that ensure ORV buyers are informed at the point of sale about ORV registration, regulation and restrictions applicable to ORV vehicle use and consequences of non-compliance.
5. Consider and consult on the regulation of the vendor's role in providing information to buyers regarding ORV registration, regulation and restrictions.
6. Develop and implement, in collaboration with stakeholders and industry representatives, resources to educate and raise community awareness about the proper use of ORVs, ORV permitted and prohibited areas, and the consequences of non-compliance.
7. Ensure that the WA Police Force and Department of Biodiversity, Conservation and Attractions (DBCA) allocates resources to address unlawful ORV use in consultation with Local Government law enforcement.

RESOLUTION 138.7/2018

## Budgetary Implications

Nil.

## Background

Motorsport plays a vital role in providing a recreational and social outlet for participants as well as significantly contributing to the WA economy through racing teams, technical support, and spectators spending considerable resources in local communities. The economic contribution is approximately \$268 million direct spend with \$11 million of value add and 1,630 jobs (excluding the contribution of motorcycling).

The WA Motorsport Strategy released on 18 May 2019 provides a strategic framework for the motorsport industry to safely and sustainably develop the sport in order to benefit the industry and the wider Western Australian community. The Strategy was developed in consultation with the motorsports industry, bitumen based motorsport facility operators, and other key motorsports stakeholders, including City of Albany, Shire of Collie and City of Wanneroo. The Strategy focuses on bitumen based motorsport and identifies six current and future key motorsport venues; Albany, Collie, Kalgoorlie, Keysbrook, Perth (Kwinana), and Wanneroo (Barbagallo).

The State Government provides some funding assistance to motorsport, but does not play a regulatory role in the industry. Local Governments are considered to be a significant stakeholder as there are numerous motorsport venues located on Local Government owned land. While motorsport venues are not governed by Local Governments they do have an indirect role to play. WALGA's report on off-road vehicles (ORV) noted by WALGA's State Council in December 2018 recognised the contribution of ORV activities to social cohesion and mental health outcomes in the local community. Motorsport

events also have the potential to attract visitors which increases tourism opportunities within Local Government areas.

## **Comment**

The Strategy was released for a four week consultation period and an extension of one week was provided to WALGA to ensure all feedback was considered. WALGA received comments from the City of Albany, City of Busselton, Shire of Esperance, Shire of Plantagenet and City of Wanneroo to develop the submission. In accordance with State Council Policy the Submission was reviewed by the People and Place Policy Team and the Executive Committee before submitting to the Department of Local Government, Sport and Cultural Industries.

The main recommendation in the submission is to request the State Government to review non-bitumen based motorsport and to provide appropriate assistance to Local Governments. The Strategy is only focused on bitumen based motorsport venues limiting this to six current and future venues in Albany, Collie, Kalgoorlie, Keysbrook, Perth (Kwinana), and Wanneroo (Barbagallo) which does not represent all motorsport disciplines. This does not align with the Strategy's objective to "facilitate increased participation in all motorsport disciplines to give more people an opportunity to participate in, and experience, motorsport." WALGA acknowledges that there are numerous dirt-based venues around Western Australia for motorsports including speedway, motocross and karting, which are outside the scope of the Strategy and are equally important to Local Governments. For example motorsport events on dirt-based circle track speedways often occur in Broome, Derby, Esperance, Kununurra and Margaret River.

Other recommendations in the submission include:

- The role of Local Governments on the proposed representative industry working group should be further clarified.
- The State Government should clarify the economic rationale for the proposed key motorsport venues. This is particularly around the development of Keysbrook in the Shire of Serpentine-Jarrahdale.
- The State Government should provide assistance and appropriate funding mechanisms to Local Governments to promote and host motorsport events to support local tourism opportunities.



## Attachment Item 5.2

20 June 2019

Our Ref: 05-053-03-0012MM

Mr Rob Thomson  
Director Infrastructure Development - Sport and Recreation  
Department of Local Government, Sport and Cultural Industries  
246 Vincent Street  
LEEDERVILLE WA 6007

Via email: [rob.thomson@dlgsc.wa.gov.au](mailto:rob.thomson@dlgsc.wa.gov.au)

Dear Rob

### WA MOTORSPORT STRATEGY SUBMISSION

The Western Australian Local Government Association (WALGA) is the united voice of Local Government in Western Australia. The Association is an independent, membership-based organisation representing and supporting the work and interests of 138 Local Governments in Western Australia. The Association provides an essential voice for over 1,200 Elected Members and approximately 15,000 Local Government employees as well as over 2.5 million constituents of Local Governments in Western Australia. The Association also provides professional advice and offers services that provide financial benefits to the Local Governments and the communities they serve.

WALGA welcomes the release of the State Government's WA Motorsport Strategy and the opportunity to provide comment. WALGA acknowledges the contribution of motorsport to the WA economy with racing teams, technical support, and spectators spending considerable resources in local communities. The economic contribution is approximately \$268 million direct spend with \$11 million of value add and 1,630 jobs (excluding the contribution of motorcycling).

While motorsport venues are not governed by Local Governments they do have an indirect role to play. WALGA's report on off-road vehicles noted by WALGA's State Council in December 2018 recognised the contribution of off-road vehicle activities, such as motorsport, to social cohesion and mental health outcomes in the local community. Motorsport events also have the potential to attract visitors which increases tourism opportunities within Local Government areas.

WALGA acknowledges the Strategy was developed in consultation with relevant Local Governments including City of Albany, Shire of Collie and City of Wanneroo. Due to this pre-engagement there was a four week consultation period. An extension of one week was provided to WALGA to ensure all feedback was considered. WALGA received comments from City of Albany, City of Busselton, Shire of Esperance, Shire of Plantagenet and City of Wanneroo to develop this representative submission.

This submission has not yet been considered or endorsed by WALGA's State Council and therefore this is an interim submission. The Association reserves the right to modify or withdraw the comments as directed by State Council. This submission will be considered at the WALGA State Council meeting in September 2019 and you will be notified of the outcome.

WALGA's recommendations include:

**Recommendation 1: The State Government should review other non-bitumen based motorsport venues and provide assistance to relevant Local Governments.**

An objective of the Strategy is to "facilitate increased participation in all motorsport disciplines to give more people an opportunity to participate in, and experience, motorsport." The Strategy however is only focused on bitumen based motorsport venues limiting this to six current and future venues in Albany, Collie, Kalgoorlie, Keysbrook, Perth (Kwinana), and Wanneroo (Barbagallo) which does not represent

all motorsport disciplines. WALGA acknowledges that there are numerous dirt-based venues around Western Australia for motorsports including speedway, motocross and karting, which are outside the scope of the Strategy and are equally important to Local Governments. For example motorsport events on dirt-based circle track speedways often occur in Broome, Derby, Esperance, Kununurra and Margaret River. Local Governments are also concerned about the Governance of dirt-based venues including the varied operations by motorsport bodies. In alignment with the strategic objective as well as the concerns identified by Local Governments, the State Government has the opportunity to review all motorsport venues for all motorsport disciplines in Western Australia.

**Recommendation 2: The role of Local Governments on the proposed representative industry working group should be further clarified.**

WALGA supports the first objective of the Strategy to “establish a representative industry working group to develop motorsport in Western Australia”. The establishment of this representative group will unite all industry stakeholders to ensure outcomes are achieved. The Strategy states that Local Governments “could be invited into the working group as required”. Local Governments have no governing control over motorsport venues and therefore further consideration should be given to the role of Local Governments on this group.

**Recommendation 3: The State Government should clarify the economic rationale for the proposed key motorsport venues.**

WALGA supports the proposed infrastructure framework outlined in the Strategy, however Local Governments require clarity on the key motorsport venues that will be constructed, particularly Keysbrook. Local Governments are concerned the development of new venues will detract from current venues, including hosting peak motorsport events, which may impact on their communities. WALGA would welcome increased transparency regarding the economic viability of venue development as well as catchment areas, ensuring that there will not be negative impacts on current venues and local communities.

**Recommendation 4: The State Government should provide assistance and appropriate funding mechanisms to Local Governments to promote and host motorsport events to support local tourism opportunities.**

WALGA supports the fifth objective of the Strategy to “align motorsport events with sports development and broader tourism objectives.” WALGA has previously investigated tourism issues and opportunities for Local Governments and a policy position was endorsed by WALGA State Council in March 2017. WALGA’s position is that Local Governments require more guidance and support from the State Government regarding tourism including promoting small projects, events and attractions, such as motorsport events. Local Governments would also welcome additional financial support from the State to promote and host motorsport events. The potential for motorsport to create tourism opportunities can also contribute to local economies. This aligns with WALGA’s broader Economic Development Framework launched in May 2019 which aims to provide assistance to Local Governments to develop sustainable economic development strategies.

Thank you again for the opportunity to provide comment. For more information contact Senior Policy Advisor, Community, Marissa MacDonald on 9213 2074 or email [mmacdonald@walga.asn.au](mailto:mmacdonald@walga.asn.au).

Yours sincerely

**Nick Sloan**  
**Chief Executive Officer**

### **5.3 Interim Submission on the State Strategy to Respond to the Abuse of Older People (Elder Abuse) (05-057-03-0001 MM)**

*By Marissa MacDonald, Senior Policy Advisor, Community*

**Moved:** Cr Doug Thompson  
**Seconded:** President Cr Keith House

**That the interim submission on the State Strategy to Respond to the Abuse of Older People (Elder Abuse) be endorsed.**

**RESOLUTION 95.6/2019**

**CARRIED**

#### **In Brief**

- The State Government released the Strategy to Respond to the Abuse of Older People (Elder Abuse) on 15 June 2019 for consultation.
- The Strategy provides overarching direction for collaborative action towards greater awareness and understanding of the causes, signs and consequences of elder abuse.
- WALGA requested feedback from all Local Governments to develop this submission.
- The Submission acknowledges that some Local Governments provide direct age care services, while other Local Governments who do not provide direct services work closely with aged services providers, groups and stakeholders to foster healthy, resilient, thriving communities and may also provide facilities for lease and community transport.
- All Local Governments are well placed to increase awareness of positive ageing and to implement age friendly strategies, with many Local Governments having already developed age friendly plans to address this.
- The Strategy is welcomed by Local Governments with a few areas requiring further clarification to ensure that Local Governments can address elder abuse suitably.

#### **Attachment**

Submission on the State Strategy to Address the Abuse of Older People (Elder Abuse).

#### **Relevance to Strategic Plan**

##### **Key Strategies**

###### Engagement with Members

- Improve communication and build relationships at all levels of member Local Governments
- Build a strong sense of WALGA ownership and alignment.

###### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government
- Provide support to all members, according to need.

###### Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA
- Promote WALGA's advocacy successes with the sector and the wider community
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government.

#### **Policy Implications**

Consistent with the WALGA Developing a National Plan on Elder Abuse –

## RESOLUTION 107.6/2018

### **Budgetary Implications**

Nil.

### **Background**

The State Government released the Strategy to Respond to the Abuse of Older People (Elder Abuse) on 15 June 2019 for consultation. The Western Australian Government defines elder abuse in line with the World Health Organisation as '... a single or repeated act, or lack of appropriate action, that occurs in a relationship with an older person where there is an expectation of trust and where that action causes harm or distress to the older person.'

The Strategy aims to ensure that all older Western Australians live free from elder abuse, and are safe, respected and valued. The Strategy provides overarching direction for collaborative action towards greater awareness and understanding of the causes, signs and consequences of elder abuse.

The estimates suggest between two and 14 per cent of older Western Australians (between 7,000 and 49,000 people) are experiencing, or have experienced, some form of abuse. As the number of older Western Australians increases from currently representing 14% to approximately 20% of the total population by 2050 it is clear a coordinated approach to address the abuse of older Western Australians across levels of Government, service providers and other community stakeholders is required.

The Strategy focuses on four priority areas:

- Priority 1: Raising awareness and early identification. Educating older people and the community about elder abuse, the signs of abuse, and where and how to report it.
- Priority 2: Prevention and early intervention. Supporting older people to remain socially connected, and providing avenues to seek help.
- Priority 3: Integrated and coordinated response. Safeguarding and supporting older people with accessible support and justice responses.
- Priority 4: Data and evidence. Building the evidence base to inform effective responses that can prevent and reduce elder abuse, and support older people to seek help and recover.

### **Comment**

The Strategy was open for consultation for just over five weeks. WALGA requested feedback from all Local Governments and received comments from the City of Bayswater, City of Cockburn, City of Fremantle, City of Joondalup and City of Melville to develop this submission. WALGA's previous submission to the National Plan to Respond to the Abuse of Older Australians was also considered. The submission was reviewed by the People and Place Policy Team and the Executive Committee before submitting it by the deadline to the Department of Communities.

The submission acknowledges that there are some Local Governments that run direct aged service provision which are mostly impacted by the Strategy. The Local Governments that do not provide direct services however, work closely with aged services providers, groups and stakeholders to foster healthy, resilient, thriving communities and may also provide facilities for lease and community transport. All Local Governments are well placed to increase awareness of positive ageing and to implement age friendly strategies, with many Local Governments having already developed age friendly plans to address this.

The key recommendations in the submission include:

- Further clarification on the role of Local Governments in addressing the abuse of older people in Priority Area's 3 and 4 is required.
- The Strategy should include relevant legislation, policies and strategies to provide context.

- The Strategy should align to the recently developed Outcomes Measurement Framework by State Government and Lotterywest concurrently.
- The Strategy should include reference to the World Health Organisation's Age-Friendly Cities Framework and the Global Network for Age-friendly Cities and Communities.
- The Strategy should include actions for banks and financial institutions to address elder abuse.
- The State Government should progress reviewing the *Guardianship and Administration Act 1990* and align with other jurisdictions where possible to create national consistency.
- The Strategy should have more defined pathways for reporting elder abuse.
- The Strategy should specify timeframes for implementation and reporting mechanisms.

# **Submission in Response to the State Strategy to Respond to the Abuse of Older People (Elder Abuse)**

**July 2019**

**Contact:**

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## **Introduction**

The Western Australian Local Government Association (WALGA) is the united voice of Local Government in Western Australia. The Association is an independent, membership-based organisation representing and supporting the work and interests of 138 Local Governments in Western Australia.

The Association provides an essential voice for over 1,200 Elected Members and approximately 22,000 Local Government employees as well as over 2.5 million constituents of Local Governments in Western Australia. The Association also provides professional advice and offers services that provide financial benefits to the Local Governments and the communities they serve.

WALGA welcomes the release of the State Government's Strategy to Respond to the Abuse of Older People (Elder Abuse) and the opportunity to provide comment. WALGA acknowledges the estimates which suggest between two and 14 per cent of older Western Australians (between 7,000 and 49,000 people) are experiencing, or have experienced, some form of abuse. As the number of older Western Australians increases from currently representing 14% to approximately 20% of the total population by 2050 it is clear a coordinated approach to address the abuse of older Western Australians across levels of Government, service providers and other community stakeholders is required.

It is acknowledged that there are some Local Governments that run direct aged service provision which are mostly impacted by the Strategy. The Local Governments that do not provide direct services however, work closely with aged services providers, groups and stakeholders to foster healthy, resilient, thriving communities and may also provide facilities for lease and community transport. All Local Governments are well placed to increase awareness of positive ageing and to implement age friendly strategies, with many Local Governments having already developed age friendly plans to address this.

WALGA requested feedback from all Local Governments and received comments from the City of Bayswater, City of Cockburn, City of Fremantle, City of Joondalup and City of Melville to develop this submission. WALGA's previous submission to the National Plan to Respond to the Abuse of Older Australians was also considered. This submission has not yet been considered or endorsed by WALGA's State Council and therefore this is an interim submission. The Association reserves the right to modify or withdraw the comments as directed by State Council. This submission will be considered at the WALGA State Council meeting in September 2019 and you will be notified of the outcome.

## **Recommendations**

WALGA's recommendations include:



**Recommendation 1: Further clarification on the role of Local Governments in addressing the abuse of older people in Priority Area's 3 and 4 is required.**

The Strategy includes the following four Priority Areas of which Local Governments are considered as a key stakeholder for the implementation of all four areas:

- Priority Area 1 Raising Awareness and Early Identification
- Priority Area 2 Prevention and Early Intervention
- Priority Area 3 Integrated and Coordinated Responses
- Priority Area 4 Data and evidence

While Local Governments have a clear role with addressing Priority Area's 1 and 2, it is less clear of the role Local Governments have in addressing Priority Area's 3 and 4.

For Priority Areas 1 and 2, Local Governments can, and some already are, building awareness and understanding of the abuse of older people in their local communities, as well as:

- promoting positive views on ageing
- recognising and celebrating older peoples' contributions to the community
- supporting older people to remain active and included in their community
- encouraging and supporting the building of age-friendly communities, and
- ensuring older people can easily access information and support services.

Local Governments can, and already are, implementing this through their age friendly plans/strategies, awareness campaigns, libraries, community development initiatives, capacity building programs and general communication.

With regards to Priority Area 3, the Strategy suggests (page 21 table) that all Local Governments have an implementation role. Not all Local Governments are suitably positioned to directly address legal and justice responses, victim recovery or changed perpetrator behaviour. These actions are considered to be the role and responsibility of State Government. If the State Government considers that Local Governments do have a role, then sufficient resources and funding from State to Local Government should be included in the strategy. There are some Local Governments that do provide direct aged care services and they may play a role with ensuring these services are culturally safe, responsive, and physically accessible, however this is not applicable to all Local Governments and depends on capacity.

With regards to Priority Area 4, the Strategy suggests (page 21 table) that Local Governments have a role in the evaluation of programs addressing the abuse of older people. While Local Governments can evaluate initiatives delivered as part of age friendly strategies contributing to Priority Areas 1 and 2, the majority of Local Governments do not have the capacity to undertake the prescriptive strategies listed including:

- Support and fund further research on elder abuse prevalence, drivers and experiences, including specific research on more vulnerable cohorts
- Support and fund research on carer stress and its relationship with elder abuse
- Improve and facilitate data collection and sharing
- Support and contribute to the National Research Agenda on Elder Abuse, which commenced in 2019.

The State Government and service providers should primarily undertake this role. It is acknowledged that the Local Governments who do provide direct aged care service provision, may have a role however this is dependent on their capacity.

Priority Areas 3 and 4 should therefore be reviewed and consideration of Local Governments role requires further refinement. In particular, Local Governments are concerned about being designated extra responsibilities without the State Government providing them with adequate funding (i.e. cost

shifting). Local Governments would also find it useful to provide more information at the beginning of the Strategy as to the current roles of each stakeholder involved (e.g. funder, service provider, facilitator etc.).

**Recommendation: The Strategy should include relevant legislation, policies and strategies to provide context.**

The Strategy omits reference to the current legislative and political environment necessary to guide actions. Relevant legislation for consideration includes:

- *Local Government Act 1995* (currently under review)
- *Aged Care Act 1997*
- *National Disability Insurance Scheme Act 2013*
- *Guardianship and Administration Act 1990*

Principles of the *Aged Care Act 1997* include:

- Promote and support older people's ability to participate equally in their community and access services and advice
- Protect against misuse or advantage taken of information and formal support or representative roles including:
  - Formal and informal appointment of supporters or representative roles
  - Prevention and mitigation of abuse
  - Reporting of and remedies for abuse
  - Penalties for abuse, and
  - Provide specific protections against the abuse of older people.

Although the Strategy briefly mentions within the actions the National Plan to Respond to the Abuse of Older Australians, more clarity is required on how this national plan provides overarching direction and links to the State Strategy. Reference should also be made to the Elder Abuse: A National Legal Response Final Report released in May 2017 by the Australian Law Reform Commission.

The Royal Commission into Aged Care Quality and Safety which is currently underway may also have findings that are relevant to the Strategy in terms of elder abuse occurring in aged care settings. It is noted however that the final report is expected by April 2020 which may be too late for inclusion into this strategy.

In addition, alignment to the State Government's Family and Domestic Violence Strategy, currently in development, should be considered as well as:

- Commonwealth Government's 'Residential aged care: Proposed alternative models for allocating places' consultation open until 13 September 2019
- Commonwealth Government's Aged Care Workforce Strategy released in September 2018
- National Code of Conduct for Health Care Workers, and
- GenVis, (a start-up company which uses CCTV to visually track people) who are developing a tool for the aged care sector (surveillance), family and domestic violence service providers and the WA Police Force.

**Recommendation: The Strategy should align to the recently developed Outcomes Measurement Framework by State Government and Lotterywest concurrently.**

The Outcomes Measurement Framework was released this year and provides a hierarchy of outcomes and associated indicators, providing the architecture for a whole of Government and whole of sector approach to service delivery across agencies and organisations. Integrated outcomes based approaches in the development of all strategies and associated evaluation methods will strengthen the overall outcomes and assist in communicating the results to the community. Furthermore, data utilisation will drive continuous improvement, effective service planning and reduce resource duplication and gaps and assist with reporting across many varied stakeholder groups.

**Recommendation: The Strategy should include reference to the World Health Organisation's Age-Friendly Cities Framework and the Global Network for Age-friendly Cities and Communities.**

The World Health Organisation's Age-Friendly Cities Framework should be considered as part of the Strategy, particularly within Priority Area 2. The Framework proposes eight interconnected domains to address the barriers associated with the wellbeing and participation of older people. This includes:

- Community and health care
- Transportation
- Housing
- Social Participation
- Outdoor spaces and buildings
- Respect and social inclusion
- Civic participation and employment, and
- Communication and information.

In addition, the World Health Organisation's Global Network for Age-friendly Cities and Communities was established in 2010 to connect cities, communities and organisations worldwide with the common vision of making their community a great place to grow old in. As part of this global network, the World Health Organisation with partners have created an age-friendly database mapped out across the world. The City of Cockburn, City of Melville and the City of Rockingham are all mentioned in the database as implementing age-friendly actions. Considering that the World Health Organisation has mapped out various initiatives it's important the Strategy should include these as they can assist other WA Local Governments and organisations.

**Recommendation: The Strategy should include actions for banks and financial institutions to address elder abuse.**

The misuse or theft of an older person's money or assets is the major type of elder abuse (34.2%) occurring in Western Australia. Banks and financial institutions are often in a good position to detect financial elder abuse and protect their at-risk customers. Unfortunately the banks and financial institutions have a Code of Banking Practice which provides minimal acknowledgement of financial abuse and this code is voluntary and unenforceable. The State Government therefore is best placed to encourage banks and financial institutions to provide information to older customers about financial abuse and discuss with customers how they might protect themselves. It is acknowledged that the State Government has already partnered with Bankwest to host a roundtable on the prevention of elder abuse with other financial institutions and key stakeholders. The outcomes from this roundtable should be considered as part of the finalised Strategy.

**Recommendation: The State Government should progress reviewing the *Guardianship and Administration Act 1990* and align with other jurisdictions where possible to create national consistency.**

In Western Australia the *Guardianship and Administration Act 1990* enables a person to appoint someone to make decisions in relation to financial matters and/or personal/lifestyle/health matters on their behalf, immediately or in circumstances where the person has lost decision-making ability. The National Plan to Respond to the Abuse of Older Australians recognises that each State and Territory has its own legal framework for granting decision-making authority to another person and recommends harmonising the legislation across States and Territories to improve consistency. The Australian Government engaged the Australian Guardianship and Administration Council to undertake an extensive analysis of the existing arrangements. The State Government should work with the Australian Government to progress the review of *Guardianship and Administration Act 1990* and align with other jurisdictions where possible to improve consistency.

**Recommendation: The Strategy should have more defined pathways for reporting elder abuse.**

The avenues to examining and reporting elder abuse are not easily recognised by Local Governments and/or are considered to be complicated or not accessible. Although the Strategy recognises this in action 1.4 'provide and promote avenues for inquiring about or reporting elder abuse' page 12, this part of the Strategy in Priority Area 1 doesn't recognise the complex issues surrounding the reporting of elder abuse. As discussed in the Australian Law Reform Commission report, the under-reporting of elder abuse happens for a number of reasons, particularly if the older person experiencing the abuse is dependent on the offender for daily care and fears retaliation, placement in an aged care facility, shame or the impact on family relationships. In addition disabilities such as cognitive impairment, as well as language and cultural barriers can impact on an older person reporting abuse. Reporting to the WA Police can also be confronting for the victim as well as the risk that no suitable actions are taken as it may not meet their criminal criteria. It is acknowledged that Advocare is one agency which older people may engage with to discuss issues, however this is not commonly known. Due to all these reporting issues, a more defined pathway for reporting elder abuse should be promoted to Local Governments and their local communities.

**Recommendation: The Strategy should specify timeframes for implementation and reporting mechanisms.**

Although the timeframe for the Strategy is 10 years, Local Governments require clarity on the timeframes for implementation. This will assist and guide Local Governments with implementing Priority Areas 1 and 2 and aligning their existing age friendly strategies. The Strategy should also clarify the reporting mechanisms and consider linkages to existing initiatives including the My Aged Care portal and NDIS providers, where relevant. In particular Local Governments require guidance on the measurement and/or reporting on Priority Areas 1 and 2.

## **Conclusion**

The State Government's Strategy to Respond to the Abuse of Older People (Elder Abuse) is welcomed by the Local Government sector with a few areas requiring further clarification to ensure that Local Governments can address elder abuse suitably. In particular Local Governments roles and responsibilities regarding the actions in Priority Area's 3 and 4 requires further consideration. To support the Strategy, consideration of the legislative and political environment would be beneficial as well as reference to the existing World Health Organisation Age-Friendly Cities Framework and the Outcomes Measurement Framework. The State should work with the banks to address elder abuse and with the Commonwealth to progress the review of the *Guardianship and Administration Act 1990*. The reporting of elder abuse is complicated and needs to be streamlined and more easily accessible. Finally, the Strategy should provide clarity on the timeframes for implementation and reporting as this will assist Local Governments with their actions within Priority Areas 1 and 2. Local Governments would agree and as the Strategy acknowledges, addressing elder abuse is everyone's responsibility.

## **5.4 WA Public Libraries Strategy Forum (05-012-03-0001 KD)**

*By Kirstie Davis, Policy Manager, Community*

**Moved: President Cr Michelle Rich**  
**Seconded: Cr Julie Brown**

**That WALGA:**

- 1. Supports the proposed repurposing of the accounting treatment of existing capital funds to recurrent funding.**
- 2. Supports the proposed transfer of ownership of stock from State to Local Governments for Tier 1 Local Governments.**
- 3. Requests State Library WA to advise the Local Government sector of the State Government corporate budget schedule and expedite annual funding allocation notifications to Local Government as soon as possible in the new financial year.**
- 4. Requests that the State Government make a commitment that the funding to libraries will not decrease; that it will be indexed each financial year and that the discretion of how to expend the funding should remain with Local Government.**

**RESOLUTION 96.6/2019**

**CARRIED**

### **In Brief**

- The first Western Australian Public Libraries Strategy Consultation Report was endorsed by WALGA State Council in July 2018.
- WALGA State Council endorsed the new Public Library Tiered Service Model at their May 2019 meeting.
- WALGA delivered a forum on 21 June 2019, to consult with the Local Government sector to design and implement a way forward with the Strategy.
- The draft consultation findings are presented to WALGA State Council for final endorsement.

### **Attachment**

WA Public Library Strategy Forum: Consultation Report.

[WA Public Library Strategy Forum: Webinar Recording.](#)

### **Relevance to Strategic Plan**

#### **Key Strategies**

##### Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments.

##### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia
- Foster economic and regional development in Local Government.

##### Enhanced Reputation and Relationships

- Develop simple and consistent messages that are effectively articulated.

## Background

Following endorsement of the framework for a new model to support public library services in WA, a Forum was hosted by WALGA to gauge support for two areas that are critical to the implementation of a grants based model for local governments in Tier One. The repurposing of existing State Government capital funds for the purchase of library materials and their accounting treatment to recurrent; and the transfer of ownership of stock from the State to Local Government.

The Department of Treasury has indicated that this proposal has merit but recommended that further consultation was required with the Local Government Sector and that once this had occurred SLWA would report back as part of the mid-year review process.

Local Governments were engaged in person and via webinar facilities at a forum held at WALGA on 21 June 2019 to discuss and develop a sector wide position on the proposed repurposing of funds and asset management for public library materials. 55 people attended the forum with a further 22 attending via webinar.

The discussion was centered around two options:

### Option 1: Two Stage Approach

- Public library materials purchased by SLWA prior to full implementation of the new model remain the property of State Government until their value is written down to zero (five years)

### Option 2:

- Public library materials purchased by State Library WA (SLWA) are held in public libraries at a date to be determined with ownership to be transferred to Local Government.
- In addition, library materials acquired to Local Government using State Government grant funding become the property of Local Governments.

The preferred option that resulted from the forum was Option 2.

Following with this option the consultation determined the following sets of recommendations that WALGA now seeks State Council endorsement:

1. That WALGA State Council SUPPORTS the proposed repurposing of the accounting treatment of existing capital funds to recurrent funding.
2. That WALGA State Council SUPPORTS the proposed transfer of ownership of stock from State to Local Governments for Tier 1 Local Governments.
3. That SLWA advise WALGA/Local Government of the State Government corporate budget schedule and expedite annual funding allocation notifications to Local Government as soon as possible in the new financial year.

## Comment

It is proposed the recommendations outlined above will enable a planned transition to a more effective, efficient and flexible model that will deliver 21st century public library services to provide better value for money and deliver essential outcomes to community members.

# WA Public Libraries Strategy Forum 21 June 2019

## **Proposed Repurposing of Funds and Asset Management for Public Library Materials**

### **Consultation Report**

**Contact:**

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## **Introduction**

The *Library Board of Western Australia Act 1951* and its regulations 1985 provide the governing legislation in which Local Governments operate public libraries in partnership with the State Government (represented by the Library Board of Western Australia). Local Government provides library infrastructure, including buildings and technology, staff, and operating costs while the Library Board, through the State Library of Western Australia, allocates funds for public library stock. In December 2017 the Minister for Culture and the Arts, Hon David Templeman MLA, released the WA Public Libraries Strategy (the Strategy), to establish strategic priorities for public library development in Western Australia over the next four years.

The State Library of Western Australia (SLWA), Western Australian Local Government Association (WALGA) and Public Libraries Western Australia (PLWA) have been working in partnership to consult with the Local Government sector to design and implement a way forward with the Strategy.

The Public Libraries Working Group (PLWG), which includes membership from WALGA, PLWA, the Department of Local Government, Sport and Cultural Industries and the Library Board of Western Australia, was established to consider the outcomes from the consultation phase for the Strategy and provide advice to SLWA on the Strategy's implementation.

## **Background**

WALGA State Council, the Library Board and PLWG endorsed the Strategy's Consultation Report at respective meetings held in July 2018. The PLWG identified a new model for public library service delivery in Western Australia and a new model to support regional and remote public library services as the initial priority. The SLWA undertook to endeavor to find funding to progress a Business Case for a single access card system. The PLWG Reference Group was established to develop a proposal for a new tiered model to support public library service delivery in Western Australia for the consideration of the PLWG.

Following PLWG's endorsement of a framework for a new model to support public library service delivery including support for regional and remote public library services, this was endorsed by WALGA State Council, PLWA, and the Board at their respective meetings. Central to the implementation of the new framework is the transfer of ownership of stock and repurposing of existing State Government capital funding for library materials to recurrent funding that can be used for a range of public library priorities including technology, learning programs and new services as well as library materials by Tier 1 libraries. On 21 June 2019, WALGA and PLWA hosted a forum with Local Governments to identify opportunities and issues related to this. Provided below is a summary of the consultation and key recommendations arising from the forum.

## **Context**

Currently, the SLWA receives capital and recurrent funds for the purchase of library materials. Recurrent funds are provided for licenses to electronic materials (e.g. ebooks, emagazines, etc.), while physical and print materials (e.g. books, DVDs. etc.) are purchased with capital funding. The capital allocation for 2018-19 was \$8.524 million with a further \$1,030,000 in recurrent funding for electronic materials.

SLWA 'allocates' capital funding via a population-based formula to Local Governments then purchases library materials on their behalf and, essentially, lends them to public libraries. They remain as State assets but are exchanged between libraries across WA's 139 Local Governments. There are approximately 2.67 million items, owned by the State, in the 233 public libraries.

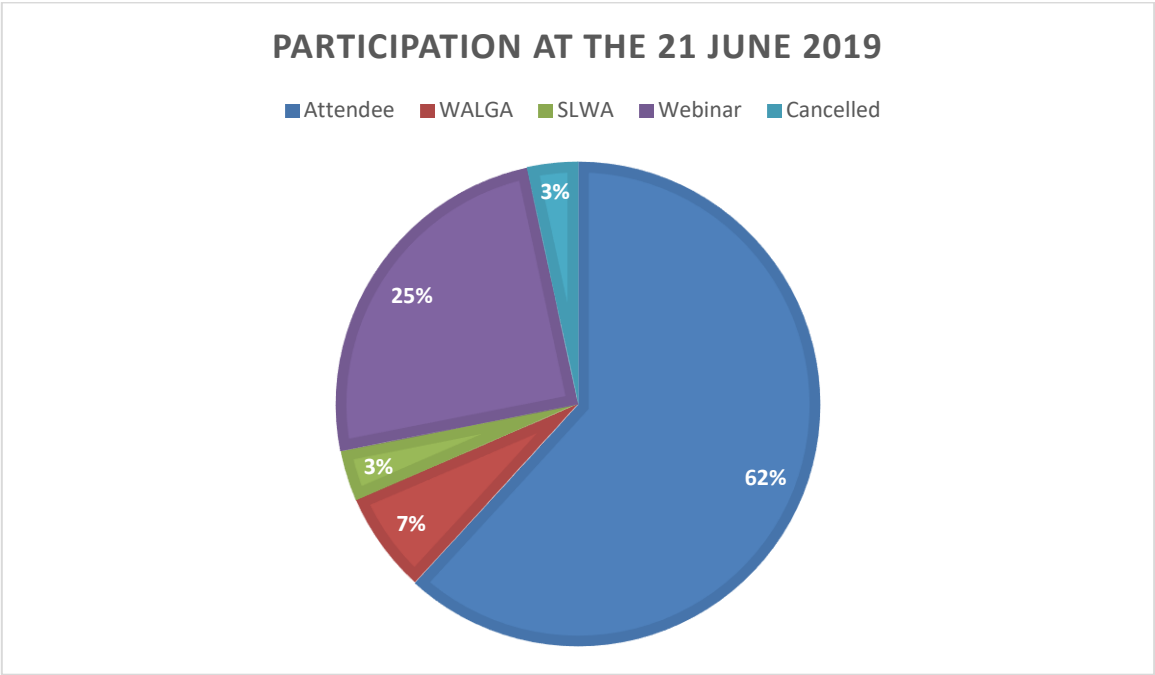
In addition to a new multi-tiered support model determined by the ability to meet agreed criteria for service provision and population size, the Strategy also proposes the introduction of a new grants-based system for the allocation of annual State Government funding that is not limited to the purchase of physical library stock but could also be used for technological infrastructure, innovative programs and services, or other defined priorities for Local Government library services in Tier 1 of the new framework.

A Forum was held at WALGA on 21 June 2019, to facilitate a robust conversation within Local Government to consider the proposed:

- Repurposing of the accounting treatment of existing capital funds to recurrent funding.
- Transfer of ownership of stock from State to Local Governments.

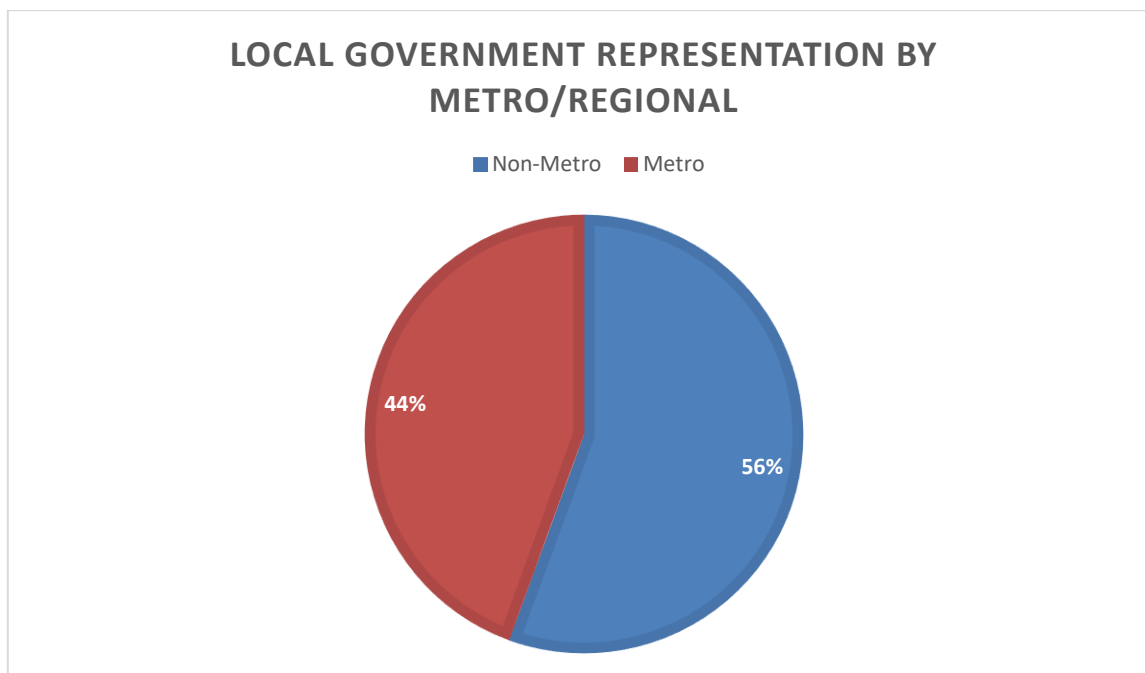
**Attendance**

The Forum recorded an active count of 86 participants, with a variety of library, finance and executive backgrounds, who were engaged across a variety of mediums.



Of the 86 participants a total of 45 Local Governments, or 32% of the sector were represented by either online or webinar facilities. A full list of registrants and the method of engagement can be viewed in Appendix A.

The breakdown of metropolitan to non-metropolitan Local Governments can be viewed in the pie chart below.



## Methodology

Participants both in person and online were engaged in the program which centred around four key questions. The full program is available in Appendix B.

Small groups of participants each had time to discuss the questions and report back to the wider group on the key outcomes for consideration into the final recommendations. Webinar attendees had access to all presentations and commentary and their feedback is included in the data collated on the day. A webinar recording will be made available on the [WALGA website](#).

A copy of the State Library of Queensland's Public Library Grant, Library Priority Project – Information Guide<sup>1</sup> was provided to all participants on the day by SLWA and a [link](#) provided to webinar participants. This additional information was provided to assist with discussions for question four.

At the conclusion of the event all written materials were collected and collated by PLWA staff. The final report was edited and endorsed by WALGA and PLWA.

Photos from the consultation at the forum are provided in Appendix C.

## Discussion

Participants welcomed the Forum as an opportunity to discuss the proposed repurposing of funds and management of public library materials. Following a welcome and introduction from Jo Burges, WALGA's Executive Manager, People and Place, SLWA's Director, Library Services, Elizabeth Spencer provided an overview of the purpose of the Forum as being to explain the proposed new treatment of funds and materials and discuss the best mechanisms for achieving this. Viv Barton, President of PLWA also provided context for the Forum discussion. James Dew, Chief Financial Officer SLWA, gave a presentation providing background and context for the proposal to repurpose public library materials funding and transfer the ownership of stock, and explained the proposed new treatment of funds and materials.

SLWA proposed two options, with Option 2 supported by a clear majority.

<sup>1</sup> <http://www.plconnect.slq.qld.gov.au/manage/funding-and-grants/library-collections-grant>

#### Option 1: Two Stage Approach

- Public library materials purchased by SLWA prior to full implementation of the new model remain the property of State Government until their value is written down to zero (five years)

#### Option 2

- Public library materials purchased by SLWA – held in public libraries at a date to be determined – have ownership transferred to Local Government.
- In addition, library materials acquired by Local Governments using State Government grant funding become the property of Local Governments.

There was a clear preference for Option 2 with participants agreeing that this option was more efficient and timely, and reduced the transitional workload. There was also agreement that a change in intent of funding from capital to recurrent would not create any issues for Local Government in the way they treated library materials as they already consider local stock as expensed rather than as an asset.

Participants then discussed the issues and opportunities for Local Government around the following questions:

Q1: Proposed repurposing of library materials funding, from capital to recurrent. Feedback included:

- Agreement supporting repurposing funding from capital to recurrent.
- Local Government already treats local stock funding as recurrent funding within budgets and cash flow reporting, so no change.
- Current Local Government insurance covers library materials.
- Requirement for an MOU between WALGA, Local and State Government outlining responsibilities for all parties; funding must be for public library purposes; and a specified funding agreement (i.e. a five-year specified funding quantum).
- WALGA to protect and lobby for increased funding for public library materials and innovations programs.
- Increased Local Government autonomy to form consortia purchasing arrangements with other Local Government s, as well as select own suppliers using State funding.
- Opportunities for WALGA to review and extend WALGA supplier contracts for library materials, and other library services.
- Establish an education program to ensure that the proposed 80/20 funding split for library materials versus other purposes remains dedicated to library purposes. This could be addressed in the application and acquittal process for the grant.

Q2: Proposed transfer of ownership of stock from State to Local Government. Feedback included:

- Support by Tier 1 Local Government s for the transfer of ownership of stock from State to Local Government.
- Exchange System (to be reviewed). Concerns included availability of discarded stock from Tier 1 due to Tier 2/3 reliance on the exchange system; some Tier 1 Local Government s want to continue participating in the exchange system.
- Inter-library Loans (ongoing review). Concerns included how will freight be funded for ILLs; who will maintain the state-wide library database; clarification if ownership is transferred to the Local Government, why does the Local Government have to participate in ILLs.
- Develop an agreed process for stocktake management; reconciliation to the state-wide library database.

Q3: Proposed funding to enable expenditure on a range of priorities including library stock, technology, new services and learning programs. Feedback included:

- Details required for the grant process including 80/20 definitions; application, reporting and acquittals processes; templates; audit/transparency (who assesses the grant applications); extend grants to Tier 2. SLWA provided the State Library of Queensland template.
- Improve SLWA timeframe in advising funding to Local Government, acknowledging this is limited by State Government corporate budget process.
- Provide flexibility for the grant to be utilised across Local Government s for combined programs or services

Q4: Implications for Local Governments in maintaining grant funding for library materials. This question was not discussed as participants agreed responses had already been provided in response to Questions 1, 2 and 3.

### **Parked Issues Requiring Further Discussion**

1. That WALGA collaborate with Local Government and PLWA to develop a campaign to raise public library awareness, and lobby for protected and increased funding for public library materials and innovations purposes.
2. That WALGA, State and Local Government develop an MOU between WALGA, State and Local Government for the provision of WA public library services.
3. That WALGA review and extend WALGA supplier contracts for the purchase and supply of shelf-ready library materials, and other library services.
4. That WALGA collaborate with Local Government and PLWA to develop consortium opportunities for the purchase and supply of shelf-ready materials, and other library services.

### **Recommendations**

1. That WALGA State Council SUPPORTS the proposed repurposing of the accounting treatment of existing capital funds to recurrent funding.
2. That WALGA State Council SUPPORTS the proposed transfer of ownership of stock from State to Local Governments for Tier 1 Local Governments.
3. That SLWA advise WALGA/Local Government of the State Government corporate budget schedule and expedite annual funding allocation notifications to Local Government as soon as possible in the new financial year.

## **Policy**

### **3.25 Investing in Communities**

WALGA supports Local Government initiatives and infrastructure that contribute to health and wellbeing of the community.

#### **3.25.1 Community Infrastructure**

WALGA continues to advocate for better planning and support for community infrastructure and investment by the State, Commonwealth and private partners.

#### **3.2.6 Public Libraries**

WALGA supports the provision of Public Library services in Western Australia through a formal partnership between Local Government and the State Government of Western Australia, governed by the *Library Board Act 1951*.

## **Conclusion**

It is proposed the recommendations outlined above will enable a planned transition to a more effective, efficient and flexible model that will deliver 21st century public library services to provide better value for money and deliver essential outcomes to community members.

WALGA, Local Government and PLWA look forward to continuing discussions to improve WA public library services in collaboration and equal partnership with State Government.

## **Appendix A: Final Registration List**

## WA Public Libraries Strategy Forum

Prefix - R First Name - Re Last Name - Reg Suff Company - Registrant Ac Position - Regis E					
Active - Count: 86					
Attendee - Count: 55					
	Ms	Randi	Augustin	City of Gosnells	Senior Accountant
	Mr	John	Toomey	City of Gosnells	Branch Librarian
		Maxine	Ahrens	City of Gosnells	Acting Manager
		Fiona	Ting	City of Stirling	Senior Management
		Jeremy	Earl	Subiaco Library	Librarian, Collecti
		Bev	Pilton	City of Joondalup	Financial Account
	Mrs	Kim	Shepherd	Donnybrook Community Lib	Library Manager
	Mrs	Rosalie	Dolliver	City of Swan	Libraries Coordina
		Angela	Garces	City of Subiaco	Management Acca
	Mr	Roy	Ruitenga	Town of Cambridge	Manager Finance
		Darren	Simmons	JP Shire of Koorda	Chief Executive O
	Ms	Deb	Summers	City of Swan	Manager Custome
	Ms	Tina	Ackerman	City of Subiaco	Manager Cultural
	Mr	Bimsara	Pathirathna	City of Wanneroo	Manager Transact
	Mr	Darren	von Bergheim	City of Wanneroo	Coordinator Librai
	Mr	Gareth	Dixon	City of Armadale	Manager Library &
		Renata	Pietracatella	Bassendean Memorial Public	Manager Library &
		Lachlan	McCaffrey	RPS Australia East Pty Ltd	Senior Planner
	Mr	Stan	Scott	Shire of Toodyay	Chief Executive O
	Ms	Evelina	Dobrowolski	City of Bayswater	Manager Library &
	Ms	Caroline	Jones	City of Canning	Manager Commur
	Mrs	Linda	Seymour	Cockburn Libraries	Manager
	Mr	Nelson	Mauricio	City of Cockburn	Manager, Financi
	Ms	Sharon	Chapman	City of Bunbury	Manager Libraries
	Mr	James	Shepherd	City of Bunbury	Acting Director C
	Mr	Jeremy	O'Neill	Shire of Capel	Manager Commur
	Mr	Terry	Fay	City of Bayswater	Manager Library &
	Ms	Lesley	Wilkinson	City of Wanneroo	Manager Cultural
	Ms	Joanna	Andrew	City of Perth	Coordinator Librai
	Mrs	Jude	Thomas	City of Joondalup	Manager Commu
	Mrs	Viv	Barton	City of Stirling	Service Lead - Lib
	Mrs	Ingrid	Hawkins	City of Stirling	Director Corporat
	Mrs	Rachel	Jackson	City of Stirling	Librarian Strategi
	Mrs	Sarah	Liddiard	Town of Claremont	Manager Claremo
	Mrs	Natalie	Martin Goode	Town of Victoria Park	Chief Community
		Deborah	Rigby	Town of Victoria Park	Literacy and Lear
	Mrs	Kaitlyn	Griggs	Town of Victoria Park	Manager Commur
	Ms	Ruth	Schofield	Town of Victoria Park	Manager Library
	Ms	Carol	Anderson	City of Busselton	Coordinator Librai
	Mrs	Alison	Mudgway	City of Melville	Coordinator Librai
	Mrs	Leeann	Reid	City of Melville	Manager Cultural
	Ms	Christine	Young	City of Melville	Director Commu
	Mrs	Nicole	Richards	City of Belmont	Coordinator Librai
	Mrs	Natasha	Griggs	City of Belmont	Manager Commur
		Helen	Sarcich	Shire of Serpentine Jarrahd	A/Chief Executive
		Lisa	Keys	Shire of Serpentine Jarrahd	Acting Director
	Mrs	Ruth	Campbell-Hicks	Shire of Harvey	Principal Librarian
	Mrs	Cheryl	Parrott	City of Perth	Manager, Library
		Alison	Oliver	City of Rockingham	Manager Library
	Ms	Justine	Skeet	City of South Perth	Manager Library
	Ms	Vicki	Lummer	City of South Perth	Director Developm
	Dr	Sarah	McQuade	City of Canning	
		Audrey	Bell	Shire of Toodyay	Manager Commur
	Ms	Jacqui	Pickerill	Town of Cambridge	Coordinator Librai
	Ms	Priya	Narula	Town of Cambridge	Manager Commur

### WALGA Staff - Count:


6

Nebojsha	Franich	WALGA	Policy Manager, E
Andrew	Blitz	WALGA	Procurement and

	Marissa	MacDonald	WALGA	Policy Officer, Tra
	Kirstie	Davis	WALGA	Policy Manager Col
	Jo	Burges	WALGA	Executive Managej
	Anne	Banks-McAllister	WALGA	Capacity Building j
SLWA Staff - Count: 3				
Ms	Sue	North	State Library of WA	Public Library Str
	Liz	Spencer	SLWA	
	James	Dew	SLWA	
Webinar only - Count: 22				
	Helen	McKissock	Shire of Mundaring	Branch Librarian I
	Vicki	Cobby	Shire of Broome	Senior Finance Of
	Kellie	Bartley	Shire of Merredin	Deputy Chief Exec
Ms	Sue	O' Toole	City of Karratha	Assistant Manage
Mrs	Vanessa	Subramoney	City of Karratha	Library Services C
Miss	Debra	Hodges	City of Kalgoorlie-Boulder	Manager Commu
	Olivia	Letter	Gnowangerup Shire public l	Library Services Cl
	Cheryl	Weston	Shire of Carnarvon	Coordinator Librai
	Sa	Toomalatai	Shire of Carnarvon	Manager Finance t
	Gloria	Quinn	Shire of Carnarvon	Assets Coordinat
Ms	Leigh	Angilley	Shire of Murray	
Ms	Vanda	Dei-Tos	Shire of Manjimup	Manager, Librarie
Ms	Judy	Bagshaw	Town of Port Hedland	Manager, Commu
	Mazita	Omar	Shire of Katanning	Library Coordinat
Miss	Shannon	Wood	Shire of Collie	Manager of Inform
Mr	Steve	van Nierop	City of Albany	Acting Manager Fi
Ms	Elizabeth	Denniss	Shire of Bridgetown-Greenb	Executive Manage
	Jayne	Arnold	Shire of Esperance	Library and Cultu
	Sally	Eaton	Shire of Broome	Library Coordinat
Ms	Alison	Morris	Broome Public Library -Shir	Librarian
	Monica	Fairless	Shire of Yilgarn	Support Officer
	Sharon	Regterschot	Shire of Exmouth	Coordinator Librai
Cancelled - Count: 3				
Mrs	Despina	Swain	City of Nedlands	Library Services C
Ms	Heather	Auld	Shire of Augusta Marqaret	Manager Library S
	Amy	Green	WALGA	



## Appendix B: Forum Program



# WA Public Libraries

## Strategy - Forum

### Proposed repurposing of funds and asset management for public library materials

**Friday, 21 June 1:00pm – 4:00pm** WALGA Boardroom, ONE70, LV11, Railway Parade, West Leederville

**Aim:** To discuss and identify opportunities and issues for Local Government with the proposed repurposing of State Government funding for library materials to enable a transition to a new model where funds are able to be allocated to a range of library priorities rather than tied to the purchase of physical library stock.

PROGRAM

1:00pm	<b>Welcome &amp; Acknowledgement of Country</b> <i>Jo Burges, WALGA Executive Manager People and Place</i>
1:05pm	<b>Introduction from Public Libraries Western Australia</b> <i>Viv Barton, President, Public Libraries Western Australia</i>
1:10pm	<b>The WA Public Libraries Strategy: a new chapter for our public library system</b> <i>Liz Spencer, Director Library Services, State Library of Western Australia</i>
1:15pm	<b>Overview of current State Government funding and asset management procedures for public library materials</b> <i>James Dew, Chief Financial Officer, State Library of Western Australia</i>
1:35pm	<b>Q1: What are the issues and opportunities for Local Government in the proposed transfer of ownership of stock from capital to recurrent funding?</b> E.g. financial implications, how does your LG currently treat library stock (capital/recurrent)?
2:00pm	<b>Q2: What are the issues and opportunities for Local Government in the proposed transfer of ownership of stock from State to Local Government?</b> E.g. financial implications, value, insurance, depreciation, balance sheet, record keeping, stocktake and write-offs, etc.?
2:25pm	<b>Q3: The new model proposes recurrent funding to enable expenditure on a range of priorities including library book stock, technology, new services and learning programs. What are the issue and opportunities for your Local Government?</b>
2:50pm	Afternoon Tea

3:05pm

**Q4: What are the implications for your Local Government in maintaining grant funding for library materials?** E.g. internal processes, acquittal, capacity to manage a grant, reporting etc.

**Summary of discussion**  
*Debra Summers and Alison Oliver, Public Libraries Western Australia*

3:30pm

**Next Steps**  
*Jo Burges, WALGA Executive Manager People and Place*

3:50pm

**Close of Event**

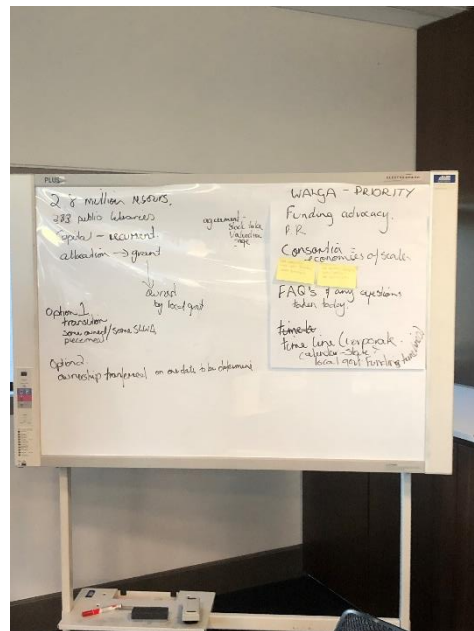
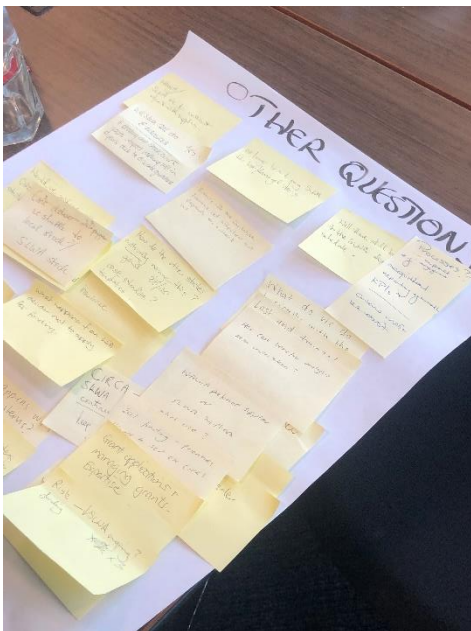
4:00pm

**Outcome:** To develop recommendations for the preferred Local Government approach for a future accounting treatment and asset management model for library services.

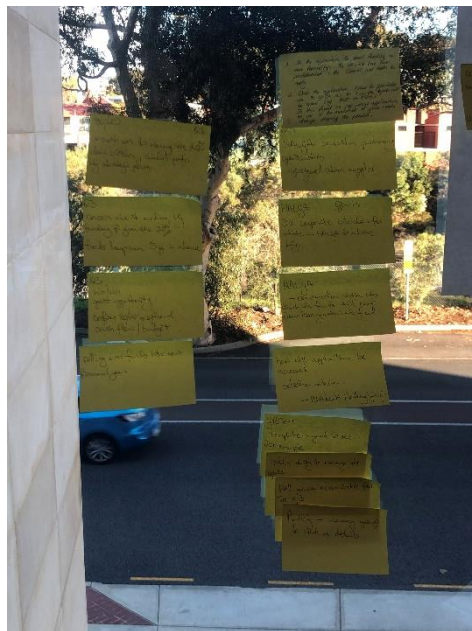
CONTACTS

Appendix C: Photo Log









## **5.5 Submission on the Draft Compliance and Enforcement Policy (01-006-02-0003 MB)**

*By Mark Batty, Executive Manager Environment and Waste*

**Moved: President Cr Cheryl Cowell**  
**Seconded: President Cr Stephen Strange**

**That the submission to the Department of Water and Environmental Regulation relating to the draft Compliance and Enforcement Policy be endorsed subject to:**

- 1. Noting the lack of enforcement resources dedicated to rural and remote areas; and,**
- 2. A request that other Government officers be trained to undertake enforcement actions on behalf of the Department of Water and Environmental Regulation.**

**RESOLUTION 97.7/2019**

**CARRIED**

### **In Brief**

- The Department of Water and Environmental Regulation (DWER) has released a revised draft Compliance and Enforcement Policy.
- The revised Policy differs minimally from the existing DWER Enforcement and Prosecution Policy (July 2013) and reaffirms DWER's risk based approach in the delivery of its compliance and enforcement functions in a number of operational areas.
- The submission reflects WALGA's significant concerns about whether the draft Policy can be effectively implemented and recommends a review of the effectiveness of the existing approach be undertaken to inform a revised policy.

### **Attachments**

[DWER draft Compliance and Enforcement Policy](#)

Draft WALGA submission to the DWER draft Compliance and Enforcement Policy

### **Relevance to Strategic Plan**

#### **Key Strategies**

#### **Engagement with Members**

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Build a strong sense of WALGA ownership and alignment.

#### **Sustainable Local Government**

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

#### **Enhanced Reputation and Relationships**

- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;

## Policy Implications

Nil.

## Budgetary Implications

Nil.

## Background

In May 2019 DWER released its draft Compliance and Enforcement Policy (the Policy), which details its approach to ensuring compliance with the legislation it administers, and responding to breaches of the law to deter and punish offenders and rehabilitate environmental damage.

The Policy draws upon the former DWER Enforcement and Prosecution Policy (July 2013), and the DWER Regulatory Best Practice Principles (September 2018) and reaffirms its commitment to a risk based approach in the delivery of its compliance and enforcement functions. The draft Policy covers a number of the DWER's operational areas, including; native vegetation, contaminated sites, licensing of prescribed premises, waste discharges and emissions, WARR Levy Compliance and water licensing.

The Policy removes previous guidance regarding prosecutions, however aside from this small change, the Policy differs only marginally from the existing approach.

WALGA released an [InfoPage](#) to the sector on 25 June 2019 summarising the Policy, highlighting issues of concern and seeking feedback. WALGA received submissions on the draft Policy from one Local Government, being the Town of Port Hedland.

## Comment

The submission reflects WALGA's significant concerns about whether the Policy can be effectively implemented. It recommends that a review of the effectiveness of the DWER's existing policy and approach be undertaken to inform the development of a new policy.

Of particular concern is the overarching legislative framework that governs the compliance and enforcement activities of the Department, under the *Environmental Protection Act 1986*. In WALGA's view, the adequacy of the existing framework should be reviewed, to ensure it aligns with community expectations and can be used to address risks to public health, the environment and water resources.

WALGA notes within the submission that since the 2015-2016 financial year, there has been significant decline in the number of enforcement actions carried out by the Department. It is unclear what has caused this, however WALGA finds the significant decline of investment in compliance and enforcement resources and a lack of strategic direction factors in this decline, compounded by the limitations of the legislative framework discussed above.



### Submission on the draft DWER Compliance and Enforcement Policy

July 2019

#### 1. Introduction

The Western Australian Local Government Association (WALGA) is the united voice of Local Government in Western Australia. The Association is an independent, membership-based group representing and supporting the work and interests of 138 Local Governments in Western Australia. The Association provides an essential voice for 1,222 elected members and approximately 15,000 Local Government employees as well as over 2 million constituents of Local Governments in Western Australia. The Association also provides professional advice and offers services that provide financial benefits to the Local Governments and the communities they serve.

WALGA appreciates the opportunity to comment on the DWER draft Compliance and Enforcement Policy (the Policy). The draft Policy draws upon the former DER Enforcement and Prosecution Policy (July 2013), and the DWER Regulatory Best Practice Principles (September 2018).

This Submission provides general comments on the draft Policy and the Department's prior approach to compliance and enforcement. The Submission also comments on the factors that WALGA considers need to be addressed to effectively implement the draft Policy.

#### 2. General Comments

WALGA notes that other than the removal of guidance regarding prosecutions, the proposed policy differs only minimally from the existing DER Enforcement and Prosecution Policy (July 2013). WALGA considers that any revised compliance and enforcement policy should be informed by a thorough review of the effectiveness of the Department's existing approach to compliance and enforcement.

With regard to prosecutions, it is not clear from the information provided in the draft Policy why this needs to be included in a separate Guideline, particularly given the relatively small number of prosecutions that have historically occurred *Environmental Protection Act 1986* (refer to Figure 1).

In previous Submissions, WALGA has commented on the need to further examine the adequacy of the *Environmental Protection Act 1986*, along with the resources allocated to deliver the Department's regulatory functions, including compliance and enforcement. These factors have the potential to undermine the regulatory efforts of the Department, and compromise the implementation of the Policy. Further commentary on this is provided in Section 4 of this Submission.

The draft Policy reaffirms the Department's commitment to a risk based approach in the delivery of its compliance and enforcement functions. The draft Policy covers a number of the Department's operational areas, including; native vegetation, contaminated sites, licencing of prescribed premises, waste discharges and emissions, WARR Levy Compliance and water licencing (refer to Section 3 of the draft Policy). Clarity is required on how a risk based approach will be applied to the different areas that are being regulated. WALGA considers that specific guidance for a range of licenced premises is required, so that a risk based approach can be used to determine the level of risk to public health, the environment and water resources. This guidance would need to include considerations relating to siting of facilities (using a risk based approach) and operational guidance. It is also essential that there is

alignment between the licencing and compliance and enforcement regimes. The licencing process, and conditions attached, should be clear and provide the compliance and enforcement teams with the relevant information to determine what compliance and enforcement actions are required. Conversely, the compliance and enforcement teams should be providing feedback to those undertaking licencing to ensure that any problems with compliance and enforcement of licences is addressed in a timely manner.

### **3. Existing Approach to Compliance and Enforcement**

The effectiveness of the Department's approach can be determined by assessing the performance of the sectors it regulates and the consequent number, type and success of enforcement actions undertaken.

#### **3.1 Performance of Regulated Sectors**

##### **Regulation of the WARR Levy**

WALGA has previously commented on the issues associated with the regulation of the WARR Levy<sup>2</sup>. There appears to be significant underreporting of C&I and C&D waste through the WARR Levy reporting regime and the Recycling Activity Report as a result of the WARR Levy increase in the 2015/16 Financial Year. The diversion of leviable material away from landfill has had a direct financial and environmental impact, with an increase in the amount of material that is illegally dumped, illegally stored or illegally landfilled. Some Local Governments on the fringes of the Perth metropolitan area have reported spending in excess of \$1 million annually to collect and dispose of illegally dumped material. Due to deficiencies with existing data capture systems, the full impact of the diversion of leviable material away from landfill is not clear.

##### **Compliance with offset conditions**

WALGA has been concerned to learn through the offset review process conducted by DWER that there was insufficient information to determine the status of a significant number of offsets conditioned for approved projects, and that there was insufficient reporting to determine if the intended environmental benefits of on-ground management offsets have been achieved. WALGA notes that this is a longstanding issue, having been identified by the WA Auditor General in 2011 and the DER in 2014. WALGA therefore supports the recommendations that strengthen the regulatory capacity to ensure that offsets are being delivered as intended and are realising their intended benefits.

#### **3.2 Number, Type and Success of Enforcement Actions**

In considering Section 6.2 of the draft Policy, WALGA has reviewed publicly available information on the number and type of enforcement actions undertaken by the Department. Information was not available on the effectiveness of these enforcement actions – in relation to whether the environmental harm was eliminated/reduced. Where possible, WALGA has sought to differentiate enforcement action that occurred under different Departmental structures.

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<sup>2</sup> WALGA (May 2019). Submission on the DWER Approved Methods for Mandatory Reporting under the WARR Regulations 2008. Available online <https://www.wastenet.net.au/documents/360/walga-submission-on-the-dwer-data-methodologies-may-2019>.



## Enforcement Actions - Environment

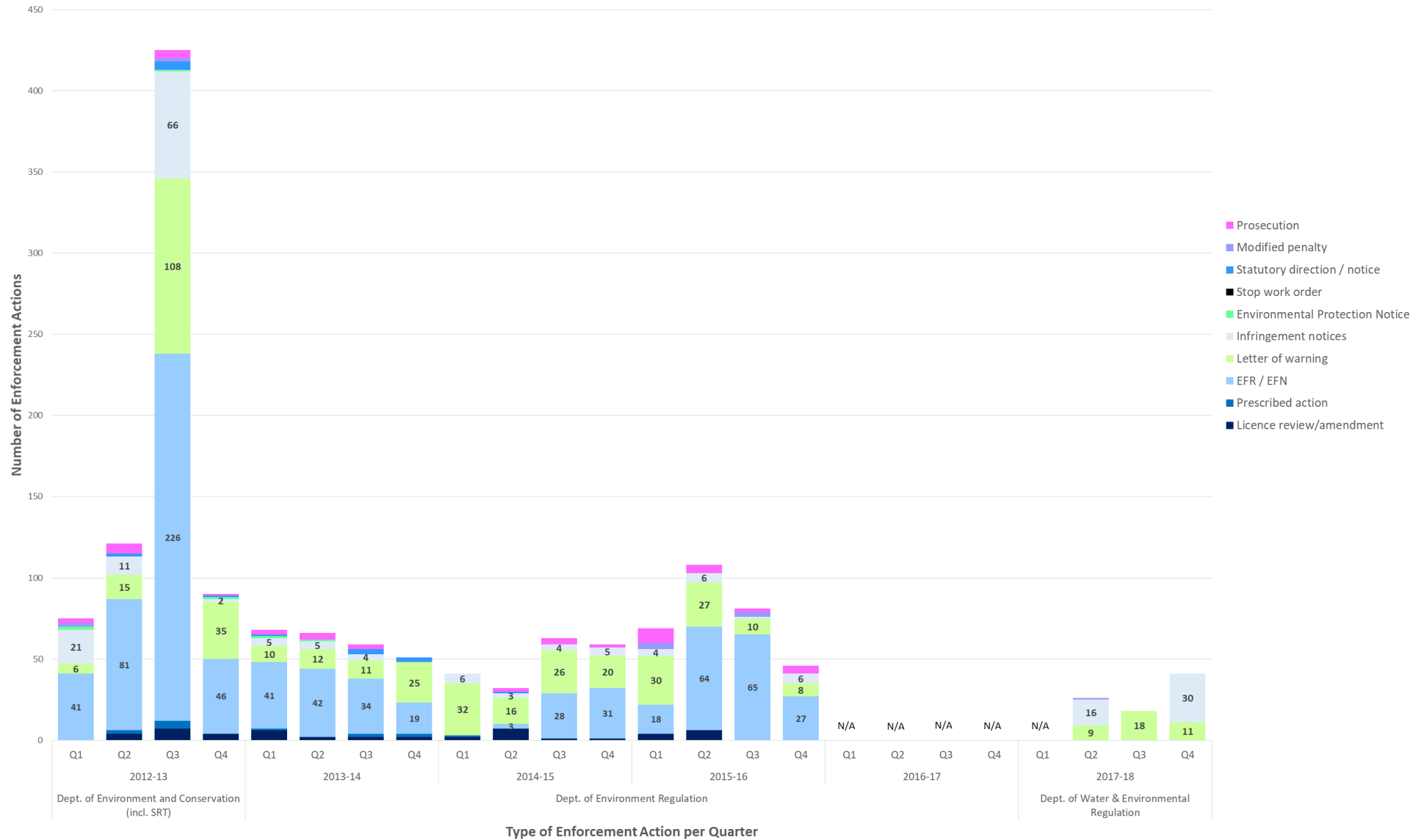


Figure 1: Enforcement Actions - Environment (DER Environmental Enforcement Quarterly Reporting Data Summary 2015-16, DWER Regulatory Performance Report – Q4 2017-18).

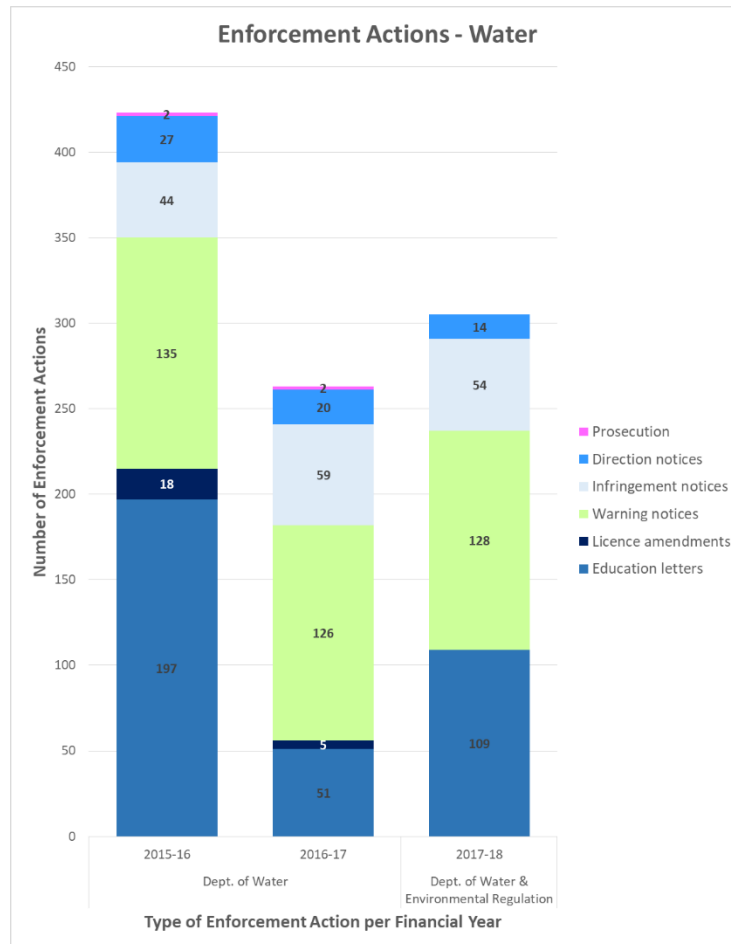


Figure 2: Enforcement Actions – Water (DWER Annual Report 2017-18).

#### 4. Effective Implementation of the Policy

From the information provided in Figures 1 and 2, it is evident that some of the enforcement actions listed in Section 6.2 of the draft Policy are rarely used. It is not clear if this is due to one or more of the following factors:

1. Level of investment in both compliance and enforcement resourcing
2. Strategic direction provided by senior DWER management and the Government
3. Limitations with the legislative framework, and court processes.

##### Level of Investment

WALGA understands that the Government allocated \$19.4 million in the 2018-19 State Budget to the Department (over 4 years) to employ additional staff in environmental regulation and compliance<sup>3</sup>. However, it is not clear if these funds have translated into additional resources for compliance and enforcement, resources for environmental approvals or on ground outcomes. Inadequate compliance

<sup>3</sup> Government of Western Australia (10 May 2018). Improved cost recovery model to help speed up environmental approvals and support economic growth. Available online. <https://www.mediastatements.wa.gov.au/Pages/McGowan/2018/05/Improved-cost-recovery-model-to-help-speed-up-environmental-approvals-and-support-economic-growth.aspx>.

and enforcement activity by the Department places an additional burden on Local Government. For example, responding to an increase in occurrences of illegal dumping.

**Recommendation: The Department adequately resources the delivery of its compliance and enforcement functions.**

### **Strategic Direction**

WALGA recognises that there is often a degree of discretion and judgement exercised on the need, and type of activity required to deliver the Department's compliance and enforcement functions. However, the extent of and type of compliance and enforcement action undertaken by the Department appears to be unduly influenced by the strategic direction provided by the approach of senior management and the Government of the day. Publicly reported information on the number of infringements issued by the former Department of Environment Regulation indicates that a total of 49 infringement notices were issued in the period 2013 to 2017. While the Machinery of Government changes have had an impact on the structure and legislative responsibilities of the Department, 46 infringement notices were issued in the Environment portfolio for the Q2, Q3 and Q4 periods of the 2017-18 Financial Year.

**Recommendation: That compliance and enforcement functions and actions are prioritised as an essential component of the Departments function.**

### **Legislative Framework and Court Processes**

In WALGA's view, the adequacy of the legislative framework that underpins the compliance and enforcement activities of the Department should to be reviewed, to ensure it aligns with community expectations and can be used to address risks to public health, the environment and water resources.

For example, the legislative framework provided by the *Environmental Protection Act (1986)* cannot require an operator to obtain a licence, and officers can only encourage the operator to obtain a licence and inform them of the penalties if they are found to have polluted the environment. The limited number of successful prosecutions indicates that the compliance pathway established by the Act is not straightforward to use and as shown in Figure 3, the time period for prosecutions which do occur is lengthy. WALGA would therefore support amendments to the Act that require a licence to undertake Schedule 1 activities. This would facilitate other enforcement options and ensure a more rapid pathway for the resolution of any issues.

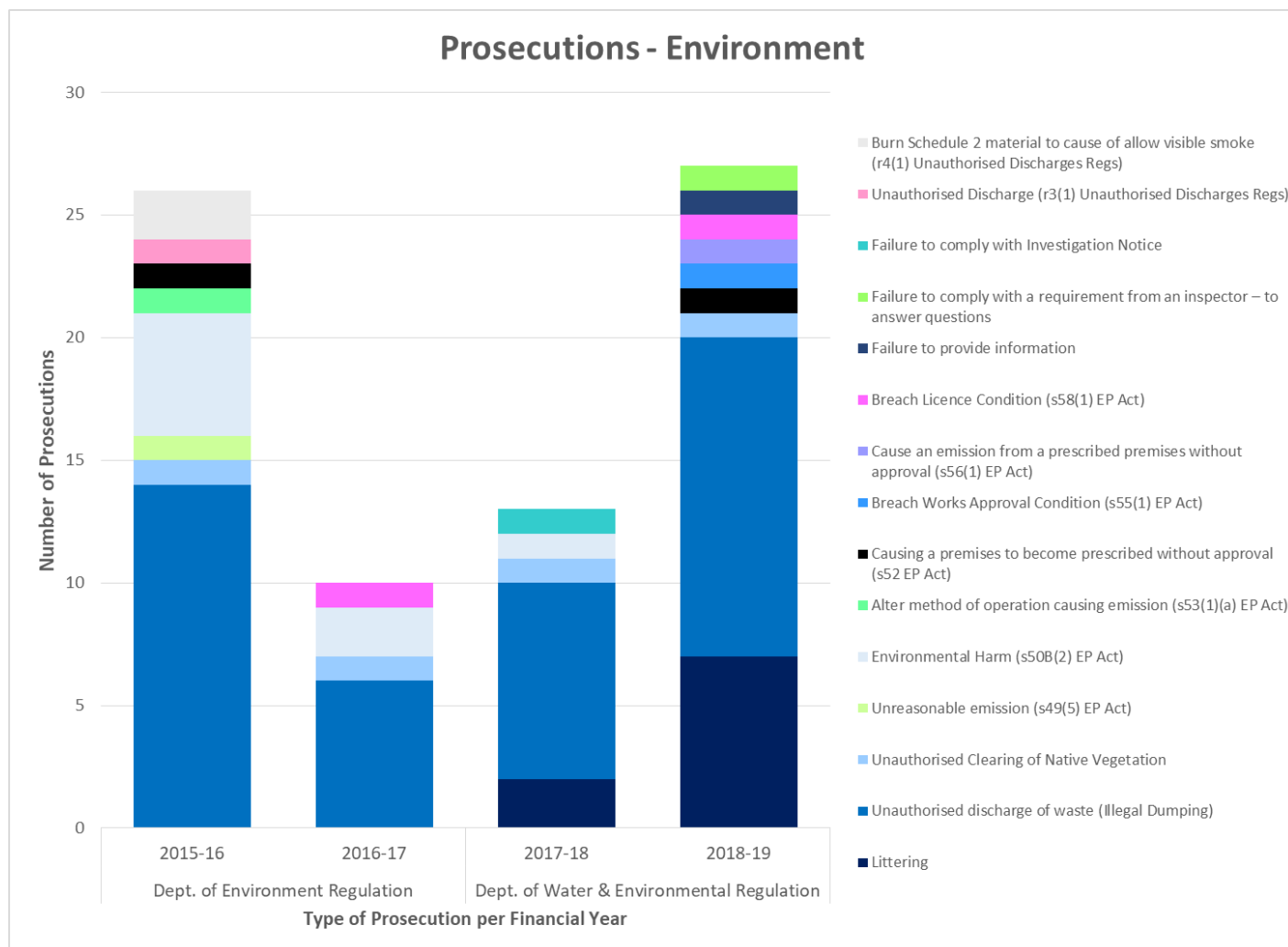


Figure 3: Summary of Prosecutions – includes spent convictions (DER/DWER 2015-16 to 2018-19 Financial Years<sup>4</sup>).

Furthermore, the current structure of the legislative framework may have contributed to the limited number of successful prosecutions for unlawful activity (Figure 4). Section 49A of the *Environmental Protection Act (1986)* establishes an offence for the unauthorised discharging or abandonment of waste. This carries a maximum penalty of \$62,500 for individuals, and \$125,000 for corporations. The information provided in Table 1 on unauthorised discharge of waste (Illegal Dumping), demonstrates that magistrates have different views as to the seriousness of unlawful activity such as illegal dumping under environmental law.

It is also important for effective regulation that the Law is not only enforced, but seen to be enforced. Hence the importance of clearly communicating the outcomes of prosecutions.

The Association commends recent media releases by the Minister for the Environment which highlighted successful prosecutions for illegal dumping.

<sup>4</sup> Department of Water and Environmental Regulation (accessed June 2019). Summary of Prosecutions. Available online. <https://www.der.wa.gov.au/our-work/enforcement/summary-of-prosecutions>.

Table 1: Successful prosecutions for unauthorised discharge of waste (Illegal Dumping) 2018-19.

Offender	Date of Offence	Address	Charges	Summary	Date of Conviction	Penalty	Legal Costs*	Other Costs*
Adam Graham Vardy	15/10/2018	Warbrook Road Jandabup	Unauthorised discharge of waste (Illegal Dumping)	Dumped trailer load of green waste in State Forest	07/06/2019	\$1000	\$328.70	
Jai Coughlan	12/01/2018 and 14/01/2018	Warbrook Road Jandabup	4 x Unauthorised discharge of waste (Illegal Dumping)	Discarded four loads of waste in State Forest over two days without authority	07/06/2019	\$8000	\$787.67	
Aaron Lewis Jones	10/01/2018 and 12/01/2018	Warbrook Road Jandabup	4 x Unauthorised discharge of waste (Illegal Dumping)	Discarded four loads of waste in State Forest over two days without authority	07/06/2019	\$6000	\$753.30	
Luke James Rodwell and Tom Songsak Cox	Between 18/01/2018 and 10/02/2018	State Forest 22 Ashendon	Unauthorised discharge of waste (Illegal Dumping)	Discarded truck load of shop fittings and furniture from closed restaurant in Priority 1 drinking water source area	04/06/2019	\$9000 each	\$376.65 each	
Rodney Beattie	2/09/2017	Mingenew	Unauthorised discharge of waste (Illegal Dumping)	Discarded demolition waste on road reserve	11/10/2018	\$4,000 (suspended)	\$578.70	
Liam Ronald Downes	20/10/2017	Warbrook Road Jandabup	Unauthorised discharge of waste (Illegal Dumping)	Discarded motor vehicle parts in State forest	11/10/2018	\$500	\$328.70	
Hyuksu (Jamie) Lee	Between 31/01/2018 and 01/02/2018	Kingia Place, Goldsbrough Entrance and Darwinia Crescent, Helena Valley	Unauthorised discharge of waste (Illegal Dumping)	Discarded three truck-loads of building waste	29/10/2018	\$3,500	\$328	\$4,500
Brandon Abson	2/08/2018	Canning Mills Road	Unauthorised discharge of waste (Illegal Dumping)		9/10/2018	\$5,000		
Colin Jason Butera	5/06/2017	Warbrook Road, Jandabup	Unauthorised discharge of waste (Illegal Dumping) x 2	On two separate occasions, the offender drove tip truck into	7/09/2018	\$5,000 (\$2,500 per offence)	\$433.67	

				State Forest and discharged waste, including vehicle parts and glass.				
DOWNER EDI	7/10/2016	Urch Road, Roleystone	Unauthorised discharge of waste (Illegal Dumping)	Discharged liquid waste, being water, soil and vegetation onto the ground within a reserve under the control and management of the City of Armadale.	3/08/2018	\$12,500 (Modified Penalty Notice)	N/A	N/A
Aaron Bradley Solomon	8/04/2017	Brookton Hwy Leslie. State Forest 22	Unauthorised discharge of waste (Illegal Dumping)	Offloaded waste, including an air conditioning unit, from the tray of his utility into State Forest.	27/07/2018	\$1,500	\$696.85	
Shayne Ronald Northey	Around 5/07/2017 and 8/07/2017	Goomalling Road, Northam	Unauthorised discharge of waste (Illegal Dumping) x 5	Discharged septage waste into Water Corporation drainage system	9/07/2018	\$7500 fine	\$328.70	\$957.98
Mirmehdi Mokhtari	prior to 23/09/2017, and 06/09/2017, 04/10/2017	Warbrook Road, Jandabup	Unauthorised discharge of waste (Illegal Dumping) x 3	On three separate occasions, the offender drove his vehicle with a trailer attached into State Forest and discharged waste, being fibro-cement, plastic tubing and bricks.	6/07/2018	\$4,000	\$328.70	

\* Costs incurred by offender

**Recommendation: The adequacy of the legislative framework for compliance and enforcement is reviewed, including:**

- 1. Requirement of a licence to undertake Schedule 1 activities**
- 2. Introduction of a minimum penalty for certain offences.**

## **5. Conclusion**

WALGA appreciates the opportunity to provide feedback on the draft DWER Compliance and Enforcement Policy. It is concerning that the effective implementation of the Policy could be limited by a number of factors outside the control of individual staff. These factors include the level of investment in resources allocated to deliver these functions, the strategic direction provided by senior management and the Government, and the adequacy of the framework established by the *Environmental Protection Act 1986*.

WALGA extends its support for the timely resolution of these matters, to ensure that the Department can address risks to public health, the environment and water resources in manner that aligns with community expectations.



## **5.6 Submission on the Environmental Protection Authority's Greenhouse Gas Emissions Guidance (05-025-03-0001 LS)**

*By Laura Simes, Environment Policy Advisor*

**Moved: Cr Julie Brown**  
**Seconded: Cr Kate Driver**

**That the WALGA submission on the Environmental Protection Authority's proposed Greenhouse Gas Emissions Guidance be endorsed.**

**RESOLUTION 98.6/2019**

**CARRIED**

### **In Brief**

- On 10 June 2019 the Environmental Protection Authority (EPA) released updated draft Guidelines regarding how it considers greenhouse gas emissions when assessing significant proposals in Western Australia for public comment, along with an explanatory background paper.
- The Guidelines are being updated to ensure they reflect contemporary climate science, emissions trends, existing policies and regulation and risks to the Western Australian environment.
- The release of the draft guidelines for consultation follows the withdrawal of updated guidance in March 2019 which was criticised by some parts of the resources sector.
- WALGA's submission supports the proposed guidelines as consistent with the WALGA Climate Change Policy Statement, endorsed by State Council in July 2018. In particular the WALGA Statement calls for the EPA to take a stronger regulatory role in assessing and recommending conditions to mitigate the greenhouse gas emissions associated with major projects, within its Environment Impact Assessment process.

### **Attachments**

1. WALGA Draft Submission: Greenhouse gas emissions guidance consultation (**attached**).
2. EPA greenhouse gas emission assessment guidance and background paper. (available [here: http://tiny.cc/EPACons](http://tiny.cc/EPACons)).
3. WALGA InfoPage: Environmental Protection Authority greenhouse gas emissions assessment guidance open for comment (available [here: http://tiny.cc/Infopage](http://tiny.cc/Infopage)).

### **Relevance to Strategic Plan**

#### **Key Strategies**

##### Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Build a strong sense of WALGA ownership and alignment.

##### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;

- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

#### Enhanced Reputation and Relationships

- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;

### **Policy Implications**

Consistent with WALGA's Climate Change Position Statement (para 4.1) and the WALGA Policy Statement on Climate Change.

### **Budgetary Implications**

Nil.

### **Background**

In March this year the EPA released Guidelines outlining how it will consider greenhouse gas emissions when assessing significant proposals in Western Australia. The Guidelines were produced to reflect contemporary climate science, emissions trends, existing policies, regulation and risks to the Western Australian environment.

As a member of the EPA's Stakeholder Reference Group (comprising representatives of resource industry associations, environmental non-government organisations, and consultant groups, WALGA provided comment on these Guidelines to the EPA prior to their initial release in March. WALGA supported the Guidelines on the basis that they align with the [WALGA Climate Change Policy Statement](#), endorsed by State Council in July 2018, which includes the following position:

*Local Government calls on the Environmental Protection Authority to take a stronger regulatory role in assessing and recommending conditions to mitigate the greenhouse gas emissions associated with major projects within the Environment Impact Assessment process. (p8)*

In addition, WALGA's support acknowledged the important role of the EPA to provide independent advice to the State Government regarding the environmental impacts of proposals, as separate from that of the Minister, who can take into account and balance broader considerations when making a final decision on whether to approve a proposal, and if so, under what conditions.

The EPA withdrew the Guidelines in March pending further consultation, after concerns were raised by some in the resources sector.

The Guidelines, accompanied by a background paper, were then released on 10 June for a three month public comment period. The documents released by the EPA for comment comprise:

- Environmental Factor Guideline – Greenhouse Gas Emissions (the Guideline); and
- Technical Guidance – Mitigating Greenhouse Gas Emissions (Technical Guidance)

together referred to in this paper and the WALGA submission as "the Guidelines"; and

- Background paper on greenhouse gas assessment guidance (the Background Paper).

On 13 June, WALGA released an [InfoPage](#) to the sector and on 12 July a draft submission was circulated to the sector for input by 29 July. WALGA did not receive any submissions in response to the draft, perhaps due to the somewhat technical nature of the Guidelines and that the Climate Change Policy Statement already provides general support for the EPA taking on a stronger regulatory role.

## Comment

The Guidelines set out emissions minimisation that are more onerous than previous practice, within the context of:

- The EPA's statutory obligations under the *Environmental Protection Act 1986 (WA)* to consider the impacts of greenhouse gas emissions on the environment;
- contemporary climate science;
- the trajectory of Western Australia's greenhouse gas emissions and the impact this will have on meeting Australia's international obligations;
- the absence of a comprehensive, effective Commonwealth Government framework and mechanisms for meeting Australia's Paris Target commitment; and
- EPA practice in undertaking assessments of more than 40 large greenhouse gas emitting proposals since 1991.

WALGA's submission supports the EPA's proposed guidelines.

In considering the issue of offsetting emissions, WALGA's submission recommends that consideration be given to a strategic greenhouse gas offset fund to maximise the effectiveness, efficiency and co-benefits of required greenhouse gas offsets, including opportunities for new and emerging industries and practices, such as carbon farming and renewables, consistent with WALGA's [Economic Development Framework Project \(2019\)](#).

WALGA's submission also acknowledges that regulation of greenhouse gas emissions through the EPA conditioning proposals is not necessarily the most cost-effective or efficient way of achieving emissions abatement. However, WALGA supports the Guidelines in the context of the current climate change 'policy vacuum', seen most keenly in Western Australia as being the only state or territory without an emissions reduction or renewable energy target.

The submission also makes the following specific comments:

- Consideration of offsetting emissions should occur only after all technically feasible means of avoiding and mitigating emissions has been exhausted;
- There must be a clear, robust and enforceable framework for offsets;
- That consideration of the scope of emissions should be broad with the emissions threshold for a proposal including direct and indirect emissions; and
- That a lower emissions threshold than the proposed 100,000 CO<sub>2</sub>-e be considered, to align with the Commonwealth Safeguard mechanism.

# Greenhouse Gas Emissions Guidance Consultation

## **Draft Submission**

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## 1. About us

The Western Australian Local Government Association (WALGA) is the peak industry body for Local Government in Western Australia. WALGA is an independent, membership-based organisation representing and supporting the work and interests of 138 Local Governments in Western Australia.

WALGA provides an essential voice for approximately 1,222 Elected Members and approximately 22,000 Local Government employees as well as over 2.5 million constituents of Local Governments in Western Australia. WALGA also provides professional advice and offers services that provide financial benefits to the Local Governments and the communities they serve.

## 2. WALGA's comments

WALGA thanks the EPA for the opportunity to provide input to the follow documents released for comment:

- Environmental Factor Guideline – Greenhouse Gas Emissions (the **Guideline**); and
- Technical Guidance – Mitigating Greenhouse Gas Emissions (**Technical Guidance**), together referred to in this submission as “the Guidelines”, and
- *Background paper on greenhouse gas assessment guidance* (the **Background Paper**).

As a member of the EPA's Stakeholder Reference Group, WALGA made a direct submission to the EPA in support of the guidelines before their initial release in March this year. The parts of the earlier submission that remain relevant are included in this submission.

This submission is made in accordance with the [WALGA Climate Change Policy Statement](#) (2018), and following consideration and endorsement by State Council, WALGA's decision making body.

## 3. Climate change and Local Government

Climate change is a key issue for Local Governments that cuts across almost all aspects of operations and responsibilities. In Western Australia, Local Governments are the most proactive level of government on climate change and they are actively pursuing a range of emissions reduction and adaptation actions. This includes, but is in no way limited to, ambitious corporate and community-wide energy efficiency, renewable energy and emissions reductions strategies, along with programs and policies to encourage residents to reduce their carbon footprint. Local Governments are active on climate change, but all levels of Government must act.

The WALGA Climate Change Policy Statement (the **Climate Change Statement**) was endorsed by State Council in July 2018 following extensive consultation across the Local Government Sector, and represents the consolidated position of Western Australian Local Governments:

**Local Government acknowledges:**

- I. The science is clear: climate change is occurring and greenhouse gas emissions from human activities are the dominant cause.
- II. Climate change threatens human societies and the Earth's ecosystems.
- III. Urgent action is required to reduce emissions, and to adapt to the impacts from climate change that are now unavoidable.
- IV. A failure to adequately address this climate change emergency places an unacceptable burden on future generations.

**Local Government is committed** to addressing climate change.

**Local Government is calling for:**

- I. Strong climate change action, leadership and coordination at all levels of government.
- II. Effective and adequately funded Commonwealth and State Government climate change policies and programs.

*WALGA Climate Change Policy Statement (2018), p3.*

Along with the above headline statements the Climate Change Statement specifies the mitigation, adaptation, emergency management and resilience actions the sector views as priorities. Key areas outlined in relation to the State Government and the Environmental Protection Authority are:

**1. Accelerated action and fast tracked reform to remove regulatory barriers and facilitate the transition to a low carbon, energy efficient economy**

Local Governments are already active in renewable energy and energy efficiency projects, but State level regulations continue to hamper Local Governments from undertaking or supporting a range of high impact cost-effective energy efficiency and renewable energy projects. For example, LED street lighting retrofits, large scale renewable energy projects and community energy projects.

**2. A State level emissions reduction target and/or renewable energy target**

Western Australia is the only State or Territory without an emissions reduction target or a renewable energy target. The State Government has previously indicated it considers it the responsibility of the Federal Government to enact any targets, however following the recent Federal election, there is now a stronger argument to be put for setting a state level target. The Premier recently "warned that States such as WA could go it alone on climate policy unless the Morrison Government comes up with a workable national approach to reducing greenhouse gases and supply certainty to investors" (*The West Australian*, Friday, May 31 2019).

**3. Planning for climate proof communities (incl. funding for innovative climate change projects)**

This priority speaks to the need for State Government and Local Government to work in partnership to build healthy, resilient communities by ensuring that climate change considerations (both mitigation and adaptation) are embedded in Government policies and regulations. A key aspect of this is a State Planning regime that adequately incorporates climate change in planning policies, along with related environmental issues such as urban forestry, biodiversity, water security and emergency management.

**4. Comprehensive, effective adaptation planning**

It is recognised that there is planning around coastal adaptation currently occurring, but effective planning needs to take in comprehensive identification of, and response to, the effects of climate

change. It also needs to expand out to other effects of climate change such as heat waves and other extreme weather events, bush fire planning and water management.

#### **5. Role for the EPA in emissions reduction**

The *WALGA Climate Change Policy Statement* calls for a stronger regulatory role for the EPA in assessing and recommending conditions to mitigate the greenhouse gas emissions associated with major projects within the Environment Impact Assessment process.

#### **4. Local Government supports the EPA's decision to make greenhouse gas guidelines**

The EPA's proposed guidelines align with the Climate Change Statement, which includes the following specific position:

*Local Government calls on the Environmental Protection Authority to take a stronger regulatory role in assessing and recommending conditions to mitigate the greenhouse gas emissions associated with major projects within the Environment Impact Assessment process. (p8)*

The EPA's Background Paper notes that the present and likely future impacts of further greenhouse emissions pose a significant risk to the environment that must be considered in the EPA's assessments and advice, in order for the EPA to comply with its statutory obligations. The Background Paper guidance also notes that the EPA can *only* take into consideration environmental matters; for example broader economic and social impacts of a proposal are excluded from consideration. It is of course the role of the State Government to consider the EPA's independent advice and balance that with broader implications including economic and social considerations.

WALGA shares the EPA's concerns regarding the trajectory of Western Australia's greenhouse gas emissions and the impact this will have on meeting Australia's international obligations. In addition, that the EPA's guidance is being developed in the absence of a comprehensive, effective Commonwealth framework and mechanisms for meeting Australia's international commitments or a State climate change policy (noting that the State Government is in the process of developing one, due for release in early 2020).

WALGA acknowledges that regulation of greenhouse gas emissions through the EPA conditioning of proposals is not necessarily the most cost-effective or efficient way of achieving emissions abatement. However, WALGA supports the EPA's Guidelines in the context of the current climate change 'policy vacuum', seen most keenly in Western Australia as being the only state or territory without an emissions reduction or renewable energy target.

It is noted that the EPA has advised on greenhouse gas emissions in its assessments since 1991, taking in more than 40 proposed large emitters. The EPA's proposed guidelines set out emission minimisation expectations that are more explicit and onerous, taking into account 'contemporary climate science, emissions trends, existing policies and regulation, and, ultimately, the risks to the Western Australian Environment' (Background Paper, p1).

**WALGA supports the EPA's proposed guidelines, and the EPA's consideration of the current level of policy commitment at the State and Federal level in formulating the guidelines.**

#### **5. A role for regional communities**

Beyond the scope of the proposed guidelines, WALGA recommends that consideration is given to a strategic greenhouse gas offset fund to maximise the effectiveness, efficiency and co-benefits of required greenhouse gas offsets.



WALGA's [Economic Development Framework Project](#) (2019) made a number of recommendations for policy priorities and reform to encourage economic development, including providing support and encouragement for new and emerging industries.

A strategic greenhouse offset fund could encourage a new market for carbon offsets in Western Australia, unlocking low carbon businesses and job opportunities, particularly in regional areas, with potential for abatement projects including carbon farming, crop and livestock efficiencies and vegetation management.

## 6. Specific comments on the Guidelines

### 6.1 'Avoid, mitigate, offset' hierarchy

WALGA considers that there should be a greater emphasis on avoidance/mitigation of greenhouse gas emissions throughout the document (avoid, mitigate, offset) particularly for large emitting projects. It should be clear that the feasibility to offset residual emissions (in addition to the technical feasibility of mitigation) should be a key consideration in whether projects/activities are recommended for approval, and if so, under what conditions. In addition, there should be a clear, robust and enforceable framework around greenhouse gas emission offsets. WALGA considers greenhouse gas offsets should be publicly reported, and tabled annually in Parliament.

### 6.2 Emissions Covered

#### Scope 1, 2 and 3 emissions

WALGA notes that the Technical Guidelines set the threshold for consideration of greenhouse gas emissions in a proposal on the basis of direct (Scope 1) emissions only. WALGA also notes that once the Scope 1 threshold is triggered, proponents are required to estimate Scope 1, 2, and 3 emissions per annum and over the life of the proposal. WALGA supports disclosure of all emissions (Scope 1, 2 and 3) but queries why the trigger relates only scope 1 emissions, when the EPA has indicated it will take into account all emissions (Scope 1, 2 and 3). If Scope 2 and 3 emissions are seen as relevant to the EPA's consideration of a proposal, it would seem appropriate that they are also relevant to the triggering of the threshold for consideration of greenhouse gas emissions from a proposal. For example, a project may have very high indirect emissions (Scope 2 and 3) that trigger the threshold, but the proposal does not involve direct emissions (Scope 1). It would seem consistent with a comprehensive policy on greenhouse gas emissions that Scope 2 emissions (*at least*) are included in the trigger.

#### Emissions threshold of 100,000 tonnes CO<sub>2</sub>-e

The proposed threshold for the consideration by the EPA of emissions associated with a proposal is set quite high, applying only to large projects with direct emissions of more than 100,000 tonnes CO<sub>2</sub>-e. This is somewhat aligned with the federal Safeguard Mechanism, which applies to facilities with direct emissions over 100,000 tonnes CO<sub>2</sub>-e. 'Facility' under the *National Greenhouse and Energy Reporting Act 2007* (Cwth) is a broader term than 'proposal' under the *Environmental Protection Act 1986* (WA), meaning the proposed threshold is effectively higher than the Safeguard Mechanism threshold.

The EPA Background Paper observes that the national framework for emissions reductions (including the Safeguard Mechanism) does not impose effective limitations on emissions. The EPA also expresses concerns regarding the trajectory of Western Australia's greenhouse gas emissions and the impact this will have on meeting Australia's international obligations. **WALGA therefore recommends that the EPA consider setting a lower threshold for consideration of emissions associated with proposals.**

### 6.3 Language

Explicit reference to greenhouse gas emissions and contribution to climate change as part of the air quality factor should be made early in the document. The current reference 'minimising impact on climate' is too oblique; WALGA suggests changing it to 'contributing to climate change'.

The use of terms such as 'may', 'encourage' and 'reasonable and practicable', 'expect' is too equivocal. While noting it is not appropriate to be definitive in all circumstances, wherever possible, WALGA considers that more assertive terminology such as 'will', 'require' etc. should be used.

## **7. Concluding Comments**

As key contributors to climate change mitigation, and as the level of government that is already managing and planning for a range of impacts of climate change, WALGA's members have a keen interest in seeing efficient, effective and equitable climate change policy at all levels of government. Given the current lack of strong and effective climate policy at the Federal level, the lack of State-based renewable energy target or emissions reduction target, and with the State's climate change policy still in development, WALGA supports the EPA making science-based greenhouse gas guidelines to inform its advice to government on major projects in Western Australia.

## **5.7 Road Safety Strategy for WA Beyond 2020 (05-009-03-0014 TAP)**

*By Terri-Anne Pettet, Manager RoadWise Program*

**Moved:** Cr Jan Court  
**Seconded:** Cr Nige Jones

**That the submission to the Road Safety Council, for consideration in developing the next road safety strategy for Western Australia, be endorsed with the word 'management' being replaced with the word 'reform' in each case in points 4 and 5.**

### **AMENDMENT**

**Moved:** President Cr Phillip Blight  
**Seconded:** President Cr Karen Chappel

**That point 2 be added as follows:**

- 2 WALGA opposes the blanket reduction in speed limits and confirms the existing policy position supporting retention of WA's default open road speed limit at 110kms per hour.**  
**CARRIED**

### **THE MOTION AS AMENDED NOW READS:**

**That the submission to the Road Safety Council, for consideration in developing the next road safety strategy for Western Australia, be endorsed subject to;**

- 1. the word 'management' being replaced with the word 'reform' in each case in points 4 and 5; and**
- 2. WALGA opposes the blanket reduction in speed limits and confirms the existing policy position supporting retention of WA's default open road speed limit at 110kms per hour.**

### **RESOLUTION 99.6/2019**

### **THE MOTION AS AMENDED WAS PUT AND CARRIED**

### **In Brief**

- *Towards Zero*, the current road safety strategy for Western Australia will expire in 2020.
- The Road Safety Council has initiated a consultation process to inform the development of a draft strategy which will be recommended to the Minister responsible for road safety for endorsement by the Government of Western Australia.
- A draft submission, with a Local Government perspective, has been prepared to highlight some of the challenges and opportunities and make recommendations for improving road safety beyond 2020.
- Endorsement by State Council of the submission is sought to provide a representative response from the Western Australian Local Government sector.

### **Attachment**

Draft WALGA submission to the Road Safety Council – Imagine Zero consultation for a road safety strategy beyond 2020 for Western Australia.

## Relevance to Strategic Plan

### Key Strategies

#### Engagement with Members

- Build a strong sense of WALGA ownership and alignment.

#### Sustainable Local Government

- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;

#### Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;

## Policy Implications

Aligns to existing policies of the Association, including the following resolutions of State Council:

#### June 2005:

##### RESOLUTION

That the Road Safety Council be advised that Local Government supports the retention of WA's Default Open Speed Limit at 110km per hour and opposes the proposed reduction to 100km per hour.

#### April 2008:

##### RESOLUTION 356.2/2008

That the package of initiatives, as outlined in this Report, be recommended to the Minister for Community Safety as the framework for the Towards Zero Road Safety Strategy 2008-2020 in relation to:

- safe road use (behaviour);
- safe roads and roadsides, subject to the allocation of resources to support the delivery of these initiatives on the local road network;
- safe speeds – the Association opposes the introduction of blanket speed reductions and supports targeted speed reductions for road safety, in consultation with Local Governments;
- safe vehicles; and
- additional research and evaluation projects for each of the above.

## Budgetary Implications

Nil.

## Background

The current *Towards Zero* road safety strategy for WA 2008 – 2020 is due to expire in 2020. A consultation paper [https://issuu.com/roadsafetycommission/docs/imagine\\_zero\\_consultation\\_paper\\_fin/1?ff](https://issuu.com/roadsafetycommission/docs/imagine_zero_consultation_paper_fin/1?ff) and process (workshops and online survey <https://imaginezero.rsc.wa.gov.au/>) has been developed by the Road Safety Commission, with oversight from the Road Safety Council, that is intended to gauge the level of support for a new road safety target and mix of interventions that are needed to progress towards zero road deaths and serious injuries.

The Road Safety Council will then consider feedback from the consultation process (community, special interest groups and stakeholders) to formulate recommendations and present a draft road safety strategy, to the Minister responsible for road safety, to direct and guide efforts to reduce road trauma beyond 2020.

The *Imagine Zero* consultation paper presents two scenarios in comparison to a continuation of the current approach and effort. These scenarios are based on modelling undertaken by expert consultants, with the aim of “commencing the journey to zero”. Predicted results for the various options, are shown in the table below.

The current journey shows the predicted results if we were to just continue with our current efforts on a similar scope, scale and mix of countermeasures, i.e. infrastructure improvements, enforcement of illegal and risk-taking behaviours, education and promotion to reinforce safe behaviours and effective interventions (for example the uptake of safe vehicles).

Scenario 1 – calls for measures starting in 2020 to make MODEST progress of a 35% reduction in Killed and Serious Injuries (KSI) by 2030. This would include:

- An additional investment, of around \$50 million per year, on road safety-focused infrastructure improvements. This would be double the current level of Road Trauma Trust Account investment, which in 2018-19 was \$55 million.
- A doubling of speed enforcement (cameras) to improve compliance to support and sustain the benefit of speed limit changes.
- Speed limits reduced from 110 km/hr to 100 km/hr on “minor” roads in regional areas.
- Highways and freeways speed limits would remain unchanged.
- Speed limits on urban roads would be reduced by 10 km/hr, for example the current 60 km/hr speed zones would become 50 km/hr.

Scenario 2 – would deliver a more RAPID progress of a 50% reduction in KSI by 2030. Interventions to achieve this level of road safety would need to include:

- Additional investment, of around \$100 million per annum on road safety-focused infrastructure improvements.
- A doubling of speed enforcement (cameras) to improve compliance to support and sustain the benefit of speed limit changes.
- Speed limits reduced from 110 km/hr to 100 km/hr on “minor” roads in regional areas.
- All other speed limits between 100 km/hr and 40 km/hr would be reduced by 10 km/hr.
- Highways and freeways speed limits would remain unchanged.

Predicted Result	Current scenario	Scenario 1 Modest	Scenario 2 Rapid
Killed in 2030	135	99	78
Seriously injured in 2030	1,403	1,000	785
KSI reduction	9%	35%	50%

There are also some alternative policies that could be implemented, for example:

- Reducing blood alcohol content limits to zero;
- Increasing driving age to 18 years; or
- Initiatives to reduce the age of the vehicle fleet as a means of accelerating the uptake of safer vehicles.

However, none of these would have a substantial impact in terms of achieving a similar level of road safety compared with the proposed scenarios.

## Comment

In general the scenarios presented in the *Imagine Zero* consultation paper provide a fairly narrow view of the suite of interventions that would effectively progress the safe system approach. The draft submission considers this and makes comment beyond the scenarios as presented.

Input from Local Governments and consideration by WALGA State Council will provide guidance, to the WALGA representative on the Road Safety Council, on the position of and direction preferred direction of the sector.

The following recommendations have been developed based on recent thinking at both international and national levels and in relation to the role and interest of Local Governments within a safe system context.

The draft submission makes these representations and recommendations.

That WALGA supports:

- the development and adoption of a new road safety strategy for Western Australia, to direct and focus effective road safety activities beyond 2020,
  - the safe system approach as the framework for the next road safety strategy,
  - the continuation of enforcement, school and community education, promotion and community participation activity to support compliant and safe road user behaviour along with the following recommendations, and
  - the long-term vision of zero deaths and serious injuries.
1. That the Road Safety Council establish a mechanism to ensure that implementation is managed and coordinated, in a collaborative manner, at operational level.
  2. That the new strategy and above mechanism is developed to embrace and empower a broader multi-sectoral effort, where all contributors are respected as partners and the contributions of all are valued.
  3. To better understand the failures in implementation and enhance accountability, work should be done to define and seek to engage all players in the design, operation, maintenance and upgrades (system designers) to the road transport system. This exercise might also aim to clarify capacity and capability to better understand how to bridge implementation gaps.
  4. That as a matter of urgency the Road Safety Council initiate the development of a comprehensive speed management plan. That the speed management plan be designed, to meet the various needs of metropolitan, rural and remote Western Australian communities, with the aim of improving liveability, amenity and safety.
  5. That a speed management plan incorporates: a) measures to ensure that Local Governments are consulted in the process of changing speed limits on the local road network, and b) processes to reduce the barriers and red tape for Local Governments seeking lower speed limits in targeted locations on local urban roads.
  6. That the Road Safety Council initiate work to investigate and facilitate systematic assessments and star ratings for the WA road network.
  7. That the Road Safety Council considers establishing a program that encourages and supports the development of innovative, low cost solutions that can be applied as mass action treatments to progressively work towards the zero vision.

8. That the Road Safety Council consider supporting overt police patrols in regional areas to improve compliance through general deterrence.
9. That WALGA calls on the Road Safety Council to make recommendations to the Minister responsible for road safety, to direct any additional revenue generated from speed limit changes to safety-focused road infrastructure improvements. Further that Local Government managed roads be eligible for such funding to avoid a growing gap in safety performance, on the roads used by the community, on every trip.
10. That the new draft road safety strategy includes, at a minimum, targets to meet the Global Road Safety Performance Targets.
11. That the Road Safety Council explores mechanisms to quantify, understand and address the gaps in safety performance and standards as well as the capability and capacity of system designers to respond.
12. That the Road Safety Council considers enhancing the dissemination of research, data and other information more broadly to system designers to encourage and enable others (beyond the Road Safety Council membership and government agencies) to set targets, towards zero, relevant to their context, challenges and gaps.

# **DRAFT**

## **Submission**

### **Road Safety Council**

#### **Imagine Zero**

#### **Consultation for a road safety strategy beyond 2020 for Western Australia**



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## About WALGA

The WA Local Government Association (WALGA) is working for Local Government in Western Australia. As the peak industry body, WALGA advocates on behalf of 138 Western Australian Local Governments. As the united voice of Local Government in Western Australia, WALGA is an independent, membership-based organization representing and supporting the work and interests of Local Governments in Western Australia. WALGA provides an essential voice for 1,223 Elected Members, approximately 14,500 Local Government employees as well as over 2.5 million constituents of Local Governments in Western Australia.

## Introduction

In relation to this submission WALGA acknowledges the Hon. Michelle Roberts MLA Minister for Police; Road Safety, and the Road Safety Council and values the position of representing the Local Government sector through membership on the Road Safety Council.

WALGA has recognised the *Imagine Zero* consultation as an opportunity to engage Local Governments in discussions about the direction of road safety beyond 2020. This submission was developed in relation to the interests of Local Governments within a safe system context.

In summary, this submission makes these representations and recommendations.

That WALGA supports:

- the development and adoption of a new road safety strategy for Western Australia, to direct and focus effective road safety activities beyond 2020,
- the safe system approach as the framework for the next road safety strategy,
- the continuation of enforcement, school and community education, promotion and community participation activity to support compliant and safe road user behaviour along with the following recommendations, and
- the long-term vision of zero deaths and serious injuries.

13. That the Road Safety Council establish a mechanism to ensure that implementation is managed and coordinated, in a collaborative manner, at operational level.
14. That the new strategy and above mechanism is developed to embrace and empower a broader multi-sectoral effort, where all contributors are respected as partners and the contributions of all are valued.
15. To better understand the failures in implementation and enhance accountability, work should be done to define and seek to engage all players in the design, operation, maintenance and upgrades (system designers) to the road transport system. This exercise might also aim to clarify capacity and capability to better understand how to bridge implementation gaps.
16. That as a matter of urgency the Road Safety Council initiate the development of a comprehensive speed management plan. That the speed management plan be designed, to meet the various needs of metropolitan, rural and remote Western Australian communities, with the aim of improving liveability, amenity and safety.
17. That a speed management plan incorporates: a) measures to ensure that Local Governments are consulted in the process of changing speed limits on the local road network, and b) processes to reduce the barriers and red tape for Local Governments seeking lower speed limits in targeted locations on local urban roads.

18. That the Road Safety Council initiate work to investigate and facilitate systematic assessments and star ratings for the WA road network.
19. That the Road Safety Council considers establishing a program that encourages and supports the development of innovative, low cost solutions that can be applied as mass action treatments to progressively work towards the zero vision.
20. That the Road Safety Council consider supporting overt police patrols in regional areas to improve compliance through general deterrence.
21. That WALGA calls on the Road Safety Council to make recommendations to the Minister responsible for road safety, to direct any additional revenue generated from speed limit changes to safety-focused road infrastructure improvements. Further that Local Government managed roads be eligible for such funding to avoid a growing gap in safety performance, on the roads used by the community, on every trip.
22. That the new draft road safety strategy includes, at a minimum, targets to meet the Global Road Safety Performance Targets.
23. That the Road Safety Council explores mechanisms to quantify, understand and address the gaps in safety performance and standards as well as the capability and capacity of system designers to respond.
24. That the Road Safety Council considers enhancing the dissemination of research, data and other information more broadly to system designers to encourage and enable others (beyond the Road Safety Council membership and government agencies) to set targets, towards zero, relevant to their context, challenges and gaps.

## Background

The *Imagine Zero* consultation paper presents two scenarios in comparison to the current effort. These scenarios are based on modelling undertaken by expert consultants, with the aim of “commencing the journey to zero”. Predicted results for the various options, are shown in the table below.

The current journey shows the predicted results if we were to just continue with the same efforts on a similar scope, scale and mix of countermeasures, i.e. infrastructure improvements, enforcement of illegal and risk-taking behaviours, education and promotion to reinforce safe behaviours and effective interventions (for example the uptake of safe vehicles).

Scenario 1 – calls for measures starting in 2020 to make MODEST progress of a 35% reduction in Killed and Serious Injuries (KSI) by 2030. This would include:

- An additional investment, of around \$50 million per year, on road safety-focused infrastructure improvements. This would be double the current level of Road Trauma Trust Account investment, which in 2018-19 was \$55 million.
- A doubling of speed enforcement (cameras) to improve compliance to support and sustain the benefit of speed limit changes.
- Speed limits reduced from 110 km/hr to 100 km/hr on “minor” roads in regional areas.
- Highways and freeways speed limits would remain unchanged.
- Speed limits on urban roads would be reduced by 10 km/hr, for example the current 60 km/hr speed zones would become 50 km/hr.

Scenario 2 – would deliver a more RAPID progress of a 50% reduction in KSI by 2030. Interventions to achieve this level of road safety would need to include:

- Additional investment, of around \$100 million per annum on road safety-focused infrastructure improvements.
- A doubling of speed enforcement (cameras) to improve compliance to support and sustain the benefit of speed limit changes.
- Speed limits reduced from 110 km/hr to 100 km/hr on “minor” roads in regional areas.
- All other speed limits between 100 km/hr and 40 km/hr would be reduced by 10 km/hr.
- Highways and freeways speed limits would remain unchanged.

Predicted Result	Current scenario	Scenario 1 Modest	Scenario 2 Rapid
Killed in 2030	135	99	78
Seriously injured in 2030	1,403	1,000	785
KSI reduction	9%	35%	50%

There are also some alternative policies that could be implemented, for example:

- Reducing blood alcohol content limits to zero
- Increasing driving age to 18 years
- Initiatives to reduce the age of the vehicle fleet as a means of accelerating the uptake of safer vehicles,

However none of these would have a substantial impact in terms of achieving this level of road safety.

This submission is in response to the scenarios proposed in the *Imagine Zero* consultation paper with additional recommendations for consideration by the Road Safety Council when preparing the draft Strategy.

## Developing a new road safety strategy

Road safety continues to be a significant contributor to premature death and disability in Western Australia (WA). In 2018<sup>5</sup>(pg.10), 159 people died and around 2,000 people were seriously injured in road crashes. Following only the Northern Territory (at 16.19 per 100,000 population), WA has the second highest fatality rate (6.25/100,000) in Australia<sup>6</sup>. This compares with the best performing state, Victoria with the lowest rate of 4.11 per 100,000 and the Australian rate 4.78 per 100,000.

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<sup>5</sup> Road Safety Council, *Imagine Zero Consultation Paper* 2019, [https://issuu.com/roadsafetycommission/docs/imagine\\_zero\\_consultation\\_paper\\_fin/1?ff](https://issuu.com/roadsafetycommission/docs/imagine_zero_consultation_paper_fin/1?ff).

<sup>6</sup> Bureau of Infrastructure, Transport, Cities and Regional Development, *Road deaths Australia May 2019*, p. 3, [https://www.bitre.gov.au/publications/ongoing/rda/files/RDA\\_May\\_2019.pdf](https://www.bitre.gov.au/publications/ongoing/rda/files/RDA_May_2019.pdf).

History shows that planned activity has delivered road safety improvement, resulting in a downward trend, from 35.40 deaths per 100,000<sup>7</sup> (the highest recorded) in 1970 to 6.25 in 2019. During the life of the *Towards Zero* strategy there has been a 31%<sup>5(pg.12)</sup> reduction in the number of people killed and seriously injured compared to baseline.

**WALGA supports the development and adoption of a new road safety strategy for Western Australia, to direct and focus effective road safety activities beyond 2020.**

## **Safe system framework**

The safe system approach for road safety, modelled on the strategies developed and applied by the best performing nations, such as Sweden's *Vision Zero* and the Dutch *Sustainable Safety*, is widely accepted as world's best practice. In an international comparison Australia is ranked 15<sup>th</sup> in terms of road safety performance<sup>8</sup>. Sweden, who is currently at 2.74 deaths per 100,000 population and the Netherlands at 3.14 deaths per 100,000 are positioned third and fifth and have demonstrated how others, including WA, can deliver similar results.

Differences between WA and the best performing nations are often used to explain that our challenges in reducing road injury are greater. However Sweden, for example, has a regional road network (excluding highways and motorways) in excess of 150,000 kilometres<sup>9</sup> which exceeds the length of the entire road network in WA. They too have unsealed roads, as well as ice, moose and a population of nearly 10 million people and six million registered vehicles.

Underpinning those early leaders' strategies and followed now by all Australian states and territories<sup>11</sup> including *Towards Zero* (WA's current road safety strategy) and the National Road Safety Strategy, is the safe system approach. The philosophies of this approach as described in the *Imagine Zero* consultation paper<sup>5</sup> are:

- People make mistakes that can lead to road crashes.
- The human body has a limited physical ability to tolerate crash forces before harm occurs.
- It is a shared responsibility to prevent crashes resulting in serious injury or death.
- All parts of the system must be strengthened to multiply their effects.

## **Shared responsibility and implementation**

Despite already having a strategy based on best practice safe system principles, *Towards Zero* has not delivered the expected results. While the 31% decline in KSI recorded over the life of the strategy is commendable the result is likely to fall short of the predicted 40% reduction by 2020. This is likely to be a consequence that full implementation was not achieved.

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<sup>7</sup> Office of Road Safety, 2012, *Reported Road Crashes in Western Australia 2009*, p.126.

<sup>8</sup> Bureau of Infrastructure, Transport, Cities and Regional Development, *International road safety comparisons 2016*, pp 3-4.

[https://www.bitre.gov.au/publications/ongoing/international\\_road\\_safety\\_comparisons.aspx](https://www.bitre.gov.au/publications/ongoing/international_road_safety_comparisons.aspx)

<sup>9</sup> Statista, *Total length of the road network in Sweden in 2016, by road type*, <https://www.statista.com/statistics/449993/sweden-length-of-road-network-by-road-type/>, 19 July 2019.

WA is not alone. Failure of implementation has been observed at national and international levels. The World Health Organisation (WHO) claims that while the road safety response is well known, there is a failure in the extent of implementation in most countries<sup>10</sup>. The 2018 Inquiry into the National Road Safety Strategy also found that “failure of implementation” had resulted in a lack of progress and patchy performance<sup>11</sup>(pg.28-31).

Another factor relevant to the matter of implementation is the concept of ‘shared responsibility’. WALGA’s submission to the Inquiry into the National Road Safety Strategy highlighted two flaws with the principle. First, shared responsibility implies equal capacity and second if responsibility is shared then accountability is likely to be, at best, ambiguous.

The WHO calls for “effective institutional management”<sup>10</sup>(pg.34) as the key to improving road safety. Woolley et al., recommends clearly “defined roles, accountabilities and capacity requirements”<sup>11</sup>(pg.51).

The WA Road Safety Council was established in recognition that road safety is not the role of one agency alone or even that of just Government agencies. Implementing the safe system approach to road safety will require a broader, more holistic view of all the actors involved in designing, maintaining, operating and improving the road transport system.

Understanding who else can partner in the delivery of the next road safety strategy for Western Australia will be important. For example, the current journey and proposed scenarios are silent on the interface with strategic land use planning. The work being done on Design WA <https://www.dplh.wa.gov.au/designwa> and <https://www.dplh.wa.gov.au/policy-and-legislation/state-planning-framework/design-wa/future-stages-of-design-wa> is relevant and warrants inclusion in the next strategy.

**WALGA supports the safe system approach as the framework for the next road safety strategy but recommends the Road Safety Council also considers the following to enhance implementation of the strategy:**

**RECOMMENDATION 1.** That the Road Safety Council establish a mechanism to ensure that implementation is managed and coordinated, in a collaborative manner, at operational level.

**RECOMMENDATION 2.** That the new strategy and above mechanism is developed to embrace and empower a broader multi-sectoral effort, where all contributors are respected as partners and the contributions of all are valued.

**RECOMMENDATION 3.** To better understand the failures in implementation and enhance accountability, work should be done to define and seek to engage all players in the design, operation, maintenance and upgrades (system designers) to the road transport system. This exercise might also aim to clarify capacity and capability to better understand how to bridge implementation gaps.

*“A successful sustainable development agenda requires partnerships between governments, the private sector and civil society. These inclusive partnerships built upon the principles and values, a shared vision, and shared goals that place people and the planet at the centre, are needed at the global, regional, national and local level” United Nations*

<https://www.un.org/sustainabledevelopment/globalpartnerships/>

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<sup>10</sup> World Health Organisation, *Global status report on road safety 2018*, Geneva.

<sup>11</sup> Woolley, J. et al. Report *Inquiry into the National Road Safety Strategy 2011-2020*, September 2018.

## Speed management

As a key plank of the two scenarios or options proposed for the new strategy, speed limit changes aimed at reducing crash forces and therefore injury, warrants further discussion.

Managing the forces involved and the energy transferred to human bodies in a crash through measures to lower travel speeds is an effective method of reducing both the incidence and severity of road crashes and is therefore a crucial countermeasure to prevent and minimise death and serious injury. The evidence for this is well established, described early on by Nilsson and then by others since, as cited by the International Transport Forum<sup>12</sup>. The World Health Organisation<sup>10</sup>(pg.27) also cites widely accepted research that shows, a 5% reduction in average speed can reduce fatalities by 30% or that for every 1% increase in mean speed there is a 4% increase in the risk of a fatal crash and a 3% increased risk of serious injury.

However the proposed speed limit reductions suggested in scenario one and two present only a narrow view of managing travel speeds. We would argue that this simplistic and ad hoc approach is not suited to address such a complex issue. It is also likely to attract strong opposition from some sections of the WA community. As a solution to the burden of injury associated with road crashes this solution deserves greater attention and a systematic plan.

Others have taken a more sophisticated approach. Queensland for example have a plan for achieving safe speeds by viewing the issue from various perspectives - people, places, policing and prosperity. They have a series of actions to create safe speed environments, safe-guard road users along with messaging to change the community conversations about speed management<sup>13</sup>. New Zealand has developed a long-term decentralised speed management plan, based on evidence and supported by community engagement for identifying and prioritising safe speeds. The approach avoids wholesale speed limit reductions in preference to supporting local authorities to manage speed at a pace that suits the district and their communities<sup>14</sup>.

On the matter of local involvement, the World Health Organisation's assessment criteria for best practice speed laws includes (as one of three criteria) "local authorities having the power to modify speed limits (to adapt to different contexts)"<sup>10</sup>(pg.28).

Even the concept of matching speed to the infrastructure is simplistic and dismissive of the range of factors that ultimately contribute to travel speeds on different parts of the network. Woolley et al. points to the Dutch sustainable safety principles: the functionality of roads; homogeneity of mass and/or speed and direction; predictability of road course and road user behaviour by recognisable road design; forgiveness of the road environment and of the users; state awareness by the road user<sup>11</sup>(pg.61).

**RECOMMENDATION 4. That as a matter of urgency the Road Safety Council initiate the development of a comprehensive speed management plan. That the speed management plan be designed, to meet the various needs of metropolitan, rural and remote Western Australian communities, with the aim of improving liveability, amenity and safety.**

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<sup>12</sup> International Transport Forum (2016), *Zero Road Deaths and Serious Injuries: Leading a Paradigm Shift to a Safe System*, OECD Publishing, Paris (pp. 107 – 108).

<sup>13</sup> Queensland Government. 2017, *Let's change the way we look at SPEED*, <https://www.tmr.qld.gov.au/-/media/Safety/roadsafety/Strategy-and-action-plans/Speed-conversation-strategy.pdf?la=en>

<sup>14</sup> New Zealand Transport Agency, *Speed management resources*, <https://www.nzta.govt.nz/safety/speed-management-resources/>, and Ministry of Transport, *Safer Speeds Package – Q&A*, 13 September 2017, [www.transport.govt.nz/land/landsafety/safer-speeds-package-q-and-a/](http://www.transport.govt.nz/land/landsafety/safer-speeds-package-q-and-a/).

**RECOMMENDATION 5. That a speed management plan incorporates: a) measures to ensure that Local Governments are consulted in the process of changing speed limits on the local road network, and b) processes to reduce the barriers and red tape for Local Governments seeking lower speed limits in targeted locations on local urban roads.**

## **Infrastructure**

Safe system transformations to create a forgiving road environment that is error-tolerant and that eliminates harm to road users, will provide significant and sustained road safety benefits. However this is an enormous task and one which is not well defined or quantified for most of the road network.

As managers of 87% of the road network in Western Australia, with a replacement value of more than \$27 billion, managing roads is an important function for Local Governments<sup>15</sup>. In 2017-18, Local Governments spent just over \$982 million dollars (48.5% of which came from Council's own source revenue) on expanding, maintaining, repairing and upgrading the road network.

However, Local Governments face a number of challenges in managing large geographically diverse and dispersed networks of road and this is coupled with capability and capacity constraints (to various extents) that limit expeditious safe system improvements.

Another challenge is the potentially widening gap in the safety performance between rural/remote and urban, and between national/state and local road networks. Currently the difference in KSI rates is 197 per 100,000 population in the Perth metropolitan region compared to 248 per 100,000 in regional WA<sup>16</sup>. The gap between state and local roads, according to an Austroads report, shows a 1.5 times higher risk of being seriously injured on a local road than a state road<sup>17</sup>. One major difficulty lies in applying cost effective transformations to a vast road network with low crash densities compared to interventions in urbanised areas and inter-city routes that have higher populations, traffic volumes and crash densities.

As a part of the effort to achieve the long-term vision of zero deaths and serious injuries on WA roads it may be assumed by some, that to transform the road network applying safe system principles will require improvements, from the currently accepted minimum standard to the safe system standard or quality. In reality large parts of the aging road network do not yet meet the current minimum standards and therefore the effort and investment to achieve safe system standard roads is likely to be a substantial under-estimate.

Arguably this is the area of implementing the safe system approach that we know the least about - the gap and the task at hand. We know a lot about road user behaviours, the difference in what is occurring and what we need to achieve compliant and safe road use. We have a rating system for the safety of vehicles and we can monitor the uptake of safety technology. We monitor travel speeds across the network every two years to gauge changes in travel speed. We also know a lot about the safety gains of road infrastructure improvements. For example, investment in the Run off Roads program has resulted in a benefit cost ratio (BCR) of 2.1 and the Metropolitan Intersection program has achieved a BCR of 2 But we know little about what the gap between the current standard and the safe system standard of the entire network is. Understanding the task will help quantify and prioritise the investment required to enable a staged plan for the transformation.

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<sup>15</sup> WALGA, (2019), *Report on Local Government Road Assets & Expenditure 2017/18*.

<sup>16</sup> Road Safety Commission, pers. comm, April 2019.

<sup>17</sup> Austroads, *Austroads Research Report AP-R518-16, Safe System Roads for Local Government*, 2016.



The World Health Organisation has identified systematic assessments and star ratings of existing roads as an important mechanism to identify failings in the road infrastructure, that lead to, and intensify the severity of road trauma<sup>10</sup>(pg.67). The United Nations Sustainable Development Goals include a set of Global Road Safety Performance Targets<sup>18</sup> with two infrastructure specific targets:

*Target 3. By 2030, all new roads achieve technical standards for all road users that take into account road safety, or meet a three star rating or better.*

*Target 4. By 2030, more than 75% of travel on existing roads is on roads that meet technical standards for all road users that take into account road safety.*

The Sustainable Development Goals were primarily designed with low and middle-income countries in mind yet it is possible that much of the road network in WA would not meet these targets. Further, there is currently no process in place to know or monitor this on a network-wide basis.

**RECOMMENDATION 6. That the Road Safety Council initiate work to investigate and facilitate systematic assessments and star ratings for the WA road network.**

**RECOMMENDATION 7. That the Road Safety Council considers establishing a program that encourages and supports the development of innovative, low cost solutions that can be applied as mass action treatments to progressively work towards the zero vision.**

## **Road user behaviour**

An analysis, by the Road Safety Commission, of Western Australian road crash data between 2008 – 2017 reveals that 27% of KSIs involved primary risk taking behaviours (speeding, drink driving and failing to wear a seatbelt or helmet) with 73% of KSIs occurring in the absence of risk taking behaviours<sup>5</sup>(pg.28). Many of the latter would involve a simple error, mistake or lapse in judgement.

Police enforcement is crucial in addressing the risky driving or riding that contributes to just under one third of deaths and serious injury. This is complemented by education, promotion and community involvement, which targets 100% of road users. These are important elements in maintaining and building on the gains already made in terms of safe and compliant road use. In addition, these methods assist to increase awareness or redress eroded or misguided knowledge and help to foster a community culture that values and supports safe behaviours.

**WALGA supports the continuation of enforcement, school and community education, promotion and community participation activity to support compliant and safe road user behaviour and makes the following recommendations:**

**RECOMMENDATION 8. That the Road Safety Council consider supporting overt police patrols in regional areas to improve compliance through general deterrence.**

**RECOMMENDATION 9. That WALGA calls on the Road Safety Council to make recommendations to the Minister responsible for road safety, to direct any additional revenue generated from speed limit changes to safety-focused road infrastructure improvements. Further that Local Government managed roads be eligible for such funding to avoid a growing gap in safety performance, on the roads used by the community, on every trip.**

## **Targets for zero**

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<sup>18</sup> World Health Organisation, *Global Road Safety Performance Targets*,  
[https://www.who.int/violence\\_injury\\_prevention/road\\_traffic/12GlobalRoadSafetyTargets.pdf?ua=1](https://www.who.int/violence_injury_prevention/road_traffic/12GlobalRoadSafetyTargets.pdf?ua=1).

Setting a target date for zero KSIs is becoming common. The *Imagine Zero* consultation paper cites examples, including from the European Commission<sup>5</sup> whose 28-member countries have set a target of zero KSIs by 2050. The same target is recommended for the next National Road Safety Strategy with the addition of an interim target of zero KSIs in the central business district of capital cities and high volume highways by 2030. Similarly New South Wales has recently adopted a target of zero KSIs by 2056.

The WA strategy consultation process aims to gain community feedback on the target/s to be adopted for the next road safety strategy under the principle of embarking on a journey towards zero KSIs. The two scenarios presented include targets (of a 35% and 50% reduction, respectively) to 2030, because this is seen as the point at which reliable projections can be made. The role emerging technologies may play beyond this time is very difficult to predict.

As road network owners, planning authorities, fleet managers and community leaders, Local Governments are important players in road safety. It is argued that to achieve zero KSIs (at any point in the future) will require the support and participation of Local Governments. Engaging and partnering with Local Governments will be critical in both identifying suitable targets and implementing the measures required to create a safe system.

Establishing safety performance indicators and targets for the next road safety strategy will require consideration of the Local Government managed road network where 58% (5,399 people) of all KSIs occurred in the five years 2013 – 2017<sup>19</sup> occurred. Understanding and quantifying the gaps, as well as the different contexts and available capacity, will be important in establishing relevant interim targets towards zero.

**WALGA supports the long-term vision of zero road deaths and serious injuries and further recommends:**

**RECOMMENDATION 10. That the new draft road safety strategy includes, at a minimum, targets to meet the Global Road Safety Performance Targets.**

**RECOMMENDATION 11. That the Road Safety Council explores mechanisms to quantify, understand and address the gaps in safety performance and standards as well as the capability and capacity of system designers to respond.**

**RECOMMENDATION 12. That the Road Safety Council considers enhancing the dissemination of research, data and other information more broadly to system designers to encourage and enable others (beyond the Road Safety Council membership and government agencies) to set targets, towards zero, relevant to their context, challenges and gaps.**

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<sup>19</sup> Road Safety Commission, pers comm, 10 April 2019.

## **5.8 Interim Submission - Revitalising Agricultural Region Freight Strategy (05-006-02-0006 ID)**

*By Ian Duncan, Executive Manager Infrastructure*

**Moved: President Cr Stephen Strange**  
**Seconded: President Cr Malcolm Cullen**

**That the interim submission to the Department of Transport on the draft Revitalising Agricultural Regional Freight Strategy be endorsed, with the addition to Section 4.7 of the following paragraph:**

**“Industry investment to increase road transport efficiency, largely through increased payloads per truck, inevitably requires increased investment in roads if these vehicles are able to operate end to end. There is currently no mechanism to enable part of the productivity benefit to be used to fund the infrastructure improvement needed. This potentially results in lost opportunities”.**

**RESOLUTION 100.6/2019**

**CARRIED**

### **In Brief**

- The draft Revitalising Agricultural Region Freight Strategy identifies and prioritises specific infrastructure upgrades, and suggests regulatory and policy measures that will help make freight transport in WA’s agricultural regions (which covers 63 Local Government areas) more productive, efficient and safer. Roads under the control of Local Governments are an integral part of these supply chains.
- Local Governments were invited to comment on the draft during a six week consultation period ending 12 July 2019.
- Local Government representatives from the Agricultural Regions have indicated general support for the proposals set out in the Strategy and have identified opportunities to strengthen the approach.
- The draft Strategy does not provide any framework or direction to move from the list of potential investment opportunities identified to a funded program of work.
- The draft strategy proposes significant rail and intermodal investment to ensure that freight rail is increasingly efficient, assisting industries to remain internationally competitive and for it to be economically attractive for freight to be moved by rail. These measures are supported by Local Governments to the extent that they attract more freight from road to rail and improve industry competitiveness. Measures are required to be put in place to ensure that the benefits of any public investment are not privately captured by above or below rail operators.
- A detailed interim submission was prepared in consultation with the Local Government Agricultural Freight Group and other stakeholders. This was supported by the Infrastructure Policy Team and the Executive Committee.

### **Attachment**

The draft strategy and appendices are available at <https://www.transport.wa.gov.au/Freight-Ports/revitalising-agricultural-region-freight-strategy.asp>.

## **Relevance to Strategic Plan**

### **Key Strategies**

#### Sustainable Local Government

- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

#### Enhanced Reputation and Relationships

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;

## **Policy Implications**

This submission was developed based on the following established policy positions:

### **34.2/2010**

Freight should be transported by rail where this is economically viable, and where a freight task is to move from rail to Local Government controlled roads that new funding is provided to ensure that the designated roads are upgraded and maintained with road safety considerations paramount.

### **40.2/2011**

The Association supports a defined network of preferred routes for heavy vehicles.

### **462.6/2008**

The Association supports application of nationally agreed Performance Based Standards and route classification based on the existing Restricted Access Vehicles network assessment.

### **432.5/2008**

The Association supports concessional mass loading arrangements (Harvest Mass Management) for grain from paddock to receival points.

## **Budgetary Implications**

Nil.

## **Background**

Western Australia's agriculture and food sector represents about 10 per cent of the State's economy and continues to grow. Efficient supply chains are critical to ensuring these industries remain globally competitive.

Local Governments in the agricultural regions have been calling for a transport strategy and plan. In May 2013, the Western Australian Regional Freight Transport Network Plan was released; however, it dealt only with State owned road, rail and port assets. While the plan responded to some identified freight movement issues through the Agricultural Region, it did not address the freight movement needs to and from the Agricultural Regions.

The last of the Tier 3 rail lines closed in mid-2014, and the grains industry supply chain has adapted to this situation. Attractive grain prices and favourable seasons have resulted in strong growth in grain

production, placing increased demands on the grain supply chain. The number and size of heavy vehicles utilising the road network in the agricultural region continues to grow. Road safety outcomes in the agricultural region remain significantly worse than in other parts of the State.

In March 2018, the Department of Transport, Main Roads Western Australia, Public Transport Authority and Department of Primary Industries and Regional Development commenced developing a freight transport strategy for the Mid-West, Wheatbelt, Great Southern and southern Goldfields-Esperance agricultural regions. There are 63 Local Governments in the project area. Each Local Government was approached to provide input to the strategy, and Main Roads WA facilitated workshops in some regions. (The Westport: Port and Environs Strategy is examining the Peel and South West regions separately.)

On 12 June 2019 the Department of Transport invited comment on the draft Revitalising Agricultural Region Freight Strategy (the Strategy). The Strategy identifies and prioritises specific infrastructure upgrades, and suggests regulatory and policy measures to make freight transport in WA's agricultural regions more productive, efficient and safer. Public comment on the draft Strategy closed on 12 July 2019.

The Association developed a submission in consultation with the Local Government Agricultural Freight Group. The Group comprises delegates elected by the Avon-Midland Country Zone (11 Local Governments), Central Country Zone (15 Local Governments), Great Eastern Country Zone (16 Local Governments), Great Southern Country Zone (11 Local Governments) and South Metropolitan Zone (six Local Governments) and includes observers from WA Farmers Federation and the Pastoralists and Graziers Association. The submission includes advice from the Wheatbelt Secondary Freight Routes Working Group, and from Local Governments in other parts of the Agricultural Region.

## **Comment**

The Association submission responds to a series of questions posed by the team developing the Strategy. The submission seeks to identify opportunities to strengthen Strategy and ensure that the demands on Local Government managed infrastructure are adequately reflected.

Local Governments in the Agricultural Region are broadly supportive of the intent and direction of the Strategy and strongly support economically efficient investments to ensure rail carries freight where this is viable. Local Governments note the proposals to increase rail efficiency by investing in rail sidings and rail reconstructions.

Local Governments identified deficient road and rail infrastructure as the key challenge for the current supply chains in the Agricultural Region. A key gap in the Strategy is that it does not propose the steps required to move from the identification of potential investment opportunities to improve freight efficiency to a funded program of works, achievement of regulatory approvals and agreed accountability for delivery.

Supply chain connections to Kwinana, Fremantle and Bunbury Ports are critical for the Agricultural Region and the Strategy needs to integrate with the strategies adopted by Government arising from recommendations of the Westport Taskforce. In addition, the Strategy needs to align with the Wheatbelt Secondary Freight Route Strategy, aimed at road improvements to key freight routes to enhance productivity and road safety.

The strategy needs to estimate the extent to which the proposed investments will deliver the outcomes identified including improved road safety and sustainably funded infrastructure.

The opportunity to move containerized export hay by rail from processing plants in the Agricultural Region to Fremantle appears worthy of further evaluation given the impact of two way container movements on roads and the use of subsidized rail services for some of these movements from Forrestfield to Fremantle.

Industry investment to increase road transport efficiency, largely through increased payloads per truck, inevitably requires increased investment in roads if these vehicles are able to operate end to end. There is currently no mechanism to enable part of the productivity benefit to be used to fund the infrastructure improvement needed. This potentially results in lost opportunities.



Submission

## Revitalising Agricultural Region Freight Strategy



[walga.asn.au](http://walga.asn.au)



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## 1 About WALGA

The Western Australian Local Government Association (WALGA) is the united voice of Local Government in Western Australia. The Association is an independent, membership-based organisation representing and supporting the work and interests of 138 mainland Local Governments in WA, plus the Indian Ocean territories of Christmas Island and Cocos (Keeling) Islands.

The Association provides an essential voice for over 1,200 elected members, some 14,500 Local Government employees, as well as over 2.6 million residents of Western Australia. WALGA also provides professional advice and services that provide benefits to Local Governments and the communities they serve.

This submission was developed in consultation with delegates to the Local Government Agricultural Freight Group which comprises delegates elected by the Avon-Midland Country Zone (11 Local Governments), Central Country Zone (15 Local Governments), Great Eastern Country Zone (16 Local Governments), Great Southern Country Zone (11 Local Governments) and South Metropolitan Zone (6 Local Governments) and includes observers from WA Farmers Federation and the Pastoralists and Graziers Association. This submission also includes feedback from Local Governments in other parts of the Agricultural Region. It has been considered by the WALGA Executive Committee and supported as an interim submission.

Due to timing, the comments and recommendations contained in this interim submission have not yet been considered or endorsed by WALGA's State Council, which will next meet on 6 September 2019. As such the Association reserves the right to modify or withdraw any element of this interim submission as directed by State Council.

The Association has encouraged Local Governments to also contribute directly to this consultation opportunity, particularly in response to the infrastructure project list, based on local knowledge of the freight priorities.

## 2 Commodities and Supply Chains

The five supply chains identified and considered in the Strategy cover the dominant agricultural industry freight tasks. However, in parts of the Agricultural Region mining activities are currently and in future are expected to require significantly different supply chains, particularly for the movement of ore and mining inputs (fuel, reagents). Potential movement of gold ores, spodumene (lithium ore) and Morrell soils (as a soil ameliorant to raise pH) are examples of new supply chains that can emerge quickly and have significant impact at a local and sub-regional level. Given the long lead time to develop new freight infrastructure these need to be monitored and if necessary considered in the context of other supply chains in the region.

As far as possible the supply chains for each of the five key commodities should be represented spatially, using maps on the same scale and units of measure allowing them to be overlaid to build up a more complete picture of the freight tasks. In the draft strategy this is represented clearly for grain from receival facilities to ports, but not clearly in the case of other commodities.

### 3 Challenges

Local Governments agree with the ten key challenges identified, but would prioritise them in a different order, particularly in context of an agricultural region freight strategy. Deficiencies in road and rail infrastructure and deficiencies in infrastructure funding systems are seen by Local Governments to be the key challenges. Some of the other matters identified are either trends, or arise as a result of these deficiencies.

There remains significant uncertainty regarding rail access arrangements and pricing that make it difficult for industry participants and other stakeholders to plan and invest for the future. The Strategy should identify measures that will underpin viable and sustainable rail freight across the Region and to ports.

The draft Strategy does not explicitly consider the freight growth scenarios that are being planned for, in a similar fashion to the Westport process. It should acknowledge that the critical connections to Kwinana, Fremantle and Bunbury ports are being addressed through the Westport strategy and outline how this will be subsequently reintegrated into the Revitalising Agricultural Region Freight strategy.

### 4 Responses

The draft strategy does not clearly demonstrate how the proposed responses will address the key challenges.

#### 4.1 Road Safety

##### 4.1.1 Targeted Road Network Investment

Recent modelling prepared for the Road Safety Commission projects that deaths and serious injuries on West Australian roads will fall by 9% with a continuation of existing programs with almost all of this improvement the result of electronic enforcement activities and infrastructure improvements in high traffic volume – high risk locations. There is no evidence presented to support the view that a continuation of existing programs to improve road safety will materially reduce the risk of road crashes in the Agricultural Region. During the five years 2013 – 2017 the vast majority of deaths and serious injuries on roads in the agricultural region have been in single vehicle run-off road crashes. While there has been significant investment in proven treatments to improve the safety of highways this covers only a small proportion of the total network.

The implications of road freight traffic on road safety outcomes are important, but indirect. Freight vehicles accelerate the rate at which roads deteriorate and therefore significantly increase the requirement for resources to maintain roads. This results in less funding resources available to improve the network, particularly improve the safety of the road network. The strategy contemplates significant investments in State and Local Government managed roads in the Agricultural Region. To address the identified road safety challenges, these road upgrades should include appropriate treatments to create a safer road environment.

#### **4.1.2 Rail Improvements and Intermodal Terminals**

Improvements to rail infrastructure and intermodal terminals will only attract freight from road transport and in so doing have positive effects on road safety if priced appropriately. It has been repeatedly demonstrated that grain growers will travel to the receival facility that offers the best economic outcome, primarily considering the price offered at that location along with turnaround time. This is often not the closest facility. Similarly CBH will consider costs and operational constraints in determining the mode choice for transferring grain from bin to port.

It would be useful to estimate the likely impact of rail improvements on the road freight task and the safety benefits from this. It appears that the strategy contemplates establishing a very small number of new intermodal terminals, with most of the investment contemplated focussed on expanding the capacity and efficiency of existing (grain) intermodal terminals. This should be clarified in the strategy.

### **4.2 Larger Harvests**

#### **4.2.1 Infrastructure Improvements**

The draft strategy identifies a large number of rail infrastructure improvements and improvements to intermodal terminals. Subject to the findings of business cases, it is presumed that these will both reduce supply chain costs and attract freight on to rail. The benefit of these investments to supply chain costs is dependent on how increased efficiency is reflected in rail access prices, which are subject to a complex, protracted arbitration and how they are reflected in prices faced by individual producers in the industry.

Local Governments remain strongly committed to measures that are effective in ensuring that freight continues to be transported by rail wherever possible and that this expands where viable. However, it must be recognised that it requires more than the existence of rail infrastructure and intermodal terminals for this to be effective. Grain movement patterns and mode choices is highly price sensitive. There needs to be a commitment to co-investment and use in order to facilitate greater and on-going use of rail freight. Local Governments are concerned about investment in grain receival facilities near, but not connected with rail services and widespread use of road transport from bins with a rail service due to unspecified operational constraints. The existence of fit for purpose below rail infrastructure does not mean that it will be used.

### **4.3 Demand for Heavy Vehicle Access is Increasing**

#### **4.3.1 Increase Heavy Vehicle Access**

There is currently very high level of access to RAV 4 and smaller vehicles across the agricultural region. This should be detailed in the background to the strategy in order to quantify the benefits that are expected to arise as a result of providing increased access.

In northern and south eastern parts of the agricultural region RAV 7 access is provided across most of the road network and pressures already exist to extend this to allow even larger and heavier vehicle combinations.

Providing access to larger vehicles and vehicles with heavier axle loadings needs to consider more than just the existing road condition. It also needs to consider the cost of improving the condition to meet the general standards for access, alternative ways to manage the risks to infrastructure and road users from over-sized vehicles (conditions under which access is provided) as well as the financial sustainability of providing that access.

## 4.4 Deficient Road and Rail Infrastructure

Local Governments have identified this as the key challenge for the current supply chain. A key gap in the Strategy is the steps required to move from the identification of potential investment opportunities to improve freight efficiency as outlined in the draft Strategy to a funded program of works, achievement of regulatory approvals and agreed accountability for delivery.

### 4.4.1 Targeted Road Network Investment

There is strong support for targeted investment in roads, particularly freight routes that connect with State and National highways, to strengthen this important part of the supply chain. It should be recognised that the Infrastructure Project List includes significant potential investment in 16 road routes connecting to the four ports that are not under the control of Local Governments and therefore not part of the Secondary Freight Routes strategy.

### 4.4.2 Rail Improvements

There are nearly 40 proposed investments in extending rail sidings as well as rail line reconstructions. The strategy should outline how these potential investments interact, including the relative merits of longer versus heavier trains. On lines with no traffic apart from grain, it is unclear whether operational changes could allow longer trains despite limited siding capacity.

Local Governments strongly support economically efficient investments to ensure that freight is carried on rail where this is viable. The strategy identifies 58 rail upgrades which improve the efficiency of rail freight. Given the contractual arrangements between the State Government and the below rail operator, and between the below and above rail operator(s) the strategy needs to outline how the supply chain benefits that would arise from investments in rail infrastructure are not captured and internalised by one or more players in the supply chain.

## 4.5 Regulatory Efficiency

It is recognised that the current arrangements are not well understood by industry and simplification will assist in achieving understanding and potentially improved compliance.

## 4.6 Global Competitiveness

This Strategy is required because global competition is increasing, and without a cost effective supply chain Western Australia's global competitiveness will fall.

## 4.7 Funding Systems Deficiencies

From a road manager's perspective a key omission is the requirement for sustainable funding to maintain and renew both existing infrastructure and new or upgraded infrastructure delivered under this Strategy. There is strong evidence that the current level of investment in roads across the agricultural region is not maintaining the already sub-standard levels of service required for efficient freight movement<sup>1</sup>.

<sup>1</sup> WALGA 2019 Report on Local Government Road Assets and Expenditure 2017/18 page 29 Accessed at: <https://walga.asn.au/getattachment/Policy-Advice-and-Advocacy/Infrastructure/Roads/Report-on-Local-Government-Road-Assets-and-Expendi/Road-Assets-and-Expenditure-Report-2017-18.pdf?lang=en-AU>

#### **4.7.1 Heavy Vehicle Road Reform**

Recognising that Heavy Vehicle Road Reform at a national level has been underway for many years and unlikely to take effect in the foreseeable future, it is suggested that the State Government further extend advocacy efforts to achieve a return of revenue from fuel excise to Western Australia is at least consistent with other jurisdictions.

#### **4.7.2 Targeted Road Network Investment and Increased Heavy Vehicle Access**

The draft Strategy proposes that investment in secondary freight routes will reduce the impact on other local roads. While this is the intent of the planned investment in secondary freight routes, efficient regulatory arrangements are yet to be developed and implemented to achieve this. The secondary freight routes should carry the through traffic as well as traffic accessing properties along the route. The alternative routes will need to remain accessible for local deliveries and pick-up. While this is possible to regulate under current arrangements, it is not practical to enforce. Local Governments are seeking leadership from the regulator to be able to provide local access for high productivity vehicles, while ensuring that these local roads do not attract through traffic where there is an alternative.

Even with a well-defined and funded freight network there will remain situations where specific industry developments or operations generate extra-ordinary freight tasks that will require maintenance or road reconstruction expenditure significantly greater than would normally be expected and funded. The strategy should contemplate how these will be responded to in the Agricultural Region, where there are often many businesses and heavy vehicle operators using the same road. Cost recovery from freight generators is complex in these situations.

#### **4.8 Data Availability**

Local Governments observe that there is significant data concerning freight currently collected that is not necessarily fully utilised to underpin decision making.

#### **4.9 Community Impacts**

The strategy does not build on earlier Freight Strategies in identifying an approach for dealing with conflict between freight and sensitive land uses, particularly in towns and the outer metropolitan area. The town by-pass considerations in the Regional Freight Strategy has not been carried forward.

Access to the metropolitan area via Brookton Highway currently depends on Canning Road and Welshpool Road East which are not suited to high volumes of road trains and are impacted by adjacent land use. The strategy contemplates further investment in Brookton Highway west of Brookton without specifically addressing this constraint.

#### **4.10 Limited Transport Options for Some Supply Chains**

All of the supply chains in the Agricultural Region with the exception of grain currently have only one transport mode option – road. The proposed investigation of rail transport for export hay is supported, particularly given that much of this is subsidized by the State to be transported by rail from Forrestfield to Fremantle under existing arrangements. Given the locations of hay production the Strategy should include specific intermodal terminals for containerised freight (hay and grain) along the Wagin – York rail line and the Moora or Miling rail lines. If containerised product can be cost effectively transported by rail from the agricultural region directly to Fremantle this will reduce pressure on rural and metropolitan roads.

## 5 Infrastructure Project List

WALGA has encouraged each Local Government in the project area to examine the proposed projects and priority. The issues associated with capturing supply chain benefits from rail investments should be addressed.

The MCA process used to evaluate road improvement priorities is broadly supported. There are concerns that there is a strong emphasis on grain movements, relative to other agricultural freight. As previously noted, there is a need to agree the MCA criteria, weighting and data sources with Local Governments to facilitate an agreed set of priorities.

There are several other areas where the roads proposed for inclusion in a secondary freight network are potentially conflicted with each other or nearby State roads. These matters should be addressed in workshop with the relevant Local Government(s) prior to finalisation of the Strategy.

There is conflict between the proposed secondary freight network showing freight moving north and northeast toward Brookton, with the grain transport routes (p11) which show grain moving west via Narrogin and Narrakine to the Albany Highway. This needs to be resolved within the context of the broader freight requirements.

## 6 Other Matters

The Revitalising Agricultural Region Freight Strategy contains a long list of actions and investments but provides little guidance as to the next steps, particularly in relation to infrastructure investments. This should be set out and include detailed and urgent engagement with Local Governments to agree the criteria for assessing investment priorities in secondary freight routes and the data used.

Where private sector investment is required, particularly rail and intermodal, a process for advancing this should be developed.

The opportunity to leverage existing and potential funding streams, including road safety and the National Freight and Supply Chain Strategy should be explored.

Figure 1 should be amended to show rail corridors that no longer support services in a different colour. The current representation may mislead a reader into understand that there are significant rail services east of the Great Southern rail line (and south of Bunbury although it is recognised that this is outside of the study area).

There is support for the six objectives identified in the Strategy although an “optimised infrastructure and policy environment” is unclear.

### 6.1 Livestock Supply Chain

Livestock supply chain volumes (number of trailers) should be mapped in a similar way as the grain transport routes (p11). This should facilitate understanding of the supply chains to and from sales centres including Katanning, Muchea and the abattoirs.



The focus on uncertainty regarding the future of live cattle and sheep exports risks is overstated relative to both its contribution to the overall agricultural freight task and a wide range of other risks that exist.

Changes to RAV access to the north of Perth on Great Northern Highway and Brand Highway are highlighted in the draft Strategy in the context of the livestock supply chains. While supported, these changes have impacts on the other agricultural supply chains in the region, including grain, agricultural lime and fertiliser. This needs to be evaluated within the strategy, as it has implications for the competitiveness of rail, particularly the Moora line and the Miling line. It also has implications on the demands from industry for access to the secondary freight routes and access roads that connect with these highways and freight routes.

## **6.2 Agricultural Lime Supply Chain**

It would be useful to replace Figure 3 with trends in Agricultural Lime use in Western Australia. These could be drawn from the Wheatbelt Agricultural Lime Strategy previously developed by the Wheatbelt Development Commission and other sources including the Australian Bureau of Statistics. The data on Agricultural Lime use could at least be updated to 2016/17<sup>2</sup> which shows 1.66 million tonnes used in 2016-17.

Agricultural Lime movements should be mapped as far as possible in a similar way to the grain transport routes. We understand that data on limesand extraction from each pit is reasonably accurately known, so at least the first part of the supply chain should be able to be mapped.

## **6.3 Fertiliser Supply Chain**

The fertiliser supply chain should be better quantified based on publicly available information or private data if it can be accessed. The Australian Bureau of Statistics reports use of solid agricultural type fertilisers in Western Australia in 2016/17 of approximately 1.1 million tonnes, plus a further 200,000 tonnes of liquid fertiliser. This makes the fertiliser and agricultural lime movements of similar magnitude in the agricultural region. The last mile infrastructure requirements onto farms are largely similar. However, as the sources of fertiliser are geographically separate from agricultural lime, the road freight network required is different.

The majority of grain from the Central Wheatbelt, Albany and south of Geraldton is transported to port by rail. Consequently the movement of fertiliser by road is an important and separate supply chain in these areas. If possible this should be mapped as far as possible into the agricultural areas.

## **6.4 Hay Supply Chain**

It would be useful to map the movement of hay (at least export hay) in the same way as the movement of grain.

While it is acknowledged that containerised hay is the fastest growing containerised export commodity and together with fodder is the largest containerised export through Fremantle there should be further analysis of how this industry currently influences the rail container subsidy.

<sup>2</sup> Australian Bureau of Statistics 2018 Land Management and Farming in Australia 2016-17 Accessed at <https://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4627.0Main+Features12016-17?OpenDocument>

There is a need to re-integrate freight planning within and to the South West region (Bunbury Port) with this Strategy as the opportunities for freight movement west of the Albany Highway cannot be adequately considered.

#### **6.5 Road and Rail Network**

The info graphic on p19 would more visually represent the alternative transport options if there were 128 of the 27.5m road train images in the first block and 86 42m PBS triple road trains in the second.



## **5.9 Policy Templates: (1) Works in the Local Government Road Reserve; and (2) Events in the Local Government Road Reserve (05-001-02-0008) MS)**

*By Mal Shervill, Policy Officer Road Safety and Mark Bondietti, Policy Manager Transport and Roads*

**Moved: Cr Julie Brown**  
**Seconded: Cr Doug Thompson**

**That the following Policy Templates be endorsed:**

- 1. Works in the Local Government Road Reserve, subject to adding, ‘other utility providers that have exemptions’ in Item 5; and**
- 2. Events in the Local Government Road Reserve.**

**RESOLUTION 101.6/2019**

**CARRIED**

### **In Brief**

- Local Governments have a responsibility to govern works or events in the road reserve subject to relevant legislation and Local Laws.
- There have been instances of work being executed without the knowledge of the Local Government and failures of poor quality reinstatement.
- Local Governments have asked WALGA to develop policy templates for works and events in the road reserve to complement existing legislation including Local Laws and provide guidance to applicants.
- Two Policy Templates have been developed: (1) Works in the Local Government Road Reserve, and (2) Events in the Local Government Road Reserve.
- The Policy Templates are based on Regulations, Local Laws and existing relevant Local Government policies.
- The Policy Templates define the different categories of works and events and cover permitting, traffic management and reinstatement requirements.
- Consultation has included all Local Governments and the Utility Providers Services Committee.
- The Policy Templates provide a foundation for Local Governments to develop their own policies should they elect.

### **Attachments**

1. Policy Template - Works in the Local Government Road Reserve.
2. Policy Template - Events in the Local Government Road Reserve.

### **Relevance to Strategic Plan**

#### **Key Strategies**

#### Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;

#### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;

## **Policy Implications**

Nil.

## **Budgetary Implications**

Nil.

## **Background**

Local Governments have approached WALGA to assist in interpreting their rights and obligations regarding the management of third parties working or running events in the road reserve. Clarification has been sought regarding permitting, traffic management and reinstatement requirements. Instances of work being executed without the knowledge of the Local Government and failures of poor quality reinstatement work have been reported. The issue has been raised at the Utility Providers Services Committee (membership includes Telstra, NBN Co, ATCO Gas, Water Corporation, Western Power, City of Perth and WALGA) who are supportive of developing consistent practices.

The *Local Government (Uniform Local Provisions) Regulations 1996* (the Regulations) includes several clauses that prohibits a person performing works in a public thoroughfare, which includes a local road reserve, without obtaining written permission from the Local Government. Local Governments also rely on Local Laws to govern works, activities and organised recreational, social or fundraising events in the road reserve. Local Laws provide for issuing a permit or written approval that specifies matters, such as, place, date, times, duration of works or event, and conditions that must be met. These Regulations, Local Laws and existing relevant Local Government policies were used as the basis to compile the draft policy templates.

In September 2018, WALGA consulted the Local Government sector and the UPSC, providing an opportunity to submit feedback on the draft policy and the comments received shaped the two policy templates:

1. Policy Template - Works in the Local Government Road Reserve.
2. Policy Template - Events in the Local Government Road Reserve.

## **Comment**

The policy templates seek to complement relevant legislation including Local Laws and other documents, such as, Codes of Practice. The templates provide a process by which an applicant can engage with a Local Government to either undertake works or hold an event in the road reserve. While some Local Governments have similar policies in place, these policy templates provide a basis to review these policies and for other Local Governments to develop and implement policies according to their relevant Local Law, governing documents and operational requirements.

### Policy Template - Works in the Local Government Road Reserve

Works in the Local Government Road Reserve Policy Template seeks to:

- Ensure works undertaken in the road reserve accord with relevant legislation, Local Laws and other related policies, standards, guidelines and procedures.
- Identify the works for which a permit or written approval is required.
- Guide applicants through the application and permit process.
- Identify the conditions or requirements applied to intended works.

- Advise on traffic management requirements.
- Advise on safety, inspection and restoration requirements of the Local Government.

The policy template identifies legislation and related policies and guidelines applicable to works in the road reserve. Defined are key terms and meanings are provided for *planned, unplanned, repetitive* and *emergency* works.

#### Policy Template - Events in the Local Government Road Reserve

Events in the Local Government Road Reserve Policy Template seeks to:

- Ensure events undertaken in the road reserve accord with the relevant legislation, Local Laws and other related policies, standards, guidelines and procedures.
- Define key terms.
- Identify the categories of events and for what events a permit is required.
- Identify application timeframes for categories of events.
- Guide applicants through the application and permit process.
- Advise on events requiring road closure.
- Advise on traffic management requirements.
- Advise on compliance, safety and inspection requirements of the Local Government.

## Attachment 1 Agenda Item 5.9 - Policy Template - Works in the Local Government Road Reserve

### Policy Template Works in the Local Government Road Reserve

**Note:** WALGA provides this policy template for Local Governments to develop or amend policy relevant to works in the local road reserve. This policy template provides suggested wording only. Local Governments should consider developing and implementing a policy according to their relevant Local Law, governing documents and operational requirements.

**Policy Number:**

**Date of Adoption:**

**Council Resolution:**

**Schedule for Review:**

#### 1. Introduction

Works in the road reserve can create potential hazards giving rise to personal injury or damage to property resulting in loss, litigation or prosecution if reasonable care is not taken to protect people in the road reserve. Works may also interfere with current or future activities of the [Shire/Town/City] or impact on the functionality of infrastructure; therefore, it is essential the [Shire/Town/City] is engaged to approve such works.

Any party planning works in the road reserve under the control of the [Shire/Town/City] has a duty of care to take all reasonable steps to prevent injury to people or damage to property while carrying out the works. Under current occupational safety and health legislation, an employer is required to provide a safe place of work for employees. In addition, any person in control of a workplace must take measures to ensure people who have access to that workplace, including road users, are not exposed to hazards.

The *Land Administration Act 1997* states, “subject to the *Main Roads Act 1930* and the *Public Works Act 1903*, the local government within the district of which a road is situated has the care, control and management of the road.” This comes with the responsibility of ensuring works in the road reserve under the control of the [Shire/Town/City] are approved and comply with the requirements of relevant legislation and governing documents. Any person planning to undertake works in the road reserve under the control of the [Shire/Town/City] should first contact the [Shire/Town/City] to obtain information on the relevant permit conditions and approval procedures.

Annexure 1 identifies the process for making an application to the [Shire/Town/City] for approval of works in a road reserve under the care, control and management of the [Shire/Town/City].

Note: Where works are planned on a State Road an applicant must liaise with both parties to determine their requirements.

## 2. Policy Objective

To ensure works undertaken in the road reserve under the control of the [Shire/Town/City] are in accordance with the [Shire/Town/City's <insert title> Local Law] and [if applicable, a Permit Conditions Policy adopted by Council in accordance with the Local Law].

## 3. Policy Statement

All planned works in the road reserve under the control of the [Shire/Town/City] require a [Road Obstruction Permit or written approval] from the [Shire/Town/City] in accordance with [title of Local Law].

The [Shire/Town/City] shall only approve works that comply with the [title of Local Law] and governing documents; and the applicant has met all conditions covering the issue of a [Road Obstruction Permit or written approval].

## 4. Policy Scope

This policy applies to:

1. Planned works in the road reserve under the care and control of the [Shire/Town/City].
2. Unplanned works in the road reserve under the care and control of the [Shire/Town/City].

## 5. Statutory Authority

*Local Government Act 1995*

*Local Government (Uniform Local Provisions) Regulations 1996 (sections 5, 6 and 17)*

*Land Administration Act 1997*

*Occupational Safety and Health Act 1984*

*Environmental Protection (Noise) Regulations 1997*

[Relevant Local Law]

It is acknowledged the *Telecommunications Act 1997* provides certain exemptions to telecommunications carriers from State and Territory laws including the powers and functions of a local government body. Notwithstanding, it is in the best interest of all concerned that in the majority of cases telecommunications carriers abide with the requirements of Local Government so as to mutually manage and maintain safety in the road reserve for the benefit of all users.

## 6. Related Policies, Standards, Guidelines and Procedures

The following policies, guidelines and procedures are relevant to this policy:

*Traffic Management for Works on Roads Code of Practice* 2018 or latest version (Main Roads Western Australia).

*Utility Providers Code of Practice for Western Australia* 2015 or latest version (Utility Services Providers Committee).

*Restoration and Reinstatement Specification for Local Governments in Western Australia* 2002 or latest version (Institute of Public Works Engineering Australia, WA Division Inc.)

[List as applicable]

## 7. Definitions

**Applicant** means a person who applies for a <permit or written approval>.

**Carriageway** means a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayment's at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has two or more of those portions divided by a median strip, the expression means each of those portions separately. (*Road Traffic Code 2000*)

**City** means the [City of name – delete if not applicable].

**Duty of care** means the legal duty of all employers, employees and others including contractors and consultants who have an influence on the potential hazards at a work site, which requires them to take reasonable care to protect the health and safety of others at the work site including road users who may be at foreseeable risk of harm. (*Occupational Safety and Health Act 1984*; and Traffic Management for Works on Roads Code of Practice).

**Emergency works** means works to address an immediate life threatening situation or address an immediate event likely to cause substantial damage to public or private property and the consequences of not taking action are judged to be worse than if action is taken.

**Footpath** means the paved or made portion of a thoroughfare used or intended for use by pedestrians and cyclists. (*Road Traffic Code 2000*)

**Kerb** includes the edge of a carriageway.

**Local Government** means a Local Government established under the *Local Government Act 1995*.

**Local Law** means [title of relevant local law].

**Permit** means a permit issued under the [title of relevant Local Law].

**Person** means any person, company, public body, association or body of persons corporate or unincorporated and includes an owner, occupier, licensee and permit holder.

**Planned works** means works that are planned for the future and do not require an immediate response. Planned works may be maintenance or capital type works.

**Road authority** means the organisation that has responsibility for the care, control and management of the road(s) subject to any works or events.

**Road reserve** includes the land set aside, gazetted under an enactment, included in a plan of survey as a roads reserve, or commonly used by the public as a road and all verges, traffic islands, median strips and other provisions associated therein for the conveyance or travel of people but does not include tenements or freehold land. (Traffic Management for Works on Roads Code of Practice)

**Shire** means the [Shire of name – delete if not applicable].

**Thoroughfare** means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only

because it is not open at each end (*Local Government Act 1995*). This meaning does not include a private thoroughfare, which is not under the management or control of the [Shire/Town/City].

**Town** means the [Town of name – delete if not applicable].

**Traffic management plan** means a document containing Traffic Guidance Schemes and documentation of project details in regard to traffic management at a site. The documentation of project details includes, *inter alia*, responsible personnel, proposed timing of the works, approvals that have been gained, traffic volumes/type details, documentation of risk management and special provisions for specific road user types e.g. pedestrians and cyclists. (Traffic Management for Works on Roads Code of Practice).

**Unplanned works** means works to address unanticipated day-to-day maintenance or rectification of failures/breakdowns that require a timely response.

**Utility provider** means an organisation that provides services consumed by the public, such as, electricity, gas, water, sewerage, communications, transportation, etc.

**Verge** means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare but does include any footpath.

**Works** means construction and maintenance work in work sites wholly or partly within the road reserve boundaries or any other works that cause interference or obstruction to the normal use of a road by any road user.

## **8. Works requiring a [permit or written approval]**

A person shall not, without a [Road Obstruction Permit or written approval]:

- a) Cause any interference or obstruction to a vehicle or a person using a thoroughfare as a thoroughfare.
- b) Interfere with, excavate, damage, or destroy any thoroughfare, kerb or footpath or any other structure in the road reserve.
- c) Dig or otherwise create a trench through or under a road, kerb, footpath or any portion of the road reserve.
- d) Make any alterations to the carriageway or any other thing in a thoroughfare.
- e) Place or install any thing on any part of a thoroughfare, including gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust (unless installing or maintaining a permissible verge treatment).
- f) Erect or install any structure or service above or below ground or on any structure which is [Shire/Town/City] property for the purpose of supplying any water, power, sewer, communications or similar service.
- g) Make any excavation on or erect or remove any fence on [Shire/Town/City] property.
- h) Provide, erect, install or use in or on any building, structure or land abutting a thoroughfare any hoist or other thing for use over the thoroughfare.
- i) Install a full or part closure of a thoroughfare or part of a thoroughfare.

## **9. Application to undertake works in the road reserve**

### **• 9.1 Application**

An application for a [permit or written approval] shall:

- a) be in the form determined by the [Shire/Town/City];
- b) be signed by the applicant;
- c) provide the information required by the form; and
- d) be forwarded to the CEO or their delegate together with any fee imposed and determined by the [Shire/Town/City].

The [Shire/Town/City] may require an applicant to provide additional information reasonably related to the application before determining the application for a [Road Obstruction Permit or written approval].

The [Shire/Town/City] may require an applicant to give local public notice of the application for a [Road Obstruction Permit or written approval].

- *9.2 Timeframe for application*

Submission of an application for a [Road Obstruction Permit or written approval] is required at least [number] working days prior to the intended commencement date of the proposed works. Late applications can be considered, but time constraints may limit the approval process.

- *9.3 Decision on application*

The [Shire/Town/City] may:

1. Approve the application and issue a [Road Obstruction Permit or written approval].
2. Approve the application and issue a permit subject to conditions.
3. Refuse to approve the application for a [Road Obstruction Permit or written approval] (whereupon the applicant will receive written notice of the refusal).

- *9.4 Conditions on works*

The [Shire/Town/City] may set standard conditions on works. The conditions may include, but are not limited to:

- Standard approved times and days of the week works can occur.
- A Noise Management Plan [may] be required for works undertaken outside the following hours: [7am – 7pm Monday – Saturday (excluding public holidays)].
- Compliance with parking restrictions.
- The applicant to notify all affected householders/businesses in writing at least 24 hours prior to commencing works.
- Utilities in work area must be located in accordance with Perth One Call 100 or Dial-Before-You-Dig.
- The entity undertaking the works to have public liability insurance.
- Indemnify the <Shire/Town/City> against any claim or action arising from the operation.

*Note: Provided in an addendum at the end of this policy template (but does not form part of this policy template) are some examples of permit conditions on works in the road reserve.*

- *9.5 Repetitive works*

For instances of repetitive works occurring over an extended period, an applicant should seek advice on the permit arrangements with the [Shire/Town/City].



- **9.6 Unplanned works**

Instances commonly arise when a person must undertake works within the road reserve in response to a failure/breakdown of their infrastructure. On occasions these works are short term, do not disturb [Shire/Town/City] infrastructure, and do not disrupt road users. In such instances, advising or seeking approval from the [Shire/Town/City] may be unnecessary.

If the works disturb or will disturb [Shire/Town/City] infrastructure and/or cause or will cause interference or obstruction to the normal use of a thoroughfare by any user, the [Shire/Town/City] must be consulted to determine approval requirements.

- **9.7 Emergency works**

Due to the nature of emergency works, approval need not be obtained from the [Shire/Town/City] to commence such works; however, advice shall be provided as soon as practicable.<sup>20</sup> Obtain the specification for reinstatement work including sign-off from the [Shire/Town/City].

## **10. Traffic management**

In most instances, to fulfil duty of care obligations, works in the road reserve will require traffic management to ensure the safety of all road users and workers/staff associated with the site. Submit a traffic management plan endorsed by an appropriately qualified person with the application for a [Road Obstruction Permit or written approval].

A detailed discussion is required with the [Shire/Town/City] if the works requires closure of roads or major interference to vehicular or pedestrian traffic.

Traffic management plans for works on roads are to be prepared in accordance with the current version of the Traffic Management for Works on Roads Code of Practice (Main Roads WA).

- **10.1 Works near permanent traffic signals**

Any traffic management plan at permanent traffic signals on a Local Government road that requires the following is defined as “complex traffic arrangements” (section 5.2.2 of the Traffic Management for Works on Roads Code of Practice):

1. Alteration to the function of the traffic signals or signal display (e.g. flashing yellow, masking displays, modifying movements or phasing); or
2. Closure of a traffic lane (including tapers or road closures):
  - a. within a signalised intersection, or
  - b. within 30 m of the stop line on the approach, or
  - c. within 30 m of the adjacent stop line on the departure, or
3. Closure of any part of a signalised dedicated turning lane.

The [Shire/Town/City] shall authorise a traffic management plan for complex traffic arrangements at permanent traffic signals on a local road. The Applicant shall thereafter submit the plan to Main Roads WA at least 15 working days prior to the works commencing. Main Roads WA must approve the plan before works commence.

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<sup>20</sup> Utility Providers Code of Practice for Western Australia (Utility Providers Services Committee) 2015, clause 6.1.1 (f), p. 8

- **10.2 Safety at site works**

Any parties performing works in a Local Government road reserve have a duty of care to take all reasonable steps to prevent injury to any person or damage to property while carrying out the works. Protect excavations and site works by applying traffic management and temporary road safety barrier systems in accordance with the Traffic Management for Works on Roads Code of Practice and approval conditions of the [Shire/Town/City]. All temporary restorations and reinstatements must be fit for purpose and maintained in a safe condition to the approval of the [Shire/Town/City].

## **11. Compliance with and variation of conditions**

When an approved application for a [Road Obstruction Permit or written approval] is subject to conditions or is taken to be subject to conditions, the [Road Obstruction Permit holder or applicant] shall comply with each of those conditions.

The <Shire/Town/City> may vary the conditions of a [Road Obstruction Permit or written approval] and the [Road Obstruction Permit or written approval] shall comply with those conditions as varied.

## **12. Long term use of contractors or sub-contractors**

A utility provider is responsible for ensuring contractors or sub-contractors acting (long term) on their behalf are conversant with the requirements of the *Utility Providers Code of Practice of Western Australia* and the obligation to consult with and obtain approval from relevant parties, including the [Shire/Town/City], prior to proceeding with works in the road reserve

.<sup>21</sup>

## **13. Inspections**

The [Shire/Town/City] may inspect the works as appropriate to ensure compliance with conditions of the [Road Obstruction Permit or written approval].

## **14. Cancellation of permit**

The [Shire/Town/City] may cancel by written notice the [Road Obstruction Permit or written approval] if the [Road Obstruction Permit holder or applicant] has not complied with a:

- a) Condition of the [Road Obstruction Permit or written approval]; or
- b) Provision of any written law which may relate to the activity regulated by the [Road Obstruction Permit or written approval].

## **15. Restoration requirements**

Any restoration in the road reserve is to be carried out as soon as practicable following the works as agreed with the [Shire/Town/City]. "Restoration" is the work undertaken to reinstate and restore any disturbed area or structure in the road reserve.<sup>2223</sup>

Obtain the specification for reinstatement work including sign-off of works undertaken and maintenance period from the [Shire/Town/City]. Unless otherwise specified by the [Shire/Town/City], all restoration and reinstatement shall be in accordance with the *Local Government (Uniform Local Provisions) Regulations 1996*; *Utility Providers Code of Practice of Western Australia*; and the *Local Government Guidelines for Restoration and Reinstatement in Western Australia*.

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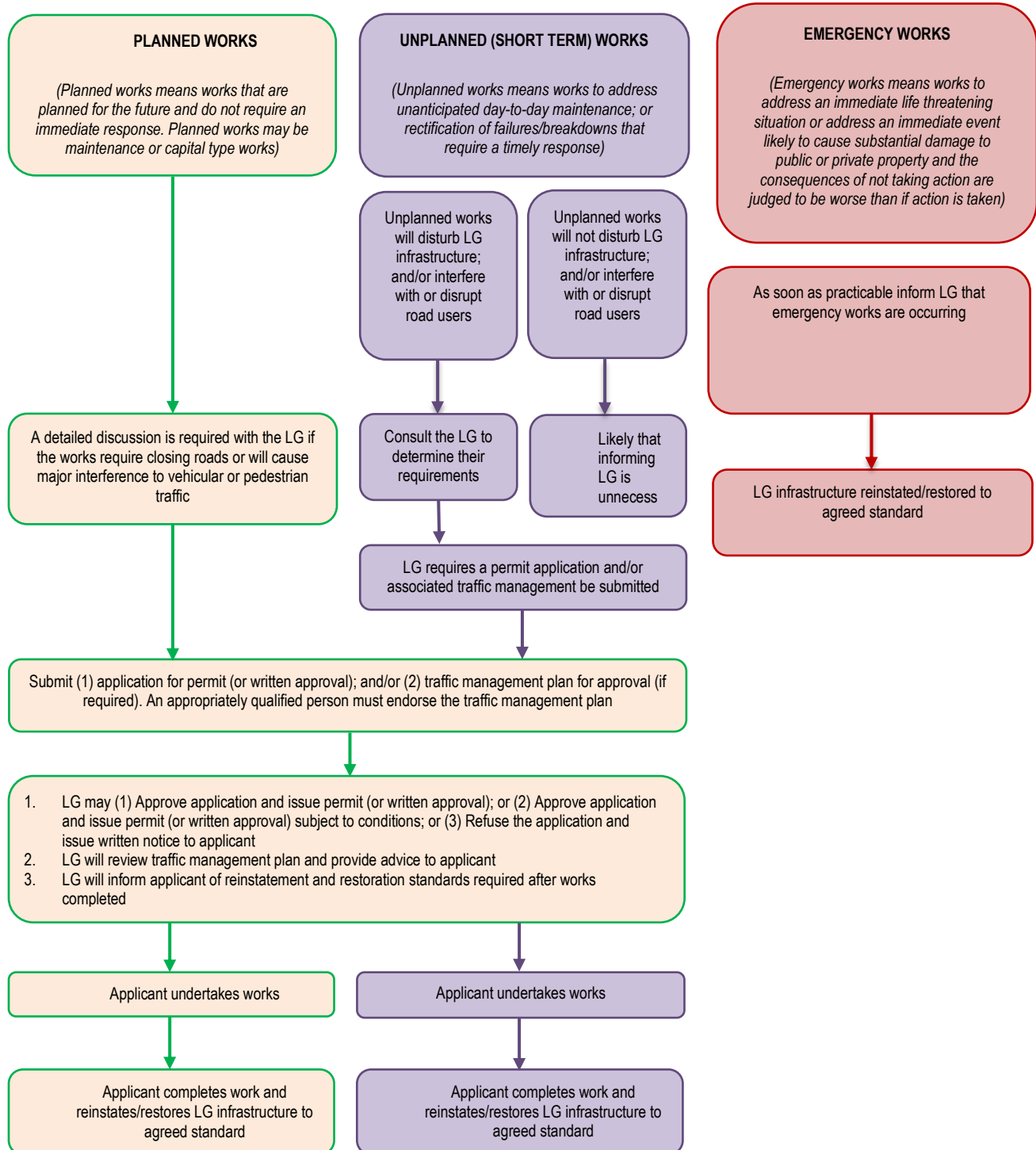
<sup>21</sup> *ibid.*, clause 7.4, p. 17

<sup>22</sup> *ibid.*, clause 9.1, p. 21

<sup>23</sup> Restoration and Reinstatement Specification for Local Governments in Western Australia (Institute of Public Works Engineering Australia, WA Division) 2002, clause 2.1.3, p. 6

The person undertaking the works is responsible for the duty of care ensuring the safety of the public as well as workers during all works and reinstatement until the [Shire/Town/City] accepts the site as satisfactory.

A Local Government is likely to have a local law identifying its requirements for a person to undertake works in the local road reserve. An applicant should contact the relevant Local Government (LG) to determine their needs before proceeding with any planned works.



END OF DOCUMENT

Some examples of Permit Conditions include:

- Provide 48 hours' notice between Monday and Friday prior to the operation start date.
- Adequately sign and barricade the area of operation from vehicles and pedestrians. Install full temporary signage for an obstructed lane in accordance with AS 1742.3.
- Use barricades, hoardings, fences, walkways or other protective structures to provide safe movement of pedestrians and provide safe access for pedestrians at all times.
- Maintain protective structures in good order.
- Sufficiently illuminate protective structures at night from sunset to sunrise.
- Provide unimpeded movement of all path users, with or without disabilities, within the road reserve during building works.
- Maintain the area in a safe and trafficable condition and maintain a continuous path of travel (minimum width of 1.5 metres) for all users at all times during construction works. Note: Erect appropriate warning signs if safety of the path is compromised by either construction damage or a temporary obstruction (in accordance with AS1742.3). Install temporary pedestrian facilities suitable for all users if a continuous path is not possible to maintain. Obtain prior approval from the <Director Technical Services> if the erection of scaffolding, site fencing or the like is required, or building materials stored within the road reserve.
- Maintain access to commercial properties and businesses at all times.
- Provide full protection to footpath/road under outriggers.
- The bin must not exceed two (2) metres in width.
- Place bin adjacent to kerb line on verge with footpath to remain clear of obstruction and available for pedestrian use at all times.
- The bin must have an approved reflective device or flashing amber lights placed at either end and illuminated from dusk to dawn every night.
- Place no material adjacent to the bin. Contain all rubbish within the bin. Empty the bin immediately once full.
- Repair any damage to road or footpath at the applicant's expense in accordance with <Shire/Town/City> specifications within 24 hours.
- Applicant must arrange a handover meeting with the <Shire/Town/City>
- Applicant must provide the <Shire/Town/City> with as built data and quality control testing information.
- The <Shire/Town/City> reserves the right to amend the conditions of the permit and/or request immediate removal of the obstruction without prior notice at any time.
- Place the bin on the road directly adjacent to the kerb line at the approved location, but not in contact with the kerb.
- Adhere to existing kerb side "Clearway" & "No Stopping" restrictions at all times.
- Hours of work to comply with *Environment Protection (Noise) Regulations 1997*.
- The applicant to engage a Main Roads Western Australia accredited traffic management organisation to supply and implement traffic management; and provide a copy of the plan to the <Shire/Town/City> prior to commencing works.
- Vehicles may not make use of the set aside bays at any time.
- Fence off building materials with bunting and reflective tape and remain clear from pedestrian traffic. Cap and secure star pickets.
- No storage of loose construction material in set aside bays.
- Store equipment and materials on the verge to a minimum of one (1) metre from the base of street verge trees and any other infrastructure located on the verge.
- Perform no building activity on the thoroughfare or verge area.
- Applicant to re-apply before expiry date of permit if works are to continue beyond permit expiry date.
- The <Shire/Town/City> reserves the right to cancel the permit for non-compliance of the above conditions.

## Attachment 2 Agenda Item 5.9 - Policy Template - Events in the Local Government Road Reserve

### Policy Template Events in the Local Government Road Reserve

**Note:** WALGA provides this policy template for Local Governments to develop or amend policy relevant to events in the local road reserve. This policy template provides suggested wording only. Local Governments should consider developing and implementing a policy according to their relevant Local Law, governing documents and operational requirements.

**Policy Number:**  
**Date of Adoption:**  
**Council Resolution:**  
**Schedule for Review:**

#### 1. Introduction

Events in the road reserve can create potential hazards giving rise to personal injury or damage to property resulting in loss, litigation or prosecution if reasonable care is not taken to protect people in the road reserve.

The *Land Administration Act 1997* states, “subject to the *Main Roads Act 1930* and the *Public Works Act 1903*, the Local Government within the district of which a road is situated has the care, control and management of the road.” This comes with the responsibility of the [Shire/Town/City] approving events in the road reserve. A person planning to undertake an event in the road reserve under the control of the [Shire/Town/City] should first contact the [Shire/Town/City] to obtain information on the relevant permit conditions and approval procedures.

Annexure 1 outlines the process for making an application to the [Shire/Town/City] for approval of an event in a road reserve under the care, control and management of the [Shire/Town/City].

#### 2. Policy Objective

To ensure events undertaken in the road reserve under the control of the [Shire/Town/City] are in accordance with the [Shire/Town/City's <insert title> Local Law] and [if applicable, a Permit Conditions Policy adopted by Council in accordance with the Local Law].

#### 3. Policy Statement

All events in the road reserve under the control of the [Shire/Town/City] require a [Road Obstruction Permit or written approval] from the [Shire/Town/City] in accordance with [title of Local Law].

#### 4. Policy Scope

This policy applies to events in the local road reserve under the care and control of the [Shire/Town/City].

#### 5. Statutory Authority

*Local Government Act 1995*

*Local Government (Uniform Local Provisions) Regulations 1996 (sections 5, 6 and 17)*

*Land Administration Act 1997*

*Road Traffic (Events on Roads) Regulations 1991*

*Public Order in Streets Act 1984*

## 6. Related Policies, Standards, Guidelines and Procedures

The following policies, guidelines and procedures are relevant to this policy:

*Traffic Management for Events Code of Practice* 2017 or latest version (Main Roads Western Australia).

Strategy for Protecting Crowded Places from Terrorism (WA Police Force)

[List as applicable]

## 7. Definitions

**Applicant** means a person who applies for a <permit or written approval>.

**City** means the [City of name – delete if not applicable].

**Duty of care** means the legal duty of all employers, employees and others including contractors and consultants who have an influence on the potential hazards at a work site, which requires them to take reasonable care to protect the health and safety of others at the work site including road users who may be at foreseeable risk of harm. (*Occupational Safety and Health Act 1984* and *Traffic Management for Events Code of Practice*).

**Event** means those categories of events identified in regulation 3 of the *Road Traffic (Events on Roads) Regulations 1991* and in part 4.1.1 of the *Traffic Management for Events Code of Practice* 2017.

**Event organiser** means the person, company, public body, association, body corporate responsible for coordinating the application for approval of an event.

**Local Government** means a Local Government established under the *Local Government Act 1995*.

**Local Law** means [title of relevant Local Law].

**Permit** means a permit issued under the [title of relevant Local Law].

**Person** means any person, company, public body, association or body of persons corporate or unincorporated and includes an owner, occupier, licensee and permit holder.

**Public place** includes any thoroughfare or place, which the public are allowed to use.

**Road reserve** includes the land set aside, gazetted under an enactment, included in a plan of survey as a road reserve, or commonly used by the public as a road and all verges, traffic islands, median strips and other provisions associated therein for the conveyance or travel of people but does not include tenements or freehold land. (*Traffic Management for Events Code of Practice*)

**Shire** means the [Shire of name – delete if not applicable].

**Thoroughfare** means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end (*Local Government Act 1995*). This meaning does not include a private thoroughfare, which is not under the management or control of the [Shire/Town/City].

**Town** means the [Town of name – delete if not applicable].



**Traffic management plan** means a document containing Traffic Guidance Schemes and documentation of project details in regard to traffic management at a site. The documentation of project details includes, *inter alia*, responsible personnel, proposed timing of the works, approvals that have been gained, traffic volumes/type details, documentation of risk management and special provisions for specific road user types. (Traffic Management for Events Code of Practice)

## 8. Application to hold an event in a road reserve

- 8.1 Events requiring a [permit or written approval]

Listed below are events requiring a [permit or written approval] as identified in Part 4.1.1 (Event Categories) of the Traffic Management for Events Code of Practice.

Category	Features
1	An event which involves large public participation
2	An event which involves the racing of motor vehicles and does not involve large public participation
3	An event which involves the racing of non-motorized vehicles, an athletic event or any other event other than a locality or street event which does not involve large public participation
4	A locality or street event which does not fall within categories 1, 2 or 3
5	A public meeting that impacts on a road or a procession comprising three or more persons
6	Specifically an on-road race meeting or speed test that does not require road closure

According to part 4.1.2 of the Traffic Management for Events Code of Practice, some on-road activities may not require a full road closure or temporary suspension of traffic regulations therefore will not fall in the above listed categories. If these activities change the traffic environment to the extent that requires road users to actively reduce their speed and/or direction of travel on a road, such activity will be classed as an “event” under the Code of Practice and will require approval from the [Shire/Town/City].

- 8.2 Event on a highway or main road

An event organiser is required to obtain approval from the Commissioner of Main Roads for a proposed event within a road reserve designated as a highway or main road.

For events occurring within multiple roads, i.e. highway or main road and a local road, an event organiser must obtain approval from the [Shire/Town/City] prior to submitting the application to hold the event to the Commissioner of Main Roads.

- 8.3 Event on a local road

In accordance with [title of Local Law], a person is required to obtain a [permit or written approval] from the [Shire/Town/City] prior to holding an event in the road reserve under the control of the [Shire/Town/City].

An application for a [permit or written approval] shall:

- e) be in the form determined by the [Shire/Town/City];
- f) be signed by the applicant;
- g) provide the information required by the form; and
- h) be forwarded to the CEO together with any fee imposed and determined by the [Shire/Town/City].

The [Shire/Town/City] may require an applicant to provide additional information reasonably related to the application before determining the application for a [permit or written approval].



The [Shire/Town/City] may require an applicant to give local public notice of the application for a [permit or written approval].

The [Shire/Town/City] may:

4. Approve the application and issue a [permit or written approval].
5. Approve the application and issue a permit subject to conditions.
6. Refuse to approve the application for a [permit or written approval] (whereupon the applicant will receive written notice of the refusal).

- *8.4 Timeframes for applying to hold an event*

The [Shire/Town/City] requires lodgement of an application to hold an event within the following timeframes:

- [List as applicable]

- *8.5 Limitations and restrictions*

The [Shire/Town/City] will not approve events:

- [List as applicable]

The [Shire/Town/City] may cancel or modify events at any stage due to (but not limited to):

- Extreme weather
- Identified high risks
- Site safety or conditions

- *8.6 Conditions of permit*

The [Shire/Town/City] may set conditions associated to a permit to hold an event on land owned or managed by the [Shire/Town/City]. The conditions may include:

- The times and dates approved for the event.
- Compliance with parking restrictions.
- The entity holding the event to have public liability insurance.
- Affected residents to be notified [10 working days] prior to the event.
- Indemnify the [Shire/Town/City] against any claim or action resulting from the event.
- Traffic management plan reviewed and approved by Main Roads WA (if required) and evidence of approval provided.

*Note: Provided in an addendum at the end of this policy template (but does not form part of this policy template) are some examples of permit conditions on events in the road reserve.*

- *8.7 Events requiring road closure*

Where an event requires a road closure, the event organiser must make application to the Commissioner of Police under the *Road Traffic Act 1974* using the prescribed form in Schedule 1 of the *Road Traffic (Events on Roads) Regulations 1991*.

If the proposed closed road is a local road, provide the application to the relevant Local Government for consideration of approval. If the proposed closed road is a highway or main road, provide the application to the Commissioner for Main Roads for consideration of approval.

If the road authority approves the application for road closure, lodge the application at the local police station for consideration by the Commissioner of Police.

The application to the Commissioner of Police is required within the following timeframes for the different event categories identified above.

Category	Application timeframe to the <Shire/Town/City> before the event
1	<Not less than 6 months prior to the proposed date of the event>
2	<Not less than 3 months prior to the proposed date of the event>
3	<Not less than 1 month prior to the proposed date of the event>
4	<Not less than 1 month prior to the proposed date of the event>
5	<Not less than 4 days prior to the proposed date of the event> <sup>24</sup>
6	<Not less than 6 weeks prior to the proposed date of the event>

- **8.8 Events – public meetings and processions**

For public meetings and processions, in addition to all the other requirements, the event organiser must make application under the *Public Meetings and Processions Act 1984* to the Commissioner of Police.

## 9. Traffic management

In most instances, to fulfil duty of care obligations, events in the road reserve will require traffic management to ensure the safety of all road users, participants and workers/staff associated with the site. The application for a [permit or written approval] shall have attached a traffic management plan endorsed by an appropriately qualified person.

A detailed discussion is required with the [Shire/Town/City] if the event requires closure of roads or major interference to vehicular or pedestrian traffic.

Traffic management plans for events on roads are to be prepared in accordance with the current version of the Traffic Management for Events Code of Practice (Main Roads WA).

## 10. Compliance with and variation of conditions

When an approved application for a [permit or written approval] is subject to conditions or is taken to be subject to conditions, the [permit holder or applicant] shall comply with each of those conditions.

The <Shire/Town/City> may vary the conditions of a [permit or written approval] and the [permit or written approval] shall comply with those conditions as varied.

## 11. Inspections

The [Shire/Town/City] may conduct inspections of the event as appropriate to ensure compliance with conditions of the [permit or written approval].

## 12. Cancellation of permit

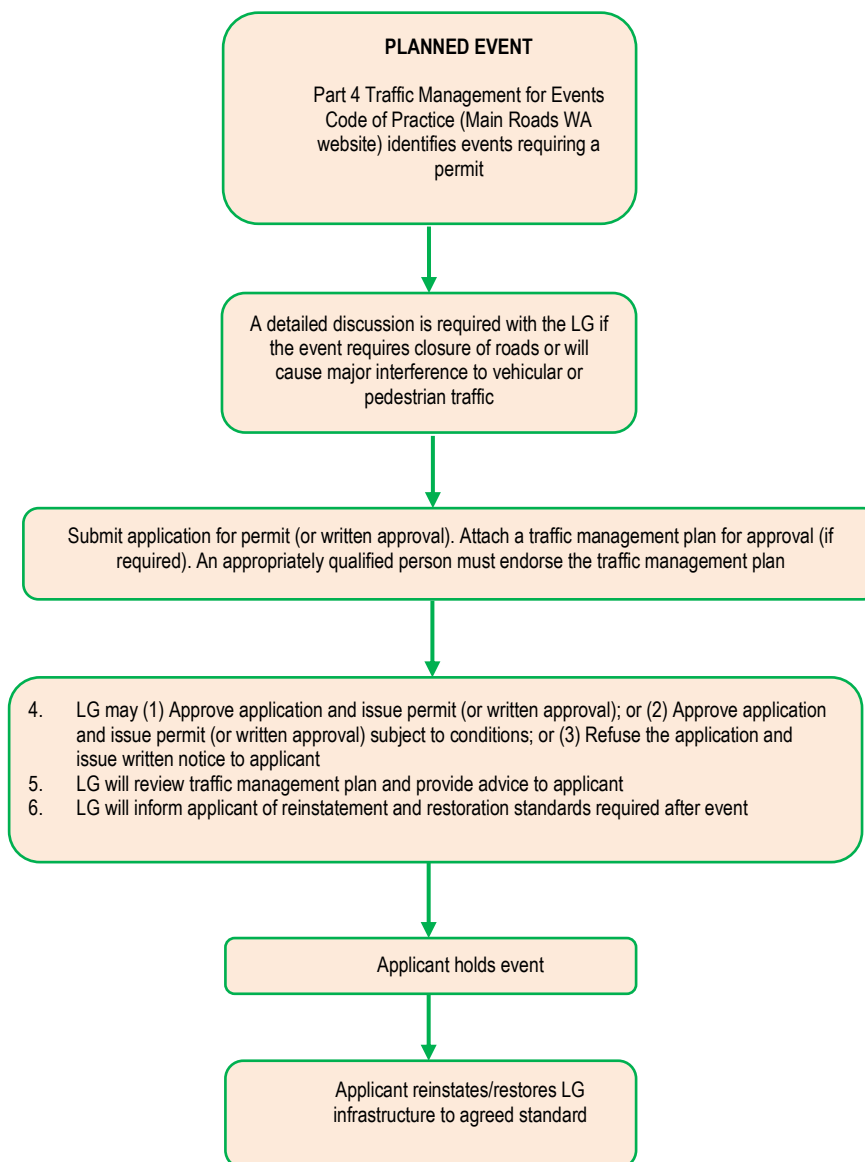
The [Shire/Town/City] may cancel by written notice the [permit or written approval] if the [permit holder or applicant] has not complied with a:

- c) Condition of the [permit or written approval]; or
- d) Provision of any written law which may relate to the activity regulated by the [permit or written approval].

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<sup>24</sup> Section 5(3)(a) of the *Public Order in Streets Act 1984*

A Local Government is likely to have a Local Law identifying the requirements for a person to hold an event in the road reserve under the care and control of a Local Government.



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Some examples of Permit Conditions include:

- The place or part of the place to which the permit applies.
- The days and hours during which the event can take place.
- The period for which the permit is valid.
- The manner of displaying the permit holder's name and other details of a valid permit.
- The obtaining of public risk insurance in an amount and on terms reasonable required by the [Shire/Town/City].
- The number, type, form and construction, as the case may be, of any stand, structure or vehicle used in the event.
- Restrictions of the erection of material or external decorations.
- Limitations on the number of persons who may attend the event.
- Prohibitions or restrictions of causing or making of any noise or disturbance that is likely to be a nuisance to persons near the event.
- Prohibitions or restrictions on the use of amplifiers, sound equipment or sound instruments.
- Prohibitions or restrictions on the use of signs.
- Prohibitions or restrictions the use of any lighting apparatus or device.
- The requirement of personal attendance at the event by the permit holder and the nomination of assistants, nominees or substitutes for the permit holder.
- Rectification, remedying or restoration of a situation or circumstance reasonably related to the application.
- The payment of a deposit or bond against damage for an activity that will or may cause damage to [Shire/Town/City] property.
- Submission and adherence to a traffic management plan endorsed by an appropriately qualified person.
- The <Shire/Town/City> reserves the right to cancel the permit for non-compliance of any conditions.

**a. MATTERS FOR CONSIDERATION BY STATE  
COUNCILLORS (UNDER SEPARATE COVER)**

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<b>5.10 State Council and Zone Structure and Process Working Group Report (01-004-05-0002 TL)</b>
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Moved: President Cr Tony Dean  
Seconded: President Cr Keith House

That:

1. The Working Group's Final Report be noted and released to the Local Government sector for information and consultation;
2. Recommendations 5, 6, 7, and 8 be endorsed for immediate implementation; and,
3. Recommendations 1, 2, 3, 4, 9, and 10 be endorsed in principle subject to sector and Zone consultation being undertaken during September, October, and November 2019, with a report brought to the December 2019 State Council meeting for final endorsement.

**RESOLUTION 102.6/2019**

**CARRIED**

<b>5.11 Select Committee Submission (05-034-01-0007 TB)</b>
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Moved: Mayor Logan Howlett  
Seconded: Cr Les Price

That the Interim Submission to the Select Committee into Local Government be endorsed.

**RESOLUTION 103.6/2019**

**CARRIED**

<b>5.12 Executive Committee Minutes (01-006-03-0006 TB)</b>
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Moved: President Cr Karen Chappel  
Seconded: President Cr Phillip Blight

That the Minutes of the Executive Committee Meetings held 17 July and 21 August 2019 be endorsed.

**RESOLUTION 104.6/2019**

**CARRIED**

### **5.13 Selection Committee Minutes (01-006-03-0011 CO)**

*Cr Jon Strachan declared an interest in item 5.13 and left the room at 12:20pm.*

**Moved: Cr Doug Thompspon**  
**Seconded: Mayor Logan Howlett**

**That:**

1. The recommendations contained in the 20 August 2019 Selection Committee Minutes be endorsed; and
2. The resolution contained in the 20 August 2019 Selection Committee Minutes be noted.

**RESOLUTION 105.6/2019**

**CARRIED**

*Cr Jon Strachan returned to the meeting at 12:21pm.*

### **5.14 LGIS Board Minutes**

#### **RECOMMENDATION**

**Moved: Cr Julie Brown**  
**Seconded: Cr Doug Thompson**

**That the Minutes of the LGIS Board meetings held 27 June and 15 August 2019 be endorsed.**

**RESOLUTION 106.6/2019**

**CARRIED**

*Jonathan Seth left the room at 12:21pm*

### **5.15 WALGA LGIS Trust Deed Variations - CONFIDENTIAL**

### **5.16 WALGA LGIS Review Actions - CONFIDENTIAL**

### **5.17 2019 Annual General Meeting (01-003-02-0003 TB)**

*Jonathan Seth returned to the room at 12:31pm.*

**Moved: Mayor Logan Howlett**  
**Seconded: President Cr Karen Chappel**

**That:**

1. The Motions passed by the 2019 Annual General Meeting be noted; and,
2. All items be forwarded to the relevant State Council Policy Team/Forum/Committee for action.
3. A report on the progress and action taken in respect to the AGM items be presented to State Council no later than the March 2020 State Council Meeting.

**RESOLUTION 109.6/2019**

**CARRIED**

## 6. MATTERS FOR NOTING / INFORMATION

### 6.1 Submission to the Select Committee into Local Government (05-034-02-0014 TB/TL)

*By Tony Brown, Executive Manager Governance and Organisational Services, and Tim Lane, Manager Strategy and Association Governance*

**Moved:** Mayor Logan Howlett  
**Seconded:** Cr Giovanni Italiano

**That State Council note:**

1. Establishment of the Select Committee into Local Government; and,
2. The Process for the development of WALGA's submission to the Committee.

**RESOLUTION 110.6/2019**

**CARRIED**

#### **In Brief**

- The Legislative Council has established a Select Committee into Local Government, with a broad terms of reference and a 12 month Inquiry window;
- WALGA has prepared a [draft submission](#) addressing the Committee's terms of reference and feedback on the draft is sought from the Local Government sector by 13 August 2019;
- Local Governments are also encouraged to provide a submission to the Select Committee by the closing date of 23 August 2019, noting that WALGA has requested for Local Governments to be granted an extension for the preparation of submissions.

#### **Attachments**

Draft WALGA Submission: <https://walga.asn.au/getattachment/Documents/Submission-Select-Committee-into-Local-Government-August-2019.pdf?lang=en-AU>

Addendum 1 – Cooperation and Shared Services Guide:

<https://walga.asn.au/getattachment/Documents/Local-Government-Cooperation-and-Shared-Services-June-2009-FINAL.PDF?lang=en-AU>

Addendum 2 – Local Government Act Policy Positions:

<https://walga.asn.au/getattachment/Documents/LG-Act-advocacy-positions-with-background-info-July-2019.pdf?lang=en-AU>

#### **Relevance to Strategic Plan**

##### **Key Strategies**

##### Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues;
- Build a strong sense of WALGA ownership and alignment.

##### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;

- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

#### Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;

## **Background**

The Legislative Council has established a Select Committee into Local Government with the following terms of reference:

- (1) That a Select Committee into Local Government is established.
- (2) The Select Committee is to inquire into how well the system of Local Government is functioning in Western Australia, with particular reference to —
  - (a) Whether the *Local Government Act 1995* and related legislation is generally suitable in its scope, construction and application;
  - (b) the scope of activities of Local Governments;
  - (c) the role of the Department of State administering the *Local Government Act 1995* and related legislation;
  - (d) the role of Elected Members and Chief Executive Officers/employees and whether these are clearly defined, delineated, understood and accepted;
  - (e) the funding and financial management of Local Governments; and
  - (f) any other related matters the Select Committee identifies as worthy of examination and Report.
- (3) The Select Committee shall comprise five Members.
- (4) The Select Committee shall report by no later than 12 months after the motion for its establishment is agreed to and may, if it sees fit, provide interim reports to the House.

The Select Committee is comprised of the following members:

Chair:	Hon Simon O'Brien MLC
Deputy Chair:	Hon Laurie Graham MLC
Members:	Hon Diane Evers MLC
	Hon Martin Aldridge MLC
	Hon Charles Smith MLC

The Select Committee, which has a 12 month timeframe to finalise its Inquiry, is seeking submissions to be provided to the committee with a closing date of 23 August 2019.

WALGA has requested an extension for Local Governments to provide submissions to the committee. At the time of writing a response has not been received, however the Committee are expected to consider this request at their meeting on 5 August. WALGA will advise the Local Government sector of the Committee's decision regarding this matter.

## **Comment**

WALGA has prepared a [draft submission](#) to be provided to the Committee and feedback is sought on the draft submission from the Local Government sector by 13 August 2019.

Following receipt of feedback, an interim submission will be considered by State Council's Executive Committee on 21 August and the submission then provided to the Select Committee by the due date of 23 August 2019. As part of the Submission, WALGA will request to appear before the Select Committee.



Local Governments are encouraged to prepare submissions to provide to the Select Committee and to request to appear before the Committee.

## 6.2 Cooperation and Shared Services (05-105-03-0001 ABM)

By Anne Banks-McAllister, Regional Capacity Building Manager

Moved: Mayor Logan Howlett

Seconded: Cr Giovanni Italiano

That State Council notes the *Cooperation & Shared Services* (June 2019) document.

**RESOLUTION 111.682019**

**CARRIED**

### In Brief

- Local Governments in Western Australia have a strong history of working collaboratively to maximise resources to deliver services and outcomes that are often more efficiently and effectively delivered together
- WALGA has conducted an audit of current collaboration and the delivery of shared services across the sector
- The audit has resulted in the production of *Cooperation and Shared Services* which documents a range of examples across many areas of Local Government operations, including information about the governance arrangements that support collaboration and the delivery of shared services
- WALGA will continue to update this resource and work to support the sector with advice, tools and templates that support these arrangements
- A copy of *Cooperation and Shared Services* has been provided to the Minister of Local Government, Sport & Cultural Industries to demonstrate the range and extent of collaborative effort across the sector

### Attachment

Cooperation and Shared Services:

<https://walga.asn.au/getattachment/Documents/Local-Government-Cooperation-and-Shared-Services-June-2009-FINAL.PDF?lang=en-AU>

### Relevance to Strategic Plan

#### Key Strategies

##### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Foster economic and regional development in Local Government.

##### Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;

### Background

In January 2018 WALGA initiated a project to capture the level of collaboration occurring across the sector, in particular the delivery of shared services between Local Governments. The intention of the initiative was to:

- Quantify the range and extent of collaboration between Local Governments

- To provide a useful resource for all Local Governments looking to establish shared service arrangements
- To understand the governance arrangements in place that support the delivery of shared services
- To identify areas where WALGA can support the sector in the delivery of shared services
- To develop a document that showcases efforts by Local Government to maximise the effective and efficient delivery of Local Government services

An initial survey was distributed electronically to all Local Governments in January 2018 with a close date of 2<sup>nd</sup> March 2018. Local Governments that responded were then followed up for more information, and to clarify information provided. A summary was then circulated to all Chief Executive Officers which generated a second round of additional information. The final document was produced in June 2019 and circulated to all Chief Executive Officers.

A copy was also provided to the Minister for Local Government, Sport and Cultural Industries.

## **Comment**

The document *Cooperation and Shared Services* (June 2019) is a current record of the level of collaboration occurring across Local Government in its efforts to maximise resources and deliver services efficiently and effectively. It reflects the goodwill across the sector and showcases the range of services that can be offered in a collaborative arrangement which may not be otherwise possible by a single Local Government.

While it is recognised the information in the document is accurate at a 'point in time', it is particularly useful as an advocacy tool to State Government, demonstrating the extent to which Local Governments are maximising their ability to provide important services to their communities.

WALGA will continue to maintain and share this information while also supporting the sector by developing useful resources such as standard templates for Service Level Agreements and Memorandums of Understanding, and by providing advice to Local Governments keen to investigate opportunities to share resources and collaborate for service delivery.

## **6.3 Draft Terms of Reference for an Inquiry into Local Government Fees and Charges (05-001-03-0006 NF)**

*By Nebojsa Franich, Policy Manager – Economics*

**Moved: Mayor Logan Howlett**

**Seconded: Cr Giovanni Italiano**

**That State Council note the Draft Terms of Reference for an Inquiry into Local Government Fees and Charges.**

**RESOLUTION 112.6/2019**

**CARRIED**

### **In Brief**

- An Inquiry into Local Government Fees and Charges has been a longstanding item on WALGA's advocacy agenda, and has been a policy position for WALGA since 2012.
- The State Local Government Partnership Group were provided, for approval, a Draft Terms of Reference for an Inquiry into Local Government Fees and Charges.
- WALGA endorsed the Terms of Reference provided to the State Local Government Partnership Group, subject to there being more emphasis on the Inquiry looking into the need for regulation on statutory Local Government fees and charges, and the suitability of Local Governments independently setting fees and charges for all of the services they provide. The changes recommended by WALGA are now reflected in the Draft Terms of Reference provided to State Council.
- Once the review is initiated by the Economic Regulation Authority and more information becomes available on timeframes for public submissions, WALGA will look to engage the membership in order to provide a sector-wide submission.

### **Attachment**

Draft Terms of Reference for an Inquiry into Local Government Fees and Charges

### **Relevance to Strategic Plan**

#### **Key Strategies**

##### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

##### Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;

### **Policy Implications**

## **Budgetary Implications**

Nil.

## **Background**

- An inquiry into Local Government Fees and Charges has been a longstanding item on WALGA's advocacy agenda, and has been a policy position for WALGA since 2012. In addition, a review into Local Government Fees and Charges was proposed by the Economic Regulation Authority, the Minister for Local Government and Treasurer in 2014-15 but never proceeded.
- WALGA's pre-existing policy positions relating to a review of Local Government fees and charges are that:
  - Local Governments should have the freedom to set their fees and charges at cost recovery levels.
  - In the few cases where it is deemed necessary that legislative restrictions prescribe the level of fees and charges that Local Governments can provide for their services, it should be justified by clear rational and logic. Furthermore, those fees and charges that are prescribed by legislation should be reviewed and indexed on an annual basis to ensure they are set at appropriate cost recovery levels.
- At their meeting on 9 July 2019, the State Local Government Partnership Group were provided, for approval, a Draft Terms of Reference for an Inquiry into Local Government Fees and Charges. WALGA endorsed the Terms of Reference provided to the Group, subject to there being more emphasis on the Inquiry looking into the need for regulation on statutory Local Government fees and charges, and the suitability of Local Governments independently setting fees and charges for all of the services they provide. The changes recommended by WALGA are now reflected in the Draft Terms of Reference provided to State Council.
- It is anticipated that the Draft Terms of Reference will now be provided to the Treasurer, who will subsequently send the Terms of Reference to the Economic Regulation Authority and they will initiate the Review.

## **Comment**

All Governments in WA face a number of restrictions on their 'own-source' revenue, including restrictions on Local Government fees and charges.

State Government restrictions on Local Government fees and charges are arbitrary (the same fees in other States are often deregulated) and inefficient. Local Governments can impose fees and charges on users of specific, often incidental, services. However, a number of fees and charges are prescribed and restricted by legislation, and are specifically limited to recouping the cost of service provision. Fees determined by State Government legislation are of particular concern to Local Governments and represent significant revenue leakage because of a:

- lack of indexation;
- lack of regular review (fees may remain at the same nominal levels for decades); and
- lack of transparent methodology in setting the fees (fees do not appear to be set with regard to appropriate costs recovery levels).

Examples of fees and charges of this nature include dog registrations fees, town planning fees and building permits. Since Local Governments do not have direct control over the determination of fees set by legislation, this revenue leakage is recovered from rate revenue. This leads to unfair community outcomes in that all ratepayers subsidise services that are only used by a few.

The Association considers that it is appropriate that Local Governments have the freedom to set the level of their fees and charges. In the few cases where legislative restrictions are deemed necessary, they should be justified by a clear and logical rationale. Furthermore, those fees and charges that are prescribed by legislation should be reviewed and indexed on an annual basis to ensure they are set at appropriate cost recovery levels.

An Inquiry into Local Government Fees and Charges to remedy the above issues has been a longstanding advocacy position of WALGA, and so, the recent indication that a review will be undertaken soon by the ERA comes as welcome news. Once more information becomes available on timeframes for public submissions, WALGA will look to engage the membership in order to provide a sector-wide submission to the review.

## **INQUIRY INTO LOCAL GOVERNMENT FEES AND CHARGES**

### **DRAFT TERMS OF REFERENCE**

The purpose of this Inquiry is to make recommendations on:

- the need for regulation on statutory Local Government fees and charges, and the suitability of Local Governments independently setting fees and charges for all of the services they provide;
- an appropriate and transparent method for setting and adjusting local government statutory fees and charges on a cost reflective basis; and
- the implementation of any regulated approach (as deemed appropriate), including a new schedule of statutory fees and charges, or an appropriate program for the repeal of State Government provisions that prescribe local government statutory fees and charges.

In considering how local government statutory fees and charges are set, the Inquiry will have regard for:

- the matters raised by the Joint Standing Committee on Delegated Legislation on setting and adjusting local government statutory planning fees and charges;
- the methods outlined in Department of Treasury's *Costing and Pricing Government Services* guidelines;
- any previous reviews of local government statutory fees and charges in Western Australia; and
- methods for setting local government statutory fees and charges in other States and Territories.

Issues papers will be released as soon as possible after receiving the Terms of Reference. The paper is to facilitate public consultation on the basis of invitations for written submissions from State Government agencies, local governments, industry, and all other stakeholder groups, including the general community.

A draft report will then be released, which is to be made available for further public consultation. A final report will be released no later than one year after receiving the Terms of Reference.

## 6.4 Public Health Advocacy Plan (05-031-01-0001 KD)

By Kirstie Davis, Policy Manager Community

Moved: Mayor Logan Howlett  
Seconded: Cr Giovanni Italiano

That State Council note the WALGA Public Health Advocacy Plan.

### RESOLUTION 113.6/2019

CARRIED

### In Brief

- The WA State Government is currently introducing a new *Public Health Act 2016* (the Public Health Act) for Western Australia which will require Local Governments to develop Local Public Health Plans.
- The Public Health Act is progressing through a five-stage process of implementation and is currently at Stage 4.
- WALGA as the peak body for Local Governments has been advocating to State Government for the appropriate resourcing for Local Governments to develop public health plans as essential to plan, implement and report against the new *Public Health Act 2016*.
- Alongside the advocacy plan, WALGA is engaged with Local Governments, including representatives of the Metropolitan Environmental Health Managers Group (MEHMG) to prepare submissions to develop the new regulations. All regulations from the previous *Health Act 1911* will be replaced, and repealed at the commencement of State 5, which is anticipated to commence in 2021.

### Attachment

<https://walga.asn.au/Policy-Advice-and-Advocacy/People-and-Place/Health-and-Wellbeing/Public-Health>

### Relevance to Strategic Plan

#### Key Strategies

##### Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments
- Improve communication and build relationships at all levels of member Local Governments
- Build a strong sense of WALGA ownership and alignment.

##### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government
- Provide support to all members, according to need
- Present the diversity of members' aspirations in the further development of Local Government in Western Australia
- Foster economic and regional development in Local Government.

##### Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government
- Develop simple and consistent messages that are effectively articulated.



## Background

The development and introduction of the *Public Health Act 2016* is a major public health initiative and regulatory reform undertaking for Western Australia. WALGA State Council has consistently advocated for the introduction of the Public Health Act and appropriate resourcing as a foundation for a risk management approach to public health for both State and Local Government. (Resolutions 0159.COM.6/2005, 307.6/2007, 9.1/2015).

Stage 5 of the Public Health Act will include the development of new regulations, and the commencement of the enforcement provisions for Public Health Planning, Public Health Assessments and registration and licensing. Stage 5 is a significant stage of implementation for Local Government.

WALGA will continue to advocate for funding, support and resources from State and Commonwealth Government to assist with Local Governments transition to the new obligations under the Act and support for improved health outcomes for their communities.

In response, WALGA established the Health and Wellbeing Advisory Group to support WALGA's Public Health advocacy activities and to provide technical advice to inform WALGA submissions and advocacy on behalf of members. The Advocacy Plan has been developed in conjunction with this group, is a working document that is continually being updated. The Plan and additional resources relating to Public health Advocacy can be located on the WALGA website via the link <https://walga.asn.au/Policy-Advice-and-Advocacy/People-and-Place/Health-and-Wellbeing/Public-Health>.

## Comment

WALGA, on behalf of its members supports the introduction of the *Public Health Act 2016* and regulatory review process that is currently underway. Furthermore it acknowledges the professional and efficient partnerships and networks that have developed to strengthen ongoing advocacy in this space.

Local Governments in Western Australia play a significant role in the protection and enhancement of health and wellbeing within their communities, through legislative controls of urban planning, investment in infrastructure and development and maintenance of environments that support healthy living.

The Department of Health is responsible for the development of the State Public Health Plan and Local Governments are responsible for the development of Local Public Health Plans. Together there needs to be greater acknowledgement and resourcing, for all stakeholders to successfully meet legislative compliance, reduce risk and increase the opportunities for all Western Australian to live healthy lives.

WALGA, on behalf of its members will continue to advocate for this outcome to State Government and requests that State Council note and support the WALGA Public Health Advocacy Plan.

## **6.5 Completion of the Managing Alcohol in Our Communities Guide (06-045-01-0001 KD)**

*By Kristie Davis, Policy Manager Community*

**Moved: Mayor Logan Howlett**

**Seconded: Cr Giovanni Italiano**

**That State Council note the completion of the Managing Alcohol in Our Communities Guide.**

**RESOLUTION 114.6/2019**

**CARRIED**

### **In Brief**

- In August 2010 WALGA State Council resolved to maintain its partnership with the Drug and Alcohol Office WA (DOA) in relation to the 'Local Government Alcohol Management Package – A Toolkit to assist Western Australian Local Government' and other alcohol related matters.
- WALGA received a total of \$50,000 from the then DOA to complete the project.
- In December 2018 WALGA State Council endorsed the completed Guide. (Resolution 142.7/2018).

### **Attachment**

Nil.

### **Relevance to Strategic Plan**

#### **Key Strategies**

##### Engagement with Members

- Improve communication and build relationships at all levels of member Local Governments;
- Build a strong sense of WALGA ownership and alignment.

##### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Foster economic and regional development in Local Government.

##### Enhanced Reputation and Relationships

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;

### **Background**

In 2010 WALGA received a total of \$50,000 from the then Drug and Alcohol Office (DAO), now Mental Health Commission, to develop a toolkit in which to assist Local Government in planning and mitigating change in alcohol and other drug use in communities.

The Guide is for any Local Government that:

- Provides services that relate to, or are affected by, alcohol;
- Has an interest in preventing and minimizing alcohol problems in their community; and
- Is keen to build or promote their area as a safe and healthy place to live, work and play.

The Guide is relevant to all spheres of a Local Government and will be of particular interest to Community Development and Environmental Health officers.

The Public Health Institute of Western Australia delivered seven workshops for Local Government Officers on how to use the Guide, including in regional areas, between February and April 2019.

An official launch was held at WALGA on 1 March 2019.

The MAIOC Guide promotes a prevention and risk management approach to alcohol management and aims to support existing Local Government activities, responsibilities and processes to address alcohol-related issues within their communities, and, in turn, create a safe and healthy place for people to work, live and play.

### **Comment**

The Secretariat requests that State Council note the completion of the Managing Alcohol in Our Communities Guide.

The Guide is a result of a partnership agreement between the now Mental Health Commission and the Public Health Institute of Western Australia.

## **6.6 Local Government Coastal Hazard Planning – Issues Paper (05-036-03-0065 AR)**

*By Ashley Robb, Project Officer, Planning and Improvement*

**Moved:** Mayor Logan Howlett  
**Seconded:** Cr Giovanni Italiano

**That State Council note the Association's preparation of the *Local Government Coastal Hazard Planning – Issues Paper (2019)*.**

**RESOLUTION 115.6/2019**

**CARRIED**

### **In Brief**

- The purpose of the Local Government Coastal Hazard Planning Issues Paper (the Issues Paper) is to clearly identify: (1) issues that Local Governments are experiencing in meeting coastal hazard planning responsibilities established by *State Planning Policy 2.6: Coastal Planning Policy*; and (2) options for resolving these issues, which may include research, state agency advice, legal advice, peer reviewed guidance, and/or advocacy.
- The Issues Paper uses nine scenarios to present a range of situations which coastal communities, and their Local Governments, are experiencing now or may experience in the near future given current climate change and associated sea level rise projections.
- In October, WALGA and the Local Government Coastal Hazard Risk Management and Adaptation Planning (LG CHRMAP) Forum will meet to begin preparing a plan of action for addressing these issues, through issue prioritisation, identifying resource requirements and discussing opportunities for collaborative funding of further research and advice.

### **Attachment**

Link to – [Local Government Coastal Hazard Planning – Issues Paper \(2019\)](#)

### **Relevance to Strategic Plan**

#### **Key Strategies**

##### Engagement with Members

- Improve communication and build relationships at all levels of member Local Governments.

##### Sustainable Local Government

- Provide support to all members, according to need.

##### Enhanced Reputation and Relationships

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government.

### **Background**

In 2013, the Western Australian Planning Commission (WAPC) adopted a significantly revised *State Planning Policy 2.6: State Coastal Planning Policy*. This policy was revised largely in response to a growing scientific consensus that increasing sea levels and storm intensities will cause more frequent coastal inundation, storm erosion and shoreline recession, collectively known as coastal hazards.

The revised policy introduced policy measures which require Local Governments to:

- Show due regard to coastal hazards when assessing new development proposals, or making or amending a new planning scheme
- Prepare Coastal Hazard Risk Management and Adaptation Plans (CHRMAPs) to preserve public interests in coastal areas, and

- Inform landholders of coastal hazard risks.

A range of guidance documents have been prepared by government agencies, research institutes and others to support responsible authorities, such as Local Governments, to fulfil these responsibilities. However, it is apparent that a range of common issues remain unresolved by these guidance documents.

WALGA's Planning and Environment teams have prepared an Issues Paper to identify the key issues experienced by Local Governments in seeking to meet their coastal hazard planning responsibilities and identify options for resolving these issues. The Paper has been developed in collaboration with the LG CHRMAP Forum, comprising Local Government officers with coastal hazard planning responsibilities in their relevant jurisdictions, as well as external coastal specialists and WALGA's broader membership.

The first version of the Issues Paper was considered and discussed by members at a meeting of the LG CHRMAP Forum held at WALGA in October 2018. The second version was peer reviewed by coastal planning and management specialist Mr Angus Gordon, a qualified engineer, former Local Government CEO and member of the New South Wales Coastal Commission, who has over forty years of experience in this field. In July 2019 the third version was provided to the LG CHRMAP Forum and broader WALGA membership for final input.

The Issues Paper uses nine scenarios to discuss a range of situations that coastal communities, and their relevant Local Governments, are experiencing now or may experience in the near future, given current climate change and associated sea level rise projections. These scenarios encompass the following situations. A range of issues associated with each situation are outlined in the Issues Paper.

- Private assets are at immediate risk to coastal erosion and inundation
- Private property borders an eroding foreshore reserve
- Local Government managed assets border an eroding foreshore reserve
- State Government managed assets are located inland of an eroding foreshore reserve
- A densely populated activity centre borders an eroding foreshore reserve
- Existing shoreline stabilisation structures constructed by Local Government are in need of repair or upgrade
- Existing shoreline stabilisation structures have been constructed by authorities other than Local Government and are in need of repair or upgrade
- Public and private assets and infrastructure are located on low lying lands, and those lands are subject to coastal inundation, and
- Land leased by Local Government to private business is located within an eroding foreshore reserve.

In October 2019, WALGA and the LG CHRMAP Forum will meet to begin preparing a plan of action for addressing these issues, through issue prioritisation, identifying resource requirements and discussing opportunities for collaborative funding of further research and advice.

## **Comment**

Climate change, sea level rise and increasing storm intensities have resulted in substantial coastal erosion and inundation hazard risks for many coastal communities in Western Australia and will be significant issues for Local Governments over the coming decades and beyond.

This Issues Paper represents an important step taken by WALGA and its member Local Governments to genuinely consider the sector's common coastal hazard planning responsibilities, the issues associated with meeting these responsibilities, and options for addressing these issues.

The Issues Paper has been prepared using a methodological approach, through document analysis, participant observation, workshops and other consultations with members, and peer reviewed by coastal specialists.

In order to address the gaps in knowledge and issues identified in the Issues Paper, it is intended that further research will be undertaken by WALGA and advice sought from state agencies, coastal specialists, legal firms and academia, potentially under collaborative funding arrangements. This research and advice will be used to prepare guidance documents and advocacy strategies, to assist

Local Governments in meeting their coastal hazard planning responsibilities. State Council will be updated as this process progresses.

## **6.7 Climate Resilient Councils – Preparing for the Impacts of Climate Change (06-076-01-0001 LS)**

*By Laura Simes, Environment Policy Advisor*

**Moved: Mayor Logan Howlett**  
**Seconded: Cr Giovanni Italiano**

**That State Council note the commencement of the Climate Resilient Councils project, following WALGA's successful bid for Commonwealth Natural Disaster Resilience Program funding.**

**RESOLUTION 116.6/2019**

**CARRIED**

### **In Brief**

- WALGA was advised on 26 June 2019 that its application for \$175,000 from the Natural Disaster Resilience Program (NDRP) for a project, Climate Resilient Councils - preparing for impacts of climate change, was successful.
- Project partners are the Department of Local Government, Sport and Cultural Industries (DLGSC), Department of Fire and Emergency Services (DFES), Department of Water and Environmental Regulation (DWER) and LGIS who are all providing financial and in-kind support.
- The aim of the project is to assist WA Local Governments to prepare for the increased incidence and severity of natural disasters as a result of climate change. The project will:
  1. Through a desktop governance assessment, provide an evidence base of the extent to which climate change and disaster management are embedded in the decision-making and governance documents of all Western Australian Local Governments. This includes identifying gaps, barriers and opportunities to incorporating climate change adaptation into WA Local Government decision-making.
  2. Build upon these findings to inform State Government and WALGA initiatives to support the capacity of Local Governments to adopt better climate change adaptation and disaster mitigation and preparedness practices:
    - a. Run Local Government workshops to distribute individualised findings, gap analysis and 'what next'; and
    - b. Produce targeted guidance materials for members.
- The project is being promoted to Local Governments through WALGA's newsletters, social media and via direct contact with Local Governments to raise awareness and seek their active engagement with the project.

### **Attachment**

Nil.

### **Relevance to Strategic Plan**

#### **Key Strategies**

#### **Engagement with Members**

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues;

- Build a strong sense of WALGA ownership and alignment.

#### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

#### Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;
- Promote WALGA's supplier agreements to assist Local Governments.

### **Background**

#### Emergency management and the climate emergency

The [Emergency Preparedness Report 2018](#) of the State Emergency Management Committee (SEMC) states that:

*Climate change modelling has consistently pointed to the facts that natural hazards are becoming more intense, less predictable and that extreme events are becoming more frequent. The only responsible option when confronted with both this inevitability and foreseeability is to act.*

The report also identifies opportunities to address climate change:

- consider climate change forecasting in forward risk planning;
- ensure the impact of climate change on the State is understood;
- conduct pre-planning exercises to examine what resources might be required to manage an extreme climate-triggered event;
- support Local Governments to make smart decisions now that will reduce future risk; and
- incorporate climate change considerations in urban planning.

#### Local Government resilience planning

Local Government Elected Members and officers have repeatedly identified the need for assistance with undertaking extensive, comprehensive climate change adaptation and resilience planning. This need is also reflected in WALGA's *Climate Change Policy Statement*, endorsed by State Council in July 2018.

A key part of planning for the impacts of climate change is to ensure that these considerations are embedded in Local Governments' decision making and governance arrangements. For example, effectively responding to the more frequent and extreme natural disasters that are expected to occur as a result of climate change requires that this is adequately incorporated into emergency management plans, asset management plans, etc.

Anecdotally it would appear that the extent to which this type of planning is occurring across the Local Government Sector in Western Australia is varied, with many Local Governments being only in the early stages of identifying the issue.

#### Assistance for Local Governments

There are currently no programs or resources at a State Government level to assist Local Governments in this area. To date, WALGA has assisted Local Governments primarily through the provision of policy advice and related information and guidance, development of templates and tools,



and advocacy and lobbying on behalf of the sector, in line with the WALGA *Climate Change Policy Statement*.

WALGA identified the potential for utilising NDRP funding to assist and build sector capacity in this area by undertaking a project similar to those being delivered in other States, such as the *Climate Resilient Councils Program* in Queensland administered by the Local Government Association of Queensland (LGAQ) with funding and technical support from the Queensland State Government.

#### Natural Disaster Resilience Program

Early this year, WALGA applied for Commonwealth Natural Disaster Resilience Program (NDRP) funding, proposing to run a project 'Climate Resilient Councils – preparing for the impacts of climate change'.

WALGA sought and received financial and in-kind support for the proposed project from the Department of Local Government, Sport and Cultural Industries (DLGSC) (\$20,000), Department of Fire and Emergency Services (DFES) (\$30,000), Department of Water and Environmental Regulation (DWER) (\$50,000) and LGIS (\$20,000), with these parties to be project partners.

WALGA was advised on 26 June 2019 that the grant application for \$175,000: *Climate Resilient Councils - preparing for impacts of climate change* was successful. The total value of the project is \$350 000.

#### **Comment**

The aim of the project is to assist WA Local Governments to prepare for the increased incidence and severity of natural disasters as a result of climate change. To do this the project will:

1. Through a desktop governance assessment, provide an evidence base of the extent to which climate change and disaster management are embedded in the decision-making and governance documents of all Western Australian Local Governments. This includes identifying gaps, barriers and opportunities to incorporating climate change adaptation into WA Local Government decision-making.
2. Build upon findings to inform State Government and WALGA initiatives to support the capacity of Local Governments to adopt better climate change adaptation and disaster mitigation and preparedness practices:
  - a. Run Local Government workshops to distribute individualised findings, gaps related analysis and 'what next'; and
  - b. Produce targeted guidance materials for the members.

#### Status of project

The project commenced on 22 June, when the funding agreement was executed, and will run to December 2020. WALGA has commenced the procurement process for the first stage of the project and will shortly arrange an inception meeting with the project partners (DLGSC, DFES, DWER and LGIS).

The project is being promoted to Local Governments through WALGA's newsletters, social media and via direct contact with Local Governments, to ensure awareness of, and engagement with, the project as it gets underway.

State Council will be kept informed of the status of the project as it progresses.

## **6.8 Report Municipal Waste Advisory Council (MWAC) (01-006-03-008 RNB)**

*By Rebecca Brown, Manager, Waste & Recycling*

**Moved: Mayor Logan Howlett**

**Seconded: Cr Giovanni Italiano**

**That State Council note the resolutions of the Municipal Waste Advisory Council at its 26 June 2019 meeting.**

**RESOLUTION 117.6/2019**

**CARRIED**

### **In Brief**

- This item summaries the outcomes of the MWAC meeting held on 26 June 2019.

### **Attachment**

Nil

### **Relevance to Strategic Plan**

#### **Key Strategies**

##### Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues;
- Build a strong sense of WALGA ownership and alignment.

##### Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

##### Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;
- Promote WALGA's supplier agreements to assist Local Governments.

### **Background**

The Municipal Waste Advisory Council is seeking State Council noting of the resolutions from the **26 June 2019** meeting, consistent with the delegated authority granted to the Municipal Waste Advisory Council to deal with waste management issues.

Minutes of the meeting are available from the WALGA website <http://walga.asn.au/About-WALGA/Structure/State-Council/Agenda-and-Minutes.aspx>. Copies of specific items and further supporting information are available on request from Municipal Waste Advisory Council staff.

## **Comment**

The key issues considered at the meetings held on **26 June 2019** included:

### **DWER Consultation Paper - Approved Methods for Mandatory Reporting**

In June 2016, the DWER consulted on proposed regulatory amendments for mandatory reporting of waste management data by liable entities. Liable entities are defined as Local Government, certain non-metropolitan landfills and recyclers. The regulatory amendments are anticipated to be in place by July 2019. Waste management data from the 2019-20 Financial Year will need to be submitted using the Department's online reporting system by 1 October 2020. The DWER has consulted on the Approved Methods that will underpin the mandatory data reporting requirements.

WALGA has formulated a Submission on the Approved Methods. The Submission focuses on the lead time to establish and/or implement changes to data collection practices and systems, and the opportunities for streamlining and simplifying requests for information. The Submission also provides feedback on the proposed material categories, calculation methods and default material categories.

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

That the Municipal Waste Advisory Council endorse the Submission on the DWER Approved Methods for mandatory reporting under the WARR Regulations 2008.

**Moved: Mayor Howlett   Seconded: Cr Maurice  
CARRIED**

### **DWER Review of the Better Bins Program**

The DWER has begun to consult with Local Governments on the review of the Better Bin Program through the WALGA Information Sessions on the Implementation of the WARR Strategy 2030. At the Information Sessions, a series of questions were presented to Local Government.

Key issues identified in the Submission include the definition of residual waste, the type of initiatives that should be funded and barriers to the use of FOGO derived compost. The Submission also provides comment on the need for assistance with developing an internal business case, limitations with processing and market outlets, and how funding requirements can be better structured. The Department has committed to undertaking additional consultation on this issue. Further work is required on market development, to determine supply and demand.

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

That the Municipal Waste Advisory Council endorse the Submission on the DWER Review of the Better Bins Program.

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

### **DWER Consultation Paper - Mandatory Use of Weighbridges**

In August 2017, the DWER released a Discussion Paper titled Waste Levy and Waste Management: Proposed Approaches for Legislative Reform. The Discussion Paper identified the Department's intent to require certain waste management operators to use weighbridges to calculate levy liabilities. The DWER has developed and released a Consultation Paper that contains a more detailed proposal for weighbridges. It is understood that this proposal relates to leviable waste received at Category 63, 64 and 65 landfill premises.

WALGA has formulated a draft Submission on the Consultation Paper. The Submission provides comment on the current approach to the regulation of the WARR Levy and the importance of adopting

an integrated approach to policy, regulation and enforcement. The Submission also comments on the costs and transitional arrangements associated with the implementation of Option 2 (mandatory requirement for weighbridges), and questions what changes will be made to the CEO Approved Manner.

**MUNICIPAL WASTE ADVISORY COUNCIL MOTION**

That the Municipal Waste Advisory Council endorse the Submission on the DWER Consultation Paper on the mandatory use of weighbridges by landfill premises to calculate leviable waste.

**Moved: Mayor Howlett   Seconded: Cr Norman  
CARRIED**

**DWER Issues Paper – Let's Not Draw the Short Straw**

The State Government is currently consulting on how best to reduce the use of single use plastics through the release of an Issues Paper titled Let's Not Draw the Short Straw. The Issues Paper outlines the impact of single use plastics on the marine, inland water, terrestrial environments and various waste treatment facilities. The Issues Paper also requests feedback on options to reduce single-use plastic waste.

The Submission provides comment on the scope of materials the Department has identified and the various approaches available to address the issue and has been updated based on Officers feedback.

**MUNICIPAL WASTE ADVISORY COUNCIL MOTION**

That the Municipal Waste Advisory Council endorse the Submission on the DWER Issues Paper on reducing single use plastics.

**Moved: Mayor Howlett   Seconded: Cr Norman  
CARRIED**

**Waste Authority**

The MWAC Chair recommended a letter be sent to thank Marcus Geisler for his service as Chair of the Waste Authority.

**MUNICIPAL WASTE ADVISORY COUNCIL MOTION**

That the Municipal Waste Advisory Council write to thank the former Chair of the Waste Authority for his service.

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

## 7. ORGANISATIONAL REPORTS

### 7.1 Key Activity Reports

#### 7.1.1 Report on Key Activities, Environment and Waste Unit (01-006-03-0017 MJB)

*By Mark Batty, Executive Manager Environment & Waste*

**Moved: Mayor Tracey Roberts**  
**Seconded: President Cr Phillip Blight**

**That the report from the Environment and Waste Unit to the September 2019 State Council meeting be noted.**

**RESOLUTION 118.6/2019**

**CARRIED**

The following report outlines key activities for the Environment and Waste Policy Unit since the July 2019 State Council meeting:

#### **Policy and Advocacy**

##### **Climate Change**

National Disaster Resilience Program (NDRP) funding for *Climate Resilient Councils – preparing for impacts of climate change* project

WALGA was advised on 26 June that its application for \$175,000 NDRP funding for a project, *Climate Resilient Councils - preparing for impacts of climate change* was successful. This funding matches financial and in-kind contributions from project partners Department of Local Government, Department of Fire and Emergency Services, Department of Water and Environmental Regulation (DWER) and LGIS. State Council agenda Item 6.7 refers. State Council will be kept informed of the status of the project as it progresses.

##### State Climate Change Policy / Partnership Agreement

The State Government announced in December 2018 that it would develop a State Climate Change Policy by early 2020. DWER is leading the development of the policy, supported by a cross-agency Director Generals' working group. A discussion paper was due to be released for public comment by mid-July, however at the time of writing this had not occurred. WALGA is advocating for Local Government sector priorities to be recognised in the policy and that the sector will be adequately consulted when the discussion paper is released. The potential for a Climate Change Partnership Agreement between Local Government and State Government is also continuing to be investigated.

##### Climate Emergency

At the last meeting of the Environment Policy Team on 3 July, a motion was passed that WALGA use the term "climate emergency" in future climate change communications, rather than "climate change", where appropriate. This language is consistent with the WALGA Climate Change Policy Statement endorsed by State Council in July 2018. WALGA has developed guidance and a template for Local Governments considering making a declaration climate emergency for the consideration of the Environment Policy Team. It will then be promoted and published on the WALGA webpage.

##### Environmental Protection Authority's *Greenhouse Gas Guidelines* Submission

The Environmental Protection Authority released guidance about how it will assess greenhouse gas emissions from large proposals on 10 June for public comment. WALGA drafted a submission and circulated with the sector for comment. The draft submission provided for State Council endorsement (agenda paper for decision 5.6 refers) is broadly supportive of the proposed guidelines, being consistent with the WALGA Climate Change Policy Statement.

### Climate Health WA inquiry

In March 2019 the State Government announced an inquiry into the implications of climate change on public health, particularly the increased risks of individuals to injury, physical and mental illness, and death, as well as the increased burden on health services. Submissions were open until 30 August. WALGA People and Place team led consultation with the sector and development of a submission to the Climate Health WA Inquiry, with assistance from the WALGA Environment team. The Inquiry is due to be report to the Minister for Health by March 2020.

### **Local Government Clearing Regulation Working Group**

Local Government membership of the Working Group has been confirmed: Luke Rogers, Senior Environmental Officer, City of Armadale; Kay Lehman, Environmental Management Officer, City of Busselton; and Allister Butcher, Executive Manager Operations, Shire of Gingin. At the time of writing DWER was scheduling the initial meeting of the Working Group for the end of August.

### **Draft Compliance and Enforcement Policy submission**

WALGA has drafted a submission on the Department of Water and Environmental Regulations draft Compliance and Enforcement Policy (Item 5.5 of the Agenda refers). The Policy draws upon the former DWER Enforcement and Prosecution Policy (July 2013), and the DWER Regulatory Best Practice Principles (September 2018) and reaffirms its commitment to a risk based approach in the delivery of its compliance and enforcement functions. The submission reflects WALGA's significant concerns about whether the draft Policy can be effectively implemented and recommends a review of the effectiveness of the existing approach to be undertaken to inform a revised policy.

### **Biosecurity**

WALGA has been invited to participate on the State Government Biosecurity Senior Officers Group, which met in July.

The Minister for Agriculture and Food has committed to a review of the Biosecurity and Agriculture Management Act (2007), to commence during the second quarter of 2020. WALGA has written to the Minister outlining its expectations as to the scope of the Terms of Reference to the Review, to enable full stakeholder engagement. WALGA has also responded to Ministerial correspondence requesting an amendment to the WALGA Biosecurity Policy. The WALGA President has indicated to the Minister that the policy will be reviewed within the context of the review of the Biosecurity and Agriculture Management Act.

### **Urban Forest Working Group**

Following significant sector feedback on the issues surrounding retaining and growing the state's urban forest, the WALGA Environment and Planning teams have established a Local Government Urban Forest Working Group. The purpose of the Group is to build the capacity of the sector, identifying gaps and developing practical planning outcomes and tools. The Working Group will operate as a community of practice for members to share their experiences, take collective action and responsibility for progressing agreed priority issues. The first meeting took place on 22 July with 30 officers from a diverse range of backgrounds in attendance, representing 20 Local Governments.

### **Environmental Planning Tool (EPT)**

Environmental Planning Tool demonstrations were delivered in the WALGA booth at the 2019 Local Government Convention, focusing on three areas of EPT use. An EPT demonstration was also delivered at the Management of Road Reserves workshop held on 15 August. In-house EPT training

sessions were delivered at the Shire of Manjimup and the Peel Harvey Catchment Council, and the new WALGA Associate Member. EPT training held at WALGA on 10 July, was attended by representatives from Shire's of Kulin and York.

## **Events and Newsletters**

### **Local Government Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) Forum Meeting**

WALGA facilitated the Local Government CHRMAP Forum meeting on 8 July. The meeting was attended by 21 Local Government officers representing 11 coastal Local Governments.

At this meeting, McLeods Lawyers provided a presentation on limited-consent and indemnification development conditions. The City of Rockingham provided an update on their Draft CHRMAP. An update was also provided on the Draft Coastal Hazard Planning Issues Paper. The next forum will be hosted by the City of Stirling in October. All coastal Local Governments are welcome to attend.

### **WALGA Workshop on Management of Road Reserves**

WALGA hosted a workshop on the Management of Road Reserves at the Shire of Dardanup on 15 August. The workshop was organised upon request from the Shire, following the success of WALGA's previous two regional events on this topic in Margaret River and Northam during autumn. The workshop was targeted at the Local Governments of Dardanup, Collie, Manjimup, Harvey and Bunbury, with 25 staff from environment and infrastructure works teams attending.

This workshop provided attendees with practical information on the management of road reserves, including when and how to apply for a clearing permit, how to plan operations to minimise the impact on native vegetation, and demonstrations of recommended pruning and trimming techniques on roadsides.

### **WALGA Forum on Building Positive Partnerships with Aboriginal Communities**

WALGA's Environment team collaborated with the People and Place team to host a forum on Building Positive Partnerships with Aboriginal Communities on 6 August. The forum was held alongside WALGA's 2019 WA Local Government Convention to facilitate attendance by as many Local Governments from across the state as possible. The forum was attended by 160 people, including elected members and officers from 48 Local Governments attended the forum.

The forum provided information to assist the development of strong, ongoing relationships with local Aboriginal communities that recognise our shared cultural heritage, build community capacity and celebrate successes. The forum followed well-attended events held by WALGA at previous WA Local Government Conventions, including *Reconciliation Action Planning in 2018* and *Aboriginal Culture and Heritage Preservation in 2017*.

Speakers included Dr Richard Walley OAM, Wayne Nannup, CEO of the South West Aboriginal Land and Sea Council, Carol Innes and Gary Smith, co-chairs of Reconciliation WA. They were joined by representatives from the Department of Planning, Lands and Heritage, Department of the Premier and Cabinet, Northern Agricultural Catchments Council, South Coast NRM, Kanyirninpa Jukurrpa and more.

The program featured a range of collaborative projects being undertaken by Aboriginal communities and the Local Governments of Halls Creek, Broome, Northam, Melville, Bunbury and Albany.

WALGA will continue to support members in this area by hosting a series of smaller events that provide in-depth coverage of key topics of interest identified at the forum.

### **WALGA Pest Animal Biosecurity Management**

WALGA hosted an event on Pest Animal Biosecurity Management on 22 August. The forum was attended by over 100 delegates from across Western Australia from State and Local Government, Community and Biosecurity groups and Industry.

The event provided an overview of the current biosecurity governance structures at the Commonwealth and State level, and the latest research and development in control methods to assist on-ground programs. A number of collaborative approaches to successfully manage pest animal species was explored through case studies from Local Government, Recognised Biosecurity Groups and community organisations.

The Hon Alannah MacTiernan MLC, Minister for Regional Development; Agriculture and Food; Ports, opened the event with a keynote address and held a short Q&A with attendees.

Other expert speakers included representatives from the Department of Primary Industries and Regional Development, the Department of Biodiversity, Conservation and Attractions, Biosecurity Council, WA Biodiversity Science Institute, the Local Governments of Cockburn and Bunbury, Central Wheatbelt Biosecurity Association, and the Lake Muir Denbarker Community Feral Pig Eradication Group.

### **EnviroNews**

The July and August editions of EnviroNews can be accessed electronically on the WALGA website [here](#). The next edition is scheduled for release on 25 September.



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

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

**Moved: Mayor Tracey Roberts**  
**Seconded: President Cr Phillip Blight**

**That the Key Activity Report from the Governance and Organisational Services Unit to the September 2019 State Council meeting be noted.**

**RESOLUTION 119.6/2019**

**CARRIED**

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

- Governance Support for Members
- Employee Relations
- Training
- Regional Capacity Building
- Recruitment
- Strategy & Association Governance

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

### **Association Governance**

#### **State Council and Zone Structure and Process Working Group**

The working group, convened by the WALGA President, Cr Lynne Craigie, has met twice (at the time of writing) to review WALGA's governance structures and processes.

The group, which comprises the President, Deputy President, State Councillors, an Elected Member from WA Regional Cities Alliance, Local Government CEOs and senior WALGA staff has, at its first two meetings:

- Considered previous reviews and their outcomes;
- Enquired into the governance structures of Local Government Associations in other states of Australia and New Zealand, and considered other similar organisations;
- Workshopped the strengths and weaknesses of the existing arrangements; and,
- Began to develop a suite of recommendations for change.

The third meeting of the working group will be held in mid-August and a full report will be presented to State Council under separate cover at the 6 September State Council meeting.

Following State Council's direction regarding the recommendations of the working group, consultation with the Local Government sector, including Zones, will be undertaken before any implementation is considered.

### **Sector Governance Support**

#### **Local Government Act Review – Phase 1**

The Local Government Legislation Amendment Act 2019 received the Governor's Assent on 5 July 2019, however only some of the provisions have commenced at the time of reporting. The public information access amendments that will require certain information to be posted to official Local

Government websites were proclaimed at this time, with associated Regulations being developed by the Department of Local Government, Sport and Cultural Industries in consultation with WALGA.

The public information access amendments resulted in the following changes:

- Section 5.95(5) provides that a Regulation may prescribe the period of time that information must remain on the website. The Department is preparing Regulations that will guide these timeframes;
- Section 5.94(t) has been deleted, meaning the CEO contracts are no longer public documents
- If a Local Government has an imminent sale of land for recovery of rates then amendments to Schedule 6.3 will apply from the day of assent, with the Notice requiring payment of the rates to be published on the official website for not less than 35 days;
- WALGA also recommends that where there is a prescribed requirement for information to be 'current' or 'up to date', Local Governments should consider implementing procedures to ensure that when information is subsequently reviewed or amended, the website information is also updated accordingly.

Further regulations are currently being developed in respect to the other Act Amendment issues around Universal Training, Gifts, Codes of Conduct, CEO Recruitment and Performance

### **Local Government Act Review – Phase 2**

Following the close of submissions on 31 March 2019 to the Phase 2 Act review process, the Department of Local Government, Sport & Cultural Industries received over 3000 submissions and are currently reviewing and collating the submissions.

WALGA we keep the sector informed when further information is available.

## **Regional Capacity Building**

### **Regional Cooperation and Shared Services in Local Government**

In July 2019 WALGA released a resource that captures the range of cooperative initiatives currently occurring across Local Government in Western Australia. The intention of the initiative was to:

- Quantify the range and extent of collaboration between Local Governments
- Provide a useful resource for all Local Governments looking to establish shared service arrangements
- Understand the governance arrangements in place that support the delivery of shared services
- Identify areas where WALGA can support the sector in the delivery of shared services
- Develop a document that showcases efforts by Local Government to maximise the effective and efficient delivery of Local Government services

WALGA undertook this project in order to share useful information with the sector and to identify ways in which we can continue to support and promote regional cooperation. The resource will continue to be updated and will be supplemented with advice, tool and templates that will assist Local Governments implement and improve these arrangements.

## **Employee Relations**

### **State Industrial Relations Review**

The Final Report (Report) of the review into the WA State industrial relations system was tabled in State Parliament on 11 April 2019. This report makes the recommendation to amend the *Industrial Relations Act 1979* (IR Act) 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* (FW Act).

If endorsed at state and federal levels there will be transitional arrangements to assist the 93% of Local Government currently operating in the Federal system transition to the State system.

A Taskforce comprising of key stakeholders, including WALGA, has been formed to discuss and scope out the 'unintended' consequences of the recommendation and proposed two year transition process. To ensure the interests of Local Government are represented WALGA has established a Sector Reference Group to seek feedback, progress discussions generated from the Taskforce and compile meaningful data and examples.

WALGA Employee Relations (**WALGA ER**) has been actively advocating for Local Governments in the Four Year Modern Award Review (**Award Review**) process to ensure the Local Government Industry Award 2010 (**Award**) contains provisions which benefit WA Local Governments. WALGA ER has been closely monitoring all of the decisions arising from the Fair Work Commission (**FWC**) out of the Award Review and has made a number of submissions providing feedback on and requesting changes to the Award.

Most recently WALGA ER has advocated for Local Government with regard to the casual and overtime provisions in the Award by:

- (a) filing two submissions on behalf of the Australian Local Government Associations in June 2019 to propose clearer wording to the casual employee provisions to clarify that casual loading is not payable to a casual employee when they are working overtime or on public holidays. The purpose of seeking this change to the Award is to clarify the historic interpretation of the casual loading provisions in the Award and to ensure that the Fair Work Ombudsman interprets the Award in a manner which is consistent with the current view of Local Governments.
- (b) liaising with the Australian Services Union to gain their support for the wording proposed by WALGA to the casual loading provisions in the Award.
- (c) attending a Direction and Mention Hearing at the FWC to seek directions for the FWC to consider the proposed wording WALGA submitted to the casual loading provisions in the Award.

Further, the FWC is adopting changes to modern awards to give effect to plain English drafting and to include consistent model clauses between modern awards (for example on family and domestic violence leave, payment of wages and redundancy). WALGA ER filed a submission with the FWC in April 2019 regarding the proposed changes to the proposed Award wording and it is closely monitoring all FWC Award Review decisions in anticipation of making further submissions before the Award Review process is finalised.

## **Training**

### **Universal Training**

WALGA has been deemed one of three preferred respondents for the development, delivery and management of DLGSC's Universal training program entitled *Council Member Essentials*.

A Memorandum of Understanding was signed between WALGA and DLGSC on 8 July 2019.

The other preferred suppliers were North Metropolitan and South Metropolitan TAFE.

The *Council Member Essentials* program for newly Elected Members will encompass all five of the courses currently delivered within Stage 1 of WALGA Training's Elected Member Learning and Development Pathway:

- Understanding Local Government
- Conflicts of Interest
- Serving on Council
- Meeting Procedures
- Understanding Financial Reports and Budgets

It is intended that the list of Approved Training Providers will be published in the Local Government Regulations.

### **Recruitment**

Currently WALGA Recruitment are assisting a number of Local Governments with the following positions:

- Deputy CEO – Town of Cottesloe
- Director Sustainable Development – Shire of Dardanup
- Planning Officer – Shire of Irwin
- Community Ranger (Casual) - Shire of Irwin.
- Coordinator Finance – Shire of Irwin

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

*By Ian Duncan, Executive Manager Infrastructure*

**Moved: Mayor Tracey Roberts**  
**Seconded: President Cr Phillip Blight**

**That the Key Activity Report from the Infrastructure Unit to the September 2019 State Council meeting be noted.**

#### **RESOLUTION 120.6/2019**

**CARRIED**

The following provides an outline of the key activities of the Infrastructure unit since the last State Council meeting.

## **Roads**

### **Review of the Restoration and Reinstatement Specification**

The Local Government Guideline for Restoration and Reinstatement has been drafted, endorsed by the IPWEA Executive Committee and will be circulated to all Local Governments and other stakeholders for feedback. The Specification was originally published in 2002 and IPWEA has endorsed a comprehensive review to be performed by a working group of industry experts. The working group comprises members from WALGA, IPWEA, Local Governments and Main Roads WA. The working group agreed to substantially rewrite the specification which will be titled "Local Government Guidelines for Restoration and Reinstatement in Western Australia". This guideline will be a key supporting resource to a Model Policy Template for Managing Works in the Road Reserve.

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

The *State Road Funds to Local Government Agreement* makes provision for an annual amount of \$500 000 to be set aside for a documented visual condition survey of the sealed roads of regional significance. It is envisaged that every significant road will be assessed once every five years. In consultation with the Regional Road Groups, Main Roads and WALGA will manage the program and the data will be provided to each relevant Local Government and will also be used to assess the condition of the network at a regional and State level. The first stage of the survey is scheduled to commence in the current financial year and WALGA will discuss the details with the relevant Regional Road Groups.

### **Road Safety Management System**

The *State Road Funds to Local Government Agreement 2018/19 to 2022/23* requires WALGA, Main Roads WA and Regional Road Groups work towards establishing a Road Safety Management System to suit the needs of Local Government. It is proposed the system be used by all Local Governments to assess Black-Spot and other grant funded projects. WALGA and Main Roads WA surveyed the member Local Governments of the South West Regional Road Group to inform components of a Road Safety Management System and identify information and process gaps. WALGA continues to work with Main Roads WA on system requirements and parameters based on the guidance provided by Local Governments in the South West Region.

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

The *State Road Funds to Local Government Agreement 2018/19 to 2022/23* provides an opportunity to review the associated Procedures. The procedures identify the structures and processes that support the Agreement. Work reviewing the procedures continues between WALGA and Main Roads WA to ensure they meet the needs of the State Road Funds to Local Government Advisory Group and Regional Road Groups. Consultation will occur with Regional Road Groups on proposed amendments to the procedures.

## **Funding**

### **State Road Funds to Local Government Agreement 2018/19 to 2022/23**

A consultation process with Regional Road Groups and the Infrastructure Policy Team has commenced to develop a proposal and negotiation strategy for the review of funding under the *State Road Funds to Local Government Agreement*. A commitment to review the level of funding to the Agreement after two years was included in the proposal supported by WALGA State Council in July 2018.

The *State Road Funds to Local Government Agreement* provides an allocation of funds to Local Governments in Western Australia for the maintenance, preservation and upgrading of roads and bridges. The amount of funding is based on a percentage of the motor vehicle license fee (MVLF) revenue collected by the WA State Government. The agreements are traditionally negotiated for a five year period. The previous Agreement provided an allocation of 27% of MVLF however, this was decreased by the State Government to approximately 20% over a period from 2014/15 to 2017/18 amongst a program of budget repair cuts.

### **Wheatbelt Secondary Freight Routes**

The Wheatbelt Secondary Freight Routes Working Group has developed a draft governance plan and is seeking to engage with Main Roads WA to bring together the multi-criteria analysis used for the Secondary Freight Routes project with the Revitalising Agricultural Region Freight Strategy. The Commonwealth Government has indicated that it is keen to advance work as quickly as possible, so there will likely be a focus on identifying “shovel ready” projects and those high priority projects that can proceed with little pre-construction activity.

### **Level 1 Bridge Inspections**

The *State Road Funds to Local Government Agreement* states that WALGA and Main Roads WA will implement a framework during 2019 to monitor and support all Local Governments to fulfil the obligation of performing annual Level 1 bridge inspections.

In order to be eligible for Special Project funding from the *State Road Funds to Local Government Agreement*, Local Governments must be able to show that Level 1 inspections have been performed and that adequate routine and preventative maintenance have been undertaken to prevent undue deterioration.

WALGA has developed a draft framework that sets out the obligations of Local Governments and Main Roads and introduces timelines for completion and submission of inspections. The document also details potential financial and training support. Local Governments have been invited to provide feedback on the draft by 16 August.

### **State Underground Power Program**

Senior Officers and Elected Members from 16 Local Governments participated in a workshop to develop a policy platform for the Association concerning the State Underground Power Program. The current round of projects will be completed in 2020/21 and if continuity of projects is to be achieved, the process to identify new projects will need to commence in 2020. The workshop outcomes are being documented and draft policy developed for consideration by Zones and State Council. This is intended to be linked to the pre-budget submission.

## **Urban and Regional Transport**

### **Revitalising Agricultural Region Freight Strategy**

A submission to the draft Revitalising Agricultural Region Freight Strategy has been prepared in consultation with the Local Government Agricultural Freight Group and other stakeholders. The Association also provided comments and suggestions for submissions prepared by others.

## **Road Safety**

### **Road Safety Council Update**

The Road Safety Council met on 27 June to receive reports and discuss the following matters: the three-month consultation process which will feed into the development of the next Road Safety Strategy for WA; the proposal to amend traffic regulations to allow motorcycle lane filtering at low speeds (30km/h or less) with some exceptions (eg school zones, next to parked vehicles etc); the 2020-21 Road Trauma Trust Account funding submission process; and the results of the annual member survey.

At the request of the Road Safety Council, Main Roads WA conducted a review of the Metropolitan Intersection Crash (MIC) program which included two stakeholder workshops. The MIC program with an annual allocation of approximately \$8 million has demonstrated road safety benefits with a reduction of around 12 Killed and Serious Injuries (KSI) per annum, \$9.2 million in crash cost savings each year and a Benefit Cost Ratio (BCR) of 2.01. As a result of the review the Road Safety Council has renewed its support of the program and requested Main Roads WA develop a framework for the program going forward. That framework will combine the current approach along with a sub program to fund low-cost proactive treatments that align with the objectives of the Road Safety Strategy.

### **RoadWise Road Safety Newsletter**

The June and July 2019 editions of the *RoadWise Road Safety Newsletter* can be accessed electronically at <http://roadwise.asn.au/roadwise-road-safety-newsletter.aspx>.

New subscribers can register to receive the newsletter directly through the following link: <http://eepurl.com/PHFsr>.

The newsletter is currently distributed to more than 1800 members of the community road safety network in Western Australia. Readership of the newsletter is estimated to be significantly higher than distribution.

### **WALGA RoadWise Facebook page**

With more than 300 followers the WALGA RoadWise Facebook page is designed to help promote the community road safety network's road safety initiatives, enable the network to interact more, raise community awareness of road safety and promote RoadWise campaigns and projects. The WALGA RoadWise Facebook page can be found at <https://www.facebook.com/WALGARoadWise/>.

#### **7.1.4 Report on Key Activities, People and Place (01-006-03-0014 JB)**

*By Jo Burges, Executive Manager Planning and Community Development*

**Moved: Mayor Tracey Roberts**  
**Seconded: President Cr Phillip Blight**

**That the Key Activity Report from the People and Place Team to the September 2019 State Council meeting be noted.**

#### **RESOLUTION 121.6/2019**

**CARRIED**

The following provides an outline of the key activities of the People and Place Team since the last State Council meeting.

### **EMERGENCY MANAGEMENT**

#### **The Bushfire Centre of Excellence Officially Begins Operations**

WALGA attended an update from the Minister for Emergency Services and the Rural Fire Division on the progress of the Bushfire Centre of Excellence.

Work is well underway on construction of the facility, that will help communities work together to improve bushfire management. The Centre, a first of its kind in Western Australia, will be located in the Shire of Murray and will run specialised training programs, information sessions and networking events.

The Centre has been designed to be a learning hub that is accessible to all bushfire management stakeholders. The key approach is to harness lessons learned and promote the best from academia, science and Aboriginal traditional land practices.

Training courses have commenced, with two joint-agency courses delivered in June. The inaugural training calendar lists all courses scheduled over the coming months, including the revised bush firefighting training products planned for delivery in the first quarter of 2020. The Centre's new training courses aim to enhance local bushfire volunteer capability. The website is now live and can be found at <https://www.dfes.wa.gov.au/bushfirecoe/Pages/index.html>

#### **Dardanup – Organisational Resilience Presentation**

WALGA Emergency Management Team were invited by the Shire of Dardanup to present on organisational resilience through an emergency management lens. The Shire is in a high risk part of the State with a number of bushfires having occurred within their regional and neighbouring shires. Taking a proactive approach, the Shire of Dardanup emergency management officer participated in a joint WALGA/DFES recovery webinar and followed up with WALGA to assist with preparedness activities that would further embed the legislative responsibilities and best practice into their organisations plan and approach to emergency management. WALGA staff gave two presentations, one at the Depot to outside workers and one at the Shire Council offices to approximately 40 staff and executive.

WALGA have sent a survey to all participants to gauge the impact of the session which will be used to guide and continue to improve our services to members.

#### **State Emergency Management Committee**

The next SEMC meeting was held on Friday 2 August 2019. WALGA was represented by Nick Sloan CEO.

### **COMMUNITY**



## National Redress

The State Government has received and acknowledged State Council Resolution 66.5/2019

1. WA Local Government participation in the State's National Redress Scheme declaration with full financial coverage by the State, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.
2. WALGA continue to promote awareness of the National Redress Scheme and note that Local Governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.

The State Government is on track to release another Discussion Paper shortly that will advise Local Government on outcomes reached to date and further consultation if required.

## Community Industry Reference Group

The first meeting of a newly formed reference group met on Friday 26 July at WALGA. The group started to work on the action plan as a matter of priority with a need to address measuring and evaluating the outcomes of community services programs and initiatives of Local Government. A page on the WALGA website is being developed to keep the sector engaged in the process. The next meeting is to be held on 22 November 2019.

## Public Health Regulatory Review

As part of the implementation of the *Public Health Act 2016*, and under the *Health (Public Buildings) Regulations 1992*, the Department of Health (DOH) has released two new Discussion Papers 'Drinking Water Regulations', submissions are due to WALGA by **Friday 16 August** and Pesticides Regulation, submissions due to WALGA by **Monday 16 September**. WALGA is coordinating submissions on behalf of Local Governments to ensure a strengthened sector wide advocacy approach and encourages Local Government to send their feedback via [email](#) to Bec Waddington, Policy Officer - Community.

## Local Government and Public Health Planning

The Department of Health has released a YouTube clip on [Local Government and Public Health Planning](#) that is being well received by a wide variety of stakeholders, including Local Government. The clip was developed in conjunction with Local Government, WALGA and the Department of Health, Public Health Planning Reference Group as part of ongoing advocacy in this space.

## Obesity

Development of a state-wide set of targets to assist in Local Government public health planning has been released and is available on the [Public Health Institute of Western Australia](#) website. This is happening alongside work being done at a National level through the Department of Health. The National Obesity Summit presentation information is also available via the [link](#).

## Wheatbelt Regional Health Event

WALGA is working with NEWROC to host the second regional health event in Trayning on **Friday 20 September 2019**. It is anticipated the event will bring together WA primary health agencies with Local Government Elected Members, CEOs and Officers to discuss and address the challenges surrounding communication with service providers, primarily WACHS, diminishing funding, volunteer burnout and access to mental health and essential services. Registrations will soon be open. For more information please contact Marissa MacDonald, Senior Policy Advisor, [mmacdonald@walga.asn.au](mailto:mmacdonald@walga.asn.au).

## Off-road Vehicles

WALGA remains engaged with and on behalf of Local Governments for the development of Off Road Vehicles resources being developed by the State Government to support the sectors recommendations. The Department of Local Government Sport and Cultural Industries has finalised an online mapping tool and it is anticipated this will be launched in the coming weeks alongside a new website. The Guidelines for compliance agents and users of Off Road Vehicle gazetted areas is still in development.

### **WALGA Forum: Building Positive Partnerships with Aboriginal Communities**

This Forum will be held on **Tuesday 6 August** during Local Government Convention and has been organised jointly by the Community Policy team and the Environment team. The focus of the event is to assist Local Governments to develop strong, ongoing relationships with local Aboriginal communities that recognise our shared cultural heritage, build community capacity and celebrate successes. The program will showcase collaborative projects being undertaken by Aboriginal communities and Local Governments with a focus on meaningful engagement processes, Reconciliation Action Planning in Local Government, employment and procurement, truth telling, cultural interpretation, and incorporating traditional ecological knowledge in land management.

### **State Graffiti Taskforce**

The Hon. Michelle Roberts MLA, Minister for Police; Road Safety has released The Graffiti Vandalism Strategy 2019-2021. Developed in consultation with the Taskforce, the Strategy has three key pillars to achieve outcomes against which include Local Government, private property and major asset owners working in partnership as close possible to the Graffiti Vandalism Standards in practising rapid removal to reduce and prevent graffiti vandalism. The Strategy can be viewed online at: <https://www.goodbye graffiti.wa.gov.au/About/Graffiti%20Vandalism%20Strategy>.

As part of achieving the goals of the Strategy, a focus is being placed on consistency and quality of graffiti reporting. A new reporting form will be available in coming weeks to assist with this process. Local Governments who are currently sending graffiti reports to WA Police Force in bulk are encouraged to report on a weekly basis.

WALGA will be actively engaging with the sector in the coming months to pursue the wishes of its members.

For further queries please contact Lorraine Jarrett, Project Manager GraffitiTeam, via email [Lorraine.jarrett@police.wa.gov.au](mailto:Lorraine.jarrett@police.wa.gov.au) <<mailto:Lorraine.jarrett@police.wa.gov.au>>

### **Local Government Community Safety Network Annual Conference**

Local Government Community Safety Network (LGCSN) works to support and assist Local Government, WA Police and stakeholders to effectively support and work together to address safety and crime prevention issues in the community. The LGCSN annual conference will be held on **Wednesday 4 September 2019** at Burswood on Swan. The Conference is open to anyone working in or interested in community safety, injury prevention, community development and support, youth development, rangers, place-making, social work, not-for-profit, community and government sectors. Expert speakers include representatives from the WA Police, Peel Mental Health, Shelter WA, the Alcohol and Drug Foundation, NBN Co, and the Cities of Melville, Joondalup, Wanneroo and Perth. Registrations will be open shortly.

### **Role of Local Government in Settlement and Multiculturalism**

WALGA will host an event on the role of Local Government in Settlement and Multiculturalism on **Monday 21 October 2019**. The event aims to provide information and case studies to assist Local Governments to consider and develop programs and policies in relation to settlement and multiculturalism. The Program will include updates from government agencies, advice from experts in migration, case studies on Local Government regional settlement initiatives and multicultural policies and programs, migrant stories and research updates from the University of Western Australia. Speakers will include representatives from Local and State Government including the cities of Stirling and Wanneroo, the University of Western Australia, and community organisations. This event is for Local Government community development and other staff involved in working with new

residents and migrants, community organisations involved in integration and settlement, and Elected Members. Registrations will be open in September 2019.

### **Mental Health Local Government Forum**

WALGA is hosting a full day forum on mental health and the role of Local Government to be held on **Monday 11 November**. This is an initiative that arose through the Zones with several Local Governments already invested in developing the program. Participants can expect to see key presentations from national and local presenters and to discuss and define the role of Local Government in addressing increasing complex situations in their communities. The program and registrations will be available October.

### **Access and Inclusion Forum**

WALGA will be hosting the annual Access and Inclusion forum on **Thursday 29 August**, leading on from last year's successful event. The event is for Elected Members, Officers, Not-For-Profits and State Government agency representatives with a key focus on building and strengthening partnerships and addressing key aspects of inclusion for communities. Registration will be open shortly.

### **Department of Communities**

Michelle Andrews from the Department of Communities has recently met with Nick Sloan to support and strengthen the partnership between the Department and the Local Government sector. The Department has a number of key strategies currently under review or pending commencement. WALGA encourages members to visit the Departments [engagement portal](#) for active consultations. Soon to be released is the State's Housing Strategy and the State's Disability Housing Strategy, which will add to seven active consultations already available on the portal.

### **Community Housing Governance Committee**

WALGA is representing the sector on the Community Housing Governance Committee through a robust Terms of Reference that discusses and prioritises community housing activities and endorse activities, including additions, amendments, progress and communication of items on the Register. An early discussion has commenced about further support to regional and remote locations in which several Local Governments are active in community housing provision. The Committee meets every six weeks with the next meeting to be held week commencing 16 September.

### **Supporting Communities Forum Homelessness Working Group**

The Department of Communities (the Department) is leading the development of the 10-Year Strategy on Homelessness – a whole-of-community plan that will instigate real action to provide people who are homeless, or at risk of homelessness, with better access to the accommodation and support they need.

The Department is reaching the final stages of the development of the Strategy and is looking to seek initial agreement on potential actions. There is an expectation that responsibility for action is shared across all levels of government and the community sector.

The Department believes that Local Government will have a key role to play in implementing the Strategy. The Strategy will acknowledge that there is already significant activity underway by Local Governments in this area, for example the provision of community directories, the development of Regional Homelessness Plans, Homelessness Interagency Groups, as well as direct service provision. In addition, the following draft actions are currently assigned to Local Government in the Strategy:

Action	Partner Agencies
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Identify sites to develop Safe Night Spaces	Department of Communities
Develop place-based action plans, which include local specialist services	Community Services Sector District Leadership Groups
Ensure Local Government frontline staff are appropriately trained on how to engage and support street present people	

The Department has invited Local Governments to provide feedback on these actions so they can be further refined for inclusion in the final Strategy. The Department is also open to other suggestions about how Local Government can contribute to the Strategy.

A Councillor Direct and LG News item has been circulated to the sector seeking this valuable input.

### **Youth Strategy Design Team**

Senior WALGA staff are assisting the State Government as part of a Design Team to oversee and provide direction to the development of the Youth Strategy.

The Design Team is responsible for driving and testing the development of the Youth Strategy, which seeks to:

- provide a common vision to reflect and guide an across government commitment to meeting the needs of young people
- provide an authorising environment for stakeholders to work together so the best mix of services can be provided, no matter a young person's personal circumstances
- highlight the importance of a shared responsibility and the need for collaboration in meeting the needs of young people
- outline key principles such as 'valuing young people for who they are right now'
- reflect the diversity of young people and their varying needs, and the diversity of the organisations providing services to, and with, young people, and
- articulate key work that is currently, and will be, undertaken by stakeholders.

The Design Team includes membership from the Departments of Communities; Health; Justice; Local Government, Sport and Cultural Industries; Jobs, Tourism, Science and Innovation; Treasury; Training and Workforce Development; Education; Western Australia Police; Mental Health Commission; Youth Affairs Council of Western Australia (YACWA); Western Australian Local Government Association; and importantly the Ministers Youth Advisory Council.

The Association will ensure updates are provided on the progress of the Strategy.

## **PLANNING**

### **Urban Forest Working Group**

In July 2019, the inaugural meeting of the Urban Forest Working Group (UFWG) met at the WALGA offices. Some 30 officers from almost 20 Local Governments have nominated to participate in this group. The purpose of UFWG is to build the capacity of Local Government, identifying gaps and developing practical planning outcomes and tools. The Working Group will operate as a community of practice for members to share their experiences, take collective action and responsibility for progressing agreed priority issues. The UFWG will meet quarterly and has scope to address all matters relating to Local Government's role in Urban Forest management planning and implementation. The UFWG is a joint initiative of WALGA's Planning and Environment teams.

## **Submissions to the 2019 PIA Awards For Planning Excellence**

The Planning Institute of Australia (PIA) have announced that nominations are open for the 2019 PIA Awards for Excellence <https://www.planning.org.au/awards/wa>. Four WALGA projects will be submitted in this year's awards for the following projects: -

- Local Government Performance Monitoring Project (on behalf of the 19 Local Governments) – under the category Hard Won Victory
- Standard Development Conditions Guideline (by the Planning Team) – under the category Improving Planning Processes and Practices
- Planning Practices training (by the Training and Planning Teams) – under the category Improving Planning Processes and Practices

Successful nominees will be announced on the 8 November 2019.

## **Feedback on proposed changes to AS4773.1-2015 Standards - Masonry in small buildings.**

In April 2016, a general inspection report into the construction of sheet metal clad timber framed roofing in Perth metropolitan and South West regions was released, showing only 33% complied with the various AS Standards and the approved plans ([general inspection report 2016.pdf](#)). One of the recommendations of this report was to include Western Australian construction practices in the National Construction Code and improve methods of tying down timber-framed roofs to double brick walls. The Department of Mines, Industry Regulation and Safety (DMIRS) - Building and Energy Division sought Local Government officer's feedback on proposed improvements to AS4773.1-2015 Standards - Masonry in small buildings, prior to submitting the proposal to Standards Australia. Comments from the Cities of Busselton and Rockingham were forwarded to DMIRS.

## 7.2 Policy Forum Reports

### 7.2 Policy Forum Reports (01-006-03-0007 TB)

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

**Moved:** Mayor Tracey Roberts  
**Seconded:** President Cr Phillip Blight

**That the reports on the key activities of the Association's Policy Forums to the September 2019 State Council Meeting be noted.**

#### **RESOLUTION 122.6/2019**

**CARRIED**

#### **7.2.1 Mayors/Presidents Policy Forum**

Tony Brown, Executive Manager Governance & Organisational Services

*The Mayors/Presidents Policy Forum has been tasked with addressing the following key issues;*

- i. Advise the WALGA President on emerging policy issues;*
- ii. Serve as a stakeholder forum to effectively support and complement the broader work of the Western Australian Local Government Association*
- iii. Provide a networking opportunity for all Mayors and Presidents across the State.*
- iv. Provide a forum for guest speakers to present on topical sector issues.*

#### **Comment**

A Mayors/President Policy Forum was held on Tuesday 6 August 2019. The meeting had the following presentations;

- Professor Tilman Ruff AM, Associate Professor, Nossal Institute for Global Health, University of Melbourne – Presentation on the Mayors for Peace program
- Mayor Dave Cull, President Local Government New Zealand and Mayor of Dunedin – Presented on insights into Local Government in New Zealand.

In addition WALGA President Cr Lynne Craigie facilitated a discussion on emerging Local Government sector issues.

Approximately 70 Mayors/Presidents attended the forum.

#### **7.2.2 Mining Community Policy Forum**

Tony Brown, Executive Manager Governance & Organisational Services

*The Mining Communities Policy Forum has been tasked with addressing the following key issues;*

- i. Monitor and assess the continuing impacts of State Agreement Acts on Local Government revenue raising capacity and service delivery;*
- ii. Monitor and assess the impacts of State Government legislation, regulation and policies on the capacity of Local Governments to appropriately rate mining operations.*
- iii. Develop and recommend relevant advocacy strategies in relation to i & ii;*
- iv. Consider and recommend relevant strategies in respect to "Fly-in, Fly-out (FIFO) and "Drive-in Drive-out" (DIDO) workforce practices with specific reference to;*

- a. *The effect of a non-resident, FIFO/DIDI workforce on established communities, including community wellbeing, services and infrastructure;*
- b. *The impact on communities sending large numbers of FIFO/DIDO workers to mine sites.*

#### **Comment**

There has not been a meeting of the Policy Forum since the previous State Council meeting, however a meeting will be scheduled prior to the December State Council meeting.

#### **7.2.3 Container Deposit Legislation Policy Forum**

Mark Batty, Executive Manager Waste and Environment

*A Container Deposit Scheme (CDS) is a form of Extended Producer Responsibility which seeks to place financial/physical responsibility for a product (at end of life) on the original producer*

*The objectives of the Container Deposit Scheme Policy Forum shall be to:*

- *Provide constructive input into the development of a CDS for WA*
- *Ensure that regional and remote communities have access to the benefits of a CDS*
- *Engage with Local Government, and collectively negotiate with the Scheme operator, to ensure the sector has the opportunities to be involved in the implementation of a CDS.*

#### **Comment**

The Policy Forum continues to provide feedback to the Department of Water and Environmental Regulation on the development of the Scheme. The Scheme commencement date has now been announced – 2 June 2020, and the procurement process for refund points has commenced. The Scheme Coordinator, WA Return Recycle Renew (WARRR) has actively engaged with WALGA and will be hosting workshops around the state for Local Governments and other organisations interested in setting up refund points as part of the Scheme. WALGA is hosting a workshop on 14 August to assist Local Governments with their applications to become refund points.

#### **7.2.4 Economic Development Policy Forum**

Tony Brown, Executive Manager Governance & Organisational Services

*The Economic Development Policy Forum has been tasked with addressing the following key issues;*

1. *Provide sector leadership on Local Government's role in economic development*
2. *Provide guidance on effective engagement with Elected Members to inform the Economic Development Framework Project*
3. *Review and provide input into the draft outcomes of the Economic Development Framework Project, including the Local Government Economic Development Framework, Economic Development Discussion Paper, Economic Development Policy and Advocacy Strategy and Sector Support Strategy*
4. *Monitor the outcomes and effectiveness of the Economic Development Framework Project*
5. *Provide guidance on ongoing work to support the sector in its economic development activities*
6. *Provide input into the development of economic development policy and advocacy*
7. *Provide input and guidance into WALGAs responses to emerging issues as they relate to economic development*

#### **Comment**

The Policy Forum has not met since the last State Council meeting, however following the launch of the Economic Development project by Minister Templeman on Tuesday 7 May 2019, there have been very positive responses from State Government with several meetings held with Ministers and

ministerial staff. As hoped, the Project has started to position the sector as a key player in the State's economy and its launch has effectively coincided with the Premier's launch of *Diversify WA* on the 4<sup>th</sup> July. The Minister for Local Government, Sport and Cultural Industries has now extended an invitation to WALGA to contribute to *Streamline WA*, and initiative to reduce red tape, and to present to the *Jobs & Economic Diversification (JEDi) Cabinet Sub-Committee* in helping deliver the Government's *Plan for Jobs*. Importantly, the Minister sees the State Local Government Partnership Agreement as an important collaborative vehicle for developing the State's economy.

At a sector level, the 2019 Local Government Convention included a focus on economic development with a concurrent economic development session, *Collaboration for Prosperity*, on Friday 9<sup>th</sup> August. This session included presenters from Local Government, State Government, industry and community talking about the importance of working together for local and regional economies. WALGA was also happy to support a breakfast event hosted by the WA Network of Economic Development Australia.

Work has commenced on WALGA's Economic Development work plan to guide its support to the sector and this will be discussed at the next Economic Development Policy Forum.

### **7.3 President's Report**

**Moved:** Cr Julie Brown  
**Seconded:** Cr Giovanni Italiano

**That the President's Report for September 2019 be received.**

**RESOLUTION 123.6/2019**

**CARRIED**

*Cr Nige Jones returned to the room at 12:53pm*

### **7.4 CEO's Report**

**Moved:** Mayor Logan Howlett  
**Seconded:** President Cr Malcolm Cullen

**That the CEO's Report for September 2019 be received.**

**RESOLUTION 124.6/2019**

**CARRIED**



## **8. ADDITIONAL ZONE RESOLUTIONS**

**Moved:** President Cr Phillip Blight  
**Seconded:** Mayor Tracey Roberts

**That the following Central Country Zone item be discussed**

**Report on Key Activities, Environment and Waste Unit – Environment and Waste**  
That the Central Country Zone advise WALGA that it is opposed to the use of the words “climate emergency” in place of the words “climate change” and the Zone State Councillor Cr Blight be requested to pursue this change on the Zone’s behalf.

### **RESOLUTION 125.6/2019**

**CARRIED**

**Moved:** President Cr Phillip Blight  
**Seconded:** Cr Jenna Ledgerwood

**That WALGA’s Climate Change policy be reviewed.**

**LOST**

**Moved:** Mayor Logan Howlett  
**Seconded:** Cr Giovanni Italiano

**That the additional Zone Resolutions from the August 2019 round of Zone meetings as follows, be referred to the appropriate policy area for consideration and appropriate action.**

### **RESOLUTION 126.6/2019**

**CARRIED**

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## **GASCOYNE COUNTRY ZONE**

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**Local Government Innovation Fund – Governance and Organisational Services**

That WALGA advocate for the State Government to establish a Local Government Innovation Fund, for Local Governments with a small rate base, to fund innovative projects with a broad Local Government benefit.

**Financial Assistance Grants – Economics**

That the Gascoyne Zone request WALGA to:

1. Vigorously pursue the release of the findings of the 2013 FAGs Review;
2. Note the position taken at the ALGA National General Assembly supporting a review of the FAGs allocations; and,
3. Develop a policy position supporting a review of the FAGs methodology.

**Nyinggulu (Ningaloo) Coastal Reserves Draft Joint Management Plan – Environment and Waste**

That the Gascoyne Zone request WALGA to follow up on the Ningaloo Coast Regional Strategy Carnarvon to Exmouth – Nyinggulu (Ningaloo) Coastal Reserves, Draft Joint Management Plan seeking a response before the November meeting.

**Restricted Access Vehicle Operating Condition – Infrastructure**

That the Gascoyne Zone request WALGA to establish a Working Group relating to the Restricted Access Vehicle Operating Condition issue as soon as possible, to allow the Working Group to develop possible options prior to meeting with Main Roads.

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## **CENTRAL COUNTRY ZONE**

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### **Lack of Respect and Responsiveness to Local Government and Managing Unwarranted, Untruthful and Sensationalised Reporting of Local Government – 4WDL VROC –**

1. Governance & Organisational Services 2. Marketing & Finance

1. That the Central Country Zone request WALGA to take a more proactive approach in insisting that the State Government (including its agencies and departments) cooperate properly and respectfully in its dealings with Local Government as an equal partner, in trying to achieve outcomes for the community at large.
2. That WALGA continue its concerted effort to dispel mistruths perpetuated by some sections of the media and strive to ensure that a more balanced reporting regime prevails

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## **SOUTH WEST COUNTRY ZONE**

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### **Assessment Standards of Financial Sustainability of Councils – Governance and Organisational Services**

That the SW Zone request WALGA lobby;

- A. For a review of DLGC sustainability measures (ratio benchmarks) in conjunction with the AOG and consider;
  1. That Adverse trends identified by auditors based on ratios should be made on three- or five-year rolling averages rather single years to account for year to year anomalies including revaluations or accounting reclassifications.
  2. That Separate benchmarks be established in accordance with individual Councils band level as the current methodology is a one size fits all approach and does not reflect financial capacity or geographical area.
- B. DLGC to provide support and advocacy to the local government sector on issues including the rate ability of land under state agreement acts with a view to improving the sustainability of Local governments.

### **Amendments to CALM Act – Environment and Waste**

That the SW Zone request WALGA lobby;

- A. For policy change of the Conservation and Land Management Act 1984 to ensure impacted landholders are adequately supported and recompensed in the instance where State Government activities and/or incidents resulting in damage to property; and
- B. Seek clarification on the status of the Department of Conservation and Attractions Good Neighbor Policy and when (or if) it applies; and
- C. That the State Government widely communicate the amendments made in 2016 to Section 132 of the Conservation and Land Management Act 1984 and the implications of these amendments on landholders; and
- D. That the State Government recompense impacted landholders from the Lewana and Blackwood Complex bushfires.

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## **CENTRAL METROPOLITAN ZONE**

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### **WALGA Preferred Supplier Arrangements – Business Solutions**

WALGA provide the spend and save reports including the amount of rebates earned by WALGA from the preferred supplier arrangements under the program to every member Council annually, or six monthly on request.

### **Traffic Speeds in Urban West Australia - Infrastructure**

That the WA Local Government Association develop a policy on the traffic speeds in urban West Australia to meet the needs of current and future Australians based on national and international evidence regarding safety, amenity, illness prevention and sustainability. That the policy statement be used to progress speed reform in urban WA.

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## **SOUTH EAST METROPOLITAN ZONE**

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### **Local Government Role in Building Control – People & Place**

That WALGA Officers:

1. Continue to advocate for the “Top Ten issues” resolved by State Council in 2017 and prepare a State Council report detailing the current status of WALGA’s advocacy on building safety, structural integrity and regulation issues;
2. Consult with the sector to determine what the role of Local Government should be in building regulation control; and
3. Develop an advocacy strategy on behalf of Local Governments for State Government to urgently prioritise legislative reform that addresses systemic failures that are eroding confidence in the safety and structural integrity of buildings in Western Australia.

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## **SOUTH METROPOLITAN ZONE**

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### **Advocacy for Improvement in the Provision of Pavement Marking Services by Main Roads WA - Infrastructure**

That WALGA:

1. Raise with Main Roads Western Australia concerns regarding the long delays being experienced by Local Governments in the provision of pavement marking services, the implications of these delays and advocate for improvement in this service.
2. Approach Main Roads WA to request that they set up a panel contract that Local Government can access for the line marking contractors, to create greater efficiencies.

### **Grant Program Advocacy – Local Government Greening Perth – Environment and Waste**

That as the voice of Local Government in Western Australia, that WALGA advocates for a ‘Local Government Greening Perth grant program allocating \$10 - \$20 million annually, for Perth metropolitan Local Governments to grow and maintain their urban forests.

## **9. SPECIAL URGENT BUSINESS – Action to Reduce Run-Off Road Crashes in Rural WA**

Moved: President Cr Tony Dean  
Seconded: President Cr Michelle Rich

That the item of Special Urgent Business be considered.

**RESOLUTION 127.6/2019**

**CARRIED**

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### **9.1 Action to Reduce Run-off Road Crashes in Rural WA**

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Single vehicle crashes are the most common crash type resulting in death and serious injury on rural roads in WA. In the five year period from 2013 to 2017, 61% of all fatalities and serious injuries in regional areas were as a result of single vehicle crashes.<sup>25</sup> For the same period, run off road crashes was the crash type resulting in the largest number of fatalities and serious injuries on Local Government managed roads in rural and remote WA.

There is evidence that specific road and roadside treatments aimed at reducing run-off road crashes are effective. The report *An Evaluation of the Effectiveness and Cost-effectiveness of a Rural Run-off road Crash Program in Western Australia* (Chow K, Meuleners L, Wong A, August 2016) examined approximately 984 kilometres of rural WA roads with specific run-off road treatments funded by the Rural Run-off Road Crash Program (2012/13, 2013/14 and 2014/15). Specific treatments examined included shoulder widening and/or sealing and audible edge-lines or white-lines. The before-and-after study period was from February 2007 to December 2015. The evaluation considered 57 sites and overall the sites reported a 35.5% reduction in run-off road crashes; an 18.4% reduction in run-off road casualty crashes; and a 25.6% reduction in run-off road KSI crashes.

The Western Australian Government invests approximately \$25 million per year from the Road Trauma Trust Account in targeted treatment of State highways to reduce run-off road crashes plus a similar amount to upgrade specific road sections for safety and productivity benefits. There has been an approach from the State to the Federal Government to fund a large scale program of work to treat 17,000km of State highways. The proposal is to invest \$100 million per year over 9 years, funded \$80 million per year by the Federal Government and \$20 million per year from the State Government.

Given the impact of road trauma on rural communities, Local Governments may wish to individually and collectively support this initiative through activities to encourage the Federal Government to financially support the program. It is anticipated that the motoring association, RAC WA will be advocating for this initiative in the 2020/21 pre-budget submission.

State Council will today be considering a submission to the Road Safety Council concerning the State's road safety strategy from 2020. The draft WALGA submission proposes the development and implementation of a speed management plan, rather than blanket reductions in speed limits. If this position is supported, then alternatives need to be considered to address the comparatively high rate of road trauma in regional Western Australia. Low cost treatments to upgrading significant lengths of roads and road sides is one measure that has been shown to be effective in reducing the frequency of death and serious injury from run off road crashes

In the 2019/20 and previous State budget submissions, WALGA has unsuccessfully advocated for funding to address run-off road crashes on targeted roads under Local Government control. State Government investment in reducing run-off road crashes would not necessarily need to increase should this initiative to secure Federal funding be successful. Consequently supporting the

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<sup>25</sup> Road Safety Commission 29 August 2019

proposed investment is not directly competitive with the bid for investment in Local Government roads.

Issues to be considered are:

- The benefits and risks of WALGA and Councils advocating to the Federal Government for investment in reducing run off road crashes on rural Western Australian highways; and
- The advocacy approaches and activities State Council support, if any; and
- Timing and resourcing for any proposed activity.

*Cr Jenna Ledgerwood left the meeting at 1:26pm and returned at 1:27pm.*

**Moved: President Cr Stephen Strange**

**Seconded: Cr Julie Brown**

**That WALGA actively supports Federal and State Government investing in \$100m per year to seal shoulders and install edge lines to 17,000kms of State Highways over the next 10 years.**

**RESOLUTION 128.6/2019**

**CARRIED**

#### **10. MEETING ASSESSMENT**

Cr Brooke O'Donnell provided feedback as to the effectiveness of the meeting.

#### **11. DATE OF NEXT MEETING**

That the next meeting of the WALGA State Council be held at WALGA, on **Wednesday 4 December** and to commence at 4pm.

#### **12. THANK YOU**

The Chair sincerely thanked President Cheryl Cowell, the Shire of Shark Bay and the Gascoyne Country Zone for hosting a very successful Regional Meeting.

President Cowell acknowledged the thanks on behalf of the Shire of Shark Bay and the Gascoyne Country Zone.

#### **13. CLOSURE**

There being no further business the Chair declared the meeting closed at 1:30pm.