

# State Council Agenda

4 March 2020

## NOTICE OF MEETING

Meeting No 1 of 2020 of the Western Australian Local Government Association State Council to be held at WALGA on Wednesday 4 March 2020 commencing at 4pm.

### 1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

#### 1.1 Attendance

Members	President of WALGA Chair Deputy President of WALGA,  Avon-Midland Country Zone Central Country Zone Central Metropolitan 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 Kimberley Country Zone Murchison Country Zone North Metropolitan Zone North Metropolitan Zone Northern Country Zone Peel Country Zone Pilbara Country Zone South East Metropolitan 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, North Metropolitan Zone President Cr Ken Seymour President Cr Phillip Blight Cr Jenna Ledgerwood Cr Paul Kelly Cr Catherine Ehrhardt Cr Cate McCullough President Cr Malcolm Cullen President Cr Cheryl Cowell President Cr Stephen Strange Cr Ronnie Fleay Cr Chris Mitchell JP Cr Les Price Mayor Mark Irwin Cr Russ Fishwick JP President Cr Karen Chappel JP President Cr Michelle Rich Mayor Peter Long Cr Julie Brown Mayor Ruth Butterfield Cr Doug Thompson Mayor Carol Adams OAM Mayor Logan Howlett JP President Cr Tony Dean
Ex Officio	Local Government Professionals WA	Mr Jamie Parry
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 Manager Governance 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 James McGovern Ms Margaret Degebrodt

#### 1.2 Apologies

Chair Commissioner, City of Perth	Mr Andrew Hammond
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## **1.3 Announcements**

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

## **1.4 2020 WALGA Election of President and Deputy President – Returning Officer Nick Sloan**

In accordance with Clauses 16, 17 and 18 of the Association's Constitution, an election for the position of President and Deputy President of the WALGA will be held.

The election process will be conducted by the Returning Officer, Mr Nick Sloan, WALGA Chief Executive Officer.

Nominations for both positions will close at 4.00pm Friday, 21 February 2020.

The term of office of both the President and Deputy President is for a two (2) year period from 4 March 2020 and expires at the first ordinary meeting of State Council in 2022.

## **2. MINUTES**

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### **2.1 Minutes of Meeting Held 4 December 2019**

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#### **Recommendation**

That the Minutes of the Western Australian Local Government Association (WALGA) [State Council Meeting](#) held on Friday 4 December 2019 be confirmed as a true and correct record of proceedings.

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### **2.2 Flying Minute – 12 December 2019 – Managing Housing Health Risks in WA**

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#### **Recommendation**

That the Flying Minute of the [WALGA comments on Managing Housing Health Risks in WA](#) dated 12 December 2019, be confirmed as a true and correct record of proceedings.

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### **2.3 Flying Minute – 9 January 2020 - Interview Report Independent Member LGIS - Confidential**

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#### **Recommendation**

That the Flying Minute of the Interview Report Independent Member LGIS, be confirmed as a true and correct record of proceedings.

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### **2.4 Flying Minute – 17 January 2020 – Draft Position Statement: Residential Aged Care**

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#### **Recommendation**

That the Flying Minute of the [WALGA comments on Draft Position Statement: Residential Aged Care](#) dated 17 January 2020, be confirmed as a true and correct record of proceedings.

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## **2.5 Flying Minute – 28 January 2020 – National Transport Regulatory Reform**

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### **Recommendation**

That the Flying Minute of the [WALGA comments on National Transport Regulatory Reform](#), be confirmed as a true and correct record of proceedings.

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## **2.6 Flying Minute – 28 January 2020 – Submission to Joint Select Committee on Road Safety**

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### **Recommendation**

That the Flying Minute of the [WALGA comments on Submission to Joint Select Committee on Road Safety](#), be confirmed as a true and correct record of proceedings.

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## **2.7 Flying Minute – 24 January 2020 - WALGA Submission on Modernising the Environmental Protection Act (1986)**

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### **Recommendation**

That the Flying Minute of the [WALGA comments on Submission on Modernising the Environmental Protection Act \(1986\)](#), be confirmed as a true and correct record of proceedings.

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## **2.8 Flying Minute – 31 January 2020 - WALGA Submission on Native Vegetation in Western Australia Issues Paper**

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### **Recommendation**

That the Flying Minute of the [WALGA Submission on Native Vegetation in Western Australia Issues Paper](#), be confirmed as a true and correct record of proceedings.

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## **2.9 Flying Minute – 5 February 2020 - WALGA Submission on Proposed Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 for Container Deposit Scheme Infrastructure**

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### **Recommendation**

That the Flying Minute of the [WALGA Submission on Proposed Amendments to the Planning and Development \(Local Planning Schemes\) Regulations 2015 for Container Deposit Scheme Infrastructure](#), dated 5 February 2020, be confirmed as a true and correct record of proceedings.

## **3. DECLARATIONS OF INTEREST**

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

## **4. EMERGING ISSUES**

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

## **5. MATTERS FOR DECISION**

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

## **6. MATTERS FOR NOTING / INFORMATION**

- As per matters listed.

## **7. ORGANISATIONAL REPORTS**

### 7.1 Key Activity Report

- 7.1.1 Environment and Waste
- 7.1.2 Governance and Organisational Services
- 7.1.3 Infrastructure
- 7.1.4 People and Place

### 7.2 Policy Forum Reports

- 7.2.1 Policy Forum Reports

### 7.3 President's Report

#### **Recommendation**

That the President's Report for December 2019 be received.

### 7.4 CEO's Report

#### **Recommendation**

That the CEO's Report for December 2019 be received.

### 7.5 LG Professionals Report

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

## **8. ADDITIONAL ZONE RESOLUTIONS**

To be advised following Zone meetings.

## **9. MEETING ASSESSMENT**

Cr Doug Thompson, South Metropolitan Zone, will be requested to provide feedback as to the effectiveness of the meeting.

## **10. DATE OF NEXT MEETING**

#### **Recommendation**

That the next meeting of the WALGA State Council to be held on Wednesday 6 May, hosted by the South Metropolitan Zone and held at the City of Cockburn at a time to be advised.

## **11. CLOSURE**

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## 5. MATTERS FOR DECISION

### 5.1 National Redress Scheme – Future Participation of WA Local Governments (05-086-03-0004 KD)

*By Kirstie Davis, Policy Manager Community*

#### Recommendation

That State Council:

1. Acknowledge the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorse the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorse by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

#### Executive Summary

- The National Redress Scheme (the Scheme) commenced on 1 July 2018.
- The Department of Local Government, Sport and Cultural Industries has led an information and consultation process with the WA Local Government sector about the Scheme since January 2019.
- In July 2019 State Council endorsed, in principle, to participation by WA Local Government in the State's National Redress Scheme declaration emphasising the need for full financial coverage by the State Government.
- A significant advocacy outcome has been achieved with the State Government considering the sector's position and reaching a final position in December 2019 to endorse State Council's position, including the commitment to cover costs relating to redress payments to survivors.
- State Government agencies will again engage with Local Governments in early 2020, to inform of the:
  1. State Government's decision and the implications for the sector
  2. support to Local Government (financial and administrative) to be provided by the State, and
  3. considerations and actions needed to prepare for participation in the Scheme.
- State Government agencies will work with WALGA and all Local Governments over upcoming months to ensure that the necessary agreements, decisions, delegations, actions and preparations are in place to commence participation in the Scheme from 1 July 2020.

#### Attachments

[Timeline / Critical Actions \(WA Local Government Participation in the National Redress Scheme\).](#)  
[Information Paper: 3 February 2020.](#)

#### Policy Implications

State Council endorsed in July 2019 that:

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.*

**RESOLUTION 66.5./2019 CARRIED**

## Background

WALGA acknowledges the substantial contribution of the Local Government sector to discuss and hold fast to a unified position on the National Redress Scheme. Furthermore the Association is thankful for the transparent and respectful negotiations with State Government and recognises the significant agreement that has been reached between State and Local Government that will benefit survivors in community.

Further, building on this successful outcome and to ensure a smooth transition Local Governments are requested to be mindful of the timelines and critical actions to prepare for participation in the National Redress Scheme.

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) Commission *Redress and Civil Litigation (September 2015) Report* recommended the establishment of a single national redress scheme to recognise the harm suffered by survivors of institutional child sexual abuse.

The State Government commenced participation in the Scheme on 1 January 2019. A decision was made at the time of joining the Scheme to exclude Local Governments from the State Government's declaration. This was to allow consultation to occur with the Local Government sector about the Scheme, and for fuller consideration to be given to the mechanisms by which the sector could best participate in the Scheme.

A Cabinet Sub-Committee of the State met in December 2019 and resolved to:

1. note the consultations undertaken to date with the Local Government sector about the National Redress Scheme
2. note the options for Local Government participation in the Scheme;
3. agree to Local Governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor, and
4. agree to the DLGSC leading further negotiations with the Local Government sector regarding Local Government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

## Comment

An information paper was distributed to all Local Governments on 3 February 2020 in advance of WALGA Zone meetings to:

1. outline the State Government's decision
2. detail actions that need to be undertaken by individual Local Governments to prepare for participation in the Scheme, and
3. detail considerations, requirements and obligations for individual Local Governments to comply with when participating in the Scheme.

The State Government will work with WALGA to draft a:

1. Memorandum of Understanding (MOU) - The MOU will capture the overall principles of Western Australian Local Governments participating in the Scheme as State Government institutions and being part of the State's declaration as a necessary document to capture the Local Government sector's best interests.
2. Template Service Agreement – that will be executed on an 'as needed' basis between State Government and an individual Local Government, if a redress application is received.

The Department of Local Government, Sport and Cultural Industries (DLGSC) and the Department of Justice will work with WALGA / Local Government Professionals and all Local Governments to prepare for participation in the Scheme including:

1. identifying appropriate staff to process requests for information
2. ensuring Local Governments have delegated authority to an officer to execute a service agreement with State Government if needed
3. ensuring Local Government have established appropriate processes and can fulfil Scheme obligations (particularly in terms of confidentiality, record keeping etc.), and



4. gathering the necessary information from all individual Local Governments to commence participation in the Scheme.

This is a significant outcome for the Local Government sector and together with the State Government we will work together to ensure a consistent response for WA survivors accessing the Scheme.

## 5.2 Submission on Aboriginal Empowerment Strategy (05-032-03-0011 SM)

By Susie Moir, Policy Officer Community

### Recommendation

**That the submission to the Department of Premier and Cabinet in response to the Aboriginal Empowerment Strategy be endorsed.**

### Executive Summary

- WALGA has prepared a submission to the Department of Premier and Cabinet in response to the Discussion Paper '*A Path Forward: Developing the Western Australian Government's Aboriginal Empowerment Strategy*'.
- The Submission supports the development of an Aboriginal Empowerment Strategy to deliver a strategic foundation that enables the State Government to work more coherently as a whole, to work better with Aboriginal people, communities and organisations, Commonwealth and Local Governments, the private and philanthropic sectors and broader society, and which ensures transparency and accountability to the Western Australian community.
- The Submission advocates for:
  1. The inclusion of principles that specifically recognise the central importance of:
    - Acknowledging the impact of intergenerational trauma and shame and supporting Aboriginal peoples healing and wellbeing.
    - Fostering young Aboriginal peoples' positive aspirations for their future.
    - Education about Aboriginal culture for Aboriginal and non-Aboriginal people.
    - Truth telling.
  2. Involving Local Government in the design, development and implementation of State, regional and local action and implementation plans under the Strategy, recognising that the capacity, resources, staff levels and strategic priorities of all Local Governments are different.
  3. The clear articulation of the roles and responsibilities of all stakeholders, including Local Government, in the State, regional and local action and implementation plans.
  4. Alignment of the measurement and evaluation of the outcomes of the Strategy to a recognised outcomes measurement framework.
  5. Alignment of the Strategy with the Reconciliation Action Planning framework to support Local Governments to deliver outcomes that empower Aboriginal people.

### Attachments

1. Submission in Response to A Path Forward: Developing the Western Australian Government's Aboriginal Empowerment Strategy.
2. Letter – City of Subiaco [here](#)
3. City of Wanneroo Submission Aboriginal Empowerment Strategy discussion paper [here](#)

### Policy Implications

The Item and Recommendation are complementary to existing WALGA policy, for example supporting Local Government Reconciliation Action Planning, conservation and protection of Aboriginal heritage, and improving living conditions and governance in remote communities. Local Government supports *Aboriginal people, families and communities being empowered to live good lives and choose their own futures from a secure foundation*.

## Background

In December 2019 the State Government released the Discussion Paper '*A Path Forward: Developing the Western Australian Government's Aboriginal Empowerment Strategy*'. Aboriginal people, Local Government and a range of other stakeholders were invited to provide feedback on the Discussion Paper.

On 21 January 2020 the Department of Premier and Cabinet and WALGA conducted an information and feedback session for Local Government. A total of 40 representatives from 22 metropolitan, regional and remote Local Governments attended, in person or via webinar. This provided an opportunity for a diverse group of Local Government staff, CEO's and Elected Members from across Western Australia to provide feedback on the Discussion Paper and Strategy, and more broadly on the State Government's Aboriginal Affairs policies. This included a number of Aboriginal Local Government staff.

Additionally, three Local Governments (Shire of Gingin, City of Subiaco and City of Wanneroo) provided written feedback to WALGA for inclusion in the Submission.

WALGA has developed a Submission (attached) on behalf of the Local Government sector.

## Comment

The Submission supports the development of an Aboriginal Empowerment Strategy as a tool to facilitate coordination across State Government as a whole, to assist it to work better with Aboriginal people, communities and organisations, Commonwealth and Local Governments, the private and philanthropic sectors and broader society, and which ensures transparency and accountability to the Western Australian community.

Supporting the State Government's proposal to develop an Aboriginal Empowerment Strategy aligns with the principles of the 2017 State – Local Government Partnership Agreement which recognises the commitment of the sectors to work together to improve communication, consultation and good governance, and improve outcomes for all Western Australians. The overall goal for the Strategy is '*Aboriginal people, families and communities being empowered to live good lives and choose their own futures from a secure foundation*'.

Supporting the development of an Aboriginal Empowerment Strategy by the State Government will benefit Local Government through the improvement of State Government processes; increased coordination between State Government, Local Government, Aboriginal people and community; local and regional place-based design and delivery of services and programs; enhanced local decision making; and, on a broader community level, improved health and wellbeing outcomes for Aboriginal people which benefits all Western Australians.

Submission in  
response to  
**A Path Forward: Developing  
the Western Australian  
Government's Aboriginal  
Empowerment Strategy**

4 March 2020

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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 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 two 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.

The Association acknowledges the place of Aboriginal people as valued staff members, community members, residents and ratepayers of Local Government in Western Australia.

WALGA is committed to advancing the vision for Local Government in Western Australia where:

- a. Local Governments will be built on good governance, autonomy, local leadership, democracy, community engagement and diversity;
- b. Local Governments will have the capacity to provide economically, socially and environmentally sustainable services and infrastructure that meets the needs of their communities.

The 2017 State – Local Government Partnership Agreement seeks to strengthen the partnership between the State and Local Government sectors for the benefit of local communities, and recognises the commitment of the sectors to work together to improve communication, consultation and good governance.

## General Comments

The Association appreciates the opportunity to respond to the Discussion Paper '*A Path Forward: Developing the Western Australian Government's Aboriginal Empowerment Strategy*', and further has valued the opportunity for our members to engage in discussion with, and provide feedback directly to, the Department of Premier and Cabinet at an Info-session held on 21 January 2020 at WALGA.

The Aboriginal Empowerment Strategy aims to deliver a strategic foundation that enables the State Government to work more coherently as a whole, and allow it to work better with Aboriginal people, communities and organisations, Commonwealth and Local Governments, the private and

philanthropic sectors and broader society. The whole-of-government strategy also aims to ensure transparency and accountability to the Western Australian community.

This Submission is informed by the Associations' Policy Positions on relevant matters, feedback garnered from our members at the Info-session on 21 January 2020, and written feedback received from three Local Governments.

The Association and its Local Government members are generally supportive of the content and direction of the Discussion Paper and the proposed Aboriginal Empowerment Strategy.

### **WALGA's Policy Positions**

Many of the goals, elements and principles outlined in the Discussion Paper align with Association Policy Positions. These include:

1. The Association supports the efforts of the Local Government sector to recognise and respect Aboriginal cultural practices and places of meaning, through the development of Reconciliation Action Plans. The Association recognises that many Aboriginal places and objects remain significant in the lives of Aboriginal people today and contribute to an understanding by the whole community of our place and history. Reconciliation is about building better relationships between Aboriginal and Torres Strait Islander peoples and the wider Australian community for the benefit of all Australians (Position Statement 3.1.2 Reconciliation).
2. The Association is supportive of conserving and protecting the State's Aboriginal heritage. The Association supports the conservation and protection of Aboriginal cultural heritage in Western Australia and acknowledges the importance to Aboriginal people of their cultural heritage and the central role that cultural heritage and access to country plays in their health and wellbeing. As land managers and land use planning decision-makers, Local Government plays an important role in many activities that have the potential to protect and impact Aboriginal cultural heritage (Position Statement 3.1.3 Aboriginal Heritage Act 1972 and South West Native Title Settlement).
3. The Association is supportive of efforts to improve the living conditions and governance in remote Aboriginal communities that currently receive municipal and essential services such as power and water, to a level that is similar to other Australians, living in towns and cities. There are approximately 280 discrete Aboriginal Communities in Western Australia accommodating approximately 17,000 Indigenous people across 26 Local Governments (Position Statement 3.1.1 Service Delivery to Aboriginal Communities).
4. The Association acknowledges Noongar people as the traditional owners of the South West Region (Position Statement 3.1.3 Aboriginal Heritage Act 1972 and South West Native Title Settlement).
5. The Association supports improving health outcomes for all Western Australians through the investment in and provision of infrastructure and delivery of services in partnership with health professionals, and through public health planning in accordance with the Public Health Act (2016). Local Governments make a significant contribution to improving, promoting and protecting the health of communities. Through evidence based policy development and planning Local Government can create supportive environments that can help prevent a range of chronic diseases and influence the health and wellbeing of communities (Policy Position 3.2 Health).

6. Local Government supports Aboriginal people, families and communities being empowered to live good lives and choose their own futures from a secure foundation.

### **Member Feedback at Info-session on 21 January 2020**

On 21 January 2020, WALGA held an Info-session and webinar which was attended by 40 representatives from 22 metropolitan, regional and remote Local Governments. This provided an opportunity for a diverse group of Local Government staff, CEO's and Elected Members from across Western Australia to provide feedback on the Discussion Paper and Strategy, and more broadly on the State Government's Aboriginal Affairs policies. This included a number of Aboriginal Local Government staff.

Key themes that emerged during the Info-session were:

- The importance of improving education, employment, health and housing outcomes for Aboriginal people as a matter of urgency. The important role that Local Government plays in supporting and facilitating improved outcomes in these areas, was highlighted.
- Key principles that should underpin the Strategy are: addressing and responding to the intergenerational trauma and shame that Aboriginal people have experienced as a result of historical governmental policies and dispossession of land, supporting young Aboriginal people to have positive aspirations for their future, and acknowledging the need for healing.
- The Strategy should explicitly recognise the central role of truth telling as a means of both educating broader society and assisting with the healing of past hurts and trauma.
- Actions that encourage the sharing of cultural understanding and respect, for example engaging Aboriginal Advisory Groups, cultural awareness training, and opportunities for Aboriginal and non-Aboriginal people to interact, play a key role in building positive relationships between communities. Positive change often happens at a local level but is not adequately recognised or supported by State, and sometimes Local, Government, due to funding and administrative constraints. The implementation plans that are developed pursuant to the Strategy need to be innovative and responsive to the local context. The State Government needs to commit to support the initiatives put in place by local communities.
- The Strategy should recognise the important role that reconciliation champions and allies play in supporting Aboriginal people through partnerships and advocacy, which is something that many Local Governments excel at.
- Increased resourcing and improvements to grant and funding processes that provide stronger support to community organisations would result in better outcomes for Aboriginal and wider communities.
- Through education at primary, secondary and tertiary level much can be done by the State and Commonwealth Governments to ensure that students are educated about Aboriginal culture and history. Teachers need additional support to become culturally sensitive and aware and to improve their skills in teaching Aboriginal children.
- The Strategy needs to include a mechanism to ensure that Aboriginal people and culture are at the centre of decision making, because often Aboriginal people's own ideas and solutions have been overlooked.

- Local Government were interested to understand more about how the Strategy will be implemented, funded and resourced at the regional and local level, what role District Leadership Groups may play, and how they can be involved in the discussions around that implementation framework.
- Many Local Governments have partnerships with many Aboriginal communities, and some Local Governments (for example, the Shire of Halls Creek) are akin to Aboriginal Community Controlled Organisations as they have primarily Aboriginal populations including decision makers (Elected Members) and residents.

## Recommendations

1. **The Association supports the inclusion of principles that specifically recognise the central importance of:**
  - **Acknowledging the impact of intergenerational trauma and shame and supporting Aboriginal peoples healing and wellbeing.**
  - **Fostering young Aboriginal peoples' positive aspirations for their future.**
  - **Education about Aboriginal culture for Aboriginal and non-Aboriginal people.**
  - **Truth telling.**
2. **Local Government should be involved in the design, development and implementation of State, regional and local action and implementation plans under the Strategy, recognising that the capacity, resources, staff levels and strategic priorities of all Local Governments are different.**
3. **The roles and responsibilities of all stakeholders, including Local Government, should be clearly articulated in the State, regional and local action and implementation plans.**
4. **The State Government consider aligning the measurement and evaluation of the outcomes of the Strategy to a recognised outcomes measurement framework**
5. **Aligning the Strategy with the developing State Reconciliation Action Planning Framework that will support Local Governments to deliver outcomes that empower Aboriginal people.**

## Response to Specific Questions

The Discussion Paper requested feedback to a set of specific questions. The Association provides the following in response.

1. **Are the main ideas right? Do you agree with the description of the overall goal, principles, strategic elements and framework? Would you change or add anything?**

The Association agrees that the main ideas are right and with the description of the overall goal, principles, strategic elements and framework.

The Association supports the inclusion of **principles** that specifically recognise the central importance of the following in empowering Aboriginal people:

- Acknowledging the impact of intergenerational trauma and shame and supporting Aboriginal peoples healing and wellbeing;



- Fostering young Aboriginal peoples' positive aspirations for their future;
- Education about Aboriginal culture for Aboriginal and non-Aboriginal people; and
- Truth telling.

Responses from the Local Government sector further provided:

- Consider including under 'Principles – Culture and Country' that the role of the Government is also to recognise and acknowledge the dynamics, geographical sensitivities and conflicts between Aboriginal peoples and groups and with non-Aboriginal people, to support effective communication and assist stakeholders to work together to create good lives.
- Examining the framework of the strategy through a gender lens would be a meaningful addition given the additional hardship and disadvantage that Aboriginal women and girls face. Questions in relation to gender that the Strategy could address include 'How will the identified disadvantages be addressed at a gender level within the Strategy?', 'How are Aboriginal women and girls going to be empowered in engagement and decision-making to ensure disadvantage is not a barrier to inclusion in the Strategy and its implementation?' and 'How will the separation of women's and men's business within Aboriginal culture be considered and/or acknowledged within the Strategy and its implementation?'

## **2. Are we using the right words?**

The Association is supportive of the Strategy using specific words and language that are supported by the Aboriginal community.

Responses from the Local Government sector further provided:

- 'Key elements' and 'Key Ideas' are ambiguous, 'Recommendations' may be preferable.
- Additional terms that may enhance the 'Empowerment: Foundations and Futures' tree diagram include Justice and Equity, collaboration and partnerships, civic participation and a sense of place and belonging.

## **3. What else should we be thinking about?**

Many Local Governments have Reconciliation Action Plans (RAPs) which provide a framework for promoting and facilitating respect, trust and positive relationships between the community and Aboriginal people. Ensuring that the Strategy aligns with the principles of RAPs will support and facilitate Local Government to seek outcomes that align with both. Involving Reconciliation Australia and Reconciliation WA in the development of the Strategy would assist in this process.

City Deals and Regional Deals provide a powerful mechanism to deliver place based initiatives through partnership between Commonwealth, State and Local Government. The [Barkly Regional Deal](#), entered into in the Northern Territory in 2019, is the first regional deal in Australia and aims to improve the productivity and liveability of the Barkly region by stimulating economic growth and improving social outcomes. Key components include 28 economic, social and cultural initiatives to be implemented in the region, a 10 year time frame and community governance framework.

[OCHRE: NSW Government Plan for Aboriginal affairs: education, employment and accountability](#), is developed around a core belief in fostering aspirations, identifying opportunities and promoting responsibilities, emphasises a number of key factors including partnerships over paternalism, local solutions over 'one size fits all', and recognises the importance of healing. The major initiatives under

OCHRE address linking education and employment, teaching of Aboriginal culture and language, local decision making (including working together through partnerships and networks), and accountability. The 2018 Five Year Review of OCHRE found that to deliver what the Aboriginal community wants, better resourcing and ongoing community engagement and control were necessary in the mid to long term. The OCHRE framework and approach provides a useful case study in a methodology for developing and delivering partnerships between Government and Aboriginal peoples.

Responses from the Local Government sector provided:

- Early and continuous engagement with Local Government about the development of the Strategy will provide tangible benefits to Aboriginal people because Local Governments work directly with community at the grassroots level, driving change and implementing actions that align with State Government priorities.
- Reference in the Strategy to the Uluru Statement from the Heart would articulate the State Government's commitment to empowering Aboriginal people.
- With respect to *Key Element 3 – Enabling Aboriginal led solutions through improved service commissioning and grant-making*, and discussion on page 24 about the Framework, consideration should be given to aligning the approach to the WA Council of Social Services (WACOSS) [Outcomes Measurement Framework](#). This provides a hierarchy of outcomes and indicators which provide the architecture for a whole-of-government and a whole-of-sector approach to service delivery, with a focus on outcomes and people rather than outputs and programs.
- With respect to *Key Element 3 – Enabling Aboriginal led solutions through improved service commissioning and grant-making*, and discussion on page 24 about the Framework, consideration should be given to aligning the approach with the [State Public Health Plan](#) Objective 3 'Improving Aboriginal Health and Wellbeing', which underpins relevant Local Government public health planning.
- Developing supporting tools and resources under the Strategy for Local Government will assist them to pursue opportunities to empower Aboriginal people that align with the Strategy.

## Conclusion

The Association has valued being consulted about the development of the Aboriginal Empowerment Strategy and welcomes opportunities for further engagement and collaboration.

The Association supports Aboriginal people, families and communities being empowered to live good lives and aspire to futures of their own choosing from a secure foundation. Local Government is in a unique position, as the level of government closest to the community, to support the empowerment of Aboriginal people.

## Appendix

City of Subiaco Consultation Submission, 20 January 2020  
City of Wanneroo Submission, 22 January 2020

### **5.3 WALGA Submission on Independent Review of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)**

*By Nicole Matthews, Environment Policy Manager*

#### **Recommendation**

**That the submission on the Independent Review of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) be endorsed.**

#### **Executive Summary**

- The EPBC Act is Australia's central piece of national environmental law, focusing on matters of national environmental significance (MNES).
- The EPBC Act must be independently reviewed every 10 years. Professor Graeme Samuel AC, has been appointed to undertake the second review of the Act which will report in October 2020.
- A Discussion Paper seeking comment on the operation of the EPBC Act was released in November 2019, closing on 17 April 2020. It is intended that responses to the discussion paper will help inform the next steps in the review.
- The WALGA submission recognises the significant interaction that WA Local Governments have with environmental legislation at both the State and Commonwealth level and highlights and makes recommendations on matters of concern to the sector.
- The submission notes that many Local Governments find the Commonwealth assessment process both confusing and cumbersome, strongly supports the need for a bilateral agreement between the State and Commonwealth to facilitate a single environmental assessment and approval process and recommends an increased emphasis on strategic assessments and bioregional planning rather than assessments of individual actions, better engagement with Local Government and other improvements to the EPBC Act.

#### **Attachment**

Draft WALGA submission on the Discussion Paper for the Independent review of the EPBC Act.

#### **Background**

The EPBC Act has a requirement that it be reviewed every 10 years. This is the second review, with the first one, the Hawke review, completed in 2009. Amendments to the EPBC Act needed to give effect to recommendations in the Hawke Review were never considered by the Australian Parliament, and there has been little in the way of EPBC Act reform since then.

The Commonwealth Government appointed Professor Graeme Samuel AC as the independent reviewer, who is supported by a panel of four experts. A [Discussion Paper](#) was released by Professor Samuel in November 2019, with public submissions closing on 17 April 2020. Responses to the discussion paper will inform the draft review report due in June 2020, which will propose specific changes to the EPBC Act and its operation.

To facilitate sector engagement on the Issues Paper, WALGA:

- alerted the sector of its release in November 2019 via an article and InfoPage in WALGA newsletters, by direct email to key contacts and on the WALGA website, and
- provided a draft submission to the sector and directly to CEOs via email correspondence from the WALGA CEO on 16 December 2019, for feedback by 13 January 2020.

Officer comments on the draft WALGA submission were received from 3 Local Governments: The Cities of Joondalup and Rockingham and the Shire of Augusta Margaret River. All comments received were broadly supportive of WALGA's draft submission.

## Comment

The draft WALGA submission notes that Local Governments have significant interactions with environmental legislation at both the State and Commonwealth level in relation to their land use planning responsibilities and in their role as land owners and managers, but that many Local Governments find the Commonwealth assessment process both confusing and cumbersome.

The key areas of concern and recommendations made in the submission, are:

- ongoing environmental decline and loss of biodiversity suggest that the Key Objects of the EPBC Act related to ecologically sustainable development and conservation of biodiversity are not being met, partly due to a continued emphasis on assessment of individual actions rather than strategic assessment and bioregional planning
- options to overcome the barriers to the use of strategic assessments should be investigated, including amendments to the EPBC Act to compel strategic assessment of impacts on MNES in particular circumstances
- there should be greater use of bioregional planning, and involvement of Local Governments in the development of these plans
- greater cooperation between Local Government and the Commonwealth on environmental matters, including for strategic assessment and bioregional planning, should be included within the Objects of the EPBC Act
- continued reporting on progress towards ecologically sustainable development and the State of the Environment is supported but it is noted that there is a significant lack of data to facilitate these reports. WALGA recommends greater involvement by Local Government in any expanded data collection efforts and any necessary changes to the EPBC Act and its operation to support this
- support for the implementation of a bilateral agreement between the Commonwealth and Western Australia for both environmental assessment and approvals
- the Department should increase its regional presence, including through the placement of officers in WA or establishing dedicated service units for each State and Territory within the Department in Canberra
- that the EPBC Act be amended to provide for an independent agency/board to carry out assessments, oversee the implementation of the Act and to provide independent advice to the Minister as required, as is the case in WA
  - this would improve the transparency of assessments under the EPBC Act, and environmental protection in general, and would improve trust in the system.
- the operations of the EPBC Act could be streamlined by:
  - moving to a single national list of threatened species, and ecological communities,
  - having a single national offsetting policy and process
  - strengthening the processes by both the Department and proponents for early engagement with stakeholders, and
  - developing key performance indicators for the assessment process and the publication of performance against these indicators.
- that a trigger for large scale emissions of greenhouse gas emissions be considered for inclusion in the EPBC Act, and

notwithstanding the challenges of regulating land clearing at a national level and the difficulties in operationalising a land clearing trigger as an MNES under the EPBC Act, the review should consider options to address this issue.

# Independent review of the EPBC Act

## Submission

January 2020

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## 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.

WALGA's governance structure is comprised of WALGA State Council, the decision making representative body of all Member Councils, responsible for sector-wide policy making and strategic planning on behalf of Local Government, and Zones, (5 metropolitan and 12 country), groups of geographically aligned Member Councils responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters.

## WALGA's overall comments

WALGA welcomes the opportunity to comment on the Independent Review of the EPBC Act Discussion Paper. [Local Governments have been consulted in the development of this submission and it has been endorsed by WALGA State Council].

Local Governments have significant environmental management responsibilities, as recognised in the 1997 *Heads of Agreement on Commonwealth and State Roles and Responsibilities for the Environment*, of which the Australian Local Government Association was a signatory along with the Commonwealth and all States and Territories and which provided the basis for the EPBC Act.

The specific responsibility of Western Australian Local Governments in this area is spelt out in the *Local Government Act 1995*, which requires that:

*In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity. (S 1.3 (3))*

Local Governments in Western Australia have significant interaction with environmental legislation at both the State and Commonwealth level in relation to their land use planning responsibilities and in their role as land owners and managers.

WALGA notes that the discussion paper is intended as the first step in the review process where the review panel is seeking to “identify those areas where reform will deliver the greatest benefit for the environment, business, and the community, while maintaining strong environmental standards.” (p3). This submission will, therefore, address high level matters of concern to Local Governments in WA.

WALGA would welcome the opportunity to meet with Professor Samuel AC and the Expert Panel as the review progresses.

## Specific comments

### a. Addressing environmental decline and the effectiveness of the EPBC Act

The Discussion Paper refers to the overall decline in the natural environment in Australia, notably,

*The 2016 State of the Environment Report identifies changing land use, habitat fragmentation and degradation, climate change and invasive species as key pressures on Australia’s environment. Many Australian species and habitats are in decline and the rate of this decline does not appear to be slowing. There have been permanent changes for some species and habitats as a result of past activities and ongoing impacts from invasive and feral animals and plants. While some ecosystems — such as oceans — are considered to be in good condition, further declines in habitat and biodiversity are expected. (p13)*

*Since the beginning of the Act, there have been some clear improvements in some areas, including substantial expansion to the network of parks and protected areas. However, many parts of Australia’s environment and heritage continue to decline. (p16)*

It is acknowledged that there are many factors that have led to this on-going decline in our natural environment, including policies and actions of all levels of government, including Local Government, and the actions of business and individuals. However, decisions made under the EPBC Act, including the different priorities given to different parts of the Act, have had a role to play.

Considerable effort and departmental resources have gone into the environmental assessment and approvals of actions, with relatively little effort going into strategic assessments and bioregional planning, both of which are provided for under the EPBC Act. However, it is generally accepted in the literature on impact assessment that assessment at the level of individual actions can rarely address the broader issues of cumulative impacts, regional losses of biodiversity and overall threatening processes. WALGA recommends that regional planning and strategic assessments be utilised to address these broader issues. This is discussed further later in this submission.

WALGA considers that the EPBC Act is flawed in this regard because actions that could have impacts on Matters of National Environmental Significance (MNES) are required to be referred to the Minister, whereas strategic assessments and bioregional planning can only be carried out with the agreement and cooperation of the relevant authorities. Whilst it is acknowledged that effective strategic assessment and bioregional planning requires the cooperation of the key agencies and stakeholders, WALGA recommends that the EPBC Act should be strengthened to allow the Commonwealth Minister and the Department to give more attention to these parts of the Act.

It is noted that Section 522A of the EPBC Act requires that the statutory review examine “the extent to which the Objects of the Act have been achieved.” Two of the existing Objects of the Act are:

- b) *to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources, and*
- c) *to promote the conservation of biodiversity*



Given the ongoing decline in the natural environment and loss of biodiversity, it is difficult to conclude that these Objects are being met, and that a continued emphasis on assessment of actions will not address the ongoing decline. As noted above, WALGA recommends that the EPBC Act be strengthened to better facilitate strategic assessment and bioregional planning.

More detailed discussion of both strategic assessment and bioregional planning is provided below.

It is also important to recognise that the implementation of the EPBC Act has never been properly funded. WALGA recommends that a long term plan for funding important mechanisms under the EPBC Act be established, such as bioregional plans and for gathering data needed to inform decision making.

## **b. The 2009 Hawke Review and the role of Local Government**

The first statutory review of the EPBC Act completed in 2009 and carried out by Alan Hawke (the Hawke Review) made 71 recommendations. The Australian Government's 2011 response to the Review was framed around four key themes:

- a shift from individual project approvals to strategic approaches including new regional environment plans
- streamlined assessment and approval processes
- better identification of national environmental assets, including through provision to list 'ecosystems of national significance' as a matter of national environmental significance under the EPBC Act, and
- cooperative national standards and guidelines to harmonise approaches between jurisdictions and foster cooperation with all stakeholders.

It is regrettable that the amendments to the EPBC Act needed to implement the Government's response were never considered by the Australian Parliament and there has been little in the way of EPBC Act reform (despite a subsequent Australian Government commitment to create a 'one-stop-shop' for environmental approvals).

Most of the recommendations of the Hawke Review and the Government's response are still relevant in 2019. WALGA recommends that a priority for this current review should be to re-examine these recommendations and assess their applicability in 2019.

A number of these are relevant to Local Government.

First, the Hawke Review recommended that the Objects of the Act be re-cast taking into account several factors, including that the Minister should "promote co-operation with State, Territory and Local Government in environmental protection and management" (*Recommendation 3, p17*). WALGA supports greater cooperation between Local Government and the Commonwealth on environmental matters and recommends that the Objects of the EPBC Act be revised to give effect to this recommendation.

Second, the Review examined Section 516 of the Act, which requires Commonwealth agencies to report on progress towards ecologically sustainable development (ESD), and the Department to prepare State of the Environment (SoE) reports every 5 years. Whilst the Hawke Review endorsed the value of both these reporting requirements and called for a set of National Environmental Accounts to be developed, it noted deficiencies in implementation largely related to a significant lack of data. The Review concluded that Local Governments should be involved in any upgraded data collection process which would also have a secondary benefit of "strengthening the capacity of Local Government land-use planning decision-making." (*Recommendation 67, p320*). WALGA supports



greater involvement in any expanded data collection in support of national environmental auditing and SoE reporting, and supports changes to the EPBC Act and its operation to give effect to this recommendation.

### **c. Bioregional planning**

WALGA supports the greater use of bioregional planning and the involvement of Local Governments in the development of these plans. Bioregional planning is the most appropriate mechanism to address cumulative impacts and key threatening processes, and to begin the process of reversing environmental decline in key areas. Whilst such plans have no legislative status, it is noted that Section 176 (5) of the EPBC Act requires the Minister to have regard to a bioregional plan in making any decision under this Act to which the plan is relevant.

The Act does not constrain the scope of a bioregional plan to only MNES, and allows broader issues of biodiversity to be considered. This is a key strength of these plans and would allow the broad issue of biodiversity loss to be addressed at a strategic level and in a cooperative manner.

The Hawke Review recommended an expanded role and use of bioregional plans:

#### *Recommendation 6*

1. *The Review recommends that the Australian Government:*
  - a. *expand the role of strategic assessments and bio-regional plans so that they are used more often, and*
  - b. *strengthen the process for creating these plans and undertaking these assessments, so they are more substantial and robust.*
2. *The Review further recommends that the Act be amended to provide:*
  - a. *for bio-regional plans to –*
    1. *change the terminology from ‘bio-regional plans’ to ‘regional plans’*
    2. *allow the Commonwealth to unilaterally develop regional plans, and*
    3. *ensure that the process for delineating a region for the purpose of the Act is flexible.*

Section 176 (2) allows the Minister, with the cooperation of the relevant stakeholders, to prepare a bioregional plan for any region, whether it covers a Commonwealth area or not. Section 176 (3) allows the Minister to provide funds for the preparation of a bioregional plan, but the Act does not currently allow the Minister to provide funds for the implementation of an approved plan. Implementation will likely require cooperation between all levels of government and all relevant stakeholders, and providing adequate funding will be a critical factor in ensuring the success of a plan. WALGA recommends that a clause be added to this part of the Act that allows the Minister to provide funds for the implementation of an approved plan.

The WA Government recently released an Issues Paper on native vegetation, and it proposed to adopt a bioregional approach to the management of and decision making about native vegetation. Bioregional planning by the Commonwealth could readily be complementary with the WA approach. Local Government would be a key contributor in any bioregional planning.

### **d. Strategic assessments**

A key concern for Local Governments' statutory land use planning responsibilities is that many environmental impact assessments by the Commonwealth happen late in the planning process, mostly at subdivision stage (at the time when an 'action' as defined under the EPBC Act is about to occur), when all of the major upstream decisions on land allocation have already been made. Some outcomes of these assessments have required broad land use planning decisions to be revisited to accommodate those changes, which is both costly and time consuming. To this end, WALGA recommends the greater use of strategic assessments to avoid these problems. It is noted that the

Hawke Review also recommended the greater use of strategic assessments, in part, to provide for a more streamlined approvals process as it would avoid assessments at later stages of the planning process and provide greater certainty for developers and planners:

#### *Recommendation 4*

*The Review recommends that the Commonwealth work with the States and Territories as appropriate to improve the efficiency of the Environmental Impact Assessment (EIA) regime under the Act, including, through:*

- 1. greater use of strategic assessments.*

#### *Recommendation 6*

- 1. The Review recommends that the Australian Government:*
  - a. expand the role of strategic assessments and bio-regional plans so that they are used more often, and*
  - b. strengthen the process for creating these plans and undertaking these assessments, so they are more substantial and robust.*
- 2. The Review further recommends that the Act be amended to provide:*
  - a. for bio-regional plans to –*
    - 1. change the terminology from ‘bio-regional plans’ to ‘regional plans’*
    - 2. allow the Commonwealth to unilaterally develop regional plans, and*
    - 3. ensure that the process for delineating a region for the purpose of the Act is flexible.*
  - b. for strategic assessments to –*
    - i. specify mandatory required information for strategic assessments*
    - ii. insert an ‘improve or maintain’ test for the approval of a class of actions in accordance with an endorsed plan, policy or program*
    - iii. enhance provision for public engagement, and*
    - iv. create a ‘call in’ power for plans, policies and programs likely to have a significant impact on matters of National Environmental Significance, and amending the term ‘action’ to incorporate these plans, policies or programs.*

Local Governments would welcome the greater use of strategic planning and would support changes to legislation that would facilitate this. However, given the current cost recovery model used by the Commonwealth for assessments, WALGA supports the finding of the Hawke Review that applying cost recovery for strategic assessments would act as a disincentive to the greater use of strategic assessments.

It is also worth highlighting that the 2018 Review of the interactions between the EPBC Act and the agriculture sector also noted the need for strategic approaches rather than case by case assessments. The 2018 Review noted that:

*The need for a more proactive approach to protecting MNES in regions where agricultural development does or will impact upon MNES health was a recurring theme in consultations undertaken for this Review. Reactive assessment and approval of multiple individual actions in a single area is unlikely to be an appropriate strategy to ensure the long-term viability of agriculture in that region, nor will it necessarily result in the conservation outcomes sought through the EPBC Act (p 63-64)*

*Of particular concern is that the Act itself, and hence the approach to its implementation, cannot adequately account for the cumulative impacts of multiple individual projects, and so is driving isolated decision making rather than landscape-scale decision making (p64)*

Notwithstanding these recommendations, the uptake of strategic assessments has remained relatively low. WALGA recommends that the review should, therefore, investigate barriers to the use of strategic assessments and make recommendations as to how these can be addressed. This could include consideration of amendments to Section 146 of the EPBC Act relating to strategic assessments to allow the Minister to compel assessment of impacts on MNES via a strategic assessment in particular circumstances, projects or areas.

## **e. Assessment of actions, involving MNES**

Local Governments can be proponents for assessments under the EPBC Act mostly for actions involving clearing of native vegetation for its infrastructure needs, notably roads, and for certain proposals within World Heritage areas or areas subject to International Treaties (for example Ramsar wetlands). As well, Local Governments have a significant role to play in land use planning, which can be impacted by decisions related to assessments of MNES on subdivisions or developments.

With respect to Local Governments as proponents of action impacting on MNES, many Local Governments, especially the smaller regional ones, find the Commonwealth assessment process both confusing and cumbersome. In most of these assessments, the action would also be subject to an assessment under the *WA Environmental Protection Act (1986)* (WA EP Act). Joint assessments under a bilateral agreement with the State Government can reduce this complexity for Local Governments. WALGA supports recent calls by the WA State Government for the implementation of bilateral agreements for both assessment and approvals, which would be facilitated by proposed changes to the WA EP Act.

Irrespective of whether an approval bilateral is agreed to or not, policies related to MNES will have a strong influence on the outcomes of any assessment of MNES, and WALGA recommends that the provisions of these policies and their implications are communicated to all stakeholders in WA, including Local Governments. In addition, WALGA recommends these policies be developed with a clear understanding of the local context in WA.

In this regard WALGA recommends that options be considered to improve communication with and access to Commonwealth Environment Departmental officers. This could include increasing the regional presence of the Department, including through the placement of officers in WA or establishing dedicated service units for each State and Territory within the Department in Canberra. Such arrangements would help to ensure that assessments are both effective and efficient in protecting MNES, more likely take into account local knowledge, and help in addressing any local concerns in a timely and comprehensive manner. A local presence could also assist with compliance and enforcement.

## **f. Improving transparency to ensure better use of information, accountability and trust in the system (Review guiding principle d)**

A key way to improve the transparency of assessments under the EPBC Act, and environmental protection in general, and to improve trust in the system, is to introduce a greater level of independence in the administration of the Act. One of the strengths of the WA EP Act is having an independent agency carrying out the key purposes of the Act, WALGA recommends that the EPBC Act be amended to provide for an independent agency/board to carry out assessments, oversee the implementation of the Act and to provide independent advice to the Minister as required. The Hawke Review made a similar recommendation (71):

*The Review recommends that an independent National Environmental Commissioner and National Environment Commission be established under the Act and supported by DEWHA.*

Transparency would also be improved with the publication of a greater range of information, in particular:

- advice and reports provided to the Minister in support of decisions made
- clear statement of reasons for all decision making made under the EPBC Act, and
- compliance audit reports.

The Hawke Review also made several other recommendations specifically about transparency of process and public participation which are still relevant in 2019 (44-46).

#### **g. Streamlining and integrating planning to support ecologically sustainable development (Review guiding principle e)**

In addition to the matters raised above about developing bilateral agreements, the Commonwealth Environment Department increasing its regional presence and local knowledge and the greater use of strategic assessments and bioregional planning, there are several other changes that could be made to streamline the assessment process, notably, WALGA recommends that:

- the Australian, State and Territory Governments move to a single national list of threatened species, and ecological communities
- the development of a single national offsetting policy and process, or that any bilateral agreement between a State Government and the Commonwealth facilitates a single offsets approach
- strengthening the processes by both the Department and proponents for early engagement with stakeholders, including with indigenous groups and Local Governments, and
- the development of key performance indicators for the assessment process and the publication of performance against these indicators.

#### **h. Additional matters**

##### **Climate Change**

Climate change is a key issue for Local Governments that has implications across almost all aspects of their operations and responsibilities. In Western Australia, Local Governments have been the most proactive level of government on climate change, actively pursuing a range of emissions reduction and adaptation actions, including 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.

The importance with which the Local Government sector regards the threat posed by climate change and need for strong action is recognised in the *WALGA Climate Change Policy Statement* (the Climate Change Statement), endorsed by State Council in July 2018. The Climate Change Statement was the result of 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.*

WALGA generally supports the recommendations of the Hawke Review in relation to the introduction of a 'greenhouse trigger' and the Government's response, which was premised on having a price on carbon. WALGA recommends that a broad based market mechanism to reduce Australia's greenhouse gas emissions be introduced as this is the most efficient and effective means of reducing Australia's greenhouse gas emissions and meeting our international obligations at least cost. However in the absence of such a mechanism, WALGA recommends that a trigger for large scale emissions of greenhouse gas emissions be considered for inclusion in the EPBC Act.

## Land Clearing

Land clearing is only regulated under the EPBC Act where it impacts a directly protected entity such as a World Heritage area, Ramsar wetland, threatened species, threatened ecological community, or migratory species. However it is clear that excessive land clearing is a key threat to biodiversity and increases greenhouse gas emissions.

WALGA recognises the challenges of regulating land clearing at a national level and the difficulties in operationalising a land clearing trigger as an MNES under the EPBC Act. Nonetheless, WALGA recommends that options to address this issue be considered as part of the review.

## Conclusion

WALGA considers the review of the EPBC Act an important opportunity to examine both the effectiveness of the Act in protecting Australia's environment and its efficiency in doing so.

A key concern for Local Governments with the current operation of, and interaction between, the EPBC Act and the WA EP Act, is confusion over different requirements, policies, standards and processes of assessments. WALGA supports changes to legislation and associated processes, for example through the greater use of bilateral agreements that would facilitate a single assessment and approvals process, and the development of a single set of standards, triggers and policies for the assessment process.

It has been argued here that the existing administration of the EPBC Act, with an emphasis on assessment of actions, has not adequately addressed the ongoing decline in the natural environment and loss of biodiversity. WALGA recommends that Amendments be made to the Act which would facilitate the greater use of bioregional planning and strategic assessments, which would better

address this decline and loss. Such changes would lead to a more efficient and streamlined assessment process for proponents and better environmental outcomes.

WALGA appreciates the opportunity to comment on the Discussion Paper and looks forward to later opportunities to provide input into the review.

## 6. MATTERS FOR NOTING / INFORMATION

### 6.1 Draft Position Statement: Residential Aged Care – Submission (05-036-03-0053 AR)

*By Ashley Robb, Project Officer, Planning and Improvement*

#### Recommendation

**That the submission to the *Draft Position Statement: Residential Aged Care* be noted.**

#### Executive Summary

- In October 2019 the Western Australian Planning Commission released the *Draft Position Statement: Residential Aged Care* for consultation.
- The purpose of the position statement is to remove planning process barriers and encourage the provision of an appropriate supply and diversity of residential aged care options.
- Submissions were due by 19 January 2020, prior to the next WALGA State Council meeting. Consequently, the submission was processed through WALGA's interim submission process, endorsed by State Council by Flying Minute on 17 January 2020 and submitted.

#### Attachment

Draft Position Statement: Residential Aged Care – Submission, available [here](#)

#### Background

In October 2019 the Western Australian Planning Commission (WAPC) released the [Draft Position Statement: Residential Aged Care](#) for consultation.

The purpose of the position statement is to “remove planning process barriers and encourage the provision of an appropriate supply and diversity of residential aged care options” (p.1).

To achieve this purpose, the position statement outlines local planning strategy requirements, standard land use definitions and proposed permissibility for residential aged care development.

In an acknowledgement of the recent Council elections and public holidays falling within the consultation period, the WAPC extended the closing date for Council endorsed submissions to 28 February 2020, subject to draft submissions being submitted to the WAPC by 19 January 2020.

WALGA prepared a draft submission and released this to members for comment in November. Limited input was received from members, possibly due to the timing of the consultation being close to the end of year and the concurrent release of other important planning related consultations by the State Government.

#### Comment

The purpose of the Draft Position Statement is generally supported with a number of recommendations made within the submission relating to:

- Application of the Position Statement
- Scope of the Position Statement
- Local Planning Strategy Requirements
- Local Planning Scheme Definitions and Permissibility
- Local Development Plans

In particular, the position statement has missed the opportunity to create a strong connection to structure planning requirements, the precinct planning policy, R Codes and Liveable Neighbourhoods.



Overall, the position statement provides Local Government with some additional information on planning for residential aged care facilities but would benefit from modifications which strengthen linkages and interactions with the existing planning framework.

The People and Place Policy Team reviewed the Submission and State Council endorsed it via Flying Minute on 19 January 2020 (Resolution No.188.FM/2020).



## 6.2 Managing Housing Health Risks in WA (05-031-01-0001 BW)

*By Bec Waddington, Policy Officer Community*

### Recommendation

**That the submission to the Department of Health in response to the Managing Housing Health Risks in WA discussion paper be noted.**

### Executive Summary

- The *Public Health Act 2016* is progressing through a five-stage process of implementation and is currently at Stage 4. All regulations from the previous *Health Act 1911* will be repealed and replaced with new regulations at the commencement of Stage 5, which is anticipated to commence in 2021.
- The Department of Health released the 'Managing Housing Health Risks in WA' discussion paper for public comment with three options for consideration.
- WALGA's Submission discusses the Local Governments preference for Option C to develop new, updated regulations to manage public health housing risks.
- The People and Place Policy team reviewed the submission and State Council endorsed it via Flying Minute on 19 December 2019.

### Attachment

[WALGA Submission to Department of Health: Managing Housing Health Risks in WA](#)

### Background

Local Government is an enforcement agency under the *Public Health Act 2016* (the Public Health Act), with Local Government Environmental Health Officers (EHOs) playing a key role in administering the Public Health Act and Regulations.

The Department of Health (DoH) released the 'Managing Housing Health Risks in WA' discussion paper for public comment. The discussion paper outlines three options for consideration for Western Australia. These options include:

- **Option A:** Retain status quo. This option would involve attempting to replicate the current regulatory system as far as practicable under the new Public Health Act
- **Option B:** Repeal without replacement and use the general public health duty. Without action, Part V of the Health (MP) Act, the laundries and bathrooms regulations and Sewerage (LVC) Regulations would be repealed without replacement as part of the implementation of the Public Health Act 2016, or
- **Option C:** Develop new, updated regulations to manage housing public health risks.

### Comment

WALGA received two responses from the Shire of Merredin and the City of Joondalup, and a submission from the Metropolitan Environmental Health Management Group (MEHMG) which represents approximately 30 Local Governments in the Perth Metropolitan area. All three submissions supported Option C; the DoH preferred approach, because the introduction of new, updated regulations will reflect the new expectations and requirements of the Public Health Act which is a risk based framework.

The report contains technical advice in response to the 12 survey questions. Additionally, the key concerns raised from the submissions but not directly dealt with in the discussion paper, relate to:

- needing support in dealing with the complex nature of hoarding and squalor, and

- uncertainty of how State housing will be managed under new regulations and the implications this will have for Local Governments.

WALGA has requested that Local Government Officers are directly involved in the process of drafting any new regulations to ensure that they adequately address Local Government issues. WALGA also requests that the DoH consider forming a special working group with Local Government Officers with representation from the Mental Health Commission, Department of Communities and Mental Health Service Providers to explore effective partnerships to deal with complex issues around hoarding and squalor.

The People and Place Policy team reviewed the submission and State Council endorsed it via Flying Minute on 19 December 2019. (Resolution No.186.FM/2020).

## 6.3 Submission on Modernising the *Environmental Protection Act (1986)*

By Nicole Matthews, Environment Policy Manager

### Recommendation

That WALGA's submission on Modernising the *Environmental Protection Act (1986)* (EP Act) to the Department of Water and Environmental Regulation be noted.

### Executive Summary

- The State Government is seeking to make amendments to the EP Act, and have released an Exposure Draft Bill and Discussion Paper explaining the reasons for the proposed changes
- Officers prepared a draft submission, which was sent out to the sector for comment, with some changes made to the draft
- The Environment Policy Team met on Wednesday, 16<sup>th</sup> January and endorsed the revised draft submission subject to minor changes
- The revised draft was sent out to State Council members as a Flying Minute for endorsement, and was endorsed on Friday, 24 January (*Resolution 189.FM/2020*).
- State Council is to note the final WALGA submission as submitted to the Department as the consolidated position of the sector on the EP Act review.

### Attachment

WALGA's submission on Modernising the *Environmental Protection Act 1986* [here](#)

### Background

The Discussion Paper and Exposure draft Bill, which were released for public comment on 28 October 2019 for a three month period, closing on 28 January 2020 can be found [here](#).

To facilitate sector engagement, WALGA:

- alerted the sector to the release of the Discussion Paper and Draft Bill in November 2019 via an article and InfoPage in WALGA newsletters and by direct email to key contacts
- promoted a Department of Water and Environmental Regulation (DWER) briefing session for stakeholders held 9 December 2020, and
- provided a draft submission to the sector on 6 December 2019, for feedback by 6 January 2020.

Officer comments have been received from 15 Local Governments: The Cities of Albany, Bayswater, Belmont, Cockburn, Greater Geraldton, Joondalup, Perth, Rockingham, South Perth and Swan, the Towns of Cambridge and Port Hedland, the Shires of Augusta Margaret River, Mundaring, and Serpentine Jarrahdale. Some changes were made to the draft in response to this feedback. All comments received were broadly supportive of WALGA's draft submission.

A number of Local Governments have also indicated that they will be making submissions directly to DWER.

The Environment Policy Team met on Wednesday 16 January to discuss the revised draft submission and endorsed the revised draft subject to some minor changes.

The revised draft was sent out to State Council as a Flying Minute for endorsement on Friday, 17<sup>th</sup> January as the submission date was prior to the next State Council meeting. State Council endorsed the draft submission on Friday, 24 January via Flying Minute (*Resolution 189.FM/2020*). The final

WALGA submission was sent to DWER on Tuesday, 28<sup>th</sup> January which has been included in Attachment 1.

## Comment

The proposed changes to the EP Act are intended to modernise and streamline processes for environmental impact assessments, clearing permits, works approvals and licences, improve regulatory effectiveness, update the EP Act to reflect and accommodate technological developments, facilitate the implementation of bilateral assessment and approval agreements under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and address errors and inconsistencies.

The submission provides comment on proposed amendments to the EP Act as well as additional matters that WALGA considers should also be included in the Bill, or be considered to improve the effectiveness of the EP Act.

It expresses support for proposed amendments to the EP Act to improve its regulatory efficiency and effectiveness (including updating to account for technological developments, clarification of language and process, reflecting changes to related legislation, removal of anomalies and unnecessary process/requirements and removing unreasonable barriers to effective compliance and enforcement) on the proviso that environmental outcomes are not negatively affected.

Key points of the submission are:

- strongly opposes the imposition of further cost recovery for environmental assessments on Local Governments
- supports the introduction of a referral process for clearing for which an exemption does not apply but may not have a significant effect on the environment
- advocates for the State Government to develop a strategic, comprehensive and sustainably funded approach to the protection of native vegetation in Western Australia
- supports changes to the licencing system (a move to licence activities rather than premises and for the occupier of a premise being required to hold a licence if undertaking an activity which falls under Schedule 1 of the EP Act), and
- proposes further changes to the EP Act, including:
  - a requirement for a State of the Environment Report at least every 5 years
  - the development of a needs based approach to the approval of new landfills and other waste infrastructure
  - removing the need to refer all basic scheme amendments to the EPA and a streamlined approach for 'standard' and 'complex' scheme amendments that have no likelihood of materially impacting on the environment, and
  - imposing statutory timeframes for the resolution of appeals.

The submission acknowledges that a number of the proposed changes to the EP Act have the potential to improve environmental regulation in WA, but that the narrow scope of the proposed amendments misses the opportunity to look holistically at the EP Act (and related legislation) to ensure they are fit-for-purpose in protecting Western Australia's unique environment into the future. A thorough independent review of the EP Act is therefore also recommended.

## **6.4 Submission to the Productivity Commission on the National Transport Regulatory Reform (05-006-03-0013 ID)**

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

### **Recommendation**

**That the submission to the Productivity Commission be noted.**

### **Executive Summary**

- WALGA has prepared a submission to the Productivity Commission on the National Transport Regulatory Reform.
- The Infrastructure Policy Team endorsed WALGA's submission, which contains the following recommendations:
  1. the Rail Safety National Law be amended to remove the requirement for Interface Agreements for rail crossings on disused rail lines, to allow limited resources to be focussed on those crossings where there is a material risk.
  2. transport regulation requirements be considered within the framework of the Safe System principles set out in the National and various State Road Safety Strategies.
  3. the authority responsible for management of the roads (specifically Local Governments) being considered for heavy vehicle access must remain central to the decision-making process.
  4. performance criteria be established and monitored in relation to the accuracy of access decisions.
  5. to encourage the use of pre-approved networks, mechanisms should be in place to ensure road managers are notified of significant changes to the volume of heavy movements on relevant parts of the network, particularly access roads which would be expected to carry relatively low volumes of heavy vehicle traffic.
  6. mechanisms to rapidly review access provision and / or respond with a suitable funding arrangements are required to be put in place to address damage caused by extraordinary freight loads.
  7. regulations ensure certainty around the powers of Local Governments, as road managers, to provide clarity in negotiations with freight generators.
  8. the Australian Government support the road development and maintenance costs associated with the movement of heavy vehicles on Local Government roads.
  9. an independent data hub be established to collate data on heavy vehicle movements for use by road managers, and a requirement for telematics and reporting be progressively implemented.
  10. the presence of modal competition be introduced as a criterion that can be used by Local Government road managers to make heavy vehicle access decisions.
- Submissions were due to close on 13 January 2020, but the Productivity Commission granted a two-week extension for WALGA's submission. The submission was submitted on 28 January 2020.
- The WALGA State Council endorsed the submission by Flying Minute as per resolution number 190.FM/2020.

### **Attachment**

Submission to the Productivity Commission on the National Transport Regulatory Reform:  
<https://walga.asn.au/getattachment/Policy-Advice-and-Advocacy/Infrastructure/Urban-and-Regional-Transport/Productivity-Commission-Inquiry-into-National-Transport-Regulatory-Reform-Rev-5.pdf?lang=en-AU>

## Background

In 2008, the Council of Australian Governments (COAG) endorsed a broad reform agenda with the goals of boosting productivity, increasing workforce participation and geographic mobility, and delivering better services for the community. One element of this agenda targeted overlapping and inconsistent national, State and Territory regulations — with the aim of fostering a seamless national economy. In this context, transport was identified as one sector for action. Consequently, in 2009 COAG agreed to create national regulatory regimes for maritime safety, rail safety and heavy vehicle safety and productivity. COAG's intention was to improve safety while reducing costs and regulatory burden for transport companies and, as a result, lowering costs of exports and trade. State-specific laws, regulations and regulators were to be replaced with national laws and regulators in each transport mode. Estimates of the likely benefits of this reform agenda were substantial for the changes to heavy vehicle regulation.

The terms of reference require the Productivity Commission to:

- investigate the long-run benefits of COAG's transport regulatory reform agenda;
- examine the implementation and development of the national regulators and the extent to which the objectives of the agenda have been achieved; and
- identify opportunities to further integrate and harmonise the national freight market and the current focus and remit of the three national regulators.

A draft report was published in late November 2019 with an invitation to provide submissions by 15 January 2020. WALGA received a two week extension.

Western Australia signed the Intergovernmental Agreements relating to rail and maritime safety and adopted the national laws. However, Western Australia (and the Northern Territory) have remained outside of the heavy vehicle national law and regulator.

## Comment

WALGA's recommendations address several of the recommendations in the Productivity Commission report which were considered to be of relevance to Local Government in Western Australia.

## 6.5 Submission to Joint Select Committee on Road Safety (05-009-03-0050 MS)

By Mal Shervill, Policy Officer Road Safety

### Recommendation

**That the submission to the Joint Select Committee on Road Safety be noted.**

### Executive Summary

- In August 2019, Federal Parliament appointed a Joint Select Committee on Road Safety *to inquire and report on steps that can be taken to reduce Australia's road accident rates, trauma and deaths on our roads.*
- Submissions close on 31 January 2020.
- The Infrastructure Policy Team endorsed WALGA's submission, which contains the following recommendations:
  1. Develop authentic partnership arrangements built on a common vision and goals, with appropriate resources (knowledge, funding, skills, data, etc.) that enables Local Governments to participate fully and effectively in their role to reduce road trauma.
  2. Consider introducing Government policies to encourage and support the accelerated renewal of the vehicle fleet in Australia.
  3. Provide national leadership and political support to plan and design an inherently safe road transport system suited to the progressive introduction of increasing levels of autonomous vehicles in Australia.
  4. Identify and quantify the differences and gaps in road standards to understand the extent of the task required to bring the network up to safe system standard.
  5. Develop a program that supports innovation through funding of demonstration projects and encourages others by showcasing effective projects (e.g. national safe infrastructure awards).
  6. Develop and fund a program to assess and apply a star rating to the local road network
  7. Support and encourage targeted speed limit reductions planned in consultation with Local Governments and where possible involve community road safety partnerships.
  8. Review current standards including maintenance standards of road lining and signing to ensure these methods adequately inform road users of appropriate behaviours and travel speed.
  9. Develop a means of monitoring the level and extent of implementation (process evaluation) to understand what effort achieves certain results and to identify the gaps in implementation.
  10. Provide Local Governments with access to consistent accurate and timely road trauma and crash incident data to guide decision-making.
  11. Explore opportunities to develop and apply a systems-based methodology to road crash investigations, similar to aviation industry investigations.
  12. With the States and Territories, develop a method of collating data so that "serious injury" information is reportable for Australia.
  13. Align the next National Road Safety Strategy with the United Nations Sustainable Development Goals to link with global objectives.
  14. Consider a road safety framework allowing for the mix of personal, social, economic and environmental factors that contribute to road trauma.
  15. Define/identify who can/should contribute to road safety then measure and monitor the capacity of the identified parties.
  16. Introduce a formal structure, instrument and processes to enable regular and meaningful consultation and engagement with the Local Government sector.
  17. Initiate research to identify and develop a more sophisticated safe-system aligned approach as an evolutionary step for the Australian Government Black Spot program.
  18. Increase the percentage of funding allocated on the basis of road safety audits to proactively drive safe system transformation of the road network.



The WALGA State Council endorsed the submission by Flying Minute as per resolution number 191.FM/2020.

## Attachment

Submission to the Joint Select Committee on Road Safety:

<https://walga.asn.au/getattachment/Policy-Advice-and-Advocacy/Infrastructure/Road-Safety/Submission-Joint-Select-Committee-on-Road-Safety-Jan-2020.pdf?lang=en-AU>

## Background

In August 2019, Federal Parliament appointed a Joint Select Committee on Road Safety *to inquire and report on steps that can be taken to reduce Australia's road accident rates, trauma and deaths on our roads*. The Committee invited comment on all or some of its terms of reference by 31 January 2020.

## Comment

WALGA's recommendations are in accord with previous submissions:

- Inquiry into progress under the National Road Safety Strategy 2011-2020 (Department of Infrastructure, Regional Development and Cities).
- Imagine Zero – Consultation for a road safety strategy beyond 2020 for Western Australia (Road Safety Council).



## **6.6 WALGA Submission on Native Vegetation in Western Australia Issues Paper**

*Garry Middle, Environment Policy Advisor*

### **Recommendation**

**That the WALGA submission on the Native Vegetation in Western Australia Issues Paper be noted.**

### **Executive Summary**

- The Native Vegetation in Western Australia Issues Paper was released for public comment in November 2019 for a three month period, closing on 10 February 2020
- Officers prepared a draft submission, which was sent out to the sector for comment, with some changes made to the draft
- The Environment Policy Team met on 22 January and endorsed the revised draft submission subject to minor changes
- The revised draft was sent out to State Council members as a Flying Minute for endorsement, and was endorsed on 31 January (RESOLUTION 192.FM/2020)
- The submission highlights key areas of concern and makes a number of recommendations for improvement, including that implementation be supported by a collaborative governance framework and that WALGA and Local Governments have the opportunity to participate in this process, and
- The WALGA submission was sent to the Department of Water and Environmental Regulation (DWER) on 6 February 2020.

### **Attachment**

WALGA submission on Native Vegetation in Western Australia Issues Paper

<https://walga.asn.au/getattachment/Documents/Submission-Native-Vegetation-in-WA-issues-paper-State-Council-endorsed.pdf?lang=en-AU>

### **Background**

The Issues Paper, which was released for public comment in November 2019 for a three month period, closing on 10 February 2020 can be found on the Department of Water and Environmental Regulation (DWER) website [here](#).

The Issues Paper proposes four initiatives to improve the management of WA's native vegetation:

1. A State native vegetation policy to promote consistency and transparency in the objectives that apply to consideration of native vegetation across all Government processes
2. Improved data and mapping systems to track native vegetation extent, condition and approvals
3. Better regulation to improve efficiency and effectiveness of regulatory processes, as well as supporting compliance and enforcement activities
4. A Bioregional approach to setting regionally tailored objectives for native vegetation management

To facilitate sector engagement on the Issues Paper, WALGA:

- alerted the sector of its release in November 2019 via an article and InfoPage in WALGA newsletters, by direct email to key contacts and on the WALGA website

- promoted and attended DWER briefing sessions held throughout late 2019 and January 2020 in metropolitan and regional locations across the State, and
- provided a draft submission to the sector and directly to CEOs via email correspondence from the WALGA CEO on 16 December 2019, for feedback by 13 January 2020.

Officer comments were received from 13 Local Governments: The Cities of Armadale, Belmont, Canning, Gosnells, Greater Geraldton, Joondalup, Perth, Rockingham, the Shires of Augusta Margaret River, Dardanup, Gingin, Serpentine Jarrahdale and the Town of Mosman Park. All comments were broadly supportive of WALGA's draft submission.

The Environment Policy Team endorsed the revised draft submission subject to minor changes on 22 January. The revised draft was sent out to State Council as a Flying Minute for endorsement on 24 January as the submission date was prior to the next State Council meeting. State Council endorsed the draft submission on 31 January via Flying Minute (RESOLUTION 192.FM/2020). The final WALGA submission, sent to DWER on 6 February, is included at Attachment 1.

## Comment

The WALGA submission notes that Local Government has local planning responsibilities and is both a manager of native vegetation and also requires clearing permits from time to time to facilitate infrastructure works, for example road widening and maintenance activities.

The four initiatives are generally supported but some key areas of concern and recommendations are made in the submission reflecting the priorities of the Local Government sector, including:

- changes to the decision making processes that provide clear guidance on regulatory requirements, more consistent advice from DWER and improved timeliness of decisions, especially where time limited grants are tied to works requiring clearing are supported
- that a dedicated resource is established within DWER to deal with Local Government permit applications to provide both a timely service and a consistent application of policy
- that the Issues Paper and the initiatives, especially the proposed policy, are only about improved process and not about achieving better outcomes for native vegetation
- that without clear, outcomes based objectives, including addressing the issues of ecological thresholds for the amount of clearing, these initiatives cannot deal with the challenges and threats facing native vegetation
- in this context it is recommended that an overall objective of net gain in vegetation cover and net improvement in vegetation condition be set
- that a wide ranging, strategic and comprehensive review of, and inquiry into, the clearing permit process and the planning and management of native vegetation in the State is required
- that the current list of clearing exemptions and their application in and outside of environmentally sensitive areas are both confusing and inconsistent
- that more and better information is needed to support good decision making, and making this data publicly available as an on-line resource should be prioritised
- a bioregional approach is supported but some key details need to be clarified including the setting of objectives, and that Local Governments need to be consulted as the approach is developed
- concerns regarding the current application of environmental offsets, specifically, that they can be a significant financial burden for smaller Local Governments in the agricultural region, and the submission proposes a more strategic approach which could aid smaller Local Governments in agricultural regions and help address the decline in native vegetation
- that the development and implementation of these initiatives be supported by a collaborative governance framework and be adequately resourced by the State Government, and
- that WALGA and Local Governments would be willing participants in this process.

## **6.7 Proposed Amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* for Container Deposit Scheme Infrastructure (05-036-03-0064 VJ)**

*By Vanessa Jackson, Policy Manager, Planning and Improvement*

### **Recommendation**

**That the submission on the proposed amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015*, to exempt certain types of Container Deposit Infrastructure, be noted.**

### **Executive Summary**

- Minister for Planning sought public comment on proposed amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* that would help to facilitate the implementation of the Container Deposit Scheme.
- The proposed amendments are not supported as justification for the adoption of additional legislative provisions has not been provided, Local Government will be required to undertake compliance action if any CDS applicant incorrectly applies the proposed exemption clauses, and inappropriate site selection could undermine the intent and objectives of a particular zone within the Local Planning Scheme.
- The submission was due by 7 February 2020, prior to the next WALGA State Council meeting. Consequently, the submission was processed through WALGA's interim submission process, endorsed by State Council by Flying Minute on 5 February 2020 and submitted.

### **Attachments**

WALGA Submission Local Planning Scheme regulations – Container Deposit Scheme  
<https://walga.asn.au/getattachment/Documents/WALGA-Submission-on-LPS-regs-CDS-FINAL.PDF?lang=en-AU>

Letter from Department of Planning Lands and Heritage.

<https://walga.asn.au/getattachment/Documents/Letter-WALGA-CDS.PDF?lang=en-AU>

### **Background**

The State and Local Government have been working collaboratively on the establishment and delivery of a container deposit scheme (CDS) for WA. Since the inception of this project, WALGA and Local Governments have welcomed the introduction of such a scheme. The following actions have been undertaken by WALGA to ensure that the community and local government are fully cognizant of the upcoming Scheme:-

- With funding from the Minister of Environment, WALGA and Local Governments have been running numerous CDS education and returns at community events around WA.
- Information sessions with local government practitioners (waste, environment, planning and administration) to ensure the sector is able to assist the operators and the end users of the Scheme.
- Preparation of information sheets and information packs for the local government sector.
- Comprehensive contribution to Department of Planning Lands and Heritage's preparation of the Planning Position Statement on CDS infrastructure, as endorsed at the March 2019 State Council (Resolution 10.3/2019). The sector is now preparing local planning policies ready for the submission of planning applications for the facilities (or they have advised that they will just be referring to the Position statement).

On the 13 December 2019, the Department of Planning, Lands and Heritage advised that the Minister for Planning is seeking public comment on proposed amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* that would help to facilitate the implementation of the Scheme. The intent is to amend Clause 61 of the Regulations to provide Development Approval exemptions for specific CDS infrastructure. Exemptions will be for container deposit recycling centers proposed within existing buildings outside of residential areas, and for all reverse vending machines and collection cages proposed outside of residential areas.

## Comment

WALGA is concerned that the State has now drafted exemption regulations under the Planning Regulations for all of the CDS infrastructure, despite the fact that much of the CDS infrastructure is already exempt from planning approval, or the type of applications that are being expected are in the 'minor application' type, which will be dealt with efficiently and effectively by local governments. There seems to be a perception that the Local Government sector will be unable to deal with these applications, and that the experience of QLD and NSW will be repeated in WA. A direct comparison cannot be made as the States have different legislation, WA has clear statutory timeframes for approvals, and the timeframe for the roll out of the CDS infrastructure is different.

The Industry's push to prepare these planning exemptions:-

- is counter intuitive to the State's objective for streamlining the planning system, red tape reduction projects or 'light touch' regulatory controls
- is creating an overly complicated set of drafting instructions
- could have unintended consequences within the planning system (including creating an unwarranted precedent), due to the rush to create this exemption
- has the potential to affect the good working relationship between the State and Local Government should the regulations be released for the required 8 week advertising period
- is neither efficient or effective in the resourcing required at DWER, DLPH, WALGA and Local Government levels

These concerns have also been raised at the State and Local Government Partnership Agreement meeting in October 2019, in front of the Premier and the Minister for Local Government, Minister for Planning and Minister for Environment.

The submission therefore has the main recommendation that:

- 1) The Local Government sector does not support the enactment of the proposed amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* for Container Deposit Scheme Infrastructure, for the following reasons: -
  - (i) justification for the adoption of additional legislative provisions has not been provided, in accordance with COAG's Principles of Best Practice Regulation;
  - (ii) Local Government will be required to undertake compliance action if any CDS applicant incorrectly applies the proposed exemption clauses; and
  - (iii) inappropriate site selection could undermine the intent and objectives of a particular zone within the Local Planning Scheme.

Feedback received from the sector:

- City of Subiaco officers have verbally provided support of the submission, particularly as they are in the process of endorsing their Local Planning Policy for CDS infrastructure.
- Shire of York officers have provided specific feedback on the impact of the infrastructure, which has been incorporated as an example at the end of the submission.

The submission was processed through WALGA's interim submission process and submitted on Friday 7 February 2020 (**RESOLUTION 193.FM/2020**).

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

*By Rebecca Brown, Manager Waste and Recycling*

### **Recommendation**

**That State Council note the resolutions of the Municipal Waste Advisory Council at its 11 December 2019 meeting.**

### **Executive Summary**

- This item relates to the MWAC meeting held on 11 December 2019, key outcomes of this meeting included:
  1. Agreement to send correspondence to the Environment Minister seeking clarification regarding the trajectory of the Waste Levy for 2020/21.
  2. Formalisation of the Consistent Communications Collective, a group which brings together Local and State Government and the waste industry to agree consistent approaches to waste management messages.
  3. Consideration of key issues relating to the introduction of Food Organic Garden Organic collection systems, including funding programs and representation on a State Government Reference Group.
  4. Agreement to send correspondence to the Premier regarding opportunities to encourage battery recycling in WA.
  5. Endorsement of Submissions on two Senate Inquires and the proposed Export Bans for glass, plastic, paper/cardboard and tyres.

### **Background**

The Municipal Waste Advisory Council is seeking State Council noting of the resolutions from the **11 December 2019** meeting, consistent with the delegated authority granted to the Municipal Waste Advisory Council to deal with waste management issues.

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

### **Comment**

The key issues considered at the meetings held on **11 December 2019** included:

#### **Levy Trajectory – Letter to Environment Minister**

The Waste Avoidance and Resource Recovery (WARR) Levy Regulations do not include any further increases in the Levy. The Department of Water and Environmental Regulation were aiming to release a consultation document on the Levy in late 2019. Local Governments will need clarification early 2020 regarding any expected increase in the Levy to ensure that budget processes can include this information. The proposed correspondence requested clarification on any proposed increase for the 2020/21 financial year.

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

That the Municipal Waste Advisory Council endorse the correspondence to the Environment Minister on the Waste Avoidance and Resource Recovery Levy.

Moved: Cr Hall                      Seconded: Cr Stroud



### **Formalise Consistent Communications Collective**

The Consistent Communication Collective commenced as an informal group, led by WALGA, of Local Governments, Regional Councils, State Government and Material Recovery Facility operators in the following the China Sword announcement. The group has continued to meet and provides a forum for discussion of key communication issues. While the group is functioning well currently, it is important to ensure a formal underpinning, therefore the proposal is the group be constituted as a working group under MWAC.

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

That the Municipal Waste Advisory Council endorse the:

1. Consistent Communications Collective as a Working Group of MWAC
2. Terms of Reference for the Consistent Communications Collective.

Moved: Mayor Howlett      Seconded: Cr Abetz

### **FOGO – funding, implementation and consultation**

The DWER, on behalf of the Waste Authority, has developed the next phase of the Better Bins Program, Better Bins Plus: Go FOGO and provided MWAC with an opportunity to comment. WALGA has received responses from 29 of the 32 Perth/ Peel Local Governments regarding FOGO implementation. The Waste Authority has formed a FOGO Reference Group and invited MWAC and WALGA to nominate members.

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

That the Municipal Waste Advisory Council:

1. Endorse the Submission on the Better Bins Mk II Program.
2. Note the responses from Local Governments regarding FOGO.
3. Endorse Local Government Members to the Waste Authority FOGO Reference Group
  - a. Scott Cairns – City of Wanneroo
  - b. Andrew Murphy – City of Vincent
  - c. Brice Campbell – Town of Bassendean
  - d. Paul Molony – City of Melville
  - e. Nuno Dionisio – City of Rockingham

Moved: Cr Hall      Seconded: Cr Johnson

### **Battery Recycling – Letter to Premier**

The State Government announced an online register to help future battery industry proponents to access State or Commonwealth funding. WALGA is writing to the Premier to clarify if battery recycling has been considered for funding, or inclusion in this register, as it is unclear whether it has been included.

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

That the Municipal Waste Advisory Council endorse the correspondence to the Premier on Battery Recycling.

Moved: Cr Hall      Seconded: Cr Stroud

### **Senate Inquiry Product Stewardship Amendment (Packaging and Plastics) Bill 2019**

A Senate Inquiry has been launched into a private members Bill put forward by Senator Whish-Wilson focusing on Product Stewardship, specifically packaging and plastics. The Bill strongly aligns with many of MWAC's Submissions and Policy Statements. If adopted, the Bill would assist in reducing costs to Local Government of recycling and litter clean up by ensuring greater producer responsibility.

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

That the Municipal Waste Advisory Council endorse the Submission to the Senate Inquiry on Product Stewardship Amendment (Packaging and Plastics) Bill 2019.

Moved: Mayor Howlett      Seconded: Cr Abetz

***Senate Inquiry into Australia's waste management and recycling industries***

The Senate Committee on Industry, Innovation, Science and Resources announced an inquiry into innovative solutions in Australia's waste management and recycling industries. The very broad terms of reference for the inquiry provide the opportunity to raise a number of issues relating to waste avoidance and the necessary conditions for innovation.

**MUNICIPAL WASTE ADVISORY COUNCIL MOTION**

That the Municipal Waste Advisory Council endorse the draft Submission to the Senate Inquiry into Australia's waste management and recycling industries.

Moved: Mayor Howlett                      Seconded: Cr Abetz

***Discussion Paper on Export Bans***

The Meeting of Environment Ministers (MEM) agreed a timeline to ban exports of glass, mixed plastics, tyres and mixed paper and cardboard. Currently, except for glass, WA exports the majority of these materials. WALGA raised issues relating to the ban with the Environment Minister prior to the MEM meeting and anticipates there will be a need for ongoing advocacy on this issue.

**MUNICIPAL WASTE ADVISORY COUNCIL MOTION**

That the Municipal Waste Advisory Council endorse the Submission on the Discussion Paper on Export Bans.

Moved: Cr Hall                      Seconded: Cr Stroud

## **6.9 2019 Annual General Meeting Status Update (01-003-02-0003 TL)**

*By Tim Lane, Manager Strategy and Association Governance*

### **Recommendation**

**That the update relating to actions taken on 2019 Annual General Meeting resolutions be noted.**

### **Executive Summary**

- Nine motions were adopted at the 2019 WALGA Annual General Meeting held on 7 August 2019.
- The motions were forwarded to the relevant Policy Teams of State Council for action.
- State Council resolved that a report be prepared for the March 2020 State Council agenda detailing action taken on each of the motions.

### **Attachment**

[Minutes of the 2019 Annual General Meeting.](#)

### **Background**

Nine motions were adopted by the meeting at the 2019 WALGA Annual General Meeting held on 7 August 2019. The motions were forwarded to the relevant State Council Policy Team for action and State Council resolved that a progress report be prepared for this agenda outlining action taken in relation to the motions. Updates in relation to the nine motions follows below.

### **Comment**

The status updates below are structured as follows: first, the motion endorsed by the meeting is presented, and then an update on action taken since August 2019 is articulated.

#### **3.1 Coastal Erosion**

##### **Motion:**

*That WALGA advocate to the Federal and State Governments with respect to the importance of responding to the increasing challenges faced by Coastal Councils, and develop policy initiatives to include:*

- 1. Introduction of a national funding formula to provide the resources necessary to manage and maintain the coast effectively on behalf of all Australians, including the funds needed to increase the adaptive capacity of Councils to address climate impacts.*
- 2. Allocation of State Funding Grants to properly investigate the causes of coastal erosion and to provide options to address the negative impacts and assist in funding the required works to stabilise the coastal areas and communities against coastal hazards where appropriate*
- 3. Development of an intergovernmental agreement on the Coastal Zone that will provide a coordinated national approach to coastal governance through and in cooperation with Australian state, territory and local governments and clearly define the roles and responsibilities of each tier of government in relation to coastal zone management.*
- 4. Creation of a National Coastal Policy, the basis of which is formed by the intergovernmental agreement on the Coastal Zone, that outlines the principles, objectives and actions to be taken to address the challenges of integrated coastal zone management for Australia.*



5. *An increase in funding for Australian climate science research programs conducted by CSIRO and other research bodies, including the restoration of funding for the National Climate Change Adaption Research Facility or establishment of a similar body, and continuing support for CoastAdapt. This is essential to ensure that appropriate guidance in responding to coastal hazards is accessible by Australia's coastal Councils so that coastal communities and assets are adequately prepared to address the adverse effects of climate change impacts.*

**Update:**

In July 2019, the WALGA President publically raised the issue of coastal erosion and its impacts on Local Governments and their communities on the ABC TV news.

In August 2019, the State Government released the Coastal Erosion Hotspots in Western Australia report, commissioned to gain a better understanding of where coastal erosion is expected to have a significant impact on public and private property or infrastructure over the next 25 years. It identifies 55 locations across Western Australia – 15 metropolitan and 40 regional – that have varying levels of risk that will need collaborative solutions. An additional 31 locations have been placed on a watch-list for future monitoring. The estimated cost for managing the 55 locations could be up to \$110 million over the next five years, with additional funding required in the long term.

In October 2019, the President raised the issue of coastal erosion and inundation with the Premier, Treasurer and Ministers for the Environment and Local Government at the State Local Government Partnership Agreement Leaders Meeting, and also placed it firmly on the ALGA agenda. The issue was subsequently addressed at the national level through the Meeting of Environment Ministers in Adelaide on 8 November 2019, where coastal erosion and inundation was acknowledged as a risk that requires a collaborative approach from all levels of government. With ALGA in attendance, Ministers agreed to establish an intergovernmental working group to collate existing information on coastal erosion and inundation hazard risk management, and propose a collaborative approach to coastal erosion for consideration through a future meeting of Environment Ministers.

Western Australia is the lead jurisdiction on the intergovernmental working group, which is currently being developed. ALGA has representation on this through WALGA (Dr Garry Middle). Concurrently, WALGA continues to advocate to the State Government through its State Pre-Budget Submission, seeking \$55m over four years to support the sector in managing the impacts of coastal erosion, and via the WALGA submission to the State Climate Change Issues Paper, with a strong focus on related legal liability, land use planning and risk management issues.

### **3.2 Department of Housing Leasing Residential Property to Charitable Organisations**

**Motion:**

*That WALGA advocate to the Minister for Housing to include in the lease agreements with charitable institutions that they must pay Local Government rates on behalf of the Department of Housing recognising the services Local Government provides to its tenants.*

**Update:**

The WALGA President, Cr Lynne Craigie OAM, wrote to the Minister for Housing, Hon Peter Tinley AM MLA in September 2019 in relation to the issue addressed by the motion. The Minister's reply noted the Local Government sector's concerns but did not provide any undertaking to reform the system to require community housing providers to pay Local Government rates.

WALGA has also actively advocated on this issue (and broader related issues of rate exemptions) during the current review of the *Local Government Act 1995*. Advocacy will continue through the review of the *Local Government Act 1995* and other avenues.

### **3.3 Motorist Taxation Revenue and Spending in WA**

#### **Motion:**

*To support the independent position of the RAC, that WALGA call on the State and Federal Government to:*

- 1. Provide a fairer distribution of funding from revenue collected from Western Australian motorists (consistently a minimum of 50%) to remediate Western Australia's road maintenance backlog and tackle the increasing costs of congestion and road trauma, to deliver productivity and liveability outcomes; and*
- 2. Hold an inquiry into road user pricing as part of a broader reform of motorist taxation that would remove revenue raising fees and charges, and / or hypothecate money collected for the provision of transport infrastructure and services.*

#### **Update:**

In September 2019 WALGA State Council resolved to forward these motions to the Infrastructure Policy Team for action. The Policy Team has held two video conferences to address specific matters, but has not met in person since September 2019.

In preparation for the Policy Team consideration of these motions, background research concerning fuel excise collections from WA has been undertaken and is on-going.

### **3.4 Biosecurity Groups (RBGs)**

#### **Motion:**

*That WALGA revokes its current policy position of not supporting the establishment and operations of Recognised Biosecurity Groups (RBGs) and that the decision on whether to support RBGs is to rest with individual Local Governments.*

#### **Update:**

On 22 August, at the WALGA Forum on Pest Animal Biosecurity Management, the Minister for Agriculture committed to a review of the *Biosecurity and Agriculture Management Act 2007* in this term of government. The Terms of Reference for the review have yet to be released. In the interim, WALGA has been invited to participate on the Biosecurity Senior Officers Group, and seeks to ensure that the terms of reference for the review of the Act enable full consultation. The item is being considered at the March meeting of the Environment Policy Team.

### **3.5 WALGA Members Support for Waste to Energy**

#### **Motion:**

*That WALGA seek firm commitments from the State Government about how the waste avoidance, resource recovery and diversion from landfill targets will be achieved, including local options for reprocessing, recycling and waste to energy.*

*In particular these commitments should clearly indicate how the State Government will cease the proliferation of landfills in the non-metropolitan areas which are predominantly taking metropolitan waste or waste generated elsewhere in the state including mining and construction camps. These commitments should encourage alternative options and outline what incentives the Government will*

*put in place to reduce, and eventually eliminate, our reliance on landfill.*

**Update:**

WALGA supports the intent of the Motion and will continue to advocate for action from the State Government regarding the implementation of the Waste Avoidance and Resource Recovery Strategy 2030. WALGA commends the motion and its identification of key issues such as the need to control the development of new landfills, to support the Strategy Targets, and to develop local solutions to divert material from landfill for material and energy recovery.

MWAC will continue to advocate for funding from the State Government regarding the implementation of the Waste Avoidance and Resource Recovery Strategy 2030. WALGA included in the Submission on the Environmental Protection Act review a specific recommendation in relation to reducing the proliferation of landfills, and will continue to advocate for this outcome.

### **3.6 Membership of Development Assessment Panels**

**Motion:**

*That WALGA advocate increasing Local Government membership in Development Assessment Panels.*

**Update:**

A report on the change to membership of Development Assessment Panels was presented to the December 2019 State Council Meeting, where it was resolved:

*That WALGA advocate to the Minister for Planning, that the composition of Development Assessment Panels (DAPs) be modified to provide equal representation of Specialist Members and Local Government Members, in accordance with the original objectives of the DAP system to enhance the decision making process by improving the balance of experts.*

Correspondence has been sent to the Minister for Planning in accordance with the resolution above the following response has been received:

*“As you are aware the recently released Action Plan for Planning Reform proposes several reforms and improvements to DAP systems and processes. These will provide a consistent robust DAP process reducing potential conflicts of interest and promote consistency of decision making, thereby addressing many of the perceived issues with the current system.*

*As you have noted, the composition of Local Government representation is not being considered as part of the current planning reform process, however, a number of other significant reforms are proposed. The most notable being a reduced number of DAPs to no more than three and the engagement of specialist members on a full time basis. This will be supported by the establishment of a pool of non-voting subject matter experts to provide DAPs with independent, expert advice as required.*

*It is my intention that these reforms will enhance the decision making process by providing greater consistency and transparency. The reduced number of DAPs and the engagement of full time specialist members will also allow specialist members to gain a greater level of local expertise therefore further enhancing the process.*

*Thank you for raising this with me and I encourage WALGA and the local government industry to remain an active participant in the planning reform process.”*

These proposed changes to the DAPs composition, will require amendment to the DAP Regulations, therefore, the matter of Local Government equal representation will be raised again as part of the public comment period.

### **3.7 Review of the Mining Act 1978**

#### **Motion:**

*That:*

1. *WALGA requests that the Hon. Bill Johnston, Minister for Mines and Petroleum, undertakes a review of the Mining Act 1978 with a view to maximising the benefits to local communities and its impact on local communities; and*
2. *The Mining application process includes a mandatory MOU with the Local Government which would be overseen by the Auditor General to ensure fairness to the Community by having the mining company contribute to local infrastructures as a Legacy project.*

#### **Update:**

This item was referred to the Mining Communities Policy Forum for action in December 2019. Following the Forum's deliberations, an item for State Council's consideration will be included in the May 2020 State Council agenda.

### **3.8 Financial Assistance Grants**

#### **Motion:**

*That WALGA requests the Hon. Minister of Local Government and Communities David Templeman to assist all Local Governments to Lobby the Federal Government to retain the Financial Assistance Grant at one percent of the of Commonwealth Taxation Revenue.*

#### **Update:**

This item will be considered by the Governance and Organisational Services Policy Team at their 4 March 2020 meeting, where the most appropriate policy position for FAGs funding moving forward will be discussed.

### **3.9 Third Party Appeal Rights**

#### **Motion:**

1. *That there be an amendment to the Third Party Appeals Process Preferred Model, being that third parties in addition to Local Governments are able to make an appeal.*
2. *That there be an amendment to the Third Party Appeals Process Preferred Model, being that closely associated third parties in addition to Local Governments are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.*

#### **Update:**

A letter relating to this issue was sent to every Local Government Chief Executive Officer in WA on 9 November. The letter requested CEOs to advise whether their Council supports or does not support the motion to amend the Preferred Model. As several WALGA members have requested an extension to the original January deadline, the new closing date for feedback is 28 February 2020. An item will be presented to the May 2020 State Council meeting for State Council's consideration.

## 7. ORGANISATIONAL REPORTS

### 7.1 Key Activity Reports

#### 7.1.1 Report on Key Activities, Environment Policy Unit (01-006-03-0017 MJB)

*By Mark Batty, Executive Manager Environment & Waste*

#### **Recommendation**

**That the report from the Environment Unit to the March 2020 State Council meeting be noted.**

The following report outlines key activities for the Environment and Waste Policy Unit since the December 2019 State Council meeting:

#### **Policy and Advocacy**

##### **Climate Change**

Following State Council's endorsement, WALGA's submission in response to the [Climate Change in Western Australia Issues Paper](#) was submitted to the State Government in December 2019. WALGA is continuing its advocacy as the State Climate Change Policy, due by mid-2020, is developed.

##### **Local Government Urban Forest Working Group**

The WALGA Environment and Planning teams hosted an Urban Forest Working Group meeting on Wednesday, 4 March at the City of Canning with 35 officers in attendance. The purpose of the meeting was to explore the various data mapping approaches used by Local Governments and facilitate a discussion on the synergies between Council approaches to try to have better consistency within the State. The Department of Planning, Lands and Heritage (DLPH) gave a presentation on the Urban Monitor data and a sampler of a new data dashboard the Department is looking to launch. WALGA also gave a presentation on LGMap and how the urban forest layer can be used to assist Local Governments. WALGA then facilitated a workshop discussion exploring the various approaches used by the sector to map their urban forest to try to achieve better consistencies and collaboration across the State, which is a key priority of the group.

##### **Local Government Urban Forest Conference 2020**

WALGA, in conjunction with the 24 Local Governments that form the Urban Forest Working Group, is hosting the inaugural Urban Forest Conference on Friday, 17 April to be held at the University of Western Australia. The conference will seek to showcase the achievements of the various stakeholders involved in growing Perth's urban canopy, as well as incorporating best practice examples, highlighting new research and providing networking opportunities. The broad themes for the conference will cover best practice urban design and planning to better accommodate canopy, planting for biodiversity, improved data outcomes, behaviour change and community perceptions and two technical workshops that will look at developing a tree planting matrix for Perth to develop better tree planting outcomes, and bushfire mitigation in a changing climate and what it means for urban greening.

It is hoped that the Urban Forest Conference will act as an incubator of best practice, with the lessons learnt by participants able to be put to practical use in their proposals and policy settings. For more information on the conference please contact [WALGA](#).

##### **Environmental Planning Tool (EPT) – now LGmap**

The Environmental Planning Tool is now LGmap. The change of name and branding reflects the tool's wide range of functionality beyond environmental planning. LGmap can be used to inform many other



Local Government operations including infrastructure design and planning, asset management, land use planning or bush fire risk assessment. In addition, five new datasets have been added to LGMap and updates completed for 30 existing datasets. WALGA is also working with the Department of Planning, Lands and Heritage to present finer scale vegetation height analysis tool within LGmap which will help to inform Urban Forest Strategies.

Demonstrations of LGMap have been held at the Town of Claremont and the Department of Water and Regulation and two in-house training sessions were held at WALGA, one in November and one in February.

### **Roadside Native Vegetation**

The Local Government Roadside Clearing Regulation Working Group, formed as a result of the concerns of the sector with the operation of the regulatory process for the clearing of native vegetation, particularly on roadsides, met on 21 January. The Group comprises representatives from DWER, DBCA, WALGA, two regional and one metropolitan Local Government officers. The Working Group aims to:

- identify and communicate methods to assist with the management of roadside native vegetation,
- investigate opportunities to build capacity, through the provision of high quality guidance as well as other initiatives, within Local Governments in relation to the provisions of the *Environmental Protection Act 1986* (EP Act), *Biodiversity Conservation Act 2016* and *Environment Protection and Biodiversity Conservation Act 1999*, and how these apply to roadside clearing,
- identify difficulties and constraints experienced by Local Governments in complying with the clearing provisions of the EP Act in the context of roadside clearing, and explore options for addressing these;
- explore opportunities and mechanisms for the development and implementation of strategic offsets within highly cleared landscapes of the Wheatbelt and Swan Coastal Plain;
- develop a strategic and risk-based approach to managing clearing permit applications for roadside clearing by Local Governments.

### **Events and Newsletters**

#### **Wetland Algal Bloom Management Field Tour**

WALGA held a field tour to discuss lake algal bloom management on 5 December 2019, with over 20 attendees from State and Local Government, tertiary institutions and natural resource management organisations participating. The City of Rockingham led a tour of four of the City's lakes to discuss trials of enzyme products and barley straw bales to manage algal blooms. The tour ended with a presentation on the treatment application schedule, as well as the results of photo monitoring. The tour facilitated the sharing of information between Local Government on effective algal bloom treatments as part of an integrated approach to wetland management.

#### **WA Wetland Management Conference 2020**

WALGA was on the Steering Committee for the 2020 WA Wetland Management Conference, held annually in celebration of World Wetlands Day. This year's theme followed the Ramsar theme for 2020 of 'Wetlands and Biodiversity'. Topics covered included the challenges of climate change and urbanisation, the impact of fire on wetlands, rehabilitation of degraded wetlands, the value of farm dams and urban wetlands as wildlife refuges, and aquatic weed management. The WALGA Executive Manager Environment and Waste, was one of four panellists that discussed policies and planning for wetland conservation in a facilitated session. The conference attracted over 180 attendees from Local and State Government, community groups, landowners, educators, and the private sector.

#### **SONG Meeting on Single Use Plastics and Sustainable Events Policies**

WALGA organised a Sustainability Officers Network Group (SONG) meeting on Single Use Plastics and Sustainable Events Policies on Thursday, 27 February. Many Local Governments are pursuing initiatives to minimise the adverse impacts of single use plastics on the environment. The WALGA



Waste team provided an overview of WALGA's internal sustainability policy for events and training, and gave feedback on the key single use plastic reduction initiatives that Local Governments are progressing across the State. A Local Government case study was presented to discuss the development and implementation of a Single Use Plastics and Balloons Policy. It also highlighted ways to involve the broader community in reducing single use plastic.

### **EnviroNews**

The December, January and February editions of EnviroNews can be accessed electronically on the WALGA website [here](#). The March edition is scheduled for release on 25 March.

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

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

### **Recommendation**

**That the Key Activity Report from the Governance and Organisational Services Unit to the March 2020 State Council meeting be noted.**

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.

### **Sector Governance Support**

#### **Local Government Financial Ratios**

An agenda item was prepared for the November/December 2019 round of Zone and State Council meetings in respect to Local Government Financial Ratios.

Currently, there are seven financial performance indicators which are required to be included in the annual financial report of a Local Government under section 6.4(2) of the *Local Government Act 1995* and Regulation 50 of the *Local Government (Financial Management) Regulations 1996*. Over a number of years there has been mounting concern as to the appropriateness of these indicators in providing a reasonable benchmark and measure of the financial performance of all Local Governments in WA.

WALGA has contracted a Local Government Financial consultant to provide recommendations on meaningful ratios and what the recommended indicators are for each ratio.

Following Zone input, the WALGA State Council resolved as follows;

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

Expressions of interest are being sought from Local Government professionals to participate in the reference group and it is anticipated that meetings to review the current ratios and recommend new ratios will be held over the next two months.

#### **Local Government Act Review – Phase 1 Update**

*The Local Government Legislation Amendment Act 2019* introduced a range of amendments to the Local Government Act including requirements for Elected Member training, reviewed gift provisions for Elected Members and CEO's and increased access to public information. A number of provisions from the Amendment Act have yet to commence and in December 2019, State Council adopted resolutions in relation to the draft Mandatory Code of Conduct and draft Chief Executive



Officer Standards for Recruitment, Performance Review and Termination released for consultation by the Department of Local Government, Sport and Cultural Industries. The Department has yet to comment on the timeframe for completion of the drafts and further consultation with the sector is highly anticipated.

Additionally, a number of other Amendment Act provisions have yet to commence including the requirement for a Council Member training and development policy; changes to the authorisations process; policy for temporary employment of CEO; and publishing information such as primary and annual returns online. The Department has commenced instructing Parliamentary Counsel on these tasks and anticipate regulatory drafts to be available for sector consultation in April or May 2020.

### **Local Government Act Review – Phase 2**

The Minister for Local Government has announced in November 2019, the formation of an expert panel to progress the next stage of the Act review process, which will include carrying out work to prepare for a Draft Local Government Act (Green Bill) to be developed in 2020/21.

WALGA's position is that the State Government need to identify the key principles for the Act in the first instance and then develop supporting policies. The detail of the Act then follows after the principles and policies are established.

The Panel has held a number of meetings and when information is available on their progress, WALGA will keep the sector informed.

### **Employee Relations**

#### **Ministerial Review of State Industrial Relations System**

The State Government tabled the report into the review of the State Industrial Relations (IR) system in April 2019. The report recommends that Local Governments be regulated by the State IR system rather than the national IR system. If endorsed at State and federal levels there will be transitional arrangements to assist the 93% of Local Governments currently operating in the Federal system transition to the State system.

WALGA is part of the Taskforce coordinated by the State government. To date there have been two meetings to provide feedback on the transitional arrangements. At these meetings and in other interactions with the State government there has been little acknowledgement of the amount of work, time, cost and resources involved in transition from one IR system to another.

On this basis WALGA surveyed the sector in late 2019 to gauge the level of opposition to the recommendation and the expectations that it is the sector's problem how this transition will occur, if the recommendation is endorsed by the WA Parliament and the Federal Minister for Industrial Relations. In total 85 Local Governments responded to the survey and of those 87% oppose the State Government's recommendation, 8.2% are neutral and 4.8% support the State Government's recommendation.

WALGA has launched a political campaign and contacted federal and State Ministers and parliamentarians to lobby against the enabling of this recommendation. Meetings will be held in the second half of February 2020.

### **Local Government Industry Award**

WALGA ER has continued to advocate for WA Local Governments with regard to the casual and overtime provisions in the Local Government Industry Award 2010 (**Award**). WALGA ER has filed a number of submissions and advocated on behalf of the Australian Local Government Associations 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.

Since the previous update to State Council, WALGA ER has:

- (a) liaised with Australian Business Lawyers and Advisors regarding the proposed amendments; and

(b) filed a further submission on behalf of the Local Government Associations to confirm the proposed amendments sought.

In addition to the casual and overtime issue, on 14 October 2019 the Fair Work Commission (**FWC**) published a new Exposure Draft of the Award. In the new Exposure Draft, the FWC accepted the amendments proposed by WALGA in April 2019 to retain the current higher duties clause in the Award, among other things.

WALGA ER again appeared before the Full Bench of the FWC in December 2019 to ensure any further amendments to the Award are in the best interests of our member Local Governments.

## **Training**

### **Local Government Training Package**

The Local Government Industry Reference Committee (of which WALGA is a Committee representative for both WA and NT Local Government) met on 23 January 2020 to discuss moving forward with the Draft 2 rework of the Local Government Training Package.

An adjusted project timeline was discussed, primarily to allow ALGA stakeholders and those Local Governments in bushfire affected regions to be able to participate in the Draft 2 development and public validation. This project plan will now be forwarded to the Australian Industry Skills Committee for consideration at their February meeting.

It is anticipated that technical specialisation consultations, to inform the units of competence within the Package, will be scheduled across Australia to ensure comprehensive industry input into Draft 2 of the Training Package. WALGA will ensure that all LG's within WA and NT are aware of these sessions and encourage participation by the sector.

## **Recruitment**

### **WALGA Recruitment work**

Currently WALGA Recruitment are assisting a number of Local Governments with the following positions:

- Chief Executive Officer – Shire of Perenjori
- Chief Executive Officer – Shire of Merredin
- Deputy Chief Executive Officer – Shire of Perenjori
- Planning Officer – Shire of Irwin

### **National Local Government Careers and Jobs website**

All State Local Government Associations as part of the Local Government Workforce Development Group have been working to establish a national jobs and careers website to attract people to applying for Local Government careers across the nation.

The website [www.careersatcouncil.com.au](http://www.careersatcouncil.com.au) has been launched as a content hub, telling the story of what's it is like to work in Local Governments. In November 2019 the website began publishing jobs supplied by Local Governments.

WALGA circulated Electronic Direct Mail (EDM) to the sector in the week of 4 to 8 November 2019, there were a number of enquiries hence a follow up EDM is being sent on 29 to 30 January 2020, and queries please contact Recruitment Manager Lydia Highfield.

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

*By Ian Duncan, Executive Manager Infrastructure*

#### **Recommendation**

**That the Key Activity Report from the Infrastructure Unit to the March 2020 State Council meeting be noted.**

The following provides an outline of the key activities of the Infrastructure unit since the last State Council meeting.

#### **Roads**

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

A project scope has been written and a request for quotation provided to qualified organisations to undertake a condition survey of roads of regional significance in the Mid West region. It is anticipated that the survey will be completed in the current quarter and will complement the condition surveys undertaken by Local Governments. This will provide a consistent dataset for the Regional Road Group to consider in funding decisions.

##### **Road Safety Management System**

Main Roads WA has been liaising with WALGA in the development of a sample system framework for assessment. This is expected to be completed in February 2020.

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

WALGA completed an internal review of the procedures associated with the *State Road Funds to Local Government Agreement 2018/19 to 2022/23*. The revised procedures are currently with Main Roads WA for consideration. Regional Road Groups will be invited to review and comment on the updated draft procedures following input from Main Roads WA.

##### **Proposed Removal of the CA07 RAV operating condition**

On advice from the State Solicitors Office, Main Roads WA is intending to remove the CA07 condition that requires a transport operator to obtain a letter of approval from the relevant Local Government. Main Roads WA is proposing to replace the condition with a notification process (CA88). After consultation with Regional Road Groups and a Stakeholder Working Group, the overwhelming majority of participants are of the view that the proposed arrangement is not an acceptable alternative. WALGA has written to Main Roads WA stating that WALGA does not support the alternative and will uphold the position adopted by State Council in December 2018.

#### **Funding**

##### **State Road Funds to Local Government Agreement 2018/19 to 2022/23**

A review of the level of funding (\$196 million for 2019/20) under the State Road Funds to Local Government Agreement was completed. This identified the rationale for increased funding and proposed application of additional funding across a range of Local Government priorities. A proposal has been developed that provides an increase of \$83 million per year by 2022/23, which restores the funding to 27% of vehicle licence fee revenue in that year. This is a 35% increase on the amount currently included in State Budget forecasts. The proposal has been discussed with the Main Roads WA Managing Director and feedback incorporated. Work has been undertaken to estimate the economic and jobs impact of the proposed additional road funding in each region. The Association is seeking a meeting with the Minister for Transport and her advisers during the current quarter.

## **Wheatbelt Secondary Freight Network**

Pre-construction activities were completed for the first two sections of road to be improved under the Wheatbelt Secondary Freight Network Program. A project manager has been appointed and hosting arrangements completed. Video and photographs of these road sections were recorded. Construction work is expected to commence in February 2020.

## **Shared Path Guidelines**

WALGA is jointly developing guidelines for delivering shared paths with the Department of Transport (DOT). Draft guidelines have been put out for public comment by the DOT, and WALGA is in the process of collating feedback on the draft guidelines from Local Government.

## **Parking review**

WALGA is developing a guideline parking policy, in collaboration with the DOT and a Local Government working group. A discussion paper has been drafted and put out for consultation, and further research is being undertaken to inform the final guidelines. This will include detailed case studies, drawn from the experience of Local Governments in Western Australia.

## **Road Safety**

### **Road Safety Council Update**

The recent meetings of the Road Safety Council have been focused on the next road safety strategy and on the Road Trauma Trust Account (RTTA) budget for 2020-21.

A new road safety strategy has been drafted, based on: research, statistical modelling, community consultation feedback, stakeholder input and international best practice evidence. The draft strategy is due to be presented to the Minister responsible for road safety in the first half of 2020.

Funding submissions for RTTA funding in 2020-21 were once again oversubscribed. One submission, from Main Roads WA, was for a new program to provide funding for low cost solutions at metropolitan intersections. Safety improvements at intersections has been identified as one of five priorities and as such this new program was well received by the Road Safety Council. It is anticipated, that if approved, Local Government managed roads will be included.

### **RoadWise Activity**

To find out more about RoadWise activities, view the monthly newsletter at <https://www.roadwise.asn.au/roadwise-road-safety-newsletter.aspx> and visit the RoadWise Facebook page 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 People and Place*

### Recommendation

**That the Key Activity Report from the People and Place Team to the March 2020 State Council meeting be noted.**

The following provides an outline of the key activities of the People and Place Team since the last State Council meeting.

### EMERGENCY MANAGEMENT

#### Operational season

From December 2019 to January 2020 WALGA have been maintaining situational awareness of the bushfire and cyclone seasons, participating in All Hazard Liaison Groups and two State Emergency Coordination Group Meetings. These were for the Wanneroo/Gingin fire, Norseman Complex, Tropical Cyclone Blake. The WALGA CEO represents the sector alongside heads of departments and agency heads to ensure the State can assist local communities when an emergency occurs. WALGA commends all Local Governments who have been operational so far this season.

#### State Emergency Management Committee

The State Emergency Management Committee (SEMC) met on Friday 13<sup>th</sup> December 2019. WALGA addressed the SEMC and Telstra representatives to advocate on behalf of members regarding telecommunications failures during emergencies. This led to a follow up meeting with State Telstra representatives, WALGA and State Councillor Cr Stephen Strange. This was a successful meeting, with Telstra preparing fact sheets which have been disseminated to rural and regional councils on business continuity arrangements and considerations for the sector.

WALGA also tabled a paper to initiate a review of the Local Emergency Management Arrangements. This was endorsed by SEMC and WALGA will be consulting with the sector in the coming months.

### COMMUNITY

#### Public Health Regulatory Review

The Department of Health has prepared a discussion paper entitled [Managing lodging house risks in WA](#). WALGA will be coordinating the consultation process for Local Government in time for endorsement at the May State Council. There will be three more regulations to review over the remainder of the year before commencement of the Stage 5 review of the *Public Health Act 2016*.

#### Government Regional Officer Housing (GROH)

After consultation and advocacy between WALGA, Local Government and relevant State Government agencies and key industry bodies, the McGowan Government deferred a planned increase to GROH rents in 2019-20 in a media statement released in May 2019 <https://www.mediastatements.wa.gov.au/Pages/McGowan/2019/05/McGowan-Government-temporarily-defers-increase-to-GROH-rents.aspx>

WALGA was advised by the Department of Communities (DoC) that the:

- rental freeze to GROH properties will remain until the completion of the review of the GROH Tenant Rent Setting Framework
- that the DoC modelling and draft ERC proposal has been elevated within the Department
- the service area responsible for GROH is undergoing a restructure within the wider DoC

- the Director General is establishing a working group to progress and complete.

Further work continues in strengthening the partnerships between key public services and Local Governments in specified areas of concerns through one on one meetings to discuss challenges and develop opportunities for change.

WALGA notes and continues to include all Zones Recommendations and advice received from Local Governments in its advocacy for GROH and greater service support for regional and remote Western Australian Local Governments, acknowledging the importance of this topic.

### **Public Libraries**

The State Government's midyear economic review of existing funds provided via the State Library of WA (SLWA) capital budget allocation to Local Governments for purchase of public library materials, will be made available as recurrent funding from 1 July 2020. The repurposing of funding and transfer of ownership of stock is part of the implementation of the WA Public Libraries Strategy and follows extensive consultation with Local Governments in an effort to improve and tailor public library services that better cater for diverse community needs. If you would like further information please contact Sue North, SLWA's Project Manager, Public Library Strategy on 9427 3219, or [sue.north@slwa.wa.gov.au](mailto:sue.north@slwa.wa.gov.au).

### **PLANNING**

#### **Refresh of Planning Essentials and Planning Advanced Training**

The existing training resources for the Planning Essentials and Planning Advanced courses have been refreshed, with the PowerPoint presentations for both of the one-day courses being significantly streamlined and refocused, as well as being updated with new Prezi PowerPoints.

Three new trainers have also been appointed to deliver the courses, providing a wealth of experience and knowledge of the WA planning system: -

- Ross Povey, Managing Director of MAKE Planning. Ross has over 20 years senior executive leadership experience in leading planning services in Local Government, including 5 years at the City of South Perth and for the past 15 years the City of Stirling.
- Andrew Trosic, Director Development Services at Shire of Serpentine Jarrahdale. Andrew has 20 years senior planning experience in Local Government, at several country, Perth Metropolitan and urban fringe councils, and is also a Curtin University Lecturer for the Urban and Regional Planning course.
- Chris Hossen, Senior Planner at WALGA. Chris has over 10 years' experience at both Perth Metropolitan and country Local Governments, has taught English in South Korea, and is currently working in WALGA's Planning team.

#### **Submissions being finalised**

- Proposed amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 for Container Deposit Scheme Infrastructure, will be submitted by 7 February 2020.
- Draft Position Statement: Special Entertainment Precincts and the accompanying Options Paper for proposed amendments to the *Environmental Protection (Noise) Regulations 1997*, will be submitted by 14 February 2020.
- Consultation Regulatory Impact Statement titled 'Reforms to the approvals process for commercial buildings in Western Australia', will be submitted by 3 April 2020.



## 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 that have met since the last State Council meeting.

#### Recommendation

**That the report on the key activities of the Association's Policy Forums to the March State Council Meeting be noted.**

#### Mining Community Policy Forum

*Nebojsha Franich, Policy Manager Economics*

*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

A meeting of the Mining Communities Policy Forum was held on 4 December 2019. The following issues were considered at this meeting:

- Review of the *Mining Act 1978*
- Rating of mining infrastructure and tenements
- WALGA's response to the Productivity Commission's Draft Report on Remote Area Tax Concessions and Payments

#### Other Policy Forums

The following Policy Forums have not held meeting since the last State Council meeting:

- Mayors / Presidents Policy Forum
- Container Deposit Legislation Policy Forum
- Economic Development Policy Forum

## State Council Status Report

### COMPLETE STATUS REPORT ON STATE COUNCIL RESOLUTIONS To the March 2020 State Council Meeting

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
2019 Dec 4 Item 4.1 Bushfire Fighting Vehicles	That WALGA State Council: 1. Note this issue and support the concerns raised. 2. Commit to working collectively with Local Governments to resolve this issue with the State Government and Department of Fire and Emergency Services (DFES) as a matter of urgency.  <u>RESOLUTION 141.7/2019</u>	1. WALGA noted the concerns and has raised these with the Commissioner of DFES.  2. WALGA facilitated attendance by DFES at a meeting with the Shire of Esperance to discuss concerns raised and options for improvements to their fleet. It has been reported to WALGA that the actions were to trial large tyres and central tyre inflation systems (2 x Tankers), work is progressing on both. Furthermore, a Bushfire Fleet Mobility Working Group is scheduled to meet 17 February 2020.	Ongoing	Joanne Burges Executive Manager People and Place
2019 Dec 4 Item 5.1 2020-21 State Budget Submission	That WALGA's submission to the State Government in advance of the 2020-21 Budget be endorsed, with the following amendments: 1 The last sentence of the 'Recommendation' paragraph for Initiative 19 changed to say 'Initiatives that encourage behavior change and increase the implementation of better practice approaches to waste management should be the primary area of focus.' 2 The last sentence of the 'Why' paragraph for Initiative 19 changed to say 'Both behaviour change initiatives and the adoption of better practice approaches to waste management increase resource recovery and reduce contamination. In implementing better practice approaches it is important the Government is cognisant of existing contractual arrangements.'  <u>RESOLUTION 142.7/2019</u>	Following State Council's endorsement of the composite recommendation, the finalised State Budget Submission was provided to the Minister for Local Government in December 2019 and to all Local Government CEOs and Elected Members in January 2020. Over the coming months, WALGA will continue to advocate for the initiatives outlined in the Budget Submission.	January 2020	Nebojsa Franich Economics Policy Manager



MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
<b>2019 Dec 4</b> <b>Item 5.2</b> Interim Submission – Remote Area Tax Concessions	That WALGA's interim submission to the Productivity Commission's Draft Report into Remote Area Tax Concessions and Payments be endorsed.  RESOLUTION 143.7/2019	WALGA will update members once the Productivity Commission's Final Report on Remote Area Tax Concessions and Payments has been publicly released, which is expected to be in February 2020.	February 2020	Nebojsa Franich Economics Policy Manager
<b>2019 Dec 4</b> <b>Item 5.3</b> Mandatory Code of Conduct for Council Member, Committee Members and Candidates – Sector Feedback	That WALGA: 1. Request the Mandatory Code of Conduct Working Group be reconvened by the Department of Local Government, Sport and Cultural Industries; 2. Refer the following matters to the Working Group for further consideration: (a) <u>Part A – Principles - Supported</u> (b) Part B – Behaviours i. ensuring principles of natural justice can be adequately upheld in all circumstances; ii. training opportunities that will assist Council Members determine complaint outcomes under Part B; iii. development of a template Complaints Management Policy; iv. reconsider the purpose of allowing 'any person' to make a complaint; v. ensuring Committee Members and Candidates are included in Part B; and vi. re-naming 'Rules' to an appropriate term throughout Part B. vii <u>Develop a complaint process that is carried out by DLGSC or another party (which must be external of the local government). For any breach of the Code (being part b or part c) and where the Council, Mayor/President or CEO are not the decision makers in determining whether the breach has or has not occurred and/or whether any action is required.</u>	Correspondence has been sent to the Director General of the Department of Local Government, Sport & Cultural Industries advising of the Council resolution on this issue.  Awaiting a response	Ongoing	Tony Brown Exec Manager Governance & Association Services

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>(c) Part C – Rules of Conduct</p> <ul style="list-style-type: none"> <li>i. review the rationale for creating a new Rule of Conduct breach where three or more breaches of Part B – Behaviours are found and the Local Government resolves to refer the matter to the Local Government Standards Panel; and</li> <li>ii. review the proposal to amend the definition of an ‘interest’ relating to Impartiality Interests from the present definition in Regulation 11 of the Local Government (Rules of Conduct) Regulations.</li> <li>iii. <u>Develop a complaint process that is carried out by DLGSC or another party (which must be external of the local government). For any breach of the Code (being part b or part c) and where the Council, Mayor/President or CEO are not the decision makers in determining whether the breach has or has not occurred and/or whether any action is required.</u></li> <li>iv <u>Review the appropriateness of the elements of the rule of conduct to only apply to a person who is a Council Member or Candidate both at the time of the conduct and at the time of the panel decision.</u></li> </ul> <p>3. Recommend the Working Group develop an endorsed Mandatory Code of Conduct for further consultation with the Local Government sector.</p> <p><u>RESOLUTION 144.7/2019</u></p>			

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<b>2019 Dec 4</b> <b>Item 5.4</b> Standards & Guidelines for CEO Recruitment & Selection Performance Review & Termination – Sector Feedback	<p>That WALGA:</p> <ol style="list-style-type: none"> <li>1. Request the CEO Recruitment and Selection, Performance Review and Termination Working Group be reconvened by the Department of Local Government, Sport and Cultural Industries; and</li> <li>2. Refer the following matters to the Working Group for consideration: <ol style="list-style-type: none"> <li>(a) Removal from the Model Standards the requirement to readvertise CEO positions after 10 years of continuous service;</li> <li>(b) Encouraging, rather than mandating, the involvement of an independent person in the CEO Recruitment and Selection Process;</li> <li>(c) Reconsideration of the proposal for independent review of the recruitment process;</li> <li>(d) Support the role of the Department of Local Government, Sport and Cultural Industries as the regulator for monitoring and compliance; and</li> <li>(e) Further investigate a role for a Local Government Commissioner.</li> </ol> </li> <li>3. Recommend the Working Group develop endorsed Model Standards for further consultation with the Local Government sector.</li> </ol> <p><u>RESOLUTION 145.7/2019</u></p>	<p>Correspondence has been sent to the Director General of the Department of Local Government, Sport &amp; Cultural Industries advising of the Council resolution on this issue.</p> <p>Awaiting a response</p>	Ongoing	Tony Brown Exec Manager Governance & Association Services
<b>2019 Dec 4</b> <b>Item 5.5</b> Local Government Financial Ratios	<p>That the item on Financial Ratios be deferred and that WALGA form a Sector Reference Group to further review the ratios including all Zone feedback and provide recommendations to the May 2020 State Council meeting.</p> <p><u>RESOLUTION 146.7/2019</u></p>	<p>Expressions of interest are being sought from Local Government professionals to participate in a Sector Reference Group and it is anticipated that meetings to review the current ratios and recommend new ratios will be held over the next two months.</p> <p>A State Council item will be prepared for the May 2020 meeting</p>	May 2020	Tony Brown Exec Manager Governance & Association Services

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<b>2019 Dec 4</b> <b>Item 5.6</b> Local Government Audits	That WALGA: 1. Write to the Office of the Auditor General (OAG) advising of the cost increases to the Local Government sector in respect to financial audits over the first 2 years of the OAG audits and request: a) Constraint on the audit cost increases in the future b) Information in relation to the additional scope, testing and review requirements under the OAG in order for local governments to understand the increase in costs. 2. Write to the Office of the Auditor General seeking a formal commitment that audits of Local Governments are completed and reported on in a timely manner and that the processes, procedures and scope of audits are consistently applied. 3. Write to the Office of the Auditor General seeking to include in the "Audit Results Report" for each financial year, a report on the effectiveness and additional value to Local Governments that the responsibility of Financial Audits being assigned to the Office of the Auditor General has provided. 4. Write to the Minister for Local Government seeking formal commitment that Performance Audits carried out by the Office of the Auditor General are the financial responsibility of the State Government. <u>RESOLUTION 147.7/2019</u>	Correspondence has been sent to the Office of the Auditor General (OAG) in respect to items 1,2 and 3  Correspondence has been sent to the minister for Local Government in respect to item 4	Ongoing	Tony Brown Exec Manager Governance & Association Services
<b>2019 Dec 4</b> <b>Item 5.7</b> Review of State Council & Zone Structure &	That: 1. The Working Group's Final Report, and State Council's prior endorsement of Recommendations 5, 6, 7, and 8 from the	The recommendations on the Review of State Council & Zone Structure & Processes – Working Group have been implemented	Completed	Tony Brown Exec Manager Governance & Association Services

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
Processes – Working Group Report & Recommendations	Working Group's Final Report, be noted; and,  2. Recommendations 1, 2, 3, 4, 9, and 10, from the Working Group's Final Report be endorsed.  <u>RESOLUTION 148.7/2019</u>			
<b>2019 Dec 4</b> <b>Item 5.8</b> Membership of Development Assessment Panels	That WALGA advocate to the Minister for Planning, that the composition of Development Assessment Panels (DAPs) be modified to provide equal representation of Specialist Members and Local Government Members, in accordance with the original objectives of the DAP system to enhance the decision making process by improving the balance of experts.  <u>RESOLUTION 149.7/2019</u>	Correspondence has been sent to the Minister for Planning, seeking the change in the composition of Development Assessment Panels.  The following response has been received:  <i>"As you are aware the recently released Action Plan for Planning Reform proposes several reforms and improvements to DAP systems and processes. These will provide a consistent robust DAP process reducing potential conflicts of interest and promote consistency of decision making, thereby addressing many of the perceived issues with the current system.</i>  <i>As you have noted, the composition of local government representation is not being considered as part of the current planning reform process, however, a number of other significant reforms are proposed. The most notable being a reduced number of DAPs to no more than three and the engagement of specialist members on a full time basis. This will be supported by the establishment of a pool of non-voting subject matter experts to provide DAPs with independent, expert advice as required.</i>  <i>It is my intention that these reforms will enhance the decision making process by providing greater consistency and transparency. The reduced number of DAPs and the engagement of full time specialist members will also allow specialist members to gain a greater level of local expertise therefore further enhancing the process.</i>  <i>Thank you for raising this with me and I encourage WALGA and the local government industry to remain an active participant in the planning reform process."</i>  These proposed changes to the DAPs composition, will require amendment to the DAP Regulations, therefore, the matter of Local Government equal representation will be raised again as part of the public comment period.	Ongoing	Joanne Burges Executive Manager People and Place
<b>2019 Dec 4</b> <b>Item 5.9</b> Interim Submission – Draft State Planning Policy 3.6 – Infrastructure Contributions	1. That the interim submission to the WA Planning Commission on draft State Planning Policy 3.6 – Infrastructure Contributions, be endorsed.  2. That the West Australian Planning Commission (WAPC) be advised that the proposed cap on community infrastructure contributions is strongly opposed and without the removal of this proposed cap, WALGA does not support draft State Planning Policy 3.6 – Infrastructure Contributions.  <u>RESOLUTION 150.7/2019</u>	The WAPC has been advised of the State Council resolution, advised that the Department of Planning Lands and Heritage are currently reviewing all of the submissions received.	December 2019	Joanne Burges Executive Manager People and Place

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<b>2019 Dec 4</b> <b>Item 5.10</b> Local Government as Collection Agency for Construction Training Fund	<p>1. That WALGA advise the Construction Training Fund (CTF):</p> <p>1.1 That due to the operational improvements and establishment of an on-line portal for payments of the Building and Construction Industry Training Fund, Local Government will not continue to be a collection agency for these payments</p> <p>1.2 That the online receipt issued upon payment of the <i>Building and Construction Industry Training Fund</i>, must clearly show the property address and estimated building value to ensure it complies with section 20 of the <i>Building Act 2011</i></p> <p>1.3 That the Department of Mines, Industry Regulation and Safety (DMIRS) must provide access to the data collated in the Building Permit Database Project to assist CTF in their acquittal process, and</p> <p>1.4 That a review of the apprenticeship pathways should be undertaken, as the Local Government sector can provide many potential apprentice pathways directly connected to the construction and development industry.</p> <p>2. That WALGA advise the Minister for Local Government, Minister for Education &amp; Training and Minister for Commerce that the current CTF collection process is unnecessary administrative red tape for the Local Government sector, and seek their support for Local Government to not continue to be a collection agency for these payments.</p> <p><u>RESOLUTION 151.7/2019</u></p>	<p>Correspondence has been sent to the CTF Board advising them of the State Council Resolution. Separate letters have also been sent to the Ministers for Commerce, Education and Training and Local Government to seek their support.</p> <p>The CTF Executive Director has responded, advising the following:</p> <p><i>"While 37 of the State's 140 LGAs responded to the WALGA's recent survey about collection of the BCITF, CTF is concerned that stakeholders in the building and construction industry – who would be affected by the changes to current permit allocation procedure – have not to date been consulted. As such, CTF has approached HIA an MBA for feedback from their members..."</i></p> <p>CTF advised that they will meet with WALGA once feedback from the building and construction industry has been received before establishing a way forward to address the issues arising from the State Council's recommendation.</p> <p>The Minister for Commerce has also provided a response, indicating that they will be working with the CTF to enable access to the data already being captured by the Building Permit Database project. If a local government isn't providing this data, the CTF may still require information direct from those Local Governments.</p> <p>Awaiting a response from the Minister for Education &amp; Training and the Minister for Local Government.</p>	Ongoing	Joanne Burges Executive Manager People and Place

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<b>2019 Dec 4</b> <b>Item 5.12</b> Reforms to the Building Approval Process for Single Residential Buildings in Western Australia	<p>That WALGA:</p> <ol style="list-style-type: none"> <li>1. Advise the Department of Mines Industry Regulation and Safety (DMIRS) that Option 3 of the Consultation Regulatory Impact Statement, improvements to the single residential building approvals process, is supported in principle, subject to the following matters being addressed in consultation with the Local Government sector: <ol style="list-style-type: none"> <li>a) Prior to any regulatory changes, a review of the building fees and charges is essential, to ensure that any costs associated with the approval of building work, implementation of mandatory inspections, compliance and enforcement actions, and record keeping requirements for the Local Government sector, will result in full cost recovery</li> <li>b) The Independent Building Surveyor who signed the Certificate of Design Compliance should be responsible for undertaking the inspections, therefore, Local Government would not be solely responsible for mandatory inspections</li> <li>c) The State Government's registration process for the Builder should be strengthened to ensure that the builder fulfils their obligations for compliance with the National Construction Code</li> <li>d) Implementation of mandatory inspections should be undertaken by properly qualified and independent personnel, at the following stages (at a minimum) of the construction process <ol style="list-style-type: none"> <li>1. Foundations and footings</li> <li>2. Slab/reinforcement of bearers/joists</li> <li>3. Waterproofing</li> <li>4. Roof, and</li> </ol> </li> </ol> </li> </ol>	<p>The Department of Mines Industry Regulation and Safety have been advised of the State Council resolution.</p> <p>All of the submissions will be reviewed and Decision Regulatory Impact Statement (DRIS) will be prepared in early 2020 for public comment.</p>	December 2019	Joanne Burges Executive Manager People and Place

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	<p>5. Occupancy or final completion</p> <p>e) The occupancy or final completion inspection must ensure that the bushfire construction and energy efficiency requirements have been complied with, and</p> <p>f) The removal of the proposed 'fast track approval' concept, as is not warranted nor properly justified as an improvement option.</p> <p>2. Advocate for the Building Commissioner to provide an appropriate level training for Local Government building inspection officers; and</p> <p>3. Endorse the submission of this State Council report to the DMIRS, as the Association's submission on the Consultation Regulatory Impact Statement.</p> <p><u>RESOLUTION 153.7/2019</u></p>			
<b>2019 Dec 4</b> <b>Item 5.13</b> Wheatbelt Regional Health Services	<p>That WALGA:</p> <p>1. Re-establishes a working group to progress a Memorandum of Understanding with Local Governments in the Wheatbelt region and the WA Country Health Service, based on the previous work by the former Wheatbelt Health MOU Group, which outlines communication, responsibilities and strategic priorities unique to the region; and</p> <p>2. Work with key service providers and stakeholders to engage with Local Government to further discuss the issues and develop solutions in the aged care services sector.</p> <p><u>RESOLUTION 154.7/2019</u></p>	<p>WALGA has written to the Central Country Zone, Avon-Midland Zone and the Great Eastern Country Zone to advise them of the December 2019 State Council resolution to re-establish the Wheatbelt Health MOU and requested nominations for a working group. WALGA has also advised the WA Country Health Service, WA Primary Health Alliance and the Wheatbelt Development Commission. WALGA will convene a working group of relevant representatives to progress the Wheatbelt Health MOU.</p>	In Progress	Joanne Burges Executive Manager People and Place
<b>2019 Dec 4</b> <b>Item 5.14</b> Interim Submission to the	<p>That the WALGA interim submission to the Climate Health WA Inquiry be endorsed.</p> <p><u>RESOLUTION 155.7/2019</u></p>	<p>WALGA has advised the Department of Health that the submission has been endorsed by WALGA State Council.</p>	Completed	Joanne Burges Executive Manager People and Place



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Climate Health WA Inquiry				
<b>2019 Dec 4</b> <b>Item 5.15</b> Submission on the Climate Change in Western Australia Issues Paper	<p>That the WALGA submission on the Climate Change in Western Australia Issues Paper be endorsed, with the following amendments to be included:</p> <ol style="list-style-type: none"> <li>1 Greater emphasis on transitioning affected workers in the Collie region and support the diversification of the Collie and South West economies;</li> <li>2 Increase the investment of funding for the restoration and management of the Swan River foreshore;</li> <li>3 Use money collected from the landfill levy to assist local governments in investigating and remediating former landfill sites which were operated in accordance with best industry best practice at the time;</li> <li>4 The inclusion of an additional bullet point under the heading 'protecting biodiversity' providing 'recognise the significant role that native forests have as carbon stores and valuing these assets accordingly'.</li> </ol> <p><u>RESOLUTION 156.7/2019</u></p>	The aforementioned changes were made to the draft submission. The submission was sent to the Department of Water and Environmental Regulation on 6 December 2019.		Mark Batty Exec Manager Environment & Waste
<b>2019 Dec 4</b> <b>Item 5.17</b> Interim Submission – Response to the Select Committee on Northern Australia	<p>That WALGA's interim submission to the Select Committee on the effectiveness of the Australian Government's Northern Australia agenda be endorsed.</p> <p><u>RESOLUTION 158.7/2109</u></p>	The Interim Submission was endorsed by State Council. No further update required.	December 2019	Nebojsa Franich Economics Policy Manager
<b>2019 Dec 4</b> <b>Item 5.22</b> Corporate Governance Charter Amendments	<p>That the Corporate Governance Charter, as amended, be endorsed subject to the following further amendments:</p> <ol style="list-style-type: none"> <li>i. Replace reference to the Executive Committee where mentioned; and</li> <li>ii. Provide in 17(vi) for Policy Team Chairs to be appointed by State Council.</li> </ol>	The Corporate Governance Charter has been updated	Completed	Tony Brown Exec Manager Governance & Association Services

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	<u>RESOLUTION 163.7/2019</u>			
<b>2019 Sept 6</b> <b>Item 4.1</b> Proposed Elected Member 'Welfare/Counselling' Program(s)	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.  <u>RESOLUTION 92.6/2019</u>	Request has been forwarded to LGIS CEO for advice and action. This item will be considered by the LGIS Board at their next meeting.	March 2020	Zac Donovan Executive Manager Finance and Marketing
<b>2019 Sept 6</b> <b>Item 5.16</b> WALGA LGIS Review Actions (Confidential)	That State Council endorse the following actions in regard to the review of LGIS: 1. Option 1 – Develop Business Continuity Plan a) NOT SUPPORT pursuing an open tender process for scheme components and therefore not require a business continuity plan to support such. b) SUPPORT requiring JLT (Marsh) to develop a schedule of transitioning additional covers currently provided by the Broking Service into the mutual Scheme. 2. Option 2 - Require JLT (Marsh) to Develop Comparative Test Template NOT SUPPORT requiring JLT (Marsh) to develop template to provide Local Governments necessary information to compare with alternative provider submissions. 3. Option 3 – Undertake Review of Risk Mitigation Services SUPPORT allocate WALGA budget 2020/21 for an independent review of the appropriateness of the scope; alternative delivery models; and effectiveness of the risk mitigation services. 4. Option 4 - Establish Aligned Scheme Benchmarks	All Options being implemented as per timing detailed within resolution.	Ongoing	Zac Donovan Executive Manager Finance and Marketing

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	<p>SUPPORT WALGA staff continue to develop appropriate Scheme performance benchmarks in concert with other State Associations to ensure LGIS is competitive within the wider sector.</p> <p>5. Option 5 - Rebrand LGIS to Recognise as WALGA Service SUPPORT requiring allocation from LGIS marketing expenditure for 2019/20 to be provided to WALGA to engage an advertising agency to develop a rebrand of LGIS to be more readily identified as a WALGA service and for LGIS collateral to align with the WALGA Style Guide.</p> <p>6. Option 6 – Encompass Marketing Function into WALGA Operations SUPPORT WALGA Finance and Marketing unit conduct a review of the allocated LGIS marketing expenditure and provide a report by the second ordinary meeting of State Council in 2020 into operational efficiencies or advantages in transitioning the function to WALGA.</p> <p>7. Option 7 - Update WALGA/JLT (Marsh) Agreement SUPPORT interim WALGA/JLT (Marsh) Agreement returning to State Council by the second ordinary meeting of State Council in 2020 pending implementation of the review outcomes.</p> <p>8. Option 8 - Update LGIS Corporate Governance Charter SUPPORT LGIS Board update its Corporate Governance Charter as per the review report recommendations and in alignment with the interim WALGA/JLT (Marsh) Agreement.</p> <p>9. Option 9 - State Council Review Delegations to LGIS Board SUPPORT State Council be provided a copy of delegations to the LGIS Board via an item to the November 2019</p>			

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	<p>ordinary meeting of State Council to facilitate ongoing approval or otherwise.</p> <p>10. Option 10 - Return Board Governance to WALGA</p> <p>a) NOT SUPPORT LGIS board governance function returning to WALGA administration.</p> <p>b) SUPPORT transition of Board Member induction process to be undertaken by WALGA</p> <p><u>RESOLUTION 108.6/2019</u></p>			
<b>2019 Sept 6</b> <b>Item 5.17</b> 2019 Annual General Meeting	<p>That:</p> <ol style="list-style-type: none"> <li>The Motions passed by the 2019 Annual General Meeting be noted; and,</li> <li>All items be forwarded to the relevant State Council Policy Team/Forum/Committee for action.</li> <li>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.</li> </ol>	<p>Annual General Meeting motions have been referred to Policy Team/Forum/Committees for action. An update on the progress of the items are included as an Agenda Item for the March 2020 agenda</p>	March 2020	Tony Brown Exec Manager Governance and Organisational Services
<b>2019 Sept 6</b> <b>Item 9.1</b> Action to Reduce Run-off Road Crashes in Rural WA	<p>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.</p> <p><u>RESOLUTION 128.6/2019</u></p>	<p>Opportunities for further advocacy continue to be sought.</p>	May 2020	Ian Duncan Executive Manager Infrastructure
<b>2019 July 3</b> <b>Item 4.1</b> Regional Road Group Project – Finalisation Payments	<p>That:</p> <ol style="list-style-type: none"> <li>WALGA write to MRWA seeking an urgent meeting to call for procedure</li> </ol>	<p>WALGA continues to monitor the situation with Regional Road Groups and Main Roads WA.</p>	Feb 2020	Ian Duncan Exec Manager Infrastructure

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	<p>changes to ensure timely delivery and invoicing of line marking.</p> <p>2. Where a request for line marking was submitted on or before 30 April 2019 the outstanding claim amount (final 20%) is accrued at 30 June, the project recorded as being complete in 2018/19 and no penalties on future grants be applied.</p> <p>3. Through the State Road Funds to Local Government Advisory Committee, WALGA seek a change to the Procedures so that invoices are always provided within four weeks of line marking work being completed and Main Roads WA to invoice on the basis of an estimate where this is not achieved.</p>			
<b>2018 December 5</b> <b>Item 4.1</b> State / Local Government Partnership Agreement on Waste Management and Resource Recovery	<p>1. That State Council endorse investigating a State / Local Government Partnership Agreement on Waste Management and Resource Recovery.</p> <p>2. That the item be referred to MWAC for is development and negotiation with the State Government.</p> <p>3. A report regarding a proposed "State / Local Government Partnership Agreement on Waste Management and Resource Recovery" be brought back to the next meeting of State Council.</p> <p><u>RESOLUTION 131.7/2018</u></p>	<p>The Officers Advisory Group is undertaking analysis of the State Waste Strategy to consider and recommend to MWAC and State Council the elements to be included in a draft Partnership Agreement. WALGA is also liaising with the Waste Authority and the Department of Local Government and Communities on the issue.</p>	Ongoing	Mark Batty Exec Manager Environment & Waste
<b>2018 December 5</b> <b>Item 5.1</b> Proposed Removal by Main Roads WA of the "Letter of Approval" Restricted Access	<p>That WALGA:</p> <p>1. Opposes withdrawal of the "Letter of Approval" Restricted Access Vehicle Operating Condition until an acceptable alternative to Local Government is developed;</p> <p>2. Supports the position that Local Governments not use provision of the</p>	<p>On advice from the State Solicitors Office, Main Roads WA is intending to remove the CA07 condition that requires a transport operator to obtain a letter of approval from the relevant Local Government. Main Roads is proposing to replace the condition with a notification process (CA88). After consultation with Regional Road Groups and a Stakeholder Working Group, the overwhelming majority of participants are of the view that the proposed arrangement is not an acceptable alternative. WALGA has written to Main Roads WA stating that WALGA does not support the alternative and that the position adopted by Sate Council in December 2018 has not changed.</p>	Ongoing	Ian Duncan Exec Manager Infrastructure

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Vehicle Operating Condition	<p>Letter of Authority to charge transport operators to access the Restricted Access Vehicle network;</p> <p>3. Supports the development of standard administrative procedures including fees and letter formats; and</p> <p>4. Supports the practice of Local Governments negotiating maintenance agreements with freight owners/generators in cases where the operations are predicted to cause extraordinary road damage as determined by the Local Government.</p> <p>5. Advocates to Main Roads to establish a stakeholder working group to develop an appropriate mechanism through which the increased infrastructure costs from the use of heavy vehicles and those loaded in excess of limits (concessional loading) can be recovered from those benefiting, and redirected into the cost of road maintenance.</p> <p><u>RESOLUTION 132.7/2018</u></p>			
<b>2018 December 5</b> <b>Item 5.9</b> Aboriginal Advocacy and Accountability Office Interim Submission	<p>That the interim submission to an Office for Advocacy and Accountability in Aboriginal Affairs in Western Australia: Discussion paper be endorsed.</p> <p><u>RESOLUTION 140.7/2018</u></p>	<p>It is expected that this matter will progress in the second quarter of 2019.</p> <p>The Association has been advised that the Department of the Premier and Cabinet (DPC) will be leading a whole-of-government Aboriginal Affairs Strategy that aims to be finalised for consideration by Cabinet by the end of 2019. Although the scope of the Strategy extends only to State Government agencies DPC are seeking to keep the Association engaged and to provide input if applicable. This Strategy is seen as complimentary to the Aboriginal Advocacy and Accountability Office concept explored at the end of 2018.</p> <p>No further update available at this time</p>	Ongoing	Joanne Burges Executive Manager People and Place
<b>2018 December 5</b> <b>Item 5.10</b> Royal Commission into Institutional Responses to Child Sexual Abuse	<p>That the interim submission: Royal Commission into Institutional Responses to Child Sexual Abuse: A Local Government Response to the Western Australian State Government Child Safety Implementation Plan be endorsed.</p>	<p>The Interim Submission was provided to the DLGSC.</p> <p>The Association continues to have a positive relationship with the Department ensuring any updates are provided in a timely manner.</p> <p>The Association will keep State Council and the sector informed of any changes to the current status of this matter.</p> <p>An Item for Decision has been provided for the July State Council together with ongoing consultation between Local and State Government throughout 2019</p>	Ongoing	Joanne Burges Executive Manager People and Place

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	<u>RESOLUTION 141.7.2018</u>	<p>Local Government are encouraged to continue Working With Children due diligence checks and to make use of resources provided for community and sporting facilities from the Department of Local Government Sport and Cultural Industries. Direction from the State Government on the Implementation Plan should be available from the State Implementation Unit toward the end of the year</p> <p>WALGA continues to maintain an awareness of developments to the National Redress Scheme and the role and function of Local Government within it through regular contact with the relevant State Government agency.</p> <p>This matter is listed as a Matter for Decision is included with this State Council Agenda for consideration.</p>		
<b>2018 September 7</b> Item 5.2 Stop Puppy Farming – Local Government Consultation	<p>That WALGA:</p> <ol style="list-style-type: none"> <li>1. Welcomes a cost modelling review of the financial impact on Local Governments to ensure that Local Government is able to fully recover costs and not be disadvantaged in ensuring compliance of any new legislation to Stop Puppy Farming;</li> <li>2. Acknowledges the benefit of <del>mandatory</del> de-sexing of dogs not used for approved breeding purposes, and request further information on the complexities associated with de-sexing of dogs prior to considering supporting the proposal;</li> <li>3. Supports a centralised dog registration system that is developed, operated and maintained by State Government;</li> <li>4. Supports appropriate legislative exemptions for livestock working dogs in recognition of their special breeding requirements; and</li> <li>5. Do not support the transition of pet shops to adoption centres, and</li> <li>6. Requests there be a Local Government-specific consultation process in relation to the proposed amendments to the Animal Welfare Act to introduce Standards and</li> </ol>	<p>The Ministerial Stop Puppy Farming Working Group has been informed of WALGA's advocacy position.</p> <p>The Working Group has now completed their role following the submission period.</p> <p>The State Government will now develop its policy position on the initiative.</p>	Ongoing	Tony Brown Exec Manager Governance and Organisational Services



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	<p>Guidelines for the Health and Welfare of Animals including dogs; and</p> <p>7. Supports a State Government-led education initiative whereby the community is encouraged to purchase puppies from professional registered breeders; and</p> <p>8. Requests the State Government discontinue the use of the term 'Farming' due to the negative connotation that may be associated with other regulated industries, and consider re-naming the initiative 'Stop Puppy Mills'.</p> <p><u>RESOLUTION 103.6/2018</u></p>			
<b>2018 September 7</b> Item 5.8 Interim Submission to the Independent Review of the Strategic Assessment of the Perth and Peel Regions	<p>That the Interim Submission to the Independent Review of the Strategic Assessment of the Perth and Peel Regions be endorsed <u>subject to the inclusion of:</u></p> <ol style="list-style-type: none"> <li>1. Further guidance regarding the form of a assurance and adaptive management framework; and</li> <li>2. Reference to the costs to Local Government of the ongoing management of conservation areas and how decisions the impacts of land use within urban areas will impact on peri-urban areas.</li> </ol> <p><u>RESOLUTION 109.6/2018</u></p>	<p>Following the SAPPR Review Panel's report to Government, which identified unresolved 'gateway issues' – legal risk, flexibility and funding - in February 2019 it was announced that the review would be extended so that these issues could be progressed and options developed.</p> <p>WALGA met with the Panel on 31 May 2019 to discuss funding options. The Review Panel also briefed the Growth Area Alliance Perth and Peel at its 13 June meeting.</p> <p>The Review Panel provided its report to the Deputy Premier in August 2019.</p> <p>WALGA met the Review Panel again in on 3 September and subsequently wrote to the Review Chair on 27 September to reiterate WALGA's in-principle support for the SAPPR, contingent on the issues raised in earlier submissions and feedback to the Review Panel being addressed satisfactorily and the establishment of a consultative and transparent process is established going forward.</p> <p>No decision from the State Government on the future of the SAPPR has been announced.</p>	Ongoing	Mark Batty Exec Manager Environment & Waste
<b>2018 July 4 6.8</b> Alternative Approaches to Volunteer Based Health Services in the Regions Survey	<p>That State Council note WALGA's engagement with regional WA Local Governments to determine the level of coverage of health services in each region.</p> <p><u>RESOLUTION 89. 5/2018</u></p>	<p>WALGA hosted a Regional Health Services Event on Tuesday, 19 February 2019. The event featured presentations from WA Country Health Services, WA Primary Health Alliance, St John WA, Aboriginal Health Council of WA and Rural Health West. Participants were able to contribute via a workshop and speed dating. WALGA then met with St John Ambulance and the Australian Nursing Federation to continue discussions.</p> <p>A Wheatbelt regional health workshop, in association with NEWROC, was carried out in Trayning on Friday 20 September with presentations from WA Country Health Services, WA Primary Health Alliance, St John WA, and the Royal Flying Doctor Service. There were more than 50 attendees. The workshop was solutions focused and some of the key themes included working collaboratively and information sharing.</p>	Ongoing	Joanne Burges Executive Manager People and Place

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<b>2018 July 4</b> <b>5.7</b> Interim Submission – Review of the State Industrial Relations System	<p>That the interim supplementary submission in response to the Interim Report of the Review of the State Industrial Relations System be endorsed.</p> <p><u>RESOLUTION 78. 5/2018</u></p>	<p>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 <i>Industrial Relations Act 1979</i> (IR Act) to enable a declaration to be made that WA Local Government authorities are not “national system employers” for the purposes of the <i>Fair Work Act 2009</i> (FW Act).</p> <p>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.</p> <p>A taskforce comprising of key stakeholders, including WALGA, has been formed in June 2019 to discuss and scope out the proposed two year transition process.</p> <p>WALGA’s position does not support the States recommendation and advocacy on this issue will continue.</p> <p>Advocacy has increased in opposing the State Governments proposal. Support for WALGA’s position has been requested from all Local Governments and meetings are being scheduled with all State political parties as well as with the Federal Minister for Industrial Relations, Christian Porter.</p>	Ongoing	Tony Brown, Executive Manager Governance and Organisational Services
<b>2017 December 6</b> <b>6.3</b> Control of off-road vehicles (05-053-03-008 NH)	<p>That State Council note WALGA’s further initiatives to address Local Government feedback concerning the control of off-road vehicles.</p>	<p>WALGA’s Off-Road Vehicles and Local Government paper and seven recommendations were endorsed by State Council at the December 2018 meeting. WALGA wrote to Ministers Dawson, Murray, Templeman and Roberts to provide them with a copy of the paper and the recommendations.</p> <p>WALGA has worked with the Department of Local Government Sport and Cultural Industries to finalise the Local Government Off-Road Vehicle guides and online mapping tool which are both now available on the Department’s website.</p>	Completed	Joanne Burges Executive Manager People and Place
<b>2017 July 5</b> <b>5.5</b> Corella Project (05-046-02-0003 MH)	<p>That State Council</p> <ol style="list-style-type: none"> <li>Note the outcomes of the Coordinated Corella Control pilot program.</li> <li>Endorse WALGA’s proposed approach to the continuation and expansion of the Program in 2017/18.</li> <li>Seek to have the program expanded to the whole of the State, including the provision of adequate resources.</li> </ol>	<p>The Minister for Agriculture has agreed to the review of the Biosecurity and Agricultural Management Act (2007), and WALGA will raise the need to address significant incursions of this pest in town-sites and the peri urban areas across the south-west land division. The Preferred Supplier Program provides for contractors to manage this species, and WALGA continues to maintain the pest bird portal for interested members.</p>	Ongoing	Mark Batty Executive Manager Environment and Waste
<b>2017 March 1</b> <b>5.11</b> Urban Forest (05-038-04-2211 LS)	<p>That WALGA:</p> <ol style="list-style-type: none"> <li>Advocate and work with the State Government to further prevent the loss of urban tree canopy, which is a significant</li> </ol>	<p>WALGA has established a Local Government Urban Forest Working Group (comprising representatives from 22 Local Governments) which is focusing on building Local Government capacity, identifying gaps and delivering practical planning outcomes and tools. It is intended that the group will operate as a community of practice for Local</p>	Ongoing	Mark Batty Executive Manager Environment and Waste

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	<p>environmental and social issue for communities across the State; and</p> <p>2. Work with member Councils to develop a system of appropriate market based and regulatory instruments to promote the increase in the urban tree canopy on private property.</p>	<p>Governments to share their experiences and take collective action and responsibility for progressing agreed priority issues.</p> <p>WALGA has developed a proposal as part of the WALGA draft pre-budget submission for the development of a State Urban Forest Strategy which would include:</p> <ul style="list-style-type: none"> <li>a. A comprehensive planning policy framework and mechanisms for the retention and planting of trees in relation to greenfield and infill development.</li> <li>b. A community education program to raise awareness of the many benefits of urban tree canopy for the community and provide information about suitable trees to plant;</li> <li>c. A competitive grant program matching Local Governments investments in delivering their urban forest strategies (and similar initiatives);</li> <li>d. Continued investment in urban tree canopy data and measurement.</li> </ul> <p>WALGA is also advocating on this issue directly with the Department of Planning, Lands and Heritage and the Department of Water and Environmental Regulation, in the context of the development of the State Climate Change Policy.</p> <p>WALGA in conjunction with the 24 Local Governments that form the Local Government Urban Forest Working Group are hosting the inaugural Urban Forest Conference on 17 April 2020 at the University of Western Australia in Perth. The conference will seek to showcase the achievements of the various stakeholders involved in growing Perth's urban canopy, as well as incorporating best practice examples from the private sector, highlight new research and provide networking opportunities. The broad themes of the conference will cover best practice urban design and planning to better accommodate canopy, planting for biodiversity, improved data outcomes, behaviour change and community perceptions and two technical workshops that will explore bushfire mitigation in a changing climate and how this impacts urban canopy and a tree planting matrix to assist with better planting outcomes for the swan coastal plain.</p>		