



GVROC Council Meeting to consider WALGA State Council Agenda Items

Unconfirmed Minutes

Friday 25 November 2022
Zoom Videoconference, commencing at 8.00am

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GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (GVROC)

Videoconference meeting of the GVROC Council to consider WALGA State Council Agenda Items was held Friday 25 November 2022 8.00am

AGENDA

1. OPENING AND ANNOUNCEMENTS

The purpose of the meeting is to provide advice to the WALGA State Council Representative, Cr Laurene Bonza on the Agenda for the WALGA State Council Meetings to be held on 7 December 2022.

2. DECLARATION OF INTEREST

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

3. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

3.1 Attendance

Cr Mal Cullen (Chair)	President, Shire of Coolgardie
Cr Tracey Rathbone	Councillor, Shire of Coolgardie
Cr Laurene Bonza	President, Shire of Dundas
Mr Peter Fitchat	CEO, Shire of Dundas
Cr Sharon Warner	Councillor, Shire of Dundas
Cr Ian Mickel	President Shire of Esperance
Mr Shane Burge	CEO, Shire of Esperance
Cr Ron Chambers	Councillor, Shire of Esperance
Mr Jim Epis	CEO, Shire of Leonora
Cr Paul Warner	Councillor, Shire of Menzies
Cr Jill Dwyer	Councillor, Shire of Menzies
Mr Pascoe Durtanovich	A/CEO, Shire of Menzies
Cr Peter Grundy	President, Shire of Wiluna
Mr David Mosel	General Manager of Operations, Shire of Ngaanyatjaraku
Mr Andrew Mann	Executive Officer, GVROC

3.2 Apologies

Mr James Trail	CEO, Shire of Coolgardie
Cr John Bowler	Mayor, City of Kalgoorlie-Boulder
Cr Kim Eckert	Councillor, City of Kalgoorlie Boulder
Mr Andrew Brien	CEO, City of Kalgoorlie Boulder
Cr Patrick Hill	President, Shire of Laverton
Mr Phil Marshall	A/CEO, Shire of Laverton
Cr Robert Wedge	Councillor, Shire of Laverton
Cr Peter Craig	President, Shire of Leonora
Cr Timothy Carmody	Councillor, Shire of Wiluna
Mr Gary Gaffney	CEO, Shire of Wiluna
Mr Kevin Hannagan	CEO, Shire of Ngaanyatjaraku
Cr Damian McLean	President, Shire of Ngaanyatjaraku

3.3 Guests

Nil

3.4 WALGA Representatives

Ian Duncan	Executive Manager Infrastructure
Rebecca Brown	Policy Manager Environment and Waste
Michelle Blackhurst	Regional Road Safety Advisor WALGA RoadWise Program

3.5 DLGSC Representatives

Nil

4. MINUTES OF MEETINGS

4.1 Minutes of a Meeting of GVROC to consider WALGA State Council Agenda Items held 26 August 2022

Minutes of the GVROC Council Meeting to consider WALGA State Council held Tuesday 26 August 2022 are presented for adoption (**Attachment 1**).

RECOMMENDATION:

That the Unconfirmed Minutes of the GVROC Council Meeting to consider WALGA State Council held Tuesday 26 August 2022 be confirmed as a true and correct record of proceedings.

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

Carried

4.2 Action Sheet Report

An update on the actions based on the resolutions from the meeting held on 26 August 2022 meeting are presented for noting (**Attachment 2**).

RECOMMENDATION:

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

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

Carried

5. EMERGING ITEMS

From: Chair GVROC

Background:

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

A full copy of the State Council Agenda for the meeting on 7 December 2022 can be found at **Attachment 3**.

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

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

6.1 2022 Annual General Meeting Resolutions

WALGA Recommendation

That:

- 1. the following resolutions from the 2022 WALGA Annual General Meeting be endorsed for action:**

3.8 Review of the Rating Methodology used by the Valuer-General

Advocate for a full review of the rating methodology used by the Valuer-General to value all land in the State of Western Australia.

3.10 Reform of the Cat Act 2011

That the WA Local Government sector requests the WA State Government prioritise reforms to the Cat Act 2011, in accordance with the Statutory Review undertaken and tabled in the State Parliament on 27 November 2019.

- 2. the following resolutions from the 2022 WALGA Annual General Meeting be referred to the relevant Policy Team for further work to be undertaken:**

3.1 Road Traffic Issues

That WALGA advocate on behalf of the local government sector to the State Government and in particular, Main Roads, to increase importance and weight given to local knowledge and input regarding road traffic issues including requests for speed reduction, intersection treatments and overall preventative and traffic safety measures.

3.2 Car Parking and Traffic Congestion Around Schools

That WALGA engages with the State Government on behalf of Local Government to review issues associated with car parking and traffic congestion around school sites including but not limited to:

- 1. Reviewing car parking standards for schools;*
- 2. Ensuring sufficient land is set aside for the provision of parking on school sites;*
- 3. Reviewing the co-location of schools to avoid issues being exacerbated;*
- 4. Restricting school access from major roads;*
- 5. Developing plans to enable schools to manage school traffic;*
- 6. Develop programs to educate drivers; and*
- 7. Develop options and implement initiatives to encourage alternative modes of transport to school.*

3.3 Proposal for Regional Road Maintenance Contracts with Main Roads WA

That WALGA assist Local Governments and work with the Hon Minister Rita Saffioti to introduce a similar program that is currently in play in Queensland and introduce a sole invitee Program for Local Governments to engage in a Road Maintenance Performance Contract with Main Roads WA.

3.4 Northern Australia Beef Roads Program

That WALGA work with the Hon Madeleine King MP Minister for Resources and Minister for Northern Australia to make Beef Road Funding available to all Australian Local Governments north and south, or establish a Southern Australia Beef Road Funding Program to allow for equitable support across Australia's beef and agriculture industries.

3.5 3D House Printing Building Compliance

That WALGA requests:

- 1. Assistance from Minister for Industry and Science The Hon Ed Husic MP, Minister for Housing and Homelessness, Small Business The Hon Julie Collins MP, Minister for Infrastructure, Transport, Regional Development and Local Government The Hon Catherine King MP to work with Ministers from all State and Territory Governments who have Building and Construction in their portfolios, to collaborate and to consider removing impediments within the National Construction Code Series and associated Australian Standards, that dissuade industry from adopting 3D printing as a building method.***
- 2. That the Government provide instruments to incentivise private industry to develop 3D printing and include this as an acceptable building practice.***

3.6 South West Native Title Settlement

That WALGA advocate to the State Government that Local Governments be provided with the full list of potential land to be requested for transfer as part of the South West Native Title Settlement and that a minimum of three months be provided for Council to provide feedback.

3.7 Land Offset Compensation to Local Governments

That WALGA advocate to the State Government that the Developer requiring land offsets should be required to provide the offsets within the Local Government where the clearing occurs and where this is not possible, the Developer requiring land offsets within another Local Government be required to pay a fee to the Local Government for the loss of rates and ongoing maintenance of infrastructure to the Land.

3.12.1 Abandoned Shopping Trolleys

That this meeting supports the recent petition to be tabled in the Legislative Council, Parliament of Western Australia, "Removal and Abandonment of Shopping Trolleys 22-0017" calling on the State Government to implement stringent and uniform shopping trolley containment laws for the whole state of Western Australia.

3. the following resolutions from the 2022 WALGA Annual General Meeting be noted:

3.11 WALGA Best Practice Governance Review – Principles

That:

- 1. The update on the Best Practice Governance Review project be noted, and***
- 2. The principles to inform WALGA's future governance model, as follows and as per the attached Principles document, be endorsed:***
 - a. Representative – WALGA unites and represents the entire Local Government sector in WA and understands the diverse nature and needs of members, regional communities and economies.***
 - b. Responsive – WALGA is an agile association which acts quickly to respond to the needs of members and stakeholders.***
 - c. Results Oriented – WALGA dedicates resources and efforts to secure the best outcomes for Local Government and supports the delivery of high-quality projects, programs and services.***

3.12.2 Mandatory Superannuation for Elected Members in Band 1 and 2 Councils

That this meeting supports requesting WALGA to advocate for the Local Government reforms to include mandatory superannuation for elected members of Band 1 and Band 2 Councils and supports the optional payment of superannuation for Band 3 and 4 Councils.

IN BRIEF:

- WALGA's 2022 Annual General Meeting was held on Monday, 3 October 2022.
- The meeting resolved for WALGA to act in relation to 11 member motions (including two items of Special Urgent Business):
 1. Road Traffic Issues
 2. Car Parking and Traffic Congestion Around Schools
 3. Proposal for Regional Road Maintenance Contracts with Main Roads WA
 4. Northern Australian Beef Roads Program
 5. 3D House Printing Building Compliance
 6. South West Native Title Settlement
 7. Land Offset Compensation to Local Governments
 8. Review of the Rating Methodology used by the Valuer-General
 9. Reform of the *Cat Act 2011*
 10. Abandoned Shopping Trolleys
 11. Mandatory Superannuation for Elected Members in Band 1 and 2 Councils
- The meeting also resolved to endorse the Governance Principles proposed as part of the WALGA Best Practice Governance Review Project.
- The action taken or proposed to be taken in relation to each of the resolutions since the Annual General Meeting has been summarised for State Council's information.
- Item 3.12.2 (Mandatory Superannuation for Elected Members in Band 1 and 2 Councils) is considered in a separate item for decision (see [Agenda item 5.2 Attachment 3](#)).

ATTACHMENTS:

- [WALGA 2022 Annual General Meeting Minutes](#)

BACKGROUND:

The 2022 Annual General Meeting (AGM) was held on Monday, 3 October 2022.

11 member motions (including two items of Special Urgent Business), as follows, were considered and supported by members at the AGM.

3.1 Road Traffic Issues

That WALGA advocate on behalf of the local government sector to the State Government and in particular, Main Roads, to increase importance and weight given to local knowledge and input regarding road traffic issues including requests for speed reduction, intersection treatments and overall preventative and traffic safety measures.

3.2 Car Parking and Traffic Congestion Around Schools

That WALGA engages with the State Government on behalf of Local Government to review issues associated with car parking and traffic congestion around school sites including but not limited to:

1. *Reviewing car parking standards for schools;*
2. *Ensuring sufficient land is set aside for the provision of parking on school sites;*
3. *Reviewing the co-location of schools to avoid issues being exacerbated;*
4. *Restricting school access from major roads;*
5. *Developing plans to enable schools to manage school traffic;*
6. *Develop programs to educate drivers; and*
7. *Develop options and implement initiatives to encourage alternative modes of transport to school.*

3.3 Proposal for Regional Road Maintenance Contracts with Main Roads WA

That WALGA assist Local Governments and work with the Hon Minister Rita Saffioti to introduce a similar program that is currently in play in Queensland and introduce a sole invitee Program for Local Governments to engage in a Road Maintenance Performance Contract with Main Roads WA.

3.4 Northern Australia Beef Roads Program

That WALGA work with the Hon Madeleine King MP Minister for Resources and Minister for Northern Australia to make Beef Road Funding available to all Australian Local Governments north and south, or establish a Southern Australia Beef Road Funding Program to allow for equitable support across Australia's beef and agriculture industries.

3.5 3D House Printing Building Compliance

That WALGA requests:

- 1. Assistance from Minister for Industry and Science The Hon Ed Husic MP, Minister for Housing and Homelessness, Small Business The Hon Julie Collins MP, Minister for Infrastructure, Transport, Regional Development and Local Government The Hon Catherine King MP to work with Ministers from all State and Territory Governments who have Building and Construction in their portfolios, to collaborate and to consider removing impediments within the National Construction Code Series and associated Australian Standards, that dissuade industry from adopting 3D printing as a building method.*
- 2. That the Government provide instruments to incentivise private industry to develop 3D printing and include this as an acceptable building practice.*

3.6 South West Native Title Settlement

That WALGA advocate to the State Government that Local Governments be provided with the full list of potential land to be requested for transfer as part of the South West Native Title Settlement and that a minimum of three months be provided for Council to provide feedback.

3.7 Land Offset Compensation to Local Governments

That WALGA advocate to the State Government that the Developer requiring land offsets should be required to provide the offsets within the Local Government where the clearing occurs and where this is not possible, the Developer requiring land offsets within another Local Government be required to pay a fee to the Local Government for the loss of rates and ongoing maintenance of infrastructure to the Land.

3.8 Review of the Rating Methodology used by the Valuer-General

Advocate for a full review of the rating methodology used by the Valuer-General to value all land in the State of Western Australia.

3.10 Reform of the Cat Act 2011

That the WA Local Government sector requests the WA State Government prioritise reforms to the Cat Act 2011, in accordance with the Statutory Review undertaken and tabled in the State Parliament on 27 November 2019.

3.12.1 Abandoned Shopping Trolleys

That this meeting supports the recent petition to be tabled in the Legislative Council, Parliament of Western Australia, "Removal and Abandonment of Shopping Trolleys 22-0017" calling on the State Government to implement stringent and uniform shopping trolley containment laws for the whole state of Western Australia.

3.12.2 Mandatory Superannuation for Elected Members in Band 1 and 2 Councils

That this meeting supports requesting WALGA to advocate for the Local Government reforms to include mandatory superannuation for elected members of Band 1 and Band 2 Councils and supports the optional payment of superannuation for Band 3 and 4 Councils.

In addition to the member motions, an executive motion was considered, recommending the endorsement of a set of Governance Principles as part of the WALGA Best Practice Governance Review Project. The Principles were endorsed without amendment.

3.11 WALGA Best Practice Governance Review – Principles

That:

1. *The update on the Best Practice Governance Review project be noted, and*
2. *The principles to inform WALGA's future governance model, as follows and as per the attached Principles document, be endorsed:*
 - a. *Representative – WALGA unites and represents the entire Local Government sector in WA and understands the diverse nature and needs of members, regional communities and economies.*
 - b. *Responsive – WALGA is an agile association which acts quickly to respond to the needs of members and stakeholders.*
 - c. *Results Oriented – WALGA dedicates resources and efforts to secure the best outcomes for Local Government and supports the delivery of high-quality projects, programs and services.*

COMMENT:

Comment on the 2022 AGM resolutions is as per below:

3.1 Road Traffic Issues

It is recommended that this resolution be referred to the Infrastructure Policy Team for further work to be undertaken.

3.2 Car Parking and Traffic Congestion Around Schools

It is recommended that this resolution be referred to the Infrastructure Policy Team for further work to be undertaken.

3.3 Proposal for Regional Road Maintenance Contracts with Main Roads WA

It is recommended that this resolution be referred to the Infrastructure Policy Team for further work to be undertaken.

3.4 Northern Australian Beef Roads Program

It is recommended that this resolution be referred to the Infrastructure Policy Team for further work to be undertaken.

3.5 3D House Printing Building Compliance

It is recommended that this resolution be referred to the People and Place Policy Team for further work to be undertaken.

3.6 South West Native Title Settlement

It is recommended that this resolution be referred to the People and Place Policy Team for further work to be undertaken.

3.7 Land Offset Compensation to Local Governments

It is recommended that this resolution be referred to the Environment and Waste Policy Team for further work to be undertaken.

3.8 Review of the Rating Methodology used by the Valuer-General

In respect valuation methodologies in other States and Territories, it is noted that within South Australia and Victoria 89% of the Local Governments use Capital Value, Tasmania is progressing to Capital Value whilst New South Wales is based on Land Value only, Northern Territory is based only on Unimproved Capital Value, Queensland is Site Value and Unimproved Value and the ACT is Unimproved Value only. It is clear that whilst there is a range of valuations across Australia there is a determined trend to a single use valuation methodology across jurisdictions, in favour of a Capital Valuation system.

Feedback from Local Governments in WA has been to request a review of the current valuation system.

It is recommended that this resolution be endorsed for action.

3.10 Reform of the Cat Act 2011

This is a developing issue in the sector. A number of Local Governments have already attempted to make Cat Local Laws that seek to prohibit cats from roaming, require cats to be securely kept on premises of the owner, and prohibited from being in any public place. Parliament's Delegated Legislation Committee has disallowed a number of such attempts on the grounds that the local law-making head of power in the Cat Act does not contemplate local laws to be made for these purposes.

The Committees views are summarised in this excerpt from the Annual Report 2016 (Report 89 at 5.32):

In each of these cases, the Committee considered that the relevant provisions of the local law were inconsistent with or repugnant to the provisions of the Cat Act 2011 which:

- allow for cats to be in public places unless they do not comply with the provisions of the Act requiring registration, microchipping and sterilisation*
- empower the making of local laws prohibiting cats in certain specified areas.*

As this resolution is consistent with WALGA's current advocacy position which supports a review of the Cat Act that will introduce broader powers of cat control, it is recommended that this resolution be endorsed for action.

3.12.1 Abandoned Shopping Trolleys

This item has been considered previously by the Governance & Organisational Services Policy Team, where the recommended action was for this issue to be addressed by each Local Government working with their retailers.

Based on the above it is recommended that this item be referred back to the Governance & Organisational Services Policy Team for further consideration.

3.12.2 Mandatory Superannuation for Elected Members in Band 1 and 2 Councils

This resolution will be considered in a separate Agenda item.

It is recommended that this resolution be noted.

3.11 WALGA Best Practice Governance Review – Principles

The Governance Principles were endorsed by State Council at a special meeting on 22 August, before being endorsed by members at the 2022 AGM. Since then, the Best Practice Governance Review Steering Committee have finalised a Consultation Paper, which has been circulated to all Local Governments seeking a Council endorsed position on the five model options presented in the paper by 23 December.

It is recommended that this resolution be noted.

In considering these resolutions from the AGM, State Council and State Council Policy Teams are guided by Clause 22(7) of the [WALGA Constitution](#), as follows:

Where the State Council considers that a direction or decision from an Annual General Meeting has been made without information or a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the State Council may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the State Council and the reasons for that decision.

Members will be informed of progress on the above issues through Policy Team Reports in future State Council Agendas and through the AGM Status Report.

RECOMMENDATION

GVROC support the WALGA recommendations as presented in relation to the 2022 Annual General Meeting Resolutions.

RESOLUTION: **Moved: *Cr Paul Warner, Shire of Menzies***
 Seconded: *Cr Laurene Bonza, Shire of Dundas*

Carried

6.2 Elected Member Superannuation

WALGA Recommendation

That WALGA:

- 1. advocates for superannuation to be required to be paid to Elected Members of Local Governments in Salaries and Allowances Tribunal (SAT) Band 1 and Band 2; and**
- 2. supports the position that superannuation payments to Elected Members of Local Governments in SAT Band 3 and Band 4 should be optional and determined by Council.**

IN BRIEF:

- At the [2022 WALGA Annual General Meeting](#) a motion was endorsed requesting WALGA to advocate for superannuation to be required to be paid to Elected Members in Local Governments in SAT Band 1 and Band 2.
- Consultation with the 44 affected Local Governments in Band 1 and Band 2 was subsequently undertaken, which confirmed support for the proposal.
- Accordingly, this item recommends that WALGA adopts a policy position, and advocates to the Minister for Local Government, that superannuation should be required to be paid to Elected Members of Band 1 and Band 2 Local Governments.

POLICY IMPLICATIONS:

In response to the Minister for Local Government's legislative reforms, announced in 2021, [State Council adopted a position](#) in February 2022 supporting the [Minister's proposal](#) for Local Governments to pay superannuation to Council members voluntarily, through a decision of Council. This position has been captured in WALGA's [Advocacy Position](#) 2.8.2.

A motion of special urgent business was endorsed at WALGA's [2022 Annual General Meeting](#) in line with the recommendation put forward by this Agenda item.

This Agenda item recommends amending State Council's policy position to support the mandatory payment of superannuation to Elected Members of Band 1 and Band 2 Local Governments, and the optional payment of superannuation, through a decision of Council, to Elected Members of Band 3 and 4 Local Governments.

BACKGROUND:

Superannuation entitlements for Elected Members has increasingly been an issue of debate in Western Australia and other Australian jurisdictions.

WALGA canvassed the Local Government sector on a [proposal](#) to facilitate the payment of superannuation to Elected Members in late 2021.

The draft [policy proposal](#) outlined arguments for the payment of super to Elected Members as well as potential barriers and costs, before concluding that superannuation should be paid to Elected Members.

Arguments supporting the payment of superannuation to Elected Members are:

- Superannuation is a legal entitlement of all workers in Australia; while Elected Members are not employees, they are committing time and intellect to their responsibilities
- It is becoming increasingly prevalent for Elected Members to forgo opportunities for paid work to fulfil their Elected Member role
- In addition, payment of superannuation to Elected Members may lead to more nominations to serve on Council from historically underrepresented cohorts, such as women and younger people, which in turn may lead to more diversity on Councils, and
- Finally, superannuation is paid to members of private and public sector governing boards, which is comparable to the role of Local Government Elected Members.

Opponents of the proposal to pay superannuation to Elected Members point to the cost and argue that the role of Elected Members should not be confused with the role of employees.

Ultimately, WALGA's consultation process was superseded by the Minister for Local Government's legislative reform agenda, announced in November 2021.

The Minister's [proposal](#) to enable Local Governments to pay superannuation to Elected Members by Council decision was supported by WALGA's State Council on behalf of the Local Government sector in [February 2022](#).

Following discussion at the Mayors and Presidents' Forum, held as part of the WALGA Convention on Sunday, 2 October, an item of Special Urgent Business was put forward to the [Annual General Meeting](#) the following day.

The motion, which was carried by the meeting, is as follows:

That this meeting supports requesting WALGA to advocate for the Local Government reforms to include mandatory superannuation for elected members of Band 1 and Band 2 Councils and supports the optional payment of superannuation for Band 3 and 4 Councils.

Clause 22 (7) of [WALGA's Constitution](#) provides guidance to State Council in determining a course of action in relation to decisions made at the Annual General Meeting:

Where the State Council considers that a direction or decision from an Annual General Meeting has been made without information or a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the State Council may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the State Council and the reasons for that decision.

As a result of this motion being supported by the members at the AGM, the secretariat distributed an InfoPage to the 44 affected Band 1 and Band 2 Local Governments seeking their position on the proposal.

At the time of publication, 23 Local Governments from Band 1 or Band 2 had responded with 15 supportive of the proposal and eight against.

COMMENT:

The position that Local Governments be required to pay superannuation to Elected Members of Band 1 and Band 2 Local Governments was endorsed by a majority of member delegates at WALGA's [2022 Annual General Meeting](#).

Subsequent consultation with affected Local Governments – the 44 Local Governments in either Band 1 or Band 2 – has confirmed support for this position among Local Governments that responded.

Therefore, it is recommended that State Council adopts a policy position – and advocates to the Minister for Local Government – that superannuation should be required to be paid to Elected Members of Band 1 and Band 2 Local Governments, with Band 3 and Band 4 Local Governments able to determine whether to pay superannuation.

RECOMMENDATION

GVROC support the WALGA recommendation as presented.

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

Carried

6.3 Biosecurity Advocacy Position

WALGA Recommendation

That State Council endorse replacing Advocacy Position 4.5 *Post Border Biosecurity* with a new Biosecurity Advocacy Position as follows:

4.5 *Biosecurity*

Western Australia's economy, environment and the community are facing increasing challenges posed by already established and new pests, weeds and diseases.

Local Government has a significant role in biosecurity management, as land managers and regulators, and therefore has an interest in ensuring that Western Australia's biosecurity system, including control of declared pests, is effective and appropriately resourced.

WALGA considers significant changes to the operation of the State's biosecurity system, including the Biosecurity and Agriculture Management Act 2007, are required to ensure these risks can be managed now and into the future.

To be effective the Western Australian biosecurity system must:

- 1. Take a transparent approach to the notion of 'shared responsibility' by ensuring that:*
 - a) The respective roles and responsibilities of Commonwealth, State and Local Government, industry, landholders, community groups and individuals are agreed and clearly articulated; and*
 - b) There is improved pest management on State Government managed land and a formalised structure for State Government agencies with responsibilities for biosecurity management to work together and coordinate their activities.*
- 2. Be underpinned by a strategic framework, developed in collaboration with stakeholders, that:*
 - a) Establishes priorities for biosecurity threats in geographically defined regions, sets measurable targets and guides investment in biosecurity activities; and*
 - b) Is regularly evaluated and reported on.*
- 3. Have a greater focus on environmental biosecurity, through the increased recognition and management of pest species that have significant ecological impacts.*
- 4. Be adequately, sustainably and equitably funded:*
 - a) The appropriateness and effectiveness of the Declared Pest Rate (DPR) and Recognised Biosecurity Group (RBG) model as key mechanisms for the management of widespread and established declared pests should be reviewed and alternate mechanisms considered;*
 - b) Increased and more equitable distribution of funding for every step in the biosecurity continuum and adequate resourcing for all stakeholders, including Local Government; and*
 - c) The provision of funding for declared pest management in metropolitan areas.*
- 5. Ensure that the criteria and process for listing of declared pests is evidence-based, timely and transparent.*
- 6. Have an increased emphasis on compliance through education and enforcement activity, to ensure land managers are aware of their legislative responsibilities and are supported to implement biosecurity actions.*
- 7. Facilitate the use of new technologies, strategic monitoring, and the establishment of data management systems to inform biosecurity investment decisions and support adaptive management.*
- 8. Improve the community's understanding, awareness and action in relation to biosecurity to assist with threat surveillance and timely response to incursions.*

IN BRIEF:

- It is proposed that the 2017 Biosecurity Advocacy Position, *4.5 Post Border Biosecurity* be replaced with a more comprehensive and contemporary position.
- The 2017 position called for a review of the *Biosecurity and Agriculture Management Act 2007* (BAM Act) which is currently underway.

- The new Draft Biosecurity Position reflects feedback provided on the WALGA Biosecurity Discussion Paper recommendations by Local Governments and WALGA Zones.
- The new position will inform WALGA's advocacy in the next stages of the BAM Act Review.

POLICY IMPLICATIONS:

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

4.5 Post Border Biosecurity

1. Local Government believes that State Government has responsibility for the following parts of a biosecurity system:
 - Pre-border and border biosecurity measures and contingency funds to deal with new pest outbreaks;
 - Assistance to the private sector for newly established, industry-specific pests;
 - Assistance to land managers for newly established pests (where the incursion has occurred despite the land owner's best biosecurity management effort);
 - Establishment of a biosecurity network and regional cooperative arrangements;
 - Enforcement of regulations;
 - Compliance with regulations on State Government managed land;
 - Specific research projects and specialised diagnostic services; and
 - Enhancement of barrier fences.
2. Local Government are not supportive of Recognised Biosecurity Groups (RBGs).
3. Local Government calls on the State Government to either reinstate the Agriculture Protection Board or develop a model similar to the NSW Local Land Services Act (2013) approach, and in consideration of either model that:
 - There are State Government approved strategic and operational plans which can be understood by landowners and other stakeholders, including Local Governments;
 - There is direct contact with Local Governments, State Government agencies and departments, and major industry groups;
 - That either model is resourced by State Government to undertake the required activities.
 - That either model be funded under the current funding arrangements as outlined in the Biosecurity and Agriculture Management Act (2007); and
 - That it assists in the delivery of national, state and local priority species management.
4. That as matter of priority, the Government undertake a review of the operation and effectiveness of the Biosecurity and Agriculture Management Act (2007) and its regulations.

March 2017 – Resolution 14.1/2017

The following new Advocacy Position is proposed:

4.5 Biosecurity

Western Australia's economy, environment and the community are facing increasing challenges posed by already established and new pests, weeds and diseases.

Local Government has a significant role in biosecurity management, as land managers and regulators, and therefore has an interest in ensuring that Western Australia's biosecurity system, including control of declared pests, is effective and appropriately resourced.

WALGA considers significant changes to the operation of the State's biosecurity system, including the Biosecurity and Agriculture Management Act 2007, are required to ensure these risks can be managed now and into the future.

To be effective the Western Australian biosecurity system must:

1. Take a transparent approach to the notion of 'shared responsibility' by ensuring that:
 - c) The respective roles and responsibilities of Commonwealth, State and Local Government, industry, landholders, community groups and individuals are agreed and clearly articulated; and
 - d) There is improved pest management on State Government managed land and a formalised structure for State Government agencies with responsibilities for biosecurity management to work together and coordinate their activities.

2. *Be underpinned by a strategic framework, developed in collaboration with stakeholders, that:*
 - c) *Establishes priorities for biosecurity threats in geographically defined regions, sets measurable targets and guides investment in biosecurity activities; and*
 - d) *Is regularly evaluated and reported on.*
3. *Have a greater focus on environmental biosecurity, through the increased recognition and management of pest species that have significant ecological impacts.*
4. *Be adequately, sustainably and equitably funded:*
 - d) *The appropriateness and effectiveness of the Declared Pest Rate (DPR) and Recognised Biosecurity Group (RBG) model as key mechanisms for the management of widespread and established declared pests should be reviewed and alternate mechanisms considered;*
 - e) *Increased and more equitable distribution of funding for every step in the biosecurity continuum and adequate resourcing for all stakeholders, including Local Government; and*
 - f) *The provision of funding for declared pest management in metropolitan areas.*
5. *Ensure that the criteria and process for listing of declared pests is evidence-based, timely and transparent.*
6. *Have an increased emphasis on compliance through education and enforcement activity, to ensure land managers are aware of their legislative responsibilities and are supported to implement biosecurity actions.*
7. *Facilitate the use of new technologies, strategic monitoring, and the establishment of data management systems to inform biosecurity investment decisions and support adaptive management.*
8. *Improve the community's understanding, awareness and action in relation to biosecurity to assist with threat surveillance and timely response to incursions.*

BACKGROUND:

WALGA's current Biosecurity Advocacy Position was endorsed by State Council in 2017. The Position calls for a review of the operation and effectiveness of the [Biosecurity and Agriculture Management Act 2007](#) (BAM Act) which is now underway.

The key themes identified in Stage 2 of the Independent Review of the BAM Act are:

1. Principles to underpin WA's Biosecurity legislation – including shared responsibility and biosecurity in all contexts
2. Legal Foundations – priorities and enabling industries
3. Planning, coordinating and resourcing the system
4. Community led pest and weed management – including Regional Biosecurity Groups and the Declared Pest Rate.

Further information about the BAM Act Review, and stakeholder views provided during Stage 1 of consultation, can be found [here](#). Stage 2 of the Review will draw on this feedback to further explore key themes and issues, and Stage 3 will include broader engagement on the findings and potential solutions.

To guide WALGA's advocacy and sector input to the review, WALGA developed a [Biosecurity Discussion Paper](#) in June 2022 which identified key issues in relation to the operation of the Western Australian biosecurity system and *Biosecurity and Agriculture Management Act (2007)*. This Paper was provided to the sector and WALGA Zones for consideration as well as the Department of Primary Industries and Regional Development and the Independent Review Panel. Zones supported the recommendations in the Discussion Paper and provided some feedback.

Based on this feedback, a new WALGA Advocacy Position has been developed for consideration by Zones and State Council.

The Environment Policy Team considered the proposed new Advocacy Position at its meeting on 26 October and supported it being provided for State Council endorsement.

COMMENT:

A new Biosecurity Advocacy Position is required to take account of the experience of five years of operation the BAM Act since WALGA's 2017 Advocacy Position was endorsed, and to enable WALGA to effectively represent the sector's views during the next stages of the BAM Act Review.

WALGA anticipates that the Review Panel will put forward draft proposals for reform in February/March 2023. WALGA may undertake further consultation with the Sector during this time, depending on the nature of the proposed reforms and Local Governments are also encouraged to participate in the consultations directly.

RECOMMENDATION

GVROC endorse the WALGA recommendations as presented.

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

Carried

6.4 Submission on Environmental Regulation Reform: A Strategic Review of Regulatory Delivery and Fees for Industry Regulation

WALGA Recommendation

That the submission on Environmental Regulation Reform: A Strategic Review of Regulatory Delivery and Fees for Industry Regulation be endorsed.

IN BRIEF:

- The Department of Water and Environmental Regulation's [Environmental Regulation Reform: A Strategic Review of Regulatory Delivery and Fees for Industry Regulation Discussion Paper](#) was released on 12 September for a three month consultation period.
- The Paper includes a range of high-level regulatory reform concepts which will impact premises currently regulated under Schedule 1 of the Environmental Protection Regulations 1987 and various fee model options.
- WALGA's submission has been informed by several engagement sessions with the sector.
- WALGA's submission provides high level support for many of the reform concepts, identifies the need for further consultation on the detail of how the reforms will be implemented and highlights the need for a DWER to be actively regulating all premises with potentially negative impacts on human health and the environment.

ATTACHMENT:

- *Environmental Regulation Reform: A Strategic Review of Regulatory Delivery and Fees for Industry Regulation* submission contained in Agenda Item 5.4.

POLICY IMPLICATIONS:

The submission reflects previous WALGA submissions on environmental regulation reform:

- [Environment Protection Act 1986 Amendments Submission](#)
- [Submission on the DWER Discussion Paper Proposed Legislative Framework for waste derived materials](#)
- [Submission on the DWER Review of the Waste Levy Consultation Paper](#)
- [Submission on the DWER Closing the Loop: Waste Reform for a Circular Economy Consultation Paper](#)
- [Submission on DWER Waste Derived Material Framework](#).

BACKGROUND:

The *Environmental Protection Act 1986* (EP Act) and associated regulations provide the legislative framework for how emissions and discharges from certain activities are considered and controlled. The [Environmental Protection Amendment Act 2020](#) (EP Amendment Act) passed in November 2020 is intended to improve regulatory efficiency and effectiveness to deliver better environmental protection and sustainable development outcomes.

Amendments are being implemented in stages. Provisions for compliance and enforcement started in February 2021, while changes to environmental impact assessment and the clearing provisions started in October 2021. The third stage to be proclaimed includes the regulation of emissions and discharges under Part V Division 3 of the EP Act. The three main reforms resulting from the amendments to Part V Division 3 are:

1. regulation of prescribed activities rather than prescribed premises under a licence and a consolidation of categories from the current 93 to 6;
2. removal of the requirement for a separate works approval; and
3. removal of the registration of premises regime.

These reforms require amendment of [Schedule 1](#) of the *Environmental Protection Regulations 1987* (EP Regulations) to replace prescribed premises with prescribed activities and creation of a new fees framework to support these changes. It is intended that draft regulations will be prepared for further consultation during 2023 and finalisation in December 2023.

Implementation of these reforms requires consideration of the scope of activities that require regulation and how best to regulate these, including outside of the traditional licensing approach.

The Department of Water and Environmental Regulation's [Environmental Regulation Reform: A Strategic Review of Regulatory Delivery and Fees for Industry Regulation Discussion Paper](#) was

released for comment on 12 September 2022 for a three month consultation period. The Paper seeks feedback on a range of regulatory reform concepts which will impact premises currently regulated under Schedule 1 of the EP Regulations and design principles and possible options for a new fee model.

COMMENT:

Local Governments have significant interaction with the EP Act in relation to their land use planning responsibilities, as regulators, in providing services to their communities and as land owners and managers.

WALGA's [Environmental Protection Act 1986 Amendments Submission](#) endorsed by State Council in 2020 supported changes to the licencing system, in particular the licencing of the prescribed activity rather than the prescribed premises. In its submission, WALGA noted that consequential changes to Schedule 1 of the EP Regulations could have a significant impact on Local Government, particularly in relation to landfill classifications. WALGA also recommended that guidelines or standards for each category of activity in Schedule 1 need to be developed in consultation with industry to provide certainty regarding the requirements for their type of prescribed activity and to ensure a transparent approach to how DWER will assess different facilities.

The key impacts for Local Government, as a service provider, are on the 91 Local Governments and Regional Councils operating 150 licensed facilities, which are currently licensed or regulated under Schedule 1 of the EP Act. Local Government has responsibilities under the *Public Health Act 2016* (Public Health Act), with Local Government Environmental Health Officers (EHOs) playing a key role in administering the Public Health Act and Regulations. For Local Government as a regulator, it is essential that DWER are actively regulating the range of activities covered by the EP Act.

WALGA supports the vision articulated in the Discussion Paper and moving to a streamlined system of regulatory control and oversight commensurate with the complexity and potential risk posed by an activity. Given the high-level nature of the Discussion Paper, conditional support has been indicated in a number of areas, subject to further detail being provided and/or consultation to understand application and impact on Local Government.

The Department acknowledges this and has indicated that there will be further engagement sessions regarding the detailed implementation of these concepts.

In relation to a proposed fee structure, WALGA's submission notes that further discussion is required and that:

- the objectives for the fee structure need to be clearly articulated;
- any cost recovery must be predicated on an effective and efficient regulatory process;
- that Local Government provides services on behalf of the community, often in situations where there are no other service providers and that this public good element needs to be incorporated into fee considerations; and
- consideration should be given to other economic and policy instruments already in place, such as the Waste Levy and Strategy.

WALGA will undertake further consultation with the sector when the draft regulations are released for comment in 2023.

RECOMMENDATION

GVROC endorse the WALGA submission on Environmental Regulation Reform: A Strategic Review of Regulatory Delivery and Fees for Industry Regulation.

RESOLUTION:

Moved: *Mr Jim Epis, Shire of Leonora*

Seconded: *Cr Tracey Rathbone, Shire of Coolgardie*

Carried

6.5 Updated Aboriginal Cultural Heritage Advocacy Position

WALGA Recommendation

That State Council endorse the following updated Advocacy Position on Aboriginal Cultural Heritage:

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

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

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

- 1. The legislation balances the need to protect Aboriginal cultural heritage with the requirement for Local Government to undertake activities in a timely and affordable manner;***
- 2. The implementation and ongoing operation of the legislative system for the protection of Aboriginal cultural heritage is adequately resourced to ensure that all parties have the capacity, capability and resources to discharge their statutory obligations;***
- 3. Support is provided to Local Governments to ensure that they have the resources, capacity and capability to comply with a complex legislative framework; and***
- 4. Local Governments have the ability to deliver essential infrastructure works and emergency activities efficiently and effectively in order to maintain public safety.***

IN BRIEF:

- WALGA's existing Aboriginal Heritage Advocacy Position endorsed by State Council in July 2019 does not reflect the new *Aboriginal Cultural Heritage Act* (ACH Act) nor current Local Government priorities relating to the ACH Act and the new legislative system that it will introduce.
- The new ACH Act is expected to commence in 2023.
- Since 2018 WALGA has consulted extensively with the Local Government sector to inform numerous submissions to the State Government in relation to the preparation of the new ACH Act and the regulations and guidelines that will support it ([Agenda item 6.5](#), WALGA Submission on Phase 2 of the ACH Act Co-design Process refers).
- The updated Advocacy Position has been drafted to reflect the key feedback received from the sector during these consultations, primarily with respect to the need to balance the protection of Aboriginal cultural heritage with the requirement for Local Government to undertake activities in a timely and affordable manner, resourcing requirements for transition and implementation of the new ACH system, and support for the Local Government sector to comply with enhanced legislative requirements.
- The People and Place Policy Team endorsed the updated Advocacy Position at their meeting on 19 October 2022 and supported it being presented to State Council for decision at the December 2022 meeting.

POLICY IMPLICATIONS:

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

3.1.3 Aboriginal Heritage Act 1972 and South West Native Title Settlement

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

July 2019 – Resolution no. 68.5/2019

The following new Advocacy Position is proposed:

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

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

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

- 1. The legislation balances the need to protect Aboriginal cultural heritage with the requirement for Local Government to undertake activities in a timely and affordable manner;*
- 2. The legislative system for the protection of Aboriginal cultural heritage is adequately resourced to ensure that all parties have the capacity, capability and resources to discharge their statutory obligations;*
- 3. The implementation of the legislative transition to the new Act is adequately resourced;*
- 4. Support is provided to Local Governments to ensure that they have the resources, capacity and capability to comply with a complex legislative framework; and*
- 5. Local Governments have the ability to deliver essential infrastructure works and emergency activities efficiently and effectively in order to maintain public safety.*

BACKGROUND:

The *Aboriginal Cultural Heritage Act* (ACH Act) received Royal Assent on 22 December 2021 and is expected to commence in 2023. The legislation replaces the *Aboriginal Heritage Act 1972*, providing a contemporary framework for the recognition, protection, conservation and preservation of Aboriginal cultural heritage.

Since 2018 WALGA has made submissions to each consultation phase in the development of the new legislation. The Department of Planning, Lands and Heritage (DPLH) is currently undertaking a three phase, twelve month co-design process to develop the regulations, statutory guidelines and operational policies that will support the ACH Act. Phase Three of the co-design process is expected to run from November 2022 to January 2023. WALGA provided submissions in response to Phase One and Two ([Agenda item 6.5](#), WALGA Submission on Phase 2 of the ACH Act Co-design Process refers) and will continue to work with the sector during Phase Three, guided by WALGA's Local Government Aboriginal Heritage Reference Group.

COMMENT:

WALGA's existing Advocacy Position was endorsed in July 2019 and does not reflect the new ACH Act, nor current Local Government priorities relating to the ACH Act.

WALGA's previous submissions, made between 2018 and 2022, have been informed by ongoing sector consultation, including through:

- Facilitation of WALGA's Aboriginal Cultural Heritage Reference Group;
- Direct communications with Local Governments;
- WALGA facilitated webinars delivered in partnership with the Department of Planning, Lands and Heritage (DPLH) to support consultation phases;
- WALGA participation in co-design workshops facilitated by DPLH; and
- Engagement with the Department of Fire and Emergency Services (DFES) in relation to emergency management issues.

The updated Advocacy Position has been drafted to reflect the key feedback received from the sector during these consultations, primarily:

- The need for the legislation to balance the need to protect Aboriginal cultural heritage with the requirement for Local Government to undertake activities in a timely and affordable manner;
- The need for the new system to be adequately resourced so that all parties have the capacity, capability and resources to discharge their statutory obligations;
- The need for the implementation of the legislative transition to the new Act to be adequately resourced;
- That support must be provided to Local Governments to ensure that they have the resources, capacity and capability to comply with this complex legislative framework; and
- The need for Local Governments to have the ability to deliver essential infrastructure works and emergency activities efficiently and effectively in order to maintain public safety and comply with their other legislative responsibilities.

The People and Place Policy Team considered the updated Advocacy Position on Aboriginal Cultural Heritage at their meeting on 19 October and endorsed the updated Advocacy Position and supported it being presented to State Council for decision in December 2022.

GVROC COMMENTS:

The GVROC support the WALGA updated Advocacy Position on Aboriginal Cultural Heritage, and request that the following areas are particularly focussed on and addressed going forward:

- The need for adequate resources so that all parties have the capacity, capability and resources to discharge their statutory obligations; and
- That support must be provided to Local Governments to ensure that they have the resources, capacity and capability to comply with this complex legislative framework.

RECOMMENDATION

GVROC endorse the WALGA updated Advocacy Position on Aboriginal Cultural Heritage as presented, noting its above comments.

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

Carried

6.6 Review of Coastal Planning Policy Position

WALGA Recommendation

That State Council endorse replacing Advocacy Position 6.8 *Coastal Planning* with a new Coastal Planning Advocacy Position as follows:

6.8 Coastal Planning

WALGA calls for:

1. *Equitable legislative, regulatory and policy changes that preserve public coastal access for current and future generations.*
2. *The provision of sustainable and adequate long-term funding for Local Governments to manage the impacts of coastal erosion and inundation.*

IN BRIEF:

- It is proposed that the 2015 Advocacy Position, 6.8 *Coastal Planning* be replaced with a new position that reflects Local Governments' key coastal planning advocacy priorities.
- The new position has been prepared in collaboration with officers of the Local Government Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) Forum and has been endorsed by the People and Place Policy Team.

POLICY IMPLICATIONS:

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

6.8 Coastal Planning

The Local Government sector supports the following, in any discussions or proposals regarding coastal planning:

1. *State Government has endorsed five actions to be undertaken as outlined within the Local Government and Coastal Land Use Planning Discussion Paper.*
2. *That the State Government provides a clear funding path for the implementation of State Planning Policy 2.6 – State Coastal Planning Policy, to ensure that Local Governments are appropriately funded to prepare and implement coastal hazard risk management and adaptation plans.*
3. *That future canal estate, waterways and harbours to be considered on a case by case basis by WAPC and individual Local Governments, taking into account the most stringent and sustainable environmental and planning requirements, appropriate technologies and potential future liabilities (WAPC Development Control Policy 1.8).*

May 2022 – Resolution no. 343.4/2022

The following new Advocacy Position is proposed:

6.8 Coastal Planning

WALGA calls for:

1. *Equitable legislative, regulatory and policy changes that preserve public coastal access for current and future generations.*
2. *The provision of sustainable and adequate long-term funding for Local Governments to manage the impacts of coastal erosion and inundation.*

BACKGROUND:

63 Local Governments, or 45 per cent of Local Governments in Western Australia, have coastal or estuarine land management responsibilities. These Local Governments and their communities are at increasing risk from coastal erosion and inundation caused by rising sea levels and more intense storms. The challenge of planning for and managing sea level rise, and associated coastal erosion and inundation hazards, has been exacerbated by legacy decisions to construct infrastructure and other assets in areas that are now known to be vulnerable to storm erosion, long term recession and temporary inundation.

In 2021, the People and Place Policy Team resolved that WALGA's Advocacy Position 6.8 *Coastal Planning* be reviewed. The existing position was last updated in 2015 following completion of WALGA's Local Government and Coastal Land Use Planning Discussion Paper in 2014. Since that time, WALGA

has completed a significant body of policy and advocacy work to support Local Governments with their coastal hazard planning and management responsibilities, including:

- The *Local Government Coastal Hazard Planning Issues Paper* (2019) and *Legal Response to the Coastal Hazard Planning Issues Paper* (2021);
- Securing increased funding for Local Governments through the CoastWA Program and CoastWA Local Government Facilitator (2021);
- The *CoastWA Local Government Survey and Outcomes Report* (2022); and
- Hosting the Local Government Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) Forum, which has become Western Australia's key policy forum for sharing knowledge across Local Governments and progressing coastal hazard planning and management challenges.

Two key advocacy priorities have been identified through this work:

1. The importance of ensuring that future reviews of Commonwealth or State Government related legislation, regulation and policy consider the long-term nature of sea level rise and potential implications for preserving public coastal access. For example, the methods for calculating coastal foreshore reserves in Western Australia's State Planning Policy 2.6 aim to ensure that an adequate foreshore reserve exists at the end of a 100-year planning development timeframe. WALGA's revised advocacy position indicates to policymakers that Local Governments principally support policy mechanisms that preserve public access to the coast; and
2. The need to establish sustainable and efficient funding mechanisms that recognise the long-term impacts of sea level rise. Currently, coastal planning and management actions are predominantly funded by the affected Local Government with assistance from State Government grant programs; however, grant programs are susceptible to changing government priorities.

COMMENT:

WALGA's 2015 Advocacy Position *6.8 Coastal Planning* is outdated and does not reflect the sector's current coastal planning advocacy priorities for legislative, regulation and policy change and adequate, long-term funding for Local Governments to manage the impacts of coastal erosion and inundation.

It should be noted that the new Advocacy Position does not include reference to canal estates, waterways or harbours. While canal estates, artificial waterways and harbours will continue to be proposed in various coastal locations, it is unlikely WALGA would undertake advocacy in relation to a proposal within an individual Local Government that does not have sector wide ramifications. The principle that these forms of development should continue to be considered on a case-by-case basis by the WAPC and individual Local Governments is a principle that applies to all forms of development.

It should be noted that the proposed positions have informed WALGA's 2023-2024 State Budget Submission, which requests \$55 million over 4 years to be allocated to the Coastal Adaptation and Protection Fund and a commitment from the State Government to establish sustainable and efficient funding mechanisms.

The proposed positions have been informed by feedback from the Local Government CHRMAP Forum.

On 19 October 2022, the People and Place Policy Team endorsed the proposed new Coastal Planning Advocacy Position and supported it being presented to State Council for decision.

RECOMMENDATION

GVROC endorse the WALGA recommendation to replace Advocacy Position 6.8 Coastal Planning with a new Coastal Planning Advocacy Position as presented.

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

Carried

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

7.1 WALGA Best Practice Governance Review Update

WALGA Recommendation

That the update on the Best Practice Governance Review be noted.

IN BRIEF:

- The Best Practice Governance Review Steering Committee has distributed a [Consultation Paper](#) to Member Local Governments seeking Council endorsed feedback by 23 December 2022.
- The [Consultation Paper](#) contains five governance models, including current arrangements.
- The Governance Review represents an opportunity to review WALGA's governance model to ensure the organisation continues to deliver value to members through development of clear policy positions, positive advocacy outcomes, relevant services, and agile decision making.
- A [website](#) and [Background Paper](#) contain further information, and the Secretariat is available to provide briefing presentations to assist in deliberations.

ATTACHMENT:

- Best Practice Governance Review [Consultation Paper – Model Options](#)

BACKGROUND:

Following endorsement of Principles at WALGA's [2022 Annual General Meeting](#) to guide the development of governance model options, the Best Practice Governance Review Steering Committee has circulated a [Consultation Paper](#) to Local Governments.

Council endorsed positions on the five models proposed by the Consultation Paper are sought by **23 December 2022**.

The Steering Committee – chaired by the President and comprising State Councillors, Elected Members and Local Government CEOs – has undertaken a significant body of work to get to this point, which is contained in the [Background Paper](#).

In addition to the request for Council endorsed positions on the model options, independent research will also be undertaken in the form of a survey of all Elected Members and Chief Executive Officers.

An overarching timeline for the Review is available on the [website](#). Broadly, the intention is for the Steering Committee to reconvene in early 2023 to consider Council endorsed feedback as well as the results of the independent research.

The Steering Committee will put forward recommendations to be considered by State Council at their March 2023 meeting. Depending on the way forward, the intention will be for an amended Constitution to be considered by State Council in July 2023 ahead of consideration by Members at the 2023 Annual General Meeting.

COMMENT:

For Local Governments in WA, the Best Practice Governance Review represents an opportunity to review and reshape WALGA's governance model to ensure the organisation is well-placed to:

- deliver strong, clear, focused, and consistent policy positions on strategic matters of the most importance to Local Governments in WA;
- drive advocacy outcomes and impact on behalf of Local Government in WA, and the communities they serve; and
- provide relevant and high-quality services that support Local Governments' operations and build capacity.

The models in the Consultation Paper have been developed with the intention of meeting the Principles – of representative, responsive and results-oriented – endorsed by State Council and the members at the [2022 Annual General Meeting](#).

The Steering Committee are receptive to any and all feedback on the proposed models and are looking forward to receiving Council endorsed submissions by the end of 2022.

To facilitate deliberations, the Secretariat is available to provide briefing presentations on request.

RECOMMENDATION:

GVROC note the WALGA c update on the Best Practice Governance Review.

RESOLUTION: **Moved: Cr Laurene Bonza, Shire of Dundas**
 Seconded: Cr Paul Warner, Shire of Menzies

Carried

7.2 2022-23 October Federal Budget

WALGA Recommendation

That the update on the 2022-23 October Federal Budget be noted.

IN BRIEF:

- On 25 October 2022, the Albanese Government handed down its first Budget, with a focus on delivering on election commitments, addressing the rising cost of living, encouraging investment and repairing the Government's fiscal position.
- The Budget contained a number of initiatives that will be welcomed by Local Governments, including an expansion of the Local Roads and Community Infrastructure Program, additional funding for Disaster Mitigation and a new Growing Regions Program and Precincts and Partnerships Program (replacing the Building Better Regions Program and the Community Development Grants Program).
- Of note for Local Governments was the adjustment to the timing for funding for transport and rail infrastructure projects, which will see funding for a number of projects pushed out beyond the forward estimates and could have implications for the delivery of projects important to some Local Governments and their communities.
- WALGA is seeking further information from the Commonwealth Government as to whether Local Government programs will be affected by this change and will keep Members informed of any developments.

ATTACHMENT:

- [2022-23 October Federal Budget Update](#)

BACKGROUND:

The 2022-23 October Federal Budget, the first for the new Albanese Labor Government, was handed down by Treasurer Dr Jim Chalmers on 25 October amid a slowing global economy impacted by war, inflation and natural disasters.

The focus of the Budget was to deliver on election commitments, address the rising cost of living without stoking inflation, encourage investment and repair the Government's fiscal position.

The headline announcements in the Budget included:

- \$4.7 billion over four years to increase Child Care Subsidy rates to 90 per cent from July 2023, for eligible families earning less than \$530,000.
- \$531.6 million over four years to expand Paid Parental Leave to 26 weeks by 2026.
- A new national Housing Accord that brings together Governments, investors and industry to boost supply and deliver up to 20,000 new affordable homes over five years from 2024 (as part of a plan with an "aspirational" target of 1 million new affordable homes).
- A "Powering Australia Plan" that aims to drive investment in cleaner, cheaper energy.

The Budget contained a number of initiatives that will be welcomed by Local Governments, including an expansion of the Local Roads and Community Infrastructure Program, additional funding for Disaster Mitigation and a new Growing Regions Program and Precincts and Partnerships Program (replacing the Building Better Regions Program and the Community Development Grants Program).

The Budget also forecasts that the Australian economy will not be immune from the downturn in the global economy, with economic growth expected to slow to 1.5% and the unemployment rate to rise to 4.5% in 2023-24.

Of note for Local Governments was the adjustment to the timing for funding for transport and rail infrastructure projects, presumably designed to address the challenges of delivering projects in the current high cost and supply constrained environment. This will see funding for a number of projects pushed out beyond the forward estimates and could have implications for some projects important to some Local Governments and their communities. WALGA is seeking further information from the Commonwealth Government as to whether Local Government programs will be affected by this change and will keep Members informed of any developments.

Further information on key areas of funding and initiatives relevant for Local Governments can be found in [WALGA's Federal Budget Analysis](#).

COMMENT:

In its submission in advance of the Budget, WALGA identified a number of priority areas for spending including telecommunications and digital connectivity, road infrastructure and coastal risk planning. The Budget contained funding for important election commitments related to telecommunications, however, more could be done to manage the impact of climate change on our coastal areas.

WALGA will advance these and other key issues for the sector in the lead up to the May 2023 Federal Budget.

RECOMMENDATION:

GVROC note the WALGA update on the 2022-23 October Federal Budget.

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

Carried

7.3 Supporting the Trajectory for Low Energy Buildings – Release of 7 Star Homes Cost Investigation

WALGA Recommendation

That the release of the 7 Star Homes Cost Investigation, completed as part of the Association's position to support the Trajectory for Low Energy Buildings, be noted.

IN BRIEF:

- In December 2021, State Council endorsed an advocacy position in support of the Trajectory for Low Energy Buildings (the Trajectory) to achieve net zero energy and carbon buildings in Australia.
- WALGA's March 2022 Discussion Paper [Supporting the Trajectory to Low Energy Buildings](#) identified the State Government's adoption of higher residential energy efficiency standards in the National Construction Code (NCC), as recommended by the Australian Building Codes Board (ABCB), as a priority action to achieving net zero energy and carbon buildings in Australia.
- There is some concern that moving to the higher thermal performance standard will significantly increase construction costs. WALGA engaged an independent expert to investigate the additional cost of constructing new dwellings to meet the proposed new 7 Star energy efficiency standards in climate zones that experience the highest levels of new home construction in Western Australia.
- The investigation found the additional upfront cost of constructing a north-orientated, single-storey home to a 7 Star standard, from the current 6 Star baseline, in climate zones where most of Western Australia's new homes are constructed (i.e. Perth and the South-West Coast) is modest, ranging from \$1,750 for brick cavity to \$2,500 for timber frame construction. However, the additional cost would be higher for some dwelling types (double-storey, timber-framed construction) and in cooler climate zones (Albany, Manjimup).
- The 7 Star Homes Cost Investigation Report summarises these findings.

ATTACHMENT:

- [7 Star Cost Investigation Report 2022](#)

POLICY IMPLICATIONS:

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

6.6 Building Act and Regulations

WALGA supports the Australian Building Codes Boards Trajectory for Low Energy Buildings by supporting Local Governments to meet community strategic objectives of a net zero carbon future by 2050 through work with members, state agencies and industry groups.

December 2021 – 295.7/2021

BACKGROUND:

80 per cent of WALGA's members have adopted community strategic plans and/or local planning strategies which include objectives that indirectly or directly aim to achieve energy efficient homes, offices and other buildings.

In December 2021, WALGA's State Council endorsed an advocacy policy position to support the Trajectory for Low Energy Buildings (the Trajectory), which is a plan prepared by the Council of Australian Governments and endorsed by all State and Territory building ministers to achieve net zero energy and carbon buildings in Australia.

In March 2022, WALGA released a [discussion paper](#) that identified actions WALGA and Local Governments can take to help ensure that the Trajectory, and associated changes to the NCC's energy efficiency standards, are implemented in Western Australia.

Efficient implementation of the Trajectory to achieve net zero energy and carbon buildings requires adoption of the ABCB's recommended changes to the NCC's energy efficiency standards. A key concern raised by state agencies and industry groups was the potential increase in construction costs from moving to a higher thermal performance standard. In April 2022, WALGA engaged an independent,

Western Australian energy efficiency expert to identify and cost the required design modifications to construct new homes to meet the proposed 7 Star standard, in climate zones that experience the highest levels of new home construction in Western Australia.

The investigation identified that the additional cost of constructing a north-orientated, single-storey home to a 7 Star standard, from the current 6 Star baseline, in climate zones where most of Western Australia's new homes are constructed (i.e. Perth and the South-West Coast) is likely to range from \$1,750 for brick cavity to \$2,500 for timber frame construction. The report identifies the most cost-effective way to reduce additional construction costs is to orientate living areas to the north. The report also outlines other low-cost or cost-free modifications. The report indicates that costs will be higher for some dwelling types (double-storey, timber-framed construction) and in cooler climate zones (Albany, Manjimup).

COMMENT:

The findings of the Cost Investigation Report have made a valuable contribution in support of WALGA's advocacy in support of the adoption of higher residential building energy efficiency standards. WALGA provided the report to the Building Minister and the Department of Mines, Industry Regulation and Safety (DMIRS) ahead of the meeting of State and Territory Building Ministers in August 2022. At that meeting all Ministers agreed to endorse the ABCB's recommended energy efficiency changes.

In October 2022, DMIRS announced that Western Australia would adopt full application of the revised energy efficiency standards, with some exceptions for apartments with limited solar exposure. These standards will become mandatory in Western Australia on 1 May 2025. DMIRS has advised that a 24-month transition period will accommodate current supply chain constraints, particularly for higher-grade glazing products.

The State Government's adoption of the revised standards is a positive step toward achieving net zero carbon and energy dwellings in Western Australia well before 2050. For instance, energy assessors have advised WALGA that a 7 Star home with solar panels will achieve a net zero operational energy and carbon dwelling. These new standards will create a consistent state-wide regulatory approach and reduce the need for Local Governments to amend local planning frameworks.

Local Governments will be able to use the Cost Investigation Report to educate new homebuyers about cost-efficient ways of achieving a 7 Star standard. As the Cost Investigation Report demonstrates, low-cost and no-cost design modifications can save homebuyers thousands of dollars. Over the coming months, WALGA will prepare information materials that Local Governments can modify to educate new homebuyers. WALGA is also working with Local Governments in cooler climate zones to prepare more detailed cost investigations to use for community and industry education purposes.

RECOMMENDATION:

GVROC note the WALGA release of the 7 Star Homes Cost Investigation, completed as part of the Association's position to support the Trajectory for Low Energy Buildings.

RESOLUTION:

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

Carried

7.4 WALGA October 2022 Quarterly Economic Briefing

WALGA Recommendation

That the WALGA October 2022 Quarterly Economic Briefing be noted.

IN BRIEF:

- The WALGA October 2022 Economic Briefing shows the WA economy is continuing to face rising prices, a tight labour market and capacity constraints.
- These factors are impacting Local Governments ability to deliver infrastructure programs.
- In the year to June 2022 the Local Government Cost Index (LGCI) increased by 6.4%.
- Growth in the LGCI is expected to peak in coming months, before slowing to 3.3% and 2.4% respectively in the following two financial years.

ATTACHMENTS:

- [WALGA October 2022 Quarterly Economic Briefing](#)

BACKGROUND:

The WALGA Economics Team produces a Quarterly Economic Briefing for Members which provides an overview of the economic climate and the impact this has on the Sector. Included in the Economic Briefing is an update of the Local Government Cost Index (LGCI). The LGCI forecasts changes in the cost base for Members and is used to inform Local Government budgets.

The format of the Quarterly Briefing has been revamped and it is also being promoted via numerous LinkedIn accounts, including those of the WALGA CEO and the Economics team, as well as being distributed by targeted email and housed on the WALGA website. Elected Members and senior Local Government staff can now also sign up to the Briefing via the LG Direct email, the [WALGA website](#) and LinkedIn.

COMMENT:

As the WA economy emerges from the COVID-19 pandemic, it is facing a new challenge in the form of rising prices and capacity constraints.

Inflation is surging across global economies, driven primarily by the conflict in Ukraine which is pushing commodity (particularly oil) prices skywards, as well as supply chain issues resulting from efforts to contain COVID-19, particularly in China.

State and Federal Governments are unwinding stimulus programs as we approach the end of the COVID-19 pandemic. At the same time, the Reserve Bank has been quick to shift from its emergency monetary policy settings, raising the official cash rate from 0.1% in April 2022 to 2.6% by October 2022.

Inflation is impacting Local Governments' capacity to deliver infrastructure programs, with key challenges reported including rising costs for materials and labour, accessing key supplies, and delays in the timing of major projects.

Rapid cost increases in these areas have seen the Local Government Cost Index (LGCI) continue to accelerate, increasing by 6.4% over the year to June 2022. Increases of this magnitude have not been seen since the peak of the mining boom back in 2008. The LGCI measures cost increases for key expenditure items for WA Local Governments.

However, it's not just the cost of construction that is on the rise. In recent months, there have also been increases in the costs of other key services such as vehicle and equipment hire, real estate and engineering services.

There are signs that the tight labour market and widespread shortages of workers, is starting to exert pressure on wages. Wages represent more than a third of the sector's cost base and have been contained in recent years, taking some of the pressure off growth in the sector's costs. However, the wage price index picked up in the June quarter of 2022 to reach its highest annual rate of growth since 2013.

The number of people employed in the state and the hours worked have reached a ceiling despite businesses crying out for more workers. Job vacancies also remain at historically high levels and outnumber the number of unemployed people available to absorb these roles.

Looking ahead, growth in the LGCI is expected to peak in coming months, before slowing to 3.3% and 2.4% respectively in the following two financial years. It is important to note that costs are not predicted to fall – but to stabilise at higher levels.

The outlook for the WA economy more broadly is also uncertain. Forecasts for the WA economy will next be updated in December in the State Government's Mid Year Financial Projections Statement. Given the significant risks on the horizon from the slowing global economy, rising interest rates and ongoing capacity constraints, there may be a case for Treasury to revise growth projections for the WA economy lower.

The significant challenges of forecasting in the current economic environment, mean the LGCI should be used with caution. It is important that Local Governments take into account their own local issues and experiences when considering cost pressures. It would also be prudent for Local Governments to prepare for multiple scenarios for cost increases in coming years.

RECOMMENDATION:

GVROC note the WALGA October 2022 Quarterly Economic Briefing.

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

Carried

7.5 WALGA Submission on Phase Two of the Aboriginal Cultural Heritage Act 2021 Co-design Process

WALGA Recommendation

That State Council note the submission to the Department of Planning, Lands and Heritage relating to Phase 2 of the Aboriginal Cultural Heritage Act 2021 Co-design Process, endorsed via Flying Minute.

IN BRIEF:

- The *Aboriginal Cultural Heritage Act 2021* (ACH Act) is expected to commence on 1 July 2023.
- The Department of Planning, Lands and Heritage (DPLH) is undertaking three phases of co-design during 2022 to develop the regulations, statutory guidelines and operational policies that will support the ACH Act.
- WALGA's May 2022 [submission to Phase One](#) of the Co-design process made 25 recommendations.
- WALGA's submission to Phase Two of the Co-design process, endorsed via Flying Minute on 18 August 2022, made 27 recommendations and included proposed activity tables for emergency activities and roadworks. The submission reinforced key recommendations from the Phase One submission, relating to the proposed activity categories, the desire for ongoing sector consultation, and the requirement to balance the protection of Aboriginal cultural heritage with the requirement for Local Governments to undertake necessary infrastructure and maintenance works.
- [Phase Three of the Co-design process](#) will commence in November 2022 with workshops being held in 34 locations across Western Australia. WALGA will make another submission informed by feedback obtained directly from the sector via officer review and from WALGA's Aboriginal Heritage Reference Group.
- WALGA is a member of a Working Group that has been established to bring together five industry groups and five Aboriginal corporations to further refine and agree the activity categories. Meetings of the Working Group were held on 20 and 31 October 2022.

ATTACHMENTS:

- [Flying Minute: WALGA Submission Aboriginal Cultural Heritage Act 2021 Co-design Process, Phase Two](#)
- [WALGA submission: Aboriginal Cultural Heritage Act 2021 Phase Two, August 2022](#)

POLICY IMPLICATIONS:

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

3.1.3 *Aboriginal Heritage Act 1972 and South West Native Title Settlement*

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

July 2019 – Resolution no. 68.5/2019

3.1.2 *Reconciliation*

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

September 2012 – Resolution no. 118.5/2012

It should be noted that an updated Aboriginal Cultural Heritage Advocacy Position on is on the Agenda for decision at the December 2022 State Council meeting ([Agenda item 5.5](#)).

Previous WALGA submissions:

- *Aboriginal Heritage Act 1972 - 2018 Review Submission* endorsed by State Council in July 2018;
- AHA Review Consultation Phase Two, submission endorsed by State Council in July 2019;
- WALGA's 2020 response to survey during Phase 3 consultation based on previous submissions and member feedback (including the Aboriginal Heritage Reference Group);
- WALGA and DPLH co-facilitated online place-based workshops in February 2021 for Local Governments which considered the activities regularly undertaken by Local Government.

- Aboriginal Cultural Heritage Act 2021 – Co-design Phase One Submission endorsed by State Council in May 2022.

BACKGROUND:

The *Aboriginal Cultural Heritage (ACH) Act 2021* is expected to commence on 1 July 2023. The new legislation provides a modern framework for the recognition, protection, conservation and preservation of Aboriginal cultural heritage while recognising the fundamental importance of Aboriginal cultural heritage to Aboriginal people.

DPLH is currently developing the regulations, statutory guidelines and operational policies that will support the ACH Act. Phase One of DPLH's co-design process involved a short, five week consultation period during April-May 2022. Guided by feedback obtained during Phase One, a suite of amended documents was released for consideration during Phase Two, which ran from 18 July 2022 for 4 weeks.

COMMENT:

Several of WALGA's recommendations from the Phase One submission were incorporated into the draft documents released during Phase Two, providing better developed and more detailed guidelines and activity categories. Therefore, the Phase Two submission had a narrower focus.

WALGA's Phase Two submission was informed via the following engagement activities (noting that the short timeframe prevented more thorough engagement with members):

- Facilitation of WALGA's Aboriginal Cultural Heritage Reference Group on 19 July 2022;
- Direct communications with various Local Governments via phone and emails;
- A WALGA facilitated webinar delivered in partnership with DPLH on 3 August 2022 and attended by approximately 30 Local Governments;
- WALGA participated in the co-design workshop facilitated by DPLH on 4 August 2022;
- WALGA and Local Government participation in a meeting with DPLH, the Department of Fire and Emergency Services (DFES) and the City of Wanneroo, Shire of Dundas and Shire of Ashburton to discuss the intersect with emergency management on 8 August 2022; and
- Written feedback on the draft submission from Aboriginal Cultural Heritage Reference Group members and Local Government attendees at the 3 August 2022 webinar.

Feedback obtained through the consultation process primarily related to the need for further refinement of some activity categories, particularly with respect to fire break notices and other emergency related activities, road works and infrastructure maintenance and replacement works, concerns around the impact of ACH timeframes on expenditure of grant moneys, and the need for fees to vary depending on the status of proponents (not for profit vs for profit/annual revenue). It was recommended that all works undertaken to comply with Local Government Section 33 Fire Break notices are categorised as exempt in the Activity table.

The Director General of DPLH provided an update on the ACH Act at the September 2022 State Council Strategic Forum.

GVROC COMMENTS:

Noting the current submission, the GVROC would also like WALGA to consider separately but alongside this co-design process the process for how land use agreements are managed for land developments that have native title issues, particularly around vacant land parcels in and around townsites.

RECOMMENDATION:

GVROC note the WALGA submission to the Department of Planning, Lands and Heritage relating to Phase 2 of the Aboriginal Cultural Heritage Act 2021 Co-design Process, endorsed via Flying Minute and also request WALGA consider its comments above.

RESOLUTION:

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

Carried

7.6 Report Municipal Waste Advisory Council (MWAC)

WALGA Recommendation

That the resolutions of the Municipal Waste Advisory Council from its 29 June, 24 August and 26 October 2022 meetings be noted.

IN BRIEF:

This item summaries the outcomes of the MWAC meetings held on 29 June, 24 August and 26 October 2022.

BACKGROUND:

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

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

COMMENT:

The key issues considered at the meeting held on 29 June, 24 August and 26 October 2022 included:

Container Deposit Scheme – Minimum Network Standards Review

On 6 September, the Department of Water and Environmental Regulation (DWER) released the third review of the Container Deposit Scheme (CDS) Minimum Network Standards.

The main focus of this review was on the requirement for minimum operating hours under the Minimum Network Standards and the economic viability of Refund Points based on population criteria. Reviews of the CDS Minimum Network Standards are required at least every 6 months for the first three years of the Scheme.

The focus of the Submission was ensuring that smaller population centres continue to receive a certain level of service, and if that service is not viable then alternative options be explored.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Submission on the Review of the Container Deposit Scheme Minimum Network Standards Third Review.

Moved: Cr Price Seconded: Mayor Butterfield

CARRIED

Further Restriction of Nitrous Oxide Supply

From [1 October 2022](#), the sale of nitrous oxide gas will be regulated under the *Medicines and Poisons Act 2014*, in line with new national restrictions. Nitrous oxide gas canisters, commonly known as nangs, have been raised as an issue by Local Government as they are frequently littered in public areas, inappropriately disposed of and have serious human health impacts.

These restrictions are the first step in address the issue. Consultation on the Regulatory Impact Statement, provided further opportunities to support the restriction on the sale of the gas canisters.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Submission on the Consultation Regulatory Impact Statement: Nitrous Oxide Supply.

Moved: Cr Price Seconded: Mayor Butterfield

CARRIED

Single Use Plastic Ban – Stage 2

The Department of Water and Environmental Regulation has commenced consultation on [Stage 2 of Western Australia's Plan for Plastics](#) (Single-use Plastics Ban). WALGA hosted an information session, to discuss the scope and impact of the bans, on Tuesday, 18 October and information gathered as part of this session has been incorporated into the Submission.

This is the second stage of the Single-use Plastics Ban, focuses on:

- Expanded polystyrene packaging
- Degradable plastics (plastics designed to break up more rapidly into fragments under certain conditions)
- Barrier/produce bags
- Expanded polystyrene cups
- Coffee cups and lids
- Lids for cups, bowls and takeaway food containers
- Cotton buds with plastic shafts
- Microbeads.

The key impact for Local Government relates to:

- Local Government venues/events using single-use plastics
- Dog-poo bags – the ban requires either compostable or conventional fossil fuel based plastics (the ban covers degradable plastics)
- Use of compostable alternatives to single use plastics and the interaction with Food Organic Garden Organic kerbside collection systems.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Submission on Western Australia's Plan for Plastics Stage 2.

Moved: Cr Price Seconded: Mayor Butterfield

CARRIED

RECOMMENDATION:

GVROC note the resolutions of the Municipal Waste Advisory Council from its 29 June, 24 August and 26 October 2022 meetings.

RESOLUTION:

Moved: *Cr Paul Warner, Shire of Menzies*

Seconded: *Cr Peter Grundy, Shire of Wiluna*

Carried

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

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

Policy Teams

8.1 Environment and Waste Policy Team Report

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

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

This Report provides an update on matters considered, since the last State Council meeting, by the Environment and Waste Policy Team at its meetings held on 7 September and 26 October.

1. Matters for State Council Decision

Nil.

2. Matters for State Council Noting

The Policy Team considered the feedback from Zones on the recommendations in [WALGA Biosecurity and Agriculture Management Act Review Discussion Paper](#) and provided feedback on updated Position Statement on Biosecurity. The Position Statement on Biosecurity was updated to reflect Policy Team feedback and is being considered by State Council in [Agenda item 5.3](#). The Policy Team also engaged with the Local Government Representative on the Biosecurity Council, President Cr Tony Dean.

The Policy Team viewed two videos which have been developed by the Policy and Advocacy Teams focusing on the Urban Forest Grant Program, funded by Water Corporation, and Innovative Weed Control activities being undertaken by Local Governments. Feedback from the Policy Team was incorporated into the videos.

The Policy Team received an update on WALGA's work regarding:

- Foot and Mouth Disease – outlining WALGA's active engagement with Local Government and the Department of Primary Industries and Regional Development
- The Review of Australian Government Drought Response, Resilience and Preparedness Plan and the engagement process for input.

RECOMMENDATION:

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

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

Carried

8.2 Governance and Organisational Services Policy Team Report

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

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

This Report provides an update on matters considered, since the last State Council meeting, by the Governance and Organisational Services (GOS) Policy Team at its meeting held by Flying Minute concluding on 30 September 2022.

1. Matters for State Council Decision

The GOS Policy Team seeks State Council decision on two matters referred from Zones and reviewed a number of WALGA Advocacy Positions, providing recommendations for State Council consideration.

Advocacy Positions may be reviewed in the WALGA [Advocacy Position Manual](#).

1.1 Advocacy Position 2.5.10 Control of Certain Unvested Reserves

GOS Policy Team comment: This remains an important advocacy position. Noted that a number of South West Local Governments have become responsible for former forestry land, including bridges and culverts under s.3.53. It is inequitable for Local Governments to acquire responsibility for unvested facilities, where no funding is provided for maintenance.

The GOS Policy Team recommends State Council retain Advocacy Position .5.10 Control of Certain Unvested Reserves.

1.2 Advocacy Position 2.5.16 Disposal of Property and Commercial Enterprises

GOS Policy Team comment: This advocacy position was adopted as a result of consultation with members re 2019 Local Government Act reform proposals. In the absence of specific matters to be addressed in 'modernising' disposal of property and commercial enterprise provisions under s.3.58 and s.3.59...

The GOS Policy Team recommends State Council delete Advocacy Position 2.5.16 Disposal of Property and Commercial Enterprises.

1.3 Advocacy Position 2.5.33 Revoking or Changing Decisions

GOS Policy Team comment: Despite the intent, the consequence of any endeavour to revoke a decision that has already been implemented is that the revocation would not be actionable. Additionally, WALGA is unaware of any circumstances of this actually occurring.

The GOS Policy Team recommends State Council delete Advocacy Position 2.5.33 Revoking or Changing Decisions.

1.4 Advocacy Position 2.5.34 Content of Minutes

GOS Policy Team comment: The effect and perhaps unintended consequences, of recent amendments to Administration Re.11 (g) and s.5.95(3) is that decision making transparency is eroded, so that for a Council to retain confidentiality of information included in a s.5.23(2) confidential attachment to the Agenda, it MUST close the meeting to the public, where otherwise debate could proceed in public, with the substantial body of information provided in the public agenda / minutes.

The GOS Policy Team recommends State Council amend Position 2.5.34 Content of Minutes.

1.5 Advocacy Position 2.5.42 Disposition of Property

GOS Policy Team comment: This Advocacy Position remains relevant with two further matters recommended for inclusion in the advocacy position as detailed in the recommendation.

The GOS Policy Team recommends State Council amend Advocacy Position 2.5.42 Disposition of Property.

1.6 Cat Control Measures and Advocacy for Reforms to the Cat Act

GOS Policy Team comment: This is a developing issue in the sector. A number of Local Governments have attempted to make Cat Local Law to prohibit cats from roaming, require cats to be securely kept on premises and prohibit cats from being in any public place. The Parliamentary Delegated Legislation Committee has disallowed such provisions on the grounds that the Cat Act 2011 provisions do not contemplate local laws for these purposes.

The GOS Policy Team recommends State Council request the WALGA Secretariat to write to the Minister for Local Government.

1.7 Improving Cybersecurity in Local Government

GOS Policy Team comment: WALGA has endorsed and is progressing establishing an ICT Governance subscription service. The Peel Country Zone considered that funding the Local Government Sector to implement cybersecurity software and hardware, would not be addressed through the future WALGA ICT Governance Subscription and required State Government consideration.

The GOS Policy Team recommends State Council request the WALGA Secretariat to write to the Department of Premier and Cabinet, Cyber Security Unit and the Minister for Local Government.

2. Matters for State Council Noting

Nil.

RECOMMENDATION:

GVROC notes and supports the Governance and Organisational Services Policy Team's recommendation to State Council as follows:

That State Council:

1. Retains Advocacy Positions:
 - a. 2.5.10 Control of Certain Unvested Reserves
2. Deletes Advocacy Positions:
 - a. 2.5.16 Disposal of Property and Commercial Enterprises
 - b. 2.5.33 Revoking or Changing Decisions
3. Amends Advocacy Positions
 - a. 2.5.34 Contents of Minutes to be retitled and amended to read as follows:

Advocacy Position 2.5.34 Content of Agenda and Minutes (Transparency)

1. ***Amend Administration Regulation 11 to require information presented in, or attached to, a Council or Committee meeting agenda to be included in the minutes of that meeting.***
2. ***Amend Section 5.95(3) and Administration Regulation 11 to enable confidential attachments to a report included in a Council or Committee meeting agenda and minutes to remain confidential at the discretion of Council, despite the meeting not having been closed to the public when deciding the relevant matter.***

- b. 2.5.42 Dispositions of Property to be amended to read as follows:

Amend Functions and General Regulation 30 to:

1. ***Remove the financial threshold limitation on a disposition where it is used exclusively to purchase other property – R.30(3).***
2. ***Modify the disposal by sale (only) limitations prescribed in R.30(2), so that***
 - a. ***Local Government may dispose of land consistent with the s.3.58 definition of 'disposal', where the disposal terms are consistent with the nature of interest that the transferee has in the adjoining land; and***

- b. The market value limitation of \$5000, set in 1996, is increased to reflect contemporary land values.*
 - 3. Insert an additional exemption for disposal of redundant plant and equipment to another Local Government, Regional Local Government, the government of the State or the Commonwealth or any of its agencies.*
- 4. Requests the WALGA Secretariat write to the Minister for Local Government as the responsible Minister, reiterating the Sector's concerns regarding Cat Act local law limitations, requesting the Minister commit to a timeframe for progressing the Cat Act 2011 Review.**
- 5. Request the WALGA Secretariat to write to the Department of Premier and Cabinet, Cyber Security Unit and the Department of Local Government, Sport and Cultural Industries, requesting:**
 - a. Details of the range of services, resources and support provided by the Cyber Security Unit to support the Local Government sector to improve the sector's cyber security profile.**
 - b. Consideration of State Government funding options for the Local Government sector, to further support improving the sector's cyber security profile, including:**
 - i. Providing access to State Government infrastructure and controls at no cost to Local Governments to ensure that the Local Government industry has the same level of protection as State Government departments.**
 - ii. Funded by State Government, in a similar approach to how State Government departments cyber security is funded.**
- iii. Making a funding pool available for Local Governments to improve cyber security through purchasing of hardware and software infrastructure.**

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

Carried

8.3 Infrastructure Policy Team Report

The Infrastructure Policy Team includes the following subject areas:

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

This Report provides an update on matters considered, since the last State Council meeting, by the Infrastructure Policy Team at its meeting held on 7 September 2022.

1. Matters for State Council Decision

Nil.

2. Matters for State Council Noting

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

- **Agricultural Freight Policy Forum**
 - Requested further information about the deficiencies in current State strategies in relation to freight movement in the agricultural region.
- **Local Government Principles for Speed Management Reform**
 - Supported consultation with Local Governments commence, subject to some further amendments of the draft principles and feedback document.
- **Western Power requirements for 32amp circuit breaker be installed in regional and rural households**
 - Requested that WALGA engage with Western Power concerning this matter.

RECOMMENDATION:

RECOMMENDATION:
GVROC notes the matters considered by the Infrastructure Policy Team

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

Carried

8.4 People and Place Policy Team Report

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

- Community
- Emergency Management
- Planning and Building

This Report provides an update on matters considered, since the last State Council meeting, by the People and Place Policy Team at its meeting held on 19 October 2022.

1. Matters for State Council Decision

Nil.

2. Matters for State Council Noting

The People and Place Policy Team:

- Considered and endorsed the **following updated advocacy positions for State Council decision** at the December 2022 meeting:
 - Coastal Planning ([Agenda item 5.6](#) refers); and
 - Aboriginal Cultural Heritage ([Agenda item 5.5](#) refers).
- Considered an Agenda item on the Aboriginal and Torres Strait Islander Voice to Parliament, resolving:
 - not to support a recommendation that an advocacy position to establish an Aboriginal and Torres Strait Islander Voice to Parliament enshrined in the Constitution be considered by State Council in December 2022; and
 - that WALGA remains apolitical and chooses not to have involvement in this issue.
- Noted the 2022 Coastal Award for Excellence that WALGA received in September 2022 on behalf of the Local Government Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) Forum.

RECOMMENDATION:

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

RESOLUTION:

Moved: Cr Laurene Bonza, Shire of Dundas
Seconded: Cr Jill Dwyer, Shire of Menzies

Carried

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

9.1 Report on Key Activities, Advocacy Portfolio

9.2 Report on Key Activities, Infrastructure Portfolio

9.3 Report on Key Activities, Member Services Portfolio

9.4 Report on Key Activities, Policy Portfolio

GVROC COMMENT:

GVROC note the Organisation Key Activity Reports as provided in State Council Agenda Items 7.2.1, 7.2.2, 7.2.3 and 7.2.4.

RESOLUTION: *Moved: Cr Peter Grundy, Shire of Wiluna*
 Seconded: Cr Tracey Rathbone, Shire of Coolgardie

Carried

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

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

10.1 President's Report

WALGA Recommendation

That the President's Report for December 2022 be received. (refer to Attachment 4)

10.2 CEO's Report

WALGA Recommendation

That the CEO's Report for December 2022 be received.

10.3 Ex Officio Reports

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

RECOMMENDATION:

GVROC notes the President's and CEO's Reports for December 2022 and the Ex Officio reports as received.

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

Carried

11. Review of WALGA State Council Agenda – State Council Status Report

11.1 Complete Status Report on State Council Resolutions - To the December 2022 State Council Meeting

GVROC COMMENT:

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

RECOMMENDATION:

GVROC notes the Complete State Council Status Report to the December 2022 State Council meeting and the Goldfields Esperance Country Zone Status Report.

RESOLUTION:

Moved: *Cr Laurene Bonza, Shire of Dundas*
Seconded: *Cr Ian Mickel, Shire of Esperance*

Carried

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

13. FUTURE MEETINGS

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

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

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

The following are the WALGA State Council meeting dates remaining in 2022 and in 2023 with suggested GVROC Zoom video conference meeting dates prior to these to inform the GVROC's representatives attending the meetings with relevant input for State Council Agenda Items:

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

14. CLOSURE OF MEETING

There being no further business the Chair declared the meeting closed at 8:35am.