

State Council

Full Minutes

1 July 2020

NOTICE OF MEETING

Meeting of the Western Australian Local Government Association State Council held at the **City of Stirling, 25 Cedric Street Stirling**, on Wednesday 1 July 2020.

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1 Attendance

Members	President of WALGA - Chair Deputy President of WALGA, Northern Country Zone Avon-Midland Country Zone Central Country Zone Central Metropolitan Zone Central Metropolitan Zone East Metropolitan Zone East Metropolitan Zone Goldfields Esperance Country Zone Great Eastern Country Zone Great Southern Country Zone Kimberley Country Zone Murchison Country Zone North Metropolitan Zone North Metropolitan Zone North Metropolitan Zone Peel Country Zone Pilbara Country Zone South East Metropolitan Zone South East Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South West Country Zone	Mayor Tracey Roberts JP President Cr Karen Chappel JP President Cr Ken Seymour President Cr Phillip Blight Cr Jenna Ledgerwood Cr Paul Kelly Cr Catherine Ehrhardt Cr Brooke O'Donnell - Deputy President Cr Malcolm Cullen President Cr Stephen Strange Cr Ronnie Fleay Cr Chris Mitchell JP Cr Les Price Cr Frank Cvitan JP Mayor Mark Irwin Cr Russ Fishwick JP President Cr Michelle Rich Mayor Peter Long Cr Julie Brown Mayor Ruth Butterfield Mayor Carol Adams OAM Mayor Logan Howlett JP President Cr Tony Dean
Ex Officio	Chair Commissioner, City of Perth Local Government Professionals WA	Mr Andrew Hammond Mr Jamie Parry
Observer	East Metropolitan Zone	Cr Janelle Sewell
Secretariat	Chief Executive Officer EM Environment & Waste EM Governance & Organisational Services EM Finance & Marketing EM Infrastructure Economics Policy Manager Manager Strategy & Association Governance Intergovernmental Relations and Risk Chief Financial Controller Executive Officer Governance	Mr Nick Sloan Mr Mark Batty Mr Tony Brown Mr Zac Donovan Mr Ian Duncan Nebojsa Franich Mr Tim Lane Ms Joanne Burges Mr Rick Murray Ms Margaret Degebrodt

ORDER OF PROCEEDINGS

- **OPEN and WELCOME**

The Chair declared the meeting open at 4:12pm

- **Acknowledgement of Country**

I would like to acknowledge the Whadjuk Nyoongar People who are the Traditional Custodians of this land we meet on today and I would like to pay my respects to their Elders past, present and future.

Welcome to:

State Councillors

Cr Brooke O'Donnell, East Metropolitan Zone Deputy

Cr Janelle Sewell, East Metro Zone Observer

WALGA secretariat

APOLOGIES

Cr Cheryl Cowell

Gascoyne Country Zone

Cr Cate McCullough

East Metropolitan Zone

Cr Doug Thompson

South Metropolitan Zone

Mr James McGovern

WALGA Manager Governance

ANNOUNCEMENTS

Nil

2. DECLARATION OF INTEREST

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

Mayor Howlett declared an interest in Item 8.

Mayor Tracey Roberts declared an interest in Item 5.5

Cr Paul Kelly declared an interest in Item 5.5

PAPERS

State Councillors received the following papers under separate cover:

- Strategic Forum Agenda
- Revised Agenda 1 July
- Flying Minute – Mobile Black Spot Program Round 5A Design and Guidelines
- Item 5.2 Special Finance and Services Committee Meeting Minutes 24 June.
 - Governance Budget Pack – ending 30 November 2020
 - Detailed Profit and Loss Budget – Non Grant
- Item 5.3 Selection Committee Meeting Minutes
- Item 5.4 WALGA JLT Scheme Management Agreement Extension CONFIDENTIAL
- Item 5.5 LGIS Board Minutes
- Item 5.6 Use of the Common Seal;
- Item 5.7 CEO Performance Review Committee Minutes 10 June
- CEO's report to State Council
- President's Report (previously emailed to your Zone meeting)

3. MINUTES OF THE PREVIOUS MEETINGS

3.1 Minutes of Meeting Held 6 May 2020

Moved: Mayor Logan Howlett
Seconded: Cr Paul Kelly

That the [Minutes of the Western Australian Local Government Association \(WALGA\) State Council held Wednesday 6 May 2020](#) be confirmed as a true and correct record of proceedings subject to:

1. Cr Kate McCullough being recorded as leaving the meeting at 5:21pm, not President Cr Malcolm Cullen; and,
2. It being noted in item 5.1 that the City of Bayswater were incorrectly attributed as not supporting third party appeal rights.

RESOLUTION 84.3/2020

CARRIED

3.1.1 Business arising from the Minutes of 6 May 2020.

Nil

3.2 Minutes of Special State Council Meeting Held 25 May 2020

Moved: Cr Julie Brown
Seconded: Mayor Logan Howlett

That the [Minutes of the Special State Council meeting held Monday 25 May 2020](#) be confirmed as a true and correct record of proceedings.

RESOLUTION 85.3/2020

CARRIED

3.2.1 Business arising from the Minutes of 25 May 2020.

Nil

3.3 Flying Minute 19 June – Mobile Black Spot Program Round 5A Design and Guidelines

Moved: President Cr Karen Chappel
Seconded: Cr Chris Mitchell

That the [Flying Minutes 19 June 2020 Mobile Black Spot Program Round 5A Design and Guidelines](#), be confirmed as a true and correct record of proceedings.

RESOLUTION 86.3/2020

CARRIED

3.3.1 Business arising from the Minutes of 19 June 2020.

Nil

4. EMERGING ISSUES

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

- As per matter listed

5. MATTERS FOR DECISION

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

6. MATTERS FOR NOTING / INFORMATION

- As per matters listed.

7. ORGANISATIONAL REPORTS

7.1 Key Activity Report

- 7.1.1 Commercial and Communications
- 7.1.2 Governance and Organisational Services
- 7.1.3 Infrastructure
- 7.1.4 Strategy, Policy and Planning

7.2 Policy Forum Reports

- 7.2.1 Policy Forum Reports

7.3 President's Report

Recommendation

That the President's Report for May 2020 be received.

7.4 CEO's Report

Recommendation

That the CEO's Report for May 2020 be received.

7.5 Ex Officios

- 7.5.1 LG Professionals President, Jamie Parry, to provide LG Professionals Report to the meeting.
- 7.5.2 Chair Commissioner, Andrew Hammond to provide City of Perth Report.

8. ADDITIONAL ZONE RESOLUTIONS

To be advised following Zone meetings.

9. DATE OF NEXT MEETING

Recommendation

That the next meeting of the WALGA State Council to be held at WALGA on Wednesday 2 September.

10. CLOSURE

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4. EMERGING ISSUES

4.1 COVID-19 Pandemic – WALGA Response

Please note:

The information contained in this report is correct and up-to-date as of 3 June 2020. Further supplementary information will be provided at Zone and State Council meetings as well as through other channels, such as the COVID-19 Daily Update from the WALGA President and CEO.

Moved: President Cr Karen Chappel
Seconded: Mayor Logan Howlett

That the information contained in this report relating to WALGA's response to the COVID-19 pandemic be noted.

RESOLUTION 87.3/2020

CARRIED

Executive Summary

- The COVID-19 pandemic, declared as a State of Emergency on 16 March 2020 in Western Australia, is having a profound impact on the health, wellbeing and economy of Western Australia
- WALGA's Local Government members have been severely impacted by the pandemic and WALGA is advocating on a number of issues, and providing resources, communications and guidance on a range of fronts to support the Local Government sector.
- This item summarises at a high level the activities that WALGA is undertaking to provide support for members, and is correct and up-to-date as at 3 June 2020.
- Additional supplementary information will be provided at the Zone and State Council meetings.

Policy Implications

Much of the advocacy detailed in this item is in accordance with existing policy positions; some of the advocacy detailed in this item relates only to the current crisis situation so will not impact existing policy positions.

Budgetary Implications

The impacts of the COVID-19 pandemic on WALGA's budget for the 20/21 financial year has been taken into account when WALGA adopted its 20/21 budget.

Background

State Government COVID 19 Roadmap

Easing of restrictions

As of 3 June 2020, Western Australia remains under a state of emergency, providing extraordinary powers to the State Emergency Coordinator, Mr Chris Dawson (Commissioner of Police). The state is currently in phase two of the easing of restrictions, with phase three to commence on Saturday 6 June 2020.

Phase 3 will see an increase in the number of people at non-work gatherings and additional businesses will be permitted to reopen. The 4 square metre rule will be revised to 2 square metres

per person for all WA venues. Physical distancing, good hygiene and the 2 square metre rule will apply to all activities permitted in Phase 3. For the Local Government sector, the increase in mass gathering numbers allows more community facilities and services to open, in line with the relevant guidelines.

Travel will now be permitted throughout Western Australia, including into the Kimberley region. Access into remote Aboriginal communities will remain prohibited. The COVID 19 WA Roadmap is available [here](#) with further information to support the implementation of phase three available through the DPC and DLGSC websites.

State Recovery Planning

The Premier appointed Ms Sharon O'Neil as the State Recovery Controller who has responsibility for developing, coordinating and overseeing the recovery process for Western Australia.

Based on a partnership approach, recovery will bring together resources from across the State including business, industry, not-for-profit organisations, unions, the public sector, local governments and the community. Recovery will be organised around 5 key areas including, health, economy and infrastructure, social, industry and regions.

To inform the development of a State Recovery Plan, a range of engagement activities will take place in June. A State Recovery Advisory Group has been set up with representatives from key Western Australian stakeholders across business, industry, not-for-profit organisations, trade unions, the public sector, local government and the community. WALGA President, Tracey Roberts is the member on this group representing the sector.

A series of face-to-face and virtual Ministerial roundtables are also being convened with peak bodies and advisory groups across the State to inform recovery planning. WALGA will keep the sector abreast of these as further details are released.

Comment

Given the significant impact of the COVID-19 pandemic, WALGA is working on multiple fronts to provide communications, support and advocacy on behalf of members. As noted above, the information contained in this report is correct as at 3 June 2020 and supplementary information will be provided at Zone and State Council meetings and through alternative communication channels.

Advocacy

Penalty and Instalment Interest Rates

The Local Government sector and WALGA achieved a significant advocacy win in relation to the maximum interest rates payable on overdue rates and rates paid by instalment. The eventual outcome, while not ideal, was superior to the original proposal for no interest to be charged on overdue rates or rates paid by instalment, which would have had a deleterious impact on Local Governments' cash flow in the 2020-21 financial year. This cash flow challenge would be in addition to the constrained revenue environment in which Local Governments are likely to be operating.

The Minister for Local Government listened to the sector's concerns and implemented a Ministerial Order with the following key components:

- Penalty interest reduced from a maximum of 11% to 8%, which is in line with ATO penalty rates.
- Instalment interest to remain at 5.5% if a Local Government has a hardship policy, and to be a maximum of 3% if a Local Government does not have a hardship policy.

- For those that are in hardship and meet the Local Government hardship policy eligibility, then no penalty interest or instalment interest rate applies. Importantly, each Local Government decides on approving the application for hardship.

WALGA appreciates the 102 Local Governments that responded in rapid time to our survey on the impacts of the proposal; the weight of responses was instrumental in the advocacy effort.

Planning and Development Amendment Bill 2020

A Special State Council meeting was held on the 25 May 2020, to discuss the Planning and Development Amendment Bill 2020 that was submitted directly into Parliament on the 20 May 2020. Concerns were raised on the lack of consultation with the sector, the changes to the planning processes, and the new powers being given to the WAPC, Minister for Planning and the Premier.

The following resolution was endorsed:

Notwithstanding the need for Planning Reform and recognising the proposed impacts the Planning and Development Amendment Bill 2020 has on local planning, WALGA does not support the Bill in its current form and;

That WALGA;

- 1. Advocate to the State Government for extensive consultation on the proposed legislation, noting:*
 - a) Without due consideration of the full impact of the proposed 26 amendments, there is the potential for unintended consequences due to the haste in the drafting of this Bill;*
 - b) The Bill provides unfettered powers to the WA Planning Commission, circumventing meaningful involvement of local communities in the planning process;*
- 2. Writes to the Premier and Minister for Local Government to raise the sector's concerns with the Government's actions in setting aside the State and Local Government Partnership Agreement for the fast tracking of proposed legislative reforms under the cover of COVID-19 recovery.*
- 3. Requests member Local Governments to inform the communities of possible impacts of the proposed legislation on local planning decisions.*
- 4. Write to all non-Government Upper House members to discuss the sectors concerns.*

Legislative and Regulatory Amendments

Local Government Act Ministerial Orders

The *Local Government Amendment (COVID-19 Response) Act 2020* was passed by Parliament on 16 April 2020 and came into effect on 21 April 2020.

This Act provided a power to enable the Minister to modify or suspend provisions of the Local Government Act and regulations while a State of Emergency declaration is in force and where the Minister considers that such an order is necessary to deal with the consequences of the COVID-19 pandemic.

The Minister for Local Government made the first Order under this legislation to deal with issues relating to requirements to hold public meetings, for access to information when council offices are closed due to the COVID-19 pandemic, budgetary and rating matters. These order came into effect on the day of Gazettal, being 8 May 2020.

Support and Assistance

The WALGA team have been providing support and guidance across a number of teams to assist a range of Local Government functional areas. A few specific issues of support and guidance are highlighted below.

Rebooting local economies

WALGA has recently undertaken a survey of its members to obtain information that will allow it to:

- estimate the amount of economic stimulus that could be facilitated through the Local Government sector during the recovery phase of COVID-19, if additional support was provided from the State Government, and
- estimate the collective financial support and stimulus that the WA Local Government sector has already committing to providing local communities.

These two points will form the basis of WALGA's advocacy to the State Government on rebooting local economies.

COVID-19 Economic Update

To assist members in their Strategic and Operational planning for 2020-21, WALGA prepared an Economic Update in May.

This Economic Update explored the potential economic impacts of COVID-19 on the WA and Australian economies, including:

- How the WA economy was performing prior to COVID-19
- The economic support provided by all levels of Government in response to COVID-19
- The impact of COVID-19 on employment across industries
- Short and medium term forecasts for GDP, unemployment and inflation
- The likely long-lasting effects of COVID-19 on the economy
- How COVID-19 will impact on Local Government expenditure and revenue sources

Governance Support

Financial Hardship Policy Implementation Guide

WALGA recently released a template Financial Hardship Policy to help Local Governments assess the unique circumstances and challenges that ratepayers might encounter as a consequence of the COVID-19 pandemic. This template was recently updated to reflect the following requirements associated with the Local Government (COVID-19 Response) Ministerial Order 2020 that took effect from 8 May 2020.

In response to the anticipated high uptake of this Policy by Local Governments, WALGA has prepared a template Financial Hardship Policy Implementation Guide. This Guide will assist in the administration of a Local Governments Policy and lead to the establishment of a consistent approach to the assessment of financial hardship across the Local Government sector.

The template Financial Hardship Policy and template Financial Hardship Policy Implementation Guide are both available [here](#).

Electronic Meetings

To support Local Governments with the convening of electronic Council meetings, enabled by the regulatory amendment, WALGA prepared an Electronic Council Meeting (eMeeting) Guide to assist Local Governments in understanding the new Regulations and how they interact with existing meeting procedures.

In addition WALGA's Governance staff assisted the sector with procedural and operational queries on a daily basis.

Employee Relations

The challenges evolving from the COVID-19 pandemic continue to impact Local Governments and their workforces. For the month of April the Employee Relations (ER) Service responded to 115 enquiries. The focus of enquiries has moved away from standing employees down to how Local Governments can freeze wages to sustain employment, until such time the financial impact of COVID-19 can be better understood. A webinar addressing this specific topic was conducted on 24 April 2020.

With the lifting of restrictions Local Governments are seeking advice on transitioning employees back to the workplace. In addition, we have seen an increase in enquiries about potential redundancies arising from the reduction and or closing of operations / services which have been severely impacted by COVID-19 restrictions, for example airports and tourism centres.

To assist the WALGA Employee Relations service subscribers during this time we have developed working from home template policy, procedure and agreement, guidelines for transitioning employees back to the workplace and revised and updated our redundancy information and supporting templates.

Infrastructure

The Association has been seeking to respond to the matters most frequently raised by Local Governments concerning infrastructure programs particularly:

- Concerns about potential difficulties in meeting co-contributions for grant funded road improvement projects;
- Lack of clarity and certainty regarding State Government grant funded programs from 1 July;
- Addressing barriers to accelerating road works that would help stimulate local economies; and
- Seeking assurance that contractors needing to access project sites in different regions continue to be recognised as an essential workers.

Some RoadWise program activities such as Driver Reviver events and face to face child car restraint fittings and training have changed in order to comply with COVID-19 guidelines and restrictions. Activities have been creatively adapted including live-streamed Blessing of the Roads in Mandurah and video based advice for checking child car restraints. Planning for activities that are aimed at preventing road trauma has continued in anticipation of eased restrictions in coming months.

Commercial Development

Initiative to Support Local Suppliers

The Vendor Panel marketplace initiative for local supplier engagement has been implemented with a communications strategy which has seen approximately 7,500 local suppliers register. The platform was recently switched on for all WALGA Members and the focus will now shift to Member engagement and use of the facility. WALGA is underwriting the provision for the platform free of charge for Local

Governments on a 12-month trial. After the trial each Local Government has the option to continue use of the platform on a user-pay basis.

PPE Support for Local Governments

WALGA commissioned the manufacture and supply of 55 pallets (approx. 70,000 units) of Hand Sanitiser to Members with a cost effective price during a time of extreme supply shortage. A second round offer is currently being formulated with cleaning supplies included. A special office furniture and Perspex screens (back to work pack) is also being developed.

Communications

Councils in the Community Campaign

Print ad placements previously used for promotion of YourEveryday content have been reassigned to promote Council initiatives that support local communities and businesses as part of their pandemic response. In addition a section of the WALGA website has been created to showcase all of these initiatives, together with policy decisions of Council directly relating to support for business and communities as a result of COVID-19.

State Councillor Video Updates

The WALGA Content Producer has been filming State Councillor videos for distribution to Elected Members within their relevant Zones, to keep Councillors connected and share information and sector initiatives relevant to their local area, as well as work being undertaken by WALGA from a policy and services perspective.

Media Statements

The following media statements released from Tuesday, 7 April to Monday, 1 June were:

Monday, 6 April	COVID-19: JobKeeper Snub Will Hurt Communities
Thursday, 9 April	COVID-19: Regulation to Wreck Rates Freeze
Friday, 17 April	COVID-19: Mutual Scheme to Help Hold Down Rates
Monday, 20 April	COVID-19: Platform to Enhance Council Support for Local Business
Friday, 8 May	COVID19: Local Government Planning Departments Open for Business
Friday, 22 May	COVID-19: Federal Funding Boost to Support Councils
Friday, 29 May	COVID-19: Reasonable Timeframe for Planning Changes

President's Column

During the period of May, the Association published one President's Column in The West Australian newspaper on Tuesday, 12 May titled COVID-19: Councils Contribute \$300m to Support Community. The column discussed the Local Government response to the pandemic, estimated to be in excess of \$325 million, and explained how the sector was one of the first to respond to the pandemic with meaningful and practical initiatives that directly benefit the community.

COVID-19 State Briefing to Sector Webinars

As key partners in the response to COVID-19, the sector received a weekly briefing on the most recent advice from the Commonwealth and State Government. These more informal discussions, which were hosted by Mayor Tracey Roberts, provided updates on the pandemic response to the sector. Mayors, Presidents and Local Government CEOs were able to attend the weekly webinars.

9 April 2020

230 attendees from 120 Councils attended the webinar.

Speakers: Minister for Environment, the Hon Stephen Dawson MLC and Director General of the Department of Water and Environmental Regulation (DWER), Mike Rowe

17 April 2020

178 attendees from 116 Councils attended the webinar.

Speakers: Local Government Minister the Hon David Templeman; Chair of the WA Library Board, the Hon John Day and Deputy Chief Health Officer, Incident Controller, Dr Robyn Lawrence.

24 April 2020

143 attendees from 107 Councils attended the webinar.

Speakers: Local Government Minister the Hon David Templeman; Emergency Services Minister the Hon Francis Logan and State Recovery Controller, Sharyn O'Neill

1 May 2020

142 attendees from 101 Councils attended the webinar.

Speakers: Minister for Local Government, the Hon David Templeman MLA and Tourism and Small Business Minister the Hon Paul Papalia MLA.

8 May 2020

150 attendees from 109 Councils attended the webinar.

Speakers: Hon David Templeman MLA and Minister for Regional Development, Agriculture and Food; Ports the Hon Alannah MacTiernan MLC, accompanied by the Director General of the Department of Primary Industries and Regional Development, Ralph Addis.

15 May 2022

144 attendees from 108 Councils attended the webinar.

Speakers: The Deputy Premier and Minister for Health the Hon Roger Cook MLA, the State Emergency Coordinator, Police Commissioner Chris Dawson and Dr Michael Lindsay from the Department of Health

22 May 2020

109 attendees from 84 Councils attended the webinar.

Speakers: Local Government Minister, the Hon David Templeman MLA and Auditor General Caroline Spencer

29 May 2020

77 attendees from 60 Councils attended the webinar.

Speaker: State Recovery Controller Sharyn O'Neill

Governance & Employee Relations Webinar

24 April 2020

The webinar covered the standing-down of employees, options for managing wage increases, employee welfare and recent changes to the Local Government Regulations to assist with the performance of Governance responsibilities during this period of emergency.

185 Local Government Officers attended the webinar.

VendorPanel Marketplace Webinar

13 May 2020

Following a number of initiatives to drive supplier support including a recent supplier webinar, supplier response and registration into the platform has been very strong, with many Member Local Governments well positioned to start using these suppliers for local procurement needs.

More than 100 Local Government Officers and Preferred Suppliers registered for the webinar.

Webinar: Local Government Support for Aboriginal Language and Place Names

28 May 2020

The webinar highlighted how the use of Aboriginal language and place names assists with promoting broader community awareness of Aboriginal history and culture, and look at the significant role Local Government can play in this area.

The webinar was viewed by 150 registrants.

Showcase Webinars

WALGA have been showcasing the work of the sector, through a webinar series featuring presentations from Local Governments discussing innovative approaches to managing COVID and providing ongoing services to their communities. The following webinars have been held to date:

- COVID-19 Update for Environmental Health and Emergency Management Officers (27 May)

This webinar features an update from WALGA, presentations on emergency management structures from the City of Canning and Shire of Capel, and information on the City of Perth's Relief and Rebound Program.

- Emergency Management Local Government Showcase (22 April)

The webinar includes a presentation from the Shires of Bruce Rock on how their Local Government and community overcame the challenge of losing their general store to fire at the beginning of the pandemic. The City of Joondalup and Shire of Denmark present on the changes their Local Governments have made to continue to serve their community throughout this crisis.

- Emergency Management Local Government Showcase 2 (30 April)

The City of Vincent, Shire of Augusta Margaret River and City of Albany presented on their approach and initiatives during the COVID-19 pandemic, including community messaging, youth engagement, and how they have kept the community linked to services and local businesses.

- Local Government Showcase - Staff Redeployment (14 May)

The Cities of Armadale, Bayswater and Wanneroo and the Shire of Harvey shared their stories about how they have redeployed staff to other areas of their organisations during the COVID-19 pandemic.

- Local Government Showcase - Economic Stimulus (21 May)

WALGA's Policy Manager, Economics provided an economic update to assist members in their Strategic and Operational Planning for 2020-21 in the context of recovering from COVID-19. The City of Karratha and Shire of East Pilbara shared information on the economic support and stimulus their Local Governments are providing to assist their rate payers, small business and community groups.

- Showcase Webinar – Communications (Wednesday, 5 June)

The City of Gosnells presented on their Home But Not Alone campaign which allowed the City to take its biggest events to the streets without breaking isolation or social distancing restrictions.

Presenters from the Shire of Dundas shared their approach to communications with the community in a resource-restricted environment, and the City of Canning provided an overview of their response activity, in particular, their Crisis Incident Management team and crisis communications planning and delivery.

All showcase webinars can be found on the WALGA website [here](#).

4.2 Work Health and Safety Bill 2019

Referred by President Cr Karen Chappel, Northern Country Zone

Prepared by Felicity Morris, Governance Advisor, Sector Support & Advice, and Tony Brown, Executive Manager Governance and Organisational Services

Moved: President Cr Karen Chappel

Seconded: President Cr Michelle Rich

That the Emerging Issue relating to the Work Health and Safety Bill 2019 be considered.

RESOLUTION 88.3/2020

CARRIED

Executive Summary

- In 2011, the Council of Australian Governments (COAG) endorsed the harmonisation of work health safety laws leading to the development of a model Work Health and Safety Act by Safe Work Australia;
- In 2017, the West Australian government commenced the development of state legislation based predominantly on the Model Laws;
- The Work Health and Safety Bill 2019, incorporating additional provisions resulting from a review of the Model Laws relating to industrial manslaughter, was introduced to Parliament on 29 November 2019.

Secretariat Comment

At the Northern Country Zone meeting of 22 June 2020, WALGA was requested:

- a) to advocate on legislation regarding the Work Health & Safety Bill 2019, as per the City of Greater Geraldton submission; and
- b) to advocate for an extension on the submission period.

Background

Following a comprehensive national review of work safety laws in 2008, COAG agreed to a harmonised national approach to occupational health and safety through a model framework with the following aims:

- to protect the health and safety of workers;
- to improve safety outcomes in the workplace;
- to improve compliance costs for business; and
- to improve efficiency for regulator agencies.

The model Work Health and Safety Act (Model Laws) were prepared in 2011 by Safe Work Australia and were adopted by all jurisdictions by the end of 2013, except Western Australia and Victoria.

On 12 July 2017, the State Government announced that work would commence to develop modernised health and safety laws for Western Australia, substantially based on the Model Laws. A Ministerial Advisory Panel was established and comprehensive public consultation carried out.

Safe Work Australia conducted a five year review of the Model Laws and the resultant findings prepared by Marie Boland (the Boland Review) was published in December 2018. The Boland Review found that the Model Laws largely functioned as intended, but made a number of recommendations for improvement, including the creation of an offence of industrial manslaughter and the modification of the Category 1 offence to include gross negligence in addition to recklessness.

A Federal Senate Committee report '*They never came home—the framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*' also recommended the introduction of industrial manslaughter offences.

The State Government introduced the *Work Health and Safety Bill 2019* (WHS Bill) in November 2019.

In keeping with the intent of the Model Laws, the WHS Bill includes a range of matters arising from the national harmonisation of workplace health and safety legislation that will affect all industries in the WA jurisdiction.

As an example of the changing paradigm of work safety under the WHS Bill, Section 27 will have a significant effect on organisations by introducing positive, due diligence obligations rather than a passive observation that safety procedures exist. Additionally, failure to meet compliance with the obligations of Section 27 may result in a breach of an officer's obligations and does not require that an accident or incident arise from this non-compliance.

However, the WHS Bill will introduce industrial manslaughter provisions that differ from the approach taken or proposed in other jurisdictions. This difference in approach by each State and Territory arises from the current lack of reference to industrial manslaughter in the Model Laws, with the recommendations of the Boland Review yet to be implemented; jurisdictions are therefore adopting industrial manslaughter provisions that are idiosyncratic rather than harmonised to the Model Laws.

The WHS Bill contains a criminal offence provision (Section 30A) that is similar in approach to the recommendation of the Boland Review, but also contains an apparently unique provision for a simple offence (Section 30B) where there is a failure to comply with a health and safety duty which causes the death of a person, but in the absence of negligence. Following is a summary of each offence taken from the Explanatory Memorandum accompanying the Bill:

Industrial Manslaughter – Crime: Due to seriousness of this offence, it will be heard in the District Court and may only be prosecuted by the Director of Public Prosecutions (DPP). It will also require high standards of proof including a requirement for the prosecution to establish the person engaged in the conduct that caused the death of an individual knowing the conduct was likely to result in death, and in disregard of the likelihood.

Industrial manslaughter – Simple Offence: Provides lesser penalties but has correspondingly simpler elements of proof and will be heard in the Magistrate's Court as a simple offence. The maximum penalties for a PCBU convicted on industrial manslaughter – simple offence are 10 years and a fine of \$2,500,000 for an individual PCBU, or \$5,000,000 for a body corporate. For Industrial manslaughter – simple offence the prosecution must prove the person failed to comply with a health and safety duty that caused the death of an individual.

The WHS Bill places the balance of responsibility for compliance and liability with 'persons conducting a business or undertaking' (PCBU) and with a category of individuals referred to as 'officers' which within a Local Government context will include but not be limited to CEOs, Directors, Managers, Coordinators and Supervisors.

These definitions will replace the primary duty of care imposed on 'employers' under Section 19 of the current *Occupational Safety and Health Act 1984*. Elected Members are specifically excluded from the category of individuals identified as officers under Section 4 of the WHS Bill.

The WHS Bill also includes further additions recommended by the Boland Review; allowing an inspector to assist with dispute resolution and prohibiting insurance against fines; a new duty of care for WHS service providers; and requirements for membership of health and safety committees.

WALGA has engaged with LGIS for comment on the WHS Bill and the expected ramifications for the Local Government sector. It is their view that the WHS Bill provides for a predominantly modern approach to work place safety and health, and will provide more certainty regarding scope of duties that are necessary to achieve compliance.

Parliament directed the WHS Bill to the Standing Committee on Legislation which commenced an inquiry on 21 May 2020, with submissions closing on 26 June 2020.

Summary

It is noted that the WHS Bill entered Parliament largely without comment from the Local Government sector. However, WALGA has written to the Standing Committee Chair, seeking a one week extension to enable WALGA to collate issues raised by the sector and provide a submission for the Committee's consideration.

Western Australia has not previously adopted harmonised work health and safety laws based on the Model Laws, and industrial manslaughter will need to be implemented in all jurisdictions including those that have previously adopted harmonised Model Laws.

Western Australia is unique in providing that a failure to comply with a health and safety duty, that causes death or serious harm to an individual, may constitute industrial manslaughter (simple) or a level one offence without any requirement for recklessness or negligence. Both of these offences are punishable by imprisonment.

For these reasons, it is suggested that WALGA recommend that the Standing Committee investigate the drafting and interpretation of these offences in the context of Western Australia's Criminal Code, and consider whether the standard imposed in s30B and s31 is appropriate for an offence punishable by imprisonment.

Secondly, it is suggested that WALGA recommend that the Standing Committee ensure there is adequate time following proclamation of the WHS Bill for all industries in Western Australia to transition to the new, harmonised work place safety and health provisions.

Moved: President Cr Karen Chappel

Seconded: President Cr Michelle Rich

That WALGA:

- 1. recommend that the Standing Committee on Legislation investigate the drafting and interpretation of offences in the context of Western Australia's Criminal Code, and consider whether the standard imposed in s30B and s31 is appropriate for an offence punishable by imprisonment; and**
- 2. recommend that the Standing Committee on legislation ensure there is adequate time following proclamation of the WHS Bill for all industries in Western Australia to transition to the new, harmonised work place safety and health provisions.**

RESOLUTION 89.3/2020

CARRIED

4.3 Teacher Housing Availability

*Referred by Cr Ronnie Fleay, Great Southern Country Zone
Prepared by Mark Batty, Executive Manager Strategy, Policy & Planning*

Moved: Cr Ronnie Fleay
Seconded: President Cr Stephen Strange

That the Emerging Issue relating to Teacher Housing Availability, be considered by State Council.

RESOLUTION 90.3/2020

CARRIED

Background

Nyabing in the Shire of Kent has a small primary school that teaches 40 to 50 students.

The Department of Communities is the state housing authority that plans and provides housing to meet teacher number requirements.

Nyabing only has one house available (Principal) but we have three full time teachers and a full time principal.

One house isn't enough. When going forward we could potentially have four staff needing houses and this could occur in the next 12 -24 months.

We realise that in urban areas teachers don't get the option of Government housing but in regional areas there needs to be housing available to encourage teachers to move and stay in the area.

Although it is not a Shire responsibility to supply state housing, there seems to be a community expectation that Council will provide some form of housing or resolve the problem.

The Council has land and is prepared to enter into a Joint Venture with Government Regional Officer Housing (GROH) and is interested to see if other Shires are currently experiencing these issues and how they have dealt with them?

Several years ago GROH had a draft agreement with the shire to build a house but it was never signed off by the minister and lapsed.

We would like to determine if this is an issue in other communities and if they have had success with working with GROH in a timely manner.

If it is an issue in other communities then we could collaborate to raise the issue, and potentially get more houses in the region.

This would fit in with COVID19 recovery plans at all levels and aligns with supporting the building industry.

Any support or advice would be appreciated.

Secretariat Comment

The onset of COVID-19, the implementation of the Machinery of Government review and a restructure of the Department of Communities has stalled discussion with the State Government on the GROH agenda. The Department of Communities finalised their restructure on 20 May 2020.

WALGA will now re-engage with the Department of Communities to discuss and progress GROH matters, including the item at hand. WALGA notes and will include (subject to State Council

endorsement) the recommendations in its ongoing advocacy for GROH and greater service support for regional and remote Western Australian Local Governments.

Moved: Cr Ronnie Fleay

Seconded: President Cr Stephen Strange

That WALGA contact the Director General of the Department of Housing to:

- 1. Seek action and acknowledge the extra challenges in attracting and retaining public sector staff in remote and rural areas of the state;**
- 2. Immediately review and address the issue of insufficient GROH housing (and the high cost of subsidised rental) for public sector staff and actively seek and enter into Joint Venture arrangements with Councils to address the shortfall in accommodation;**
- 3. Request that the agencies be requested to engage with WALGA to seek a solution to the current short supply of GROH housing within all regions.**

RESOLUTION 91.3/2020

CARRIED UNANIMOUSLY

5. MATTERS FOR DECISION

5.1 WA Public Libraries Agreement (05-012-03-0001 KD)

By Kirstie Davis, Policy Manager Community

Moved: Cr Russ Fishwick
Seconded: Mayor Mark Irwin

1. That the draft State and Local Government Agreement for Public Libraries be endorsed, subject to the inclusion of an acknowledgement of the role of PLWA in representing and advocating for WA Public Libraries as a member of the Public Libraries Working Group;
2. That WALGA liaise with the PLWA to evaluate an agreed approach in ensuring that WALGA formally consult with PLWA on all matters relating to WA Public Libraries.

RESOLUTION 92.3/2020

CARRIED UNANIMOUSLY

Executive Summary

- The first Western Australian Public Libraries Strategy Consultation Report was endorsed by WALGA State Council in July 2018.
- WALGA State Council endorsed the new Public Library Tiered Service Model in May 2019.
- At its September 2019 meeting, State Council endorsed the transfer of ownership of stock from State to Tier 1 Local Governments and that the provision of Public Library services in Western Australia be delivered through a formal agreement between State and Local Government of Western Australia and governed by the *Library Board Act 1951*.
- The State Library of Western Australia, the Department of Local Government Sport and Cultural Industries, Public Libraries Western Australia and WALGA have consulted on a draft Library Agreement which is attached for WALGA State Council consideration.

Attachment

Draft State and Local Government Public Library Agreement

Policy Implications

RESOLUTION 96.6/2019 supports

The provision of Public Library services in Western Australia through a formal partnership between Local Government and the State Government of Western Australia governed by the Library Board Act 1951

Background

In December 2017, the *WA Public Libraries Strategy* (Strategy) was released as a consultation tool to establish strategic priorities for public library development in Western Australia. Extensive consultation with Local Governments over a three month period demonstrated strong support for the Strategy and the Consultation Report was endorsed by the Library Board of Western Australia (LBWA) and WALGA State Council.

In May 2018, the Public Libraries Working Group (PLWG), formed to consider the outcomes of the consultation and to provide advice to the State Library of Western Australia (SLWA) on implementation of the Strategy, resolved that this would be prioritised according to available resources and that the initial focus would be to progress work to develop a tiered model to support public library service delivery in Western Australia that includes key features to support regional and remote libraries.

A Reference Group including representatives from the DLGSC, WALGA, Public Libraries Western Australia (PLWA) and SLWA was established in October 2018 to draft the now endorsed tiered model, allocation of funds and the associated agreement as critical components to the ongoing delivery of efficient public library services in Western Australia.

Comment

This Public Library Services Agreement aims to formalise the way in which State and Local Government will work together to deliver improved public library services to our community providing:

- a shared vision for driving the future direction of Western Australia's public library services
- an approach for achieving real outcomes in delivering a relevant and sustainable public library service for all Western Australians
- a statement of guiding principles to support communication, consistent decision making and collaborative action, and
- a definition of the roles and responsibilities of both State and Local Government.

The Agreement is set for a term of 5 years, and may be extended subject to the written consent of both parties. A review of the Public Library Services Agreement will be initiated by the PLWG three (3) years after the date of signing and will report with recommendations to the WA Library Board and WALGA State Council.

Current topics the Public Library sector would like to pursue once a formalised partnership agreement is in place include:

- protected and increased funding for public library materials and innovations
- local level service agreements that include consortia opportunities for the purchase and supply of shelf ready materials and other library services
- One Card Project, a single library management system for Public Libraries in Western Australia
- Library infrastructure and other facility funding opportunities.

The agreement requires the State Government and Local Governments to work cooperatively to provide public library services. To support the agreement, the State Government will provide financial assistance to Local Governments and Local Governments agree to provide physical, technological and operational infrastructure and resources to provide library services.

It is recommended that the attached agreement be endorsed.

DRAFT**State and Local Government Agreement
For the Provision of Public Library Services in Western Australia****Preface**

Since the 1950s, the Library Board of Western Australia (Library Board) has delivered public library services through the State Library of Western Australia (SLWA) in partnership with Local Government. The *Library Board of Western Australia Act 1951* provides the governing legislation in which Local Governments operate public libraries in partnership with the State Government.

Until 2015, the provision of public library services in Western Australia was underpinned by a Framework Agreement between State and Local Government and in 2017 the Minister for Culture and the Arts released the *WA Public Libraries Strategy* to establish strategic priorities for public library service development in Western Australia. With the implementation of these priorities well advanced, both State and Local Government recognise the need for an overarching agreement to define the shared commitment to delivering a responsive and sustainable public library service for all Western Australians.

The State and Local Government Agreement for the Provision of Public Library Services in Western Australia (Public Library Services Agreement) references the State Local Government Partnership Agreement (2017) established to guide State and Local Government communication, consultation and governance.

This Public Library Services Agreement establishes the way in which State and Local Government will work together to deliver improved public library services to our community providing:

- developing an agreed vision for driving the future direction of Western Australia's public library services;
- a collaborative approach for achieving real outcomes in delivering a relevant and sustainable public library service for all Western Australians;
- a statement of guiding principles to support communication, consistent decision making and collaborative action; and
- a definition of the roles and responsibilities of both State and Local Government.

Public Library Services Agreement – guiding a partnered approach to the provision of State and Local Government public library services

The State Government and the Local Government sector have a shared commitment to delivering responsive and sustainable public library services to all Western Australians, recognising that in a digital age and global knowledge economy, public libraries empower individuals and communities through access to information, technology, lifelong learning and cultural and leisure opportunities.

Western Australia's public libraries are community hubs, bringing people together and facilitating literacy, learning and 21st century skills so that they can grow, learn and succeed in school, life and work.

By working together to achieve our common aims, State and Local Government will be more effective in providing equitable and accessible public library services for Western Australians. With more than 10 million visitors to Western Australia's public libraries every year, it is important that State and Local Government continue to work together to enhance our public library service and use our resources effectively to maximise the return on investment that they provide. Working in collaboration or "working together" we can deliver more agile and innovative public library services and programs that respond to the diverse needs of Western Australian communities and are sustainable into the future.

Signed by
Hon David Templeman MLA
Minister for Culture and The Arts

Signed by
Mayor Tracey Roberts
President of the Western Australian Local
Government Association

Signed by
John Day
Chairman, Library Board of Western
Australia

Signed by
Jamie Parry
President of the Local Government
Professionals Australia WA

Vision

Central to the partnership between State and Local Government is a shared vision for Western Australia's public library services providing

“a vibrant and sustainable 21st century public library network at the heart of the Western Australian community where people can connect, learn and grow”.

Goals

The State and Local Governments will work in partnership to provide a state-wide public library network where:

- the development of public libraries as vibrant, inclusive community hubs that connect people with each other, with services and with their community are cultivated and nurtured.
- services respond to the needs of local communities and barriers to access are addressed.
- Western Australians are empowered to prosper in the digital age and global knowledge economy through equitable access to technology, lifelong learning and diverse cultural and leisure experiences.
- service models, systems and processes continue to evolve to ensure they are efficient, effective and sustainable, achieving economies of scale and optimising investment through collaboration.
- the strategic priorities of State Government and Local Governments are supported.
- services are measured and evaluated to ensure they are effective, efficient and achieve positive outcomes and impacts for the community.

Principles

The following principles will guide the shared provision of public library services by State and Local Government in Western Australia.

1. Partnership

- There is a commitment to the partnership – a shared understanding that by working together, State and Local Government can provide the best possible public library service for all Western Australians.
- The partnership is conducted in a spirit of mutual respect and cooperation recognising the roles and responsibilities and financial contributions of both State and Local Government.

2. Communication

- There will be an open, transparent and timely approach to communication and decision making where both partners are accountable for their responsibilities and actions.

3. Consultation

- State and Local Government will undertake timely consultation regarding matters affecting the sector.
- Consultation timelines will be guided by the State Local Partnership Agreement.

4. Accountability

- Both parties accept accountability for their decisions and decision-making process.
- There is a commitment to good governance.

5. Service Delivery

- State and Local Government are committed to free, universal and equitable access to relevant and contemporary public library services for all Western Australians, regardless of geographic location or individual circumstances.
- Access to information and ideas, free of censorship and the influence of sectional interests, will be unrestricted, within legal and regulatory obligations.
- There is a recognition that services will enable flexibility to respond to the diverse needs of Western Australian communities as well as the business requirements of State and Local Government.
- Services are planned, developed and delivered to be effective, efficient and sustainable.
- There is a focus on outcomes in establishing policy, strategy and service goals and objectives that respond to community needs and expectations.

6. Community Engagement

- Both spheres of government acknowledge the importance of appropriate community engagement to inform library services planning and delivery.

7. Reciprocity

- There is a commitment to building on the seventy-year partnership demonstrating respect and consideration for the other sector as matters arise.

Roles and Responsibilities

To realise the vision and achieve the goals in this Public Library Services Agreement, State and Local Government have specific roles and responsibilities as outlined below.

Both State and Local Government agree to:

- Support a State-wide public library service that provides free access for all residents of Western Australia.
- Provide core products and services free of charge as detailed in local agreements.
- Operate with the expectation that State and all Local Governments will make a financial contribution to the provision of public library services.
- Support the continuation of the partnership and maintain joint decision-making arrangements and accountability mechanisms through the Public Library Working Group and any mutually agreed successor.

- Develop policies, plans, guidelines, performance and reporting standards to guide public libraries and to be adopted by both parties.
- Ensure that the WA Library Board enters into an agreement with each Local Government that will uphold the principles of this Agreement.
- Recognise that the shared responsibilities for public library services are applicable regardless of any formal or informal arrangements between individual Local Governments and other government or non-government organisations for out-sourcing or collocation of public library services.
- Work towards achieving benchmarks established in the Guidelines, Standards and Outcome Measures for Australian Public Libraries to support the on-going development of library services in Western Australia

State Government agrees to:

- Provide financial assistance to each Local Government that operates a public library in accordance with an agreed public library funding methodology and administer the allocation, reporting and acquittal processes for the funding.
- Work co-operatively with Local Government to support the ongoing development and enhancement of public library services to meet community needs.
- Provide resources and services, including centralised purchasing and a state-wide online catalogue, to agreed standards.
- Provide strategic advice, consultancy and training on public library services, including additional support for regional and remote public library services, and give feedback to Local Government on library services as required.
- Coordinate collaborative state-wide and targeted initiatives and programs.
- Publicly acknowledge the support and financial contribution of Local Government in providing public library services.

Local Government Agrees to:

- Provide physical and technological infrastructure, staffing and meet operating costs, to agreed standards.
- Be accountable to the State Government for any financial assistance, including grants, provided by the State.
- Provide advice to ensure there is Local Government agreement with and support for changes to the delivery of public library services.
- Work co-operatively with the State Government to support the ongoing development and enhancement of public library services to meet community needs.
- Collaborate on state-wide initiatives and programs as specified in relevant documentation that communicates the funding, obligations, outcomes, reporting and acquittal requirements of any initiative.
- Publicly acknowledge the support and financial contribution of the State Government in providing public library services.

Governance/Management

State and Local Government have established a Public Libraries Working Group (PLWG) to oversee the implementation of this Public Library Services Agreement.

Review and Modification Process

This Public Library Services Agreement is to apply for a period of five (5) years [from to] and may be extended subject to the written consent of both parties.

A review of the Public Library Services Agreement will be initiated by the PLWG three (3) years after the date of signing and will report with recommendations to the WA Library Board and WALGA State Council.

This Public Library Services Agreement may only be modified during the life of the Agreement with the written consent of both parties.

Dispute Resolution Process

In relation to any matter that may be in dispute between the parties in relation to this Public Library Services Agreement:

- a) If a dispute or difference arises between the parties out of or in connection with this Agreement, either party may give the other a written notice specifying the dispute or difference.
- b) The dispute is to be resolved by the signatories to the Agreement working in good faith with a view to achieve mutually agreeable outcomes.
- c) If further resolution is required parties are to engage an independent mediator with the cost to be shared between the parties.

Break Clause

This Public Library Services Agreement may be terminated at any time by the mutual agreement of the WALGA State Council, the Minister for Culture and the Arts and President of the Local Government Professionals Australia WA.

Prior to terminating this Public Library Services Agreement it is intended that, where possible and appropriate, the parties use mechanisms provided within this Agreement including but not limited to the Dispute Resolution clause and the Review and Modification Process to address and resolve any issues that may exist between the parties.

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

5.2 Special Finance and Services Committee Minutes (01-006-03-0006 TB)

Moved: President Cr Karen Chappel

Seconded: Cr Paul Kelly

That the Minutes of the Special Finance and Services Committee Meeting held 24 June 2020 be endorsed.

RESOLUTION 93.3/2020

CARRIED UNANIMOUSLY

5.3 Selection Committee Minutes (01-006-03-0011 CO)
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Moved: Cr Catherine Ehrhardt

Seconded: Cr Ronnie Fleay

That the recommendations contained in the 16 June 2020 Selection Committee Minutes be endorsed.

RESOLUTION 94.3/2020

CARRIED UNANIMOUSLY

5.4 WALGA JLT Scheme Management Agreement Extension CONFIDENTIAL

Moved: Cr Paul Kelly

Seconded: President Cr Karen Chappel

State Council require that:

- a) The terms of existing WALGA JLT/Marsh Scheme Management Agreement be maintained for a further 12 months or until the review actions are completed.
- b) A contingency planning project be undertaken to ensure the WALGA LGIS insurance service is competitive, resilient and appropriate to serve the needs of Member Councils.
- c) All other details as to the State Council LGIS review to remain confidential.

RESOLUTION 95.3/2020

CARRIED

5.5 LGIS Board Minutes – 14 May 2020

Cr Paul Kelly and Mayor Tracey Roberts declared an interest in item 5.5 and left the room at 4:54. President Cr Karen Chappel assumed the Chair.

Moved: President Cr Karen Chappel

Seconded: Cr Julie Brown

That State Council:

- a) Note the Minutes of the LGIS Board meetings held 14 May.
- b) Approve the Scheme Management fee annual adjustment payable to JLT/Marsh be adjusted to increase by 3% for the 2020/21 financial year on the proviso that it is re-credited to the Scheme by JLT/Marsh.
- c) Allocate a reciprocal 3% adjustment to remuneration to WALGA from the LGIS scheme for the 2020/21 period so as to maintain parity with the JLT/Marsh allocation.
- d) The quantum of the additional adjustments to the WALGA remuneration be allocated to the WALGA LGIS contingency planning project.
- e) Allocate a 0% adjustment to remuneration for LGIS directors for 2020/21.

RESOLUTION 96.3/2020

CARRIED

Cr Paul Kelly and Mayor Tracey Roberts returned to the meeting at 4:56. Mayor Tracey Roberts resumed the Chair.

5.6 Use of the Association's Common Seal (01-004-07-0001 NS)

Moved: Mayor Logan Howlett

Seconded: Cr Chris Mitchell

That the use of the Association's Common Seal be noted.

Document	Document Description	Signatories	State Council prior approval
Local Government House Trust Bankwest Building Loan Facility Renewal	Renewal for further three years of building loan of Joint Venture to which House Trust has a 60 percent interest. WALGA signs in a capacity of Trustee.	WALGA President Mayor Tracey Roberts Chief Executive Officer Nick Sloan	No

RESOLUTION 97.3/2020

CARRIED

5.7 Minutes CEO Performance Review Committee – 10 June 2020
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All staff left the room at 4.56pm

Moved: Mayor Logan Howlett
Seconded Mayor Carol Adams

That the Minutes of the CEO Performance Review Committee held 10 June be endorsed.

RESOLUTION 98.3/2020

CARRIED UNANIMOUSLY

All staff returned to the meeting at 5:00pm

6. MATTERS FOR NOTING / INFORMATION

6.1 Draft Aviation Strategy 2020 (05-003-02-0005 SD)

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

Moved: Cr Julie Brown
Seconded: Cr Ronnie Fleay

That the submission to the Department of Transport in response to the Draft State Aviation Strategy 2020 be noted.

RESOLUTION 99.3/2020

CARRIED

Executive Summary

- The State Government invited comment on a draft State Aviation Strategy 2020, and WALGA has prepared a submission.
- Western Australian aviation policy recognises that air services are critical to regional communities, industry and regional economic development.
- Most regional airports are operated by Local Governments, making the sector a key stakeholder in provision of aviation services.
- The Infrastructure Policy Team discussed the WALGA submission on 20 April and recommended that it be considered by State Council using Flying Agenda, State Council endorsed the Submission by Flying Minute. WALGA submitted the endorsed comments to the Department of Transport.

Attachment

<https://walga.asn.au/getattachment/Documents/Draft-State-Aviation-Strategy-2020-WALGA-submission.pdf?lang=en-AU>

Background

Efficient and affordable air services are critical to regional communities, tourism and the resources sector. Aviation operates in a complex environment involving airlines, airports, industry, community and all levels of government. A draft Western Australian Aviation Strategy 2020 was released for public comment in February 2020. The draft strategy seeks to address the thirteen recommendations identified in the 2017 Parliamentary Inquiry into regional airfares, "Perceptions and Realities of Regional Airfare Prices in Western Australia." It also updates the current aviation strategy, particularly in relation to aviation infrastructure and planning frameworks.

The Association sought input from Local Governments through LG News (14 February) and through direct contact with Local Government officers responsible for managing Regular Passenger Transport (RPT) airports. Formal input was received from one Local Government. Regional airport managers have been focused on responding to the impacts of COVID-19 during March and no formal returns were received.

Comment

Prices for air services within Western Australia are high relative to national and international comparisons. Increased and collaborative engagement between airlines, Local Governments, communities and State agencies has resulted in some new, innovative airfares and air-routes being introduced. For this to continue it is important to support and build on these successes.

The submission supports:

- The recently introduced requirement for airlines operating unregulated routes to provide data to Government relating to airfares and service levels and to engage with the regional communities they service;
- The intention of the State Government to take a stronger role in the market where necessary;
- On-going development and implementation in conjunction with Local Governments of a Strategic Airport Assets and Financial Management Framework for small and medium-sized regional RPT airports;
- On-going State Government investment through the Regional Airport Development scheme;
- Measures to ensure air services are provided at reasonable price; and
- A review of the tender design for fully regulated routes.

The submission recommends that the Government:

- Link more clearly with Tourism WA's Two Year Action Plan, including attracting a low-cost carrier to fly intra-state routes;
- Monitor the impact of timing air services into and out of Perth if peak period charges at Perth airport and operational factors reduce the value of services for businesses seeking to travel in and out of Perth or a regional centre in a single day;
- Include some specific measures of success and timelines;
- Discuss costs and funding;
- Extend state planning framework guidance to include land use planning in the vicinity of regional airports; and
- Acknowledge that passenger charges and landing fees at Local Government managed airports are only a small component of airfares and need to be set at levels that will enable the airport to be operated and maintained.

The submission does not take into account the effects of COVID-19 in disrupting air travel in Western Australia and nationally. It is unclear what impacts this will have on long term air services.

State Council endorsed the submission by Flying Minute and it has been submitted to the Department of Transport.

6.2 Regional Aviation Policy Issues Paper (05-003-02-0004 SD)

By Sebastian Davies-Slate, Policy Officer Transport and Roads

Moved: President Cr Karen Chappel
Seconded: Cr Chris Mitchell

That the submission to the Australian Government Department of Infrastructure, Transport, Regional Development and Communications, in response to the Draft Regional Aviation Policy Issues Paper be noted.

RESOLUTION 100.3/2020

CARRIED

Executive Summary

- The Australian Government invited input from stakeholders regarding the existing policy framework for regional aviation, using an issues paper to guide consultation.
- Federal, State and Local Governments are involved in aviation policy and programs. Most regional airports are operated by Local Governments, making the sector a key stakeholder in provision of aviation services.
- Important areas of Federal Government policy that impact directly on the cost and viability of regional air services in Western Australia include:
 - Requirements for and costs of security screening for passengers and freight;
 - Essential public service funding support for regional airports that do not have sufficient passenger numbers to be economically sustainable; and
 - Measures to encourage and facilitate competition between airlines on routes within regional Western Australia.
- The Infrastructure Policy Team discussed the WALGA submission on 20 April and recommended that it be considered by State Council using Flying Agenda. Following State Council endorsement by Flying Minute, WALGA submitted the endorsed comments to the Department of Infrastructure, Transport, Regional Development and Communications.

Attachment

<https://walga.asn.au/getattachment/Documents/Regional-Aviation-Issues-Paper-2020-WALGA-submission.pdf?lang=en-AU>

Background

The Australian Government acknowledges that the major benefits arising from the deregulation of the domestic aviation industry, such as flexible and discount fares and the wider provision of services, have not been reflected in air services to regional, rural and remote communities. The benefits of competition between airlines have not been realised in these markets. Given the importance of regional air services for economic development, service provision and connectivity this raises policy challenges. The Australian Government prepared a discussion paper as the basis for seeking input from stakeholders about changes to current policy frameworks that will result in better outcomes for all stakeholders.

Comment

The submission identifies three matters within Australian Government aviation policy that have a direct impact on the cost and viability of air services in regional Western Australia.

Security Screening

The requirements for security screening passengers and freight have increased over time in response to perceived threat levels. These requirements impact costs at both capital city airports and regional airports. However, fixed costs are spread over a small number of passengers and flights at many regional airports, resulting in relatively high per passenger costs. These costs can be a significant component of total costs on short flights. The Australian Government has at times contributed to capital costs associated with security upgrades. However, the operating and renewal costs remain high. The submission encourages on-going risk-based reviews of security requirements and funding support for Local Government airport operators.

Asset Management

Airports are capital intensive, long-life assets. The need to provide for larger aircraft in order to reduce airfares results in under-utilised airport assets in many regional centres. The submission calls for a long term commitment to support whole of life costs for critical regional airport assets.

Competition

The submission calls for developing markets and competition in regional air services including through intra-regional services, multi-stop services and generating new demand through the work of Regional Development Australia (RDA).

This submission does not take into account the effects of COVID-19 in disrupting air travel in Western Australia and nationally. It is unclear what impacts this will have on long term air services.

State Council endorsed the Flying Minute and it has been submitted accordingly.

6.3 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)

By Rebecca Brown, (Manager, Waste & Recycling)

Moved: President Cr Karen Chappel
Seconded: Cr Chris Mitchell

That the resolution of the Municipal Waste Advisory Council at its 29 April 2020 meeting be noted.

RESOLUTION 101.3/2020

CARRIED

Executive Summary

- This item summaries the outcomes of the MWAC meeting held on 29 April 2020.

Background

The Municipal Waste Advisory Council is seeking State Council noting of the resolutions from the **29 April 2020** meeting, consistent with the delegated authority granted to the Municipal Waste Advisory Council to deal with waste management issues.

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

Comment

The key issues considered at the meetings held on **29 April 2020** included:

COVID-19 Waste Management Considerations

The WALGA Team are taking a coordinated approach to the current situation, based on issues that have arisen and queries from the sector a [central document](#) has been developed to capture this information and provide guidance.

Since the beginning of the COVID-19 Pandemic, Local Government has been at the forefront of responding to the situation, at both a political and operational level. This has included extensive Business Continuity Planning. The State and Commonwealth Government have agreed the approaches to tackling the Pandemic, Local Government has been responsible for operationalizing many of the restrictions which are now in place (for example, closing libraries, sporting venues and playgrounds). In a waste context, much of the expertise on operational issues rests with Local Government and the waste sector. As a consequence the State Government (DWER and Minister) have actively engaged with WALGA and through the Association the sector, to ensure that waste services are recognized as essential and considered in decision making.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council note the Waste Management in COVID-19 Context Paper.

Moved: Mayor Howlett Seconded: Cr Abetz
CARRIED

7. ORGANISATIONAL REPORTS

7.1 Key Activity Reports

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

By Zac Donovan, Executive Manager Commercial and Communications

Moved: Cr Les Price
Seconded: President Cr Phillip Blight

That the Key Activity Report from the Commercial and Communications unit to the July 2020 State Council meeting be noted.

RESOLUTION 102.3/2020

CARRIED

Commercial and Communications comprises of the following WALGA work units:

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

The following provides an outline of the most recent key activities of Commercial and Communications in addition to those items included in the COVID Update item:

Commercial Development

Preferred Supplier Contract Development

- A new contract for Library Services has been implemented. A category is included to refresh the Metropolitan Library Courier Services with an offer negotiated and currently out with Librarians for consideration.
- A new contract for ICT Services has been implemented with 120 suppliers being recommended. About 80% of the panel is live with the balance of contracts in negotiation phase.
- The Temporary Personnel contract has been varied to accommodate temp to permanent placement and a new recruitment services panel has been implemented. There are 9 incumbent suppliers that have been prequalified to the new category. A tender is being evaluated to place new suppliers into this contract.
- Suppliers were added to a regional tender for the Roads Contract.
- The Engineering Consultancy PSA was refreshed.
- A new PSA for Tender Management Services has been contracted and fully implemented.
- The NPN contracts for Plant and Equipment and Specialised Trucks have been advertised.
- A webinar for Preferred Supplier updates to Members has been scheduled for 9 June.

Preferred Supplier Review

- The Deloitte PSA audit has been completed noting good procurement processes and identifying some areas for further efficiency and improvement.

- The PSA terms for the WALGA Panel contract are being reviewed by external lawyers.
- A review of the PSA procurement process and contract development activity will be progressed. The intent is to develop a process of open supplier on-boarding through perpetual contracts that are reviewed and refreshed on a biannual basis.
- The team has been working with Simply Logical to progress enhancements to tender evaluation software.
- Due diligence and credit reference report products have been reviewed and changes made to access new online reports with risk rating functionality.

Commercial Management

Contract Management

- An info-page has been provided to suppliers on the Financial Services PSA to provide clarity on access to State vehicle pricing for operating leases, and the correct use of FBT calculations when providing offers.
- Reviews are currently underway for Energy Services and Asset Management panels.
- The PSA audit report has been returned with some under-reporting identified.
- A number of panels are approaching term and will be reviewed for extension and/or refresh. These include Telecommunications, Energy, Hardware, Ag and Turf, Signs, Corporate Wardrobe and PPE and Environmental Consulting.
- The new PSA income report has been implemented and a new market analysis report has been designed. Business Intelligence analytics has been enhanced. Member spend and save reports are also being redesigned.

LGIS Contract Management

Items have been presented to State Council for noting or decision under separate cover relating to the LGIS contract management on:

- LGIS Board minutes from 14 May 2020
- Determination of Scheme Management Fee adjustment for 2021/22
- Settlement of legal action against WALGA as Scheme trustee

Marketing and Events

Rates Campaign

Following a request of State Council, a campaign has been initiated to educate the community around the way rates are calculated and the impact of property price movements on rates during a rates freeze, as will be the case for most metropolitan Councils. It is intended these ads will run on social media and will be supported by a four week print campaign in the West Australian in the lead up to rates notices being issued. The ads and print collateral will be provided to Councils to use across their own channels should they choose to. Currently the Marketing and Media Manager is consulting with the Local Government communications officers' network to determine the most appropriate campaign timing.

Reconciliation Action Week Video Production

To coincide with Reconciliation Week, the WALGA Content Producer created eight videos featuring Local Government staff sharing their experiences with the Reconciliation Action Plan process. Participating Councils were: City of Melville, City of Perth, City of Rockingham, City of Fremantle, City of Bunbury, City of Kalamunda and City of Cockburn. Each of these videos has been posted to the WALGA website, with daily posts to Facebook revealing each content piece.

Media Activity

Articles on specific topics relating to Local Government over the past two months are considered to be more balanced and positive than negative. This month's media activity has again defied the usual trend; there are a total number of 65 positive articles, which is almost twice the number of 38 negative articles. The number is the highest count the Association has seen in the last eight years. (The usual trend has always been more negative articles than positive articles, and last month's media monitoring showed the same number of negative and positive articles.)

- Issues that received considerable attention over the past two months included: Balanced to positive coverage was recorded on the topic of the **COVID-19 Pandemic**. This topic received the most coverage, and it has been broken down to the following sub-topics:
 - **Budget/ Rates/ Financial Matters:** This topic continues to receive the most positive coverage, which relates to Local Governments discussing rate freeze or rate cut and relief packages to assist the community and local businesses. The positive articles arise from the announcements of rate freeze and relief packages – various small business groups have applauded the Councils for stimulating the local economy. Neutral coverage includes WALGA and various Councils calling for the State Government to freeze the Gross Rental Value at previous level in order to ensure all ratepayers will not see a rate increase. These articles has led to a response by the State Government, calling for the sector to look at another solution to consider financial security instead of relying on ratepayers for revenues. Other neutral topics include the low-interest loan package offered by the State Government, which will be looked into by various Councils before they apply. There are three negative articles, which relate to business owners, former Councillors and previous Mayors from various Councils claiming they were not impressed with relief services being put in place for residents and businesses, and believed Councils can do more.
 - **Operation/ Staffing:** Mostly balanced coverage is recorded on this sub-topic. The majority of the articles relates to the Federal Government ruling Local Government as ineligible for the JobKeeper program, which leads to fear that more Council workers may lose their jobs. Negative coverage includes criticism from the Local Government Minister on some Councils who are looking at laying off staff members. A Council CEO sees numerous negative comments on the Council Facebook page, written by staff and ratepayers over the mass stand down. These announcements of possible redundancies among Council staff has led to various follow-up articles on the same topic. Positive coverage includes various Council CEOs who have confirmed that they will not make staff redundant and have redeployed staff members during the pandemic crisis.
 - **Planning and Legislation:** Mostly balanced coverage is recorded on this sub-topic. The majority of the articles relates to the State Government's new planning amendment bill that will allow the WA Planning Commission to approve large scale developments for 18 months. There are varied reactions from different Councils, with Local Governments in the Western Suburbs disagreeing completely with planning reforms, labelling them a "Trojan Horse" and calling out the State Government for sidelining the Local Governments. Other Councils back the planning reforms, but raise concerns around consultation and local engagement, along with local planning schemes. Two newspaper columnists support these reforms, saying that it will inject money and create jobs.
- There are multiple negative articles mostly about four different Councils – one in the south metropolitan area, three in the central metropolitan area. These articles relate to State Government inquiries, show cause notices, allegations of legislated requirements not being followed and allegations of bullying.
- Completely balanced coverage is recorded on **Council rates and Budgets**. The articles are mostly related to Councils trying various methods to simplify the rates system and reduce differential categories.

- Balanced to negative coverage is recorded on **Council Member/ CEO Changes**. There are multiple articles about a Shire CEO's departure after a seven-year tenure which saw issues that polarised the community. This CEO has been hired by a Western Suburb Council – a columnist for the State daily indicates his new position may lead to a potential foreshore revamp, which may divide the community.
- Balanced to negative coverage is recorded on the issue of **Australia Day**. All articles are about the City's decision to cancel the annual fireworks show in January next year due to uncertainties related to mass gatherings from virus pandemic. This move has led to criticisms by the Premier and former Lord Mayor as being premature.

WALGA Social Media

Twitter:

In this 60 day period between Friday, 3 April and Monday, 1 June, WALGA's Twitter page earned 26,400 impressions, and increased on the previous period (which was shorter at 45 days). The top tweet for Impressions in this period was a President's Column tweet about the contribution of Councils during the COVID-19 pandemic. The tweet generated 2152 impressions, 119 engagements and a total engagement rate of 5.5%. This same tweet had the highest Engagement Rate. Over this 60 day period, the WALGA Twitter profile gained 33 new followers, giving a total of 1900 followers; with 36 retweets, 45 likes and 55 link clicks.

Facebook:

The WALGA Facebook page during this period, has mainly focused on sharing posts from Local Governments around the State to demonstrate what Councils are doing to help communities through the pandemic, in line with the WALGA Councils in the Community sector promotion. The WALGA Facebook post with the highest reach was a post directing people to the Councils in the Community area of the WALGA website. This post had an organic (unpaid) reach of 1292 people and an engagement rate of 17%. It generated 66 reactions, comments and shares and 56 link clicks. Over this period, the WALGA Facebook page received 24 new likes, taking it to 1749 likes and 82 new followers, taking it to 2126 followers.

LinkedIn:

The most popular post for Impressions on LinkedIn over this period was a post about the President's Column like the top tweet. This post had 2970 impressions, 197 clicks, 94 likes and an engagement rate of 10.0%. The post with the highest engagement rate was a post about the Councils in the Community webpages, with an engagement rate of 11.37%, 2383 Impressions and 47 likes. Over this period the WALGA LinkedIn page received 455 new followers bringing it to a total of 11,039.

YourEveryday website:

Adding new content to the YourEveryday website has paused during COVID-19 response. There are currently 141 articles on the website. Over the 60 day period between Friday, 3 April and Monday, 1 June the YourEveryday website has had: 3744 page views from 2293 users visiting the site with an average of 1.51 pages per visit.

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

By Tony Brown, Executive Manager Governance & Organisational Services

Moved: Cr Les Price
Seconded: President Cr Phillip Blight

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

RESOLUTION 103.3.3/2020

CARRIED

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

- Governance Support for Members
- Employee Relations
- Training
- Regional Capacity Building
- Strategy & Association Governance

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

Employee Relations

Ministerial Review of State IR System - Update

The State Government tabled a report into the review of the State Industrial Relations (IR) system in April 2019. The report recommends that Local Governments be regulated by the State IR system rather than the national IR system. To date there has been little acknowledgement of the amount of work, time, cost and resources involved in transition from one IR system to another by the State Government.

WALGA has commenced political advocacy and contacted Federal and State Ministers advocating against the recommendation in late 2019 and met with Mr Peter Katsambanis MLA in February 2020. Due to COVID-19 other meetings were cancelled.

WALGA is concerned to learn that despite the unprecedented challenges faced by the sector as a result of COVID-19, the State Government is progressing the policy recommendation by circulating the proposed *Industrial Relations Legislation Amendment Bill 2020* for comment. WALGA has sent letters to State and Federal parliamentarians advising of our concern, our opposition against the policy and where appropriate requested support in writing or by way of a meeting.

Local Government Industry Award - Updated

WALGA has continued to advocate for WA Local Governments with regard to the casual and overtime provisions in the Local Government Industry Award 2010 (**Award**). WALGA has filed a number of submissions and advocated on behalf of the Australian Local Government Associations to propose clearer wording to the casual employee provisions to clarify that casual loading is not payable to a casual employee when they are working overtime or on public holidays.

In response to COVID-19 the Fair Work Commission implemented interim amendments to the Award to assist Local Governments and employees during this unprecedented time. These measures were replicated by the Western Australian Industrial Relations Commission who issued a General Order in late April. WALGA Employee Relations service provided submissions on behalf of the sector in both jurisdictions.

Association Governance

2020 WALGA Annual General Meeting

At the Wednesday, 6 May meeting, State Council endorsed a plan for the 2020 WALGA Annual General Meeting to be held on Friday, 25 September.

The meeting will be held in person if gathering, travel and other restrictions allow; if not, the meeting will be conducted virtually.

WALGA's Constitution requires delegate attendance in person for a quorum to be achieved. Effectively, this means the meeting will not be constitutionally valid if the meeting is required to be held virtually, but the intention would be to conduct the meeting in the normal way to facilitate member participation in WALGA's business and advocacy agenda with the outcomes referred to State Council, as is normal practice.

Formal correspondence will be sent to all member Local Governments during June.

Training

WALGA's in-person and on-site training had been cancelled due to the COVID-19 pandemic. During this period virtual training classrooms had been established and provide to be an effective and popular training platform.

As restrictions are being lifted on-site training at Local Governments has recommenced and in-person training at WALGA's building in West Leederville will recommence from 1 July 2020.

WALGA's eLearning offering continues and is available for anyone interested in this mode of learning. In respect to the Universal training subjects (Council Member Essentials) the following is the status on the availability of the courses by eLearning;

- Introduction to Local Government - available
- Meeting Procedures - available
- Conflicts of Interest – available
- Serving on Council – available
- Understanding Financial Reports and Budgeting – available from early August 2020

Any queries on training please contact the WALGA Training team

Sector Governance Support

Local Government Act Review – Phase 1 Update

The Local Government Legislation Amendment Act 2019 provided for numerous amendments to the Local Government Act, some of which have commenced including universal training and amendments to gift provisions.

Consequential amendments to regulations are now required to effect further change and the Department of Local Government, Sport and Cultural Industries has released the *Local Government Regulations Amendment (Consequential) Regulations 2020* for this purpose. The Department has also prepared Explanatory Notes as an aid to understanding the effect of the proposed regulations.

The Department advises that the regulations principally relate to:

- the harmonisation of the appointment of authorised persons across multiple pieces of legislation;
- local and statewide public notices; and
- improved access to information, including through publication on Local Government websites.

WALGA is pleased that the privacy concerns expressed in relation to the proposal to make publicly available primary and annual returns on websites has been noted, with only the positions of officers publicised (the returns themselves will not be published).

WALGA is conducting a consultation process and seeks feedback from Member Local Governments on the proposed regulations by 4pm Friday 3 July 2020.

A number of other provisions from the Amendment Act have yet to be commence and in December 2019, State Council adopted resolutions in relation to the draft Mandatory Code of Conduct and draft Chief Executive Officer Standards for Recruitment, Performance Review and Termination, requesting further consultation on these issues.

The Department of Local Government, Sport & Cultural Industries focus has been re-directed to COVID-19 legislative and regulatory priorities and a timeframe for completion of the drafts has been scheduled for prior to the end of this calendar year.

Local Government Act Review – Phase 2

The Minister for Local Government has advised that the expert panel reviewing the next stage of the Act review process, has finalised their work and presented a report to the Minister.

The Minister has advised that progression of the Act review process is on hold whilst the COVID-19 response is taking place.

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

By Ian Duncan, Executive Manager Infrastructure

Moved: Cr Les Price
Seconded: President Cr Phillip Blight

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

RESOLUTION 104.3/2020

CARRIED

Roads

Road Asset and Expenditure Report

The annual Report on Local Government Road Assets and Expenditure 2018/19 has been completed by WALGA with assistance from the WA Local Government Grants Commission. The report provides information on the lengths, types and funding allocations for roads, paths and bridges. It includes statistics and analysis on the sources, allocation and trends in funding. There is also information on road condition and the lengths of road open to restricted access vehicles. It has been provided to stakeholders including Government agencies and Ministers. The report can be downloaded from the WALGA website.

Condition Assessment of Roads of Regional Significance

Funds have been provided through the *State Road Funds to Local Government Agreement* to perform condition surveys of all the Roads of Regional Significance. For the first phase, Talis Consultants have been engaged to survey roads in the Mid West region including recording video of regionally significant unsealed roads. Recent lifting of COVID-19 travel restrictions will allow the fieldwork to commence in the near future. These surveys will provide a consistent dataset for the Regional Road Group to consider in funding decisions.

State Road Funds to Local Government Procedures

Main Roads and WALGA have comprehensively reviewed the *State Road Funds to Local Government Procedures*. A draft document has been distributed to stakeholders for feedback and the review team is processing submissions. A final document will be published in the near future.

Proposed Removal of the CA07 RAV operating condition

On advice from the State Solicitors Office, Main Roads WA is intending to remove the CA07 condition that requires a transport operator to obtain a letter of approval from the relevant Local Government. Main Roads WA is proposing to replace the condition with a notification process (CA88). After consultation with the sector, WALGA has written to Main Roads WA stating that WALGA does not support the alternative and will uphold the position adopted by State Council in December 2018. Main Roads have not responded and the status quo (CA07) remains in place.

ROADS 2040: Development Strategies for Regionally Significant Local Roads

Work has commenced to review the criteria for roads to be included in the development strategies for regionally significant roads, which are those roads eligible for Road Project Grant funding through the *State Road Funds to Local Government Agreement*. Guidance for Regional Road Groups is also being prepared to support development of the next version of this important strategic document. The current version, ROADS 2030, was published in 2013 with some updates published since.

Funding

Wheatbelt Secondary Freight Network

Project Steering Committee members have been elected by delegates from the participating Regional Road Groups. The load bearing capacity of all roads in the network has been measured using Traffic Speed Deflectometer. This data has been analysed and will be used alongside updated traffic, road safety and other information to refine the multi criteria analysis to prioritise the sequence of project delivery. A program of development work and construction work for 2020/21 has been approved by the Steering Committee.

Review of the Asset Preservation Model

The Asset Preservation Model, administered by the Local Government Grants Commission, is used to allocate grant funding to support Local Governments in maintaining their road assets. WALGA has been undertaking a review of this model. The first output of this review will be a manual describing the model, with a first draft to be presented to the next round of Regional Road Group meetings.

Urban and Regional Transport

Shared Path Guidelines

WALGA is jointly developing design guidelines for shared paths with the Department of Transport (DOT). Comment on the draft guidelines has been sought. WALGA collected and consolidated feedback from Local Governments on the draft guidelines and provided a report to DOT. Final guidelines are expected to be released in the coming months and will need to be considered when preparing funding applications and delivering projects funded under the Perth Bicycle Network and Regional Bicycle Network grants programs.

Parking Review

WALGA is developing a guideline parking policy, in collaboration with the Department of Transport and a Local Government senior officer working group. A discussion paper has been drafted and opened for consultation. Further research is being undertaken, including a number of policy case study interviews with Local Government officers.

Road Safety

Road Safety Council Update

With the penultimate draft of the next road safety strategy nearing completion, the Road Safety Council has started work on developing safety performance indicators to monitor the implementation of the new strategy. A new sub-committee of the Road Safety Council has been formed and will have input into the work of the WA Centre for Road Safety Research which was established in October 2019. The Road Safety Council has also noted a delay in the announcement of the 2020-21 Road Trauma Trust Account Budget, as a result of COVID-19. However continuing projects will be progressed to ensure the road safety effort is ongoing.

RoadWise Activity

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

7.1.4 Report on Key Activities, Strategy, Policy and Planning (01-006-03-0014 MJB)

By Mark Batty, Executive Manager Strategy, Policy and Planning

Moved: Cr Les Price
Seconded: President Cr Phillip Blight

That the Key Activity Report from the Strategy, Policy and Planning Team to the July 2020 State Council meeting be noted.

RESOLUTION 105.3/2020

CARRIED

The following provides an outline of the key activities of the Strategy, Policy and Planning Portfolio since the last State Council meeting.

ORGANISATIONAL REALIGNMENT

For this agenda, please note that all Community and Emergency Management resources have been dedicated to supporting the sector through participation in the WALGA COVID-19 Response Team.

PLANNING

Local Government CHRMAP (Coastal Hazard Risk Management and Adaptation Planning) Forum - Online Meeting

On 27 May 2020, the Forum hosted its first online meeting. 34 member staff participated from 18 Local Governments, from the Shire of Broome to the City of Albany. The meeting included a guest presentation from Dr Charles Lester of the University of California and former Executive Director of the California Coastal Commission, which is the body responsible for administering the *California Coastal Act*. The presentation focused on California's legislative framework and practical examples of how the Act has affected hazard planning and management in California. Participants provided extremely positive feedback. The Forum, facilitated by WALGA's Strategy Policy and Planning Team, is a group of local government staff from across Western Australia that meets quarterly to discuss and resolve common coastal hazard planning and management issues.

Coastal Hazard Planning Issues Paper – Legal Opinion Project

State Council noted the Local Government Coastal Hazard Planning Issues Paper in September 2019, which was prepared by WALGA and the Local Government CHRMAP Forum. The Issues Paper outlines the main issues Local Governments are experiencing when preparing and implementing coastal hazard management and adaptation plans. The Forum has taken a collaborative approach to engage a certified legal firm to help answer questions raised in the Issues Paper, most of which are of a legal nature. In May 2020, 26 Local Governments confirmed their participation in seeking the legal opinion. On 25 May 2020, a subcommittee of the forum held its first meeting with the appointed legal firm, McLeods. The final report is expected to be available to all contributing Local Governments in October.

ENVIRONMENT

Climate Change

WALGA is managing a project titled "Climate Resilient Councils - preparing for impacts of climate change" which is specifically aimed at strengthening local governments' ability to be climate resilient in relation to the predicted increased incidence and severity of natural disasters related to climate

change – fires, floods, drought and heat waves. Stage 1 of the project has been completed which involved:

- Determining how well WA Local Governments are embedding climate change, disaster management and associated risks into their corporate processes and reporting frameworks;
- Benchmarking local governments against world leading best practice governance standards; and
- Identifying gaps, barriers and opportunities for each local government in incorporating climate change actions into their decision-making frameworks.

The steering committee reviewed that findings of the Stage 1 report and concluded that the key areas that needed to be addressed in stage 2 by WALGA are:

- Peer to peer learning between Local Governments possibly involving alliances of Local Governments working together,
- Training in specific areas,
- Webinars/seminars with specific expert on key topics, and
- Developing templates and guidelines to assist Local Governments taking specific actions.

A webinar will be held at the end of June to release the Stage 1 report, discuss its findings and plan stage 2 projects.

LGmap (formerly known as the Environmental Planning Tool)

In May and June, a series of short online LGmap courses were introduced, focusing on specific LGmap uses. Staff from the Shire's of Narrogin, Plantagenet, Chittering and the City of Rockingham participated in these. Two Public LGmap courses were run for Elected Members and community volunteers working with Local Governments, with participants from the Shire's of Kojonup, Capel, Bridgetown, Chittering and the City of South Perth.

From May, LGmap subscribers are able to view aerial imagery from other sources such as Nearmaps with other LGmap layers due to a major LGmap functionality extension. In June, a scheduled LGmap data update was undertaken, including several new data additions.

Roadside Native Vegetation

A meeting of the Local Government Roadside Clearing Regulation Working Group was held on May 5 and a key announcement made at that meeting was that DWER would establish a dedicated Local Government Clearing Permit Applications Team to assess Local Government related clearing permit applications. This is a significant development and should enable applications by Local Governments to clear native vegetation to be dealt with more efficiently and effectively. DWER have agreed to be part of a WALGA webinar to explain how the team will work and what help they will provide to Local Governments.

Events and Newsletters

Webinar on Sustainability Reporting Frameworks for Local Government

WALGA hosted a webinar on 'Sustainability Reporting Frameworks for Local Government' on Thursday 7 May, attended by 64 participants. The webinar focused on how sustainability reporting platforms provide a strategic mechanism to embed sustainability across an organisation. Presenters included the Local Governments of Fremantle, Melville and Canning, and the United Nations Association of Australia (UNAA).

The webinar highlighted how overarching sustainability frameworks help Local Government take a holistic approach to achieving organisational sustainability, by integrating social, economic and

environmental factors in the delivery of all operational activities and services. Local Governments in WA are using a variety of frameworks, including the UN Sustainable Development Goals, One Planet Living, customised platforms, and Environment Management Systems. The webinar showed that an opportunity exists for increased consistency across the sector, to allow benchmarking and measurement of the collective impact of actions. WALGA will continue to collaborate with all stakeholders to investigate ways to increase the value of sustainability reporting frameworks, and increase levels of adoption.

The presentations from the webinar are available on WALGA's [website](#), and the video recording of proceedings is available [here](#).

Webinar on Local Government Support for Aboriginal Language and Place Names

WALGA's Environment and Community teams hosted a webinar on 'Local Government Support for Aboriginal Language and Place Names' on Thursday, 28 May, attended by 150 participants. The webinar highlighted how the use of Aboriginal language and place names assists with promoting broader community awareness of Aboriginal history and culture, and focused on the significant role played by Local Government. Presenters include the Local Governments of Katanning and South Perth, Landgate, Main Roads WA, Badgebup Aboriginal Corporation, Community Arts Network and Professor Len Collard.

Presenters discussed how the use of Aboriginal language and place names provides a gateway to sharing ancient cultural knowledge, and gives a sense of belonging and pride for Aboriginal people. Case studies focused on research approaches and culturally appropriate consultation processes for the Aboriginal naming of geographic features and built assets.

A Mentimeter interactive session showed that many Local Governments are active in supporting Aboriginal language and place naming, particularly through interpretive projects. Guidance on engagement and consultation requirements were identified as facilitators for future projects.

The presentations from the webinar are available on WALGA's [website](#), and the video recording of proceedings is available [here](#).

Webinar on a Roadmap to Drive Local Government Action on Climate Change

WALGA hosted a webinar on 'A Roadmap to Drive Local Government Action on Climate Change' on Thursday, 25 June. The webinar aimed to strengthen Local Governments ability to be climate resilient through the adoption and implementation of climate change mitigation and adaptation strategies and actions.

WALGA discussed the results of the National Disaster Resilience Program - Climate Resilient Councils Project, which reviewed how well WA Local Governments are addressing climate change risks and natural disaster management into their corporate processes and reporting frameworks. The project also identified the gaps, barriers and opportunities for improvement. A draft roadmap was presented, with the recommended steps for Local Governments to follow on their journey towards climate action.

Attendees participated in interactive sessions to provide input on the training, templates and guidelines required, as well as how to facilitate peer-to-peer learning.

EnviroNews

The April, May, and June editions of EnviroNews can be accessed electronically on the WALGA website [here](#). The July edition is scheduled for release on 22 July.

7.2 Policy Forum Reports

7.2 Policy Forum Reports (01-006-03-0007 TB)

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

Moved: Cr Les Price
Seconded: President Cr Phillip Blight

That the report on the Key Activities of the Association's Policy Forums to the July State Council Meeting be noted.

RESOLUTION 106.3/2020

CARRIED

Policy Forums

The following Policy Forums have been established

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

All Policy Forums have not held meeting since the last State Council meeting due to the COVID-19 pandemic.

7.3 President's Report

Moved: President Cr Karen Chappel
Seconded: Mayor Carol Adams

That the President's Report for July 2020 be received.

RESOLUTION 107.3/2020

CARRIED

7.4 CEO's Report

Moved: Cr Paul Kelly
Seconded: Cr Chris Mitchell

That the CEO's Report for July 2020 be received.

RESOLUTION 108.3/2020

CARRIED

7.5 Ex-Officio Reports

7.5.1 LG Professionals Report

Mr Jamie Parry, President, LG Professionals, provided an update to the meeting.

Mayor Mark Irwin left the meeting at 5:33pm and did not return.

7.5.2 City of Perth Report

Mr Andrew Hammond, Chair Commissioner, City of Perth provided an update to the meeting.

8. ADDITIONAL ZONE RESOLUTIONS

Mayor Logan Howlett declared an interest in South West Country Zone item relating to Regulation of Park Homes / Manufactured Homes / Lifestyle Villages and left the meeting at 5:50pm.

South West Country Zone Universal Elected Member Training – Governance and Organisational Services

Moved: President Cr Tony Dean
Seconded: President Cr Stephen Strange

That due to the COVID-19 pandemic, WALGA request the Minister for Local Government to extend by six months the requirement for newly Elected Members to undertake training within 12 months.

RESOLUTION 109.3/2020

CARRIED

Moved: Cr Brooke O'Donnell
Seconded: President Cr Phillip Blight

That the additional Zone Resolutions from the July 2020 round of Zones meetings as follows be referred to the appropriate policy area for consideration and appropriate action.

RESOLUTION 110.3/2020

CARRIED

Mayor Howlett returned to the meeting at 5:54pm

SOUTH METROPOLITAN ZONE

Support for a Forum into Environmental Damage, Vandalism and Anti-Social Behaviour in Regional Parks – Strategy, Policy and Planning

That:

1. WALGA to establish a working group that includes representation from Local Government , Regional Parks and other landholders (DPLH, Water Corp etc.) to source funding options and identify projects to address site security, environmental damage, vandalism and anti-social behaviour affecting Regional Parks at a regional scale .
2. WALGA to advocate to state government bodies/departments to maintain access control to Regional Park land which they are responsible for.

Racism and Discrimination Working Group – Strategy, Policy and Planning

That WALGA convenes a working group to review its Accessible and Inclusion Policy position and report on options to reinforce Local Government's commitment to combatting racism and discrimination.

SOTUH EAST METROPOLITAN ZONE

State Government Consultation – Armadale Rail Line - Infrastructure

That the WALGA South East Metropolitan Zone:

1. Expresses concern regarding the 16 June 2020 announcement made by the State Government to elevate the Armadale Rail Line in Victoria Park, East Victoria Park, Carlisle

and Welshpool, without first conducting appropriate consultation with impacted local governments and residents, and

2. Requests WALGA investigate the development of a partnership agreement between the Local Government sector and State Government that outlines the obligation for consultation with Local Government for major capital works undertaken by the State.

NORTHERN COUNTRY ZONE

Work Health and Safety Bill 2019 – Governance and Organisational Services

The Northern Country Zone of WALGA requests WALGA:

- a) To advocate on legislation regarding the Work Health & Safety Bill 2019, as per the City of Greater Geraldton submission; and
- b) To advocate for an extension on the submission period.

EAST METROPOLITAN ZONE

Racism and Discrimination Working Group – Strategy, Policy and Planning

That WALGA convenes a working group representing all WA regions to investigate options by which we can prevent, and then eradicate, racism and discrimination in Western Australian Local Government.

Child Care Centre Advocacy – Strategy, Policy and Planning

That WALGA convenes a working group of affected Local Governments to discuss issues relating to the Federal Government Child Care Package and formulate appropriate advocacy actions.

GREAT EASTERN COUNTRY ZONE

Local Government Audits – Office of the Auditor General (OAG) – Governance and Organisational Services

1. That WALGA carry-out research with the sector to quantify the new and extra requirements that the OAG is requesting from Local Governments and determine whether there is consistency across audits. Research to include information on the extra Local Government staff time that is now required.
2. This information be used to advocate to the OAG to further consider the costing model and the consistency of audits across the sector.

Telecommunications – Power Outages – Strategy, Policy & Planning – Emergency Management

That WALGA again raise the issue of lack of communication when power outages occur with the State Emergency Management Committee (SEMC) and the Federal/State Government politicians advising of the lack of response from Telstra on this issue and the extreme concern in an emergency situation that this causes.

Rural Water Scheme – Strategy, Policy and Planning

1. That WALGA advocate to the Federal Government to request additional funding for the National On-Farm Emergency Water Infrastructure Rebate Scheme as the fund has been fully subscribed one year into a three year program.
2. That WALGA advocate to the State Government to reinstate the Farm Water Rebate Scheme.

SOUTH WEST COUNTRY ZONE

Regulation of Park Homes / Manufactured Homes / Lifestyle Villages – Strategy, Policy and Planning

That the South West Zone seek WALGA's support to request that the State Government urgently amend the Caravan Parks Legislation to allow the continued lawful placement of new manufactured homes on caravan park sites, until approximately 2030, providing regulatory certainty in the short term to the industry, its customers and local governments, and providing time in which more comprehensive regulatory reform can be undertaken.

Local Government Grant Scheme (ESL) Eligible Expenditure – Strategy, Policy and Planning

That, in relation to ESL eligible expenditure, slip line water tanks be considered by DFES as eligible for funding as part of the Local Government Grant Scheme.

State Government Procurement Debarment Regime Proposal – Commercial and Communications / Governance and Organisational Services

1. Continues to monitor the proposed Procurement Debarment Regime and the impacts on the Local Government sector to provide advice, guidance and advocacy; and
2. Considers the impacts of the Procurement Debarment Regime on its own preferred supplier arrangements.

GASCOYNE COUNTRY ZONE

Review of the State Roads to Local Government Agreement 2018/19 to 2022/23 – Infrastructure

1. Request that in accordance with the State Road Funds to Local Government Agreement 2018/19 to 2022/23, clause 6.2.1, WALGA through the State Advisory Council seek to review the 36% Metro / 64% Rural split in Road Project Grants.
2. Request that WALGA investigate and review the inclusion of the 25% population factor used in the methodology for allocating Road Project Grants.
3. Request that WALGA present findings from the review of the Asset Preservation Model to the Regional Road Group.
4. Request that WALGA engage SAC to consider redistributing funds from Regional Road Groups that are forecast to be unspent in any given financial year to Regional Road Groups that can deliver and acquit projects using those funds in that particular financial year.

10. DATE OF NEXT MEETING

The next meeting of the Western Australia Local Government Association State Council will be held **on Wednesday 2 September 2020 at WALGA**, commencing at 4pm.

11. CLOSURE

There being no further business the Chair declared the meeting closed at 5:57pm.

State Council Status Report

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

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
2020 May 6 Item 4.1 COVID-19 Pandemic – WALGA Response	That the information contained in this report relating to WALGA's response to the COVID-19 pandemic and WALGA's advocacy on requesting no additional State Government cost impositions on Local Governments be noted. <u>RESOLUTION 57.2/2020</u>	This item noted WALGA's advocacy on COVID-19 and more broadly on requesting no additional cost impositions on the sector.	Ongoing	Tony Brown Exec Manager Governance & Association Services
2020 May 6 Item 4.2 Local Government Act Emergency Provisions	That WALGA: 1. Notes and supports the introduction of legislation that: a. Provides for Ministerial emergency powers on the condition that the Local Government sector is consulted prior to the issuing of an order using this power, and b. Provides the ability for Local Governments to suspend a provision of a local law 2. Continues to advocate for the 2019-20 valuations to apply to the 2020-21 rates. <u>RESOLUTION 58.2/2020</u>	Item 1 is noted In respect to item 2, correspondence has been sent to the Treasurer/Minister for Lands, Minister for Local Government and the Valuer General. The State Government has advised that they are progressing with implementing the revaluations for the 20/21 financial year.	Completed	Tony Brown Exec Manager Governance & Association Services
2020 May 6 Item 5.1 Amendment to Third Party Appeal Rights – Preferred Model	1. That the proposed amendment to the Third Party Appeals Process Preferred Model, being that third parties in addition to Local Governments are able to make an appeal on decisions made by Development Assessment Panels, is not supported, and 2. That the proposed amendment to the Third Party Appeals Process Preferred Model, being that closely associated third parties in addition to Local Governments are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative	The State Council decision on changes to Third Party Appeal rights has been sent to all Local Governments who provided a response, for their information.	May 2020	Mark Batty Exec Manager Strategy, Policy and Planning

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>Tribunal, in addition to Development Assessment Panels, is not supported.</p> <p><u>RESOLUTION 59.2/2020</u></p>			
2020 May 6 Item 5.2 Managing Lodging House Health Risks in WA	<p>That the submission to the Department of Health in response to the Managing Lodging House Health Risks in WA discussion paper be endorsed.</p> <p><u>RESOLUTION 60.2/2020</u></p>	Correspondence has been sent to the Department of Health and to all Local Governments who provided a response.	May 2020	Mark Batty Exec Manager Strategy, Policy and Planning
2020 March 4 Item 4.1 Stop Puppy Farming Legislation	<p>That WALGA write to the Minister and request that he withdraw the Stop Puppy Farming Bill and more appropriately consult with the sector, traditional custodians and the wider community, or failing that, that he remove any reference to Local Government in the bill as the sector does not endorse it in its current form.</p> <p><u>RESOLUTION 13.1/2020</u></p>	Correspondence has been sent to the Minister for Local Government advising of State Councils position	Ongoing	Tony Brown Exec Manager Governance & Association Services
2020 March 4 Item 5.1 National Redress Scheme – Future Participation of WA Local Governments	<p>That State Council:</p> <ol style="list-style-type: none"> 1. Acknowledge the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration; 2. Endorse the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and 3. Endorse by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes. <p><u>RESOLUTION 14.1/2020</u></p>	An MOU between State Government and WALGA has been negotiated, endorsed and signed.	May 2020	Mark Batty Exec Manager Strategy, Policy and Planning
2020 March 4 Item 8 Additional Zone Resolutions	<p>That State Council endorse the recommendation from the Great Eastern Country Zone relating to the Federal Government Drought Communities Program.</p> <ul style="list-style-type: none"> • That the Great Eastern Country Zone requests WALGA, in consultation with ALGA, to liaise with 	WALGA has written to the Minister for Agriculture, Minister for Water and the Minister for Local Government on the issue, seeking their support to review the drought funding mechanisms for Western Australia. At the WALGA webinar on May 8 th , the Minister for Agriculture committed to advocating to the Commonwealth in conjunction with WALGA.	Ongoing	Mark Batty Exec Manager Strategy, Policy and Planning

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
Federal Government Drought Communities Program	the WA State Government Ministers for Water, Agriculture and Environment to provide a coordinated holistic response in respect to the ongoing drying climate issues and access to the Drought Communities Funding Program. <u>RESOLUTION 37.1/2020</u>			
2019 Dec 4 Item 4.1 Bushfire Fighting Vehicles	That WALGA State Council: 1. Note this issue and support the concerns raised. 2. Commit to working collectively with Local Governments to resolve this issue with the State Government and Department of Fire and Emergency Services (DFES) as a matter of urgency. <u>RESOLUTION 141.7/2019</u>	1. WALGA noted the concerns and has raised these with the Commissioner of DFES. 2. WALGA facilitated attendance by DFES at a meeting with the Shire of Esperance to discuss concerns raised and options for improvements to their fleet. It has been reported to WALGA that the actions were to trial large tyres and central tyre inflation systems (2 x Tankers), work is progressing on both. Furthermore, a Bushfire Fleet Mobility Working Group is scheduled to meet 17 February 2020. WALGA have not received a formal update from the Bushfire Fleet Mobility Working Group which is the primary vehicle for the sector to resolve this issue. The report will have been delayed due to the COVID response effort in state government.	Ongoing	Mark Batty Exec Manager Strategy, Policy and Planning
2019 Dec 4 Item 5.3 Mandatory Code of Conduct for Council Member, Committee Members and Candidates – Sector Feedback	That WALGA: 1. Request the Mandatory Code of Conduct Working Group be reconvened by the Department of Local Government, Sport and Cultural Industries; 2. Refer the following matters to the Working Group for further consideration: (a) <u>Part A – Principles - Supported</u> (b) Part B – Behaviours i. ensuring principles of natural justice can be adequately upheld in all circumstances; ii. training opportunities that will assist Council Members determine complaint outcomes under Part B; iii. development of a template Complaints Management Policy; iv. reconsider the purpose of allowing ‘any person’ to make a complaint;	Correspondence has been sent to the Director General of the Department of Local Government, Sport & Cultural Industries advising of the Council resolution on this issue. A formal response on this issue has not been received. The Department of Local Government, Sport and Cultural Industries are currently focusing on legislative and regulatory amendments relating to COVID-19. Advice from the Department is that information should be provided in June 2020.	Ongoing	Tony Brown Exec Manager Governance & Association Services

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>v. ensuring Committee Members and Candidates are included in Part B; and</p> <p>vi. re-naming 'Rules' to an appropriate term throughout Part B.</p> <p>vii. <u>Develop a complaint process that is carried out by DLGSC or another party (which must be external of the local government). For any breach of the Code (being part b or part c) and where the Council, Mayor/President or CEO are not the decision makers in determining whether the breach has or has not occurred and/or whether any action is required.</u></p> <p>(c) Part C – Rules of Conduct</p> <p>i. review the rationale for creating a new Rule of Conduct breach where three or more breaches of Part B – Behaviours are found and the Local Government resolves to refer the matter to the Local Government Standards Panel; and</p> <p>ii. review the proposal to amend the definition of an 'interest' relating to Impartiality Interests from the present definition in Regulation 11 of the Local Government (Rules of Conduct) Regulations.</p> <p>iii. <u>Develop a complaint process that is carried out by DLGSC or another party (which must be external of the local government). For any breach of the Code (being part b or part c) and where the Council, Mayor/President or CEO are not the decision makers in determining whether the breach has or has not occurred and/or whether any action is required.</u></p> <p>iv. <u>Review the appropriateness of the elements of the rule of conduct to only apply to a person who is a Council Member or Candidate both at the time of</u></p>			

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p><u>the conduct and at the time of the panel decision.</u></p> <p>3. Recommend the Working Group develop an endorsed Mandatory Code of Conduct for further consultation with the Local Government sector.</p> <p><u>RESOLUTION 144.7/2019</u></p>			
2019 Dec 4 Item 5.4 Standards & Guidelines for CEO Recruitment & Selection Performance Review & Termination – Sector Feedback	<p>That WALGA:</p> <ol style="list-style-type: none"> 1. Request the CEO Recruitment and Selection, Performance Review and Termination Working Group be reconvened by the Department of Local Government, Sport and Cultural Industries; and 2. Refer the following matters to the Working Group for consideration: <ol style="list-style-type: none"> (a) Removal from the Model Standards the requirement to readvertise CEO positions after 10 years of continuous service; (b) Encouraging, rather than mandating, the involvement of an independent person in the CEO Recruitment and Selection Process; (c) Reconsideration of the proposal for independent review of the recruitment process; (d) Support the role of the Department of Local Government, Sport and Cultural Industries as the regulator for monitoring and compliance; and (e) Further investigate a role for a Local Government Commissioner. 3. Recommend the Working Group develop endorsed Model Standards for further consultation with the Local Government sector. <p><u>RESOLUTION 145.7/2019</u></p>	<p>Correspondence has been sent to the Director General of the Department of Local Government, Sport & Cultural Industries advising of the Council resolution on this issue.</p> <p>A formal response on this issue has not been received. The Department of Local Government, Sport and Cultural Industries are currently focusing on legislative and regulatory amendments relating to COVID-19.</p> <p>Advice from the Department is that information should be provided in June 2020.</p>	Ongoing	Tony Brown Exec Manager Governance & Association Services

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
2019 Dec 4 Item 5.6 Local Government Audits	<p>That WALGA:</p> <ol style="list-style-type: none"> Write to the Office of the Auditor General (OAG) advising of the cost increases to the Local Government sector in respect to financial audits over the first 2 years of the OAG audits and request: <ol style="list-style-type: none"> Constraint on the audit cost increases in the future Information in relation to the additional scope, testing and review requirements under the OAG in order for local governments to understand the increase in costs. Write to the Office of the Auditor General seeking a formal commitment that audits of Local Governments are completed and reported on in a timely manner and that the processes, procedures and scope of audits are consistently applied. Write to the Office of the Auditor General seeking to include in the "Audit Results Report" for each financial year, a report on the effectiveness and additional value to Local Governments that the responsibility of Financial Audits being assigned to the Office of the Auditor General has provided. Write to the Minister for Local Government seeking formal commitment that Performance Audits carried out by the Office of the Auditor General are the financial responsibility of the State Government. <p><u>RESOLUTION 147.7/2019</u></p>	<p>Correspondence has been sent to the Office of the Auditor General (OAG) in respect to items 1, 2 and 3. The Auditor General has responded advising that OAG is cognizant of costs and they look to complete audits in a timely manner.</p> <p>Correspondence has been sent to the Minister for Local Government in respect to item 4.</p>	Ongoing	Tony Brown Exec Manager Governance & Association Services
2019 Dec 4 Item 5.8 Membership of Development	<p>That WALGA advocate to the Minister for Planning, that the composition of Development Assessment Panels (DAPs) be modified to provide equal representation of Specialist Members and Local</p>	<p>Correspondence has been sent to the Minister for Planning, seeking the change in the composition of Development Assessment Panels.</p> <p>The following response has been received:</p>	Ongoing	Mark Batty Exec Manager Strategy, Policy and Planning

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
Assessment Panels	<p>Government Members, in accordance with the original objectives of the DAP system to enhance the decision making process by improving the balance of experts.</p> <p><u>RESOLUTION 149.7/2019</u></p>	<p><i>"As you are aware the recently released Action Plan for Planning Reform proposes several reforms and improvements to DAP systems and processes. These will provide a consistent robust DAP process reducing potential conflicts of interest and promote consistency of decision making, thereby addressing many of the perceived issues with the current system.</i></p> <p><i>As you have noted, the composition of local government representation is not being considered as part of the current planning reform process, however, a number of other significant reforms are proposed. The most notable being a reduced number of DAPs to no more than three and the engagement of specialist members on a full time basis. This will be supported by the establishment of a pool of non-voting subject matter experts to provide DAPs with independent, expert advice as required.</i></p> <p><i>It is my intention that these reforms will enhance the decision making process by providing greater consistency and transparency. The reduced number of DAPs and the engagement of full time specialist members will also allow specialist members to gain a greater level of local expertise therefore further enhancing the process.</i></p> <p><i>Thank you for raising this with me and I encourage WALGA and the local government industry to remain an active participant in the planning reform process."</i></p> <p>These proposed changes to the DAPs composition, will require amendment to the DAP Regulations, therefore, the matter of Local Government equal representation will be raised again as part of the public comment period.</p>		
2019 Dec 4 Item 5.10 Local Government as Collection Agency for Construction Training Fund	<p>1. That WALGA advise the Construction Training Fund (CTF):</p> <p>1.1 That due to the operational improvements and establishment of an on-line portal for payments of the Building and Construction Industry Training Fund, Local Government will not continue to be a collection agency for these payments</p> <p>1.2 That the online receipt issued upon payment of the <i>Building and Construction Industry Training Fund</i>, must clearly show the property address and estimated building value to ensure it complies with section 20 of the <i>Building Act 2011</i></p> <p>1.3 That the Department of Mines, Industry Regulation and Safety (DMIRS) must provide access to the data collated in the Building Permit Database Project to assist CTF in their acquittal process, and</p> <p>1.4 That a review of the apprenticeship pathways should be undertaken, as the</p>	<p>Correspondence has been sent to the CTF Board advising them of the State Council Resolution. Separate letters have also been sent to the Ministers for Commerce, Education and Training and Local Government to seek their support.</p> <p>The CTF Executive Director has responded, advising the following:</p> <p><i>"While 37 of the State's 140 LGAs responded to the WALGA's recent survey about collection of the BCITF, CTF is concerned that stakeholders in the building and construction industry – who would be affected by the changes to current permit allocation procedure – have not to date been consulted. As such, CTF has approached HIA an MBA for feedback from their members..."</i></p> <p>CTF advised that they will meet with WALGA once feedback from the building and construction industry has been received before establishing a way forward to address the issues arising from the State Council's recommendation.</p> <p>The Minister for Commerce has also provided a response, indicating that they will be working with the CTF to enable access to the data already being captured by the Building Permit Database project. If a local government isn't providing this data, the CTF may still require information direct from those Local Governments.</p>	Ongoing	Mark Batty Exec Manager Strategy, Policy and Planning

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>Local Government sector can provide many potential apprentice pathways directly connected to the construction and development industry.</p> <p>2. That WALGA advise the Minister for Local Government, Minister for Education & Training and Minister for Commerce that the current CTF collection process is unnecessary administrative red tape for the Local Government sector, and seek their support for Local Government to not continue to be a collection agency for these payments.</p> <p><u>RESOLUTION 151.7/2019</u></p>	<p>The Minister for Education & Training has also provided a response, similar in content to the CTF letter, that Local Government provides a 'one stop shop' for Industries payment of the fees.</p> <p>Awaiting the CTF to arrange a meeting on the issue.</p>		
<p>2019 Dec 4 Item 5.13 Wheatbelt Regional Health Services</p>	<p>That WALGA:</p> <ol style="list-style-type: none"> 1. Re-establishes a working group to progress a Memorandum of Understanding with Local Governments in the Wheatbelt region and the WA Country Health Service, based on the previous work by the former Wheatbelt Health MOU Group, which outlines communication, responsibilities and strategic priorities unique to the region; and 2. Work with key service providers and stakeholders to engage with Local Government to further discuss the issues and develop solutions in the aged care services sector. <p><u>RESOLUTION 154.7/2019</u></p>	<p>WALGA will convene a working group of relevant representatives to progress the Wheatbelt Health MOU and is drafting a draft document for circulation to the Zones.</p>	Ongoing	<p>Mark Batty Exec Manager Strategy, Policy and Planning</p>

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
2019 Sept 6 Item 9.1 Action to Reduce Run-off Road Crashes in Rural WA	That WALGA actively supports Federal and State Government investing in \$100m per year to seal shoulders and install edge lines to 17,000kms of State Highways over the next 10 years. <u>RESOLUTION 128.6/2019</u>	Opportunities for further advocacy continue to be sought.	Ongoing	Ian Duncan Executive Manager Infrastructure
2018 December 5 Item 4.1 State / Local Government Partnership Agreement on Waste Management and Resource Recovery	1. That State Council endorse investigating a State / Local Government Partnership Agreement on Waste Management and Resource Recovery. 2. That the item be referred to MWAC for is development and negotiation with the State Government. 3. A report regarding a proposed "State / Local Government Partnership Agreement on Waste Management and Resource Recovery" be brought back to the next meeting of State Council. <u>RESOLUTION 131.7/2018</u>	The development of the Agreement has been delayed due to COVID-19, however will be further progressed in the second half of 2020.	Ongoing	Mark Batty Exec Manager Strategy, Policy and Planning
2018 December 5 Item 5.1 Proposed Removal by Main Roads WA of the "Letter of Approval" Restricted Access Vehicle Operating Condition	That WALGA: 1. Opposes withdrawal of the "Letter of Approval" Restricted Access Vehicle Operating Condition until an acceptable alternative to Local Government is developed; 2. Supports the position that Local Governments not use provision of the Letter of Authority to charge transport operators to access the Restricted Access Vehicle network; 3. Supports the development of standard administrative procedures including fees and letter formats; and 4. Supports the practice of Local Governments negotiating maintenance agreements with freight owners/ generators in cases where the operations are predicted to cause	On advice from the State Solicitors Office, Main Roads WA is intending to remove the CA07 condition that requires a transport operator to obtain a letter of approval from the relevant Local Government. Main Roads is proposing to replace the condition with a notification process (CA88). After consultation with Regional Road Groups and a Stakeholder Working Group, the overwhelming majority of participants are of the view that the proposed arrangement is not an acceptable alternative. WALGA has written to Main Roads WA stating that WALGA does not support the alternative and that the position adopted by Sate Council in December 2018 has not changed.	Ongoing	Ian Duncan Exec Manager Infrastructure

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>extraordinary road damage as determined by the Local Government.</p> <p>5. Advocates to Main Roads to establish a stakeholder working group to develop an appropriate mechanism through which the increased infrastructure costs from the use of heavy vehicles and those loaded in excess of limits (concessional loading) can be recovered from those benefiting, and redirected into the cost of road maintenance.</p> <p><u>RESOLUTION 132.7/2018</u></p>			
2018 December 5 Item 5.9 Aboriginal Advocacy and Accountability Office Interim Submission	<p>That the interim submission to an Office for Advocacy and Accountability in Aboriginal Affairs in Western Australia: Discussion paper be endorsed.</p> <p><u>RESOLUTION 140.7/2018</u></p>	<p>It is expected that this matter will progress in the second quarter of 2019.</p> <p>The Association has been advised that the Department of the Premier and Cabinet (DPC) will be leading a whole-of-government Aboriginal Affairs Strategy that aims to be finalised for consideration by Cabinet by the end of 2019. Although the scope of the Strategy extends only to State Government agencies DPC are seeking to keep the Association engaged and to provide input if applicable. This Strategy is seen as complimentary to the Aboriginal Advocacy and Accountability Office concept explored at the end of 2018.</p> <p>No further update available at this time</p>	Ongoing	Mark Batty Exec Manager Strategy, Policy and Planning
2018 September 7 Item 5.8 Interim Submission to the Independent Review of the Strategic Assessment of the Perth and Peel Regions	<p>That the Interim Submission to the Independent Review of the Strategic Assessment of the Perth and Peel Regions be endorsed <u>subject to the inclusion of:</u></p> <ol style="list-style-type: none"> 1. Further guidance regarding the form of a assurance and adaptive management framework; and 2. Reference to the costs to Local Government of the ongoing management of conservation areas and how decisions the impacts of land use within urban areas will impact on peri-urban areas. <p><u>RESOLUTION 109.6/2018</u></p>	<p>Following the SAPP Review Panel's report to Government, which identified unresolved 'gateway issues' – legal risk, flexibility and funding - in February 2019 it was announced that the review would be extended so that these issues could be progressed and options developed.</p> <p>WALGA met with the Panel on 31 May 2019 to discuss funding options. The Review Panel also briefed the Growth Area Alliance Perth and Peel at its 13 June meeting.</p> <p>The Review Panel provided its report to the Deputy Premier in August 2019.</p> <p>WALGA met the Review Panel again in on 3 September and subsequently wrote to the Review Chair on 27 September to reiterate WALGA's in-principle support for the SAPP, contingent on the issues raised in earlier submissions and feedback to the Review Panel being addressed satisfactorily and the establishment of a consultative and transparent process is established going forward.</p> <p>On the 26 March 2020, the Premier announced that the review of SAPP will be deferred indefinitely, in an effort to free up resources and allow the State Government to continue to focus all efforts on responding to COVID-19.</p> <p>https://www.mediastatements.wa.gov.au/Pages/McGowan/2020/03/Administrative-changes-to-support-COVID-19-response-.aspx</p>	Ongoing	Mark Batty Exec Manager Strategy, Policy and Planning

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
2018 July 4 5.7 Interim Submission – Review of the State Industrial Relations System	<p>That the interim supplementary submission in response to the Interim Report of the Review of the State Industrial Relations System be endorsed.</p> <p><u>RESOLUTION 78. 5/2018</u></p>	<p>The Final Report (Report) of the review into the WA State Industrial Relations System was tabled in State Parliament on 11 April 2019. This report makes the recommendation to amend the <i>Industrial Relations Act 1979</i> (IR Act) to enable a declaration to be made that WA Local Government authorities are not “national system employers” for the purposes of the <i>Fair Work Act 2009</i> (FW Act).</p> <p>If endorsed at State and Federal levels there will be transitional arrangements to assist the 93% of Local Government currently operating in the Federal system transition to the State system.</p> <p>A taskforce comprising of key stakeholders, including WALGA, has been formed in June 2019 to discuss and scope out the proposed two year transition process.</p> <p>WALGA's position does not support the States recommendation and advocacy on this issue will continue.</p> <p>Advocacy has increased in opposing the State Governments proposal. Support for WALGA's position has been requested from all Local Governments and meetings are being scheduled with all State political parties as well as with the Federal Minister for Industrial Relations, Christian Porter.</p>	Ongoing	Tony Brown, Executive Manager Governance and Organisational Services
2017 July 5 5.5 Corella Project (05-046-02-0003 MH)	<p>That State Council</p> <ol style="list-style-type: none"> Note the outcomes of the Coordinated Corella Control pilot program. Endorse WALGA's proposed approach to the continuation and expansion of the Program in 2017/18. Seek to have the program expanded to the whole of the State, including the provision of adequate resources. 	<p>The Minister for Agriculture has agreed to the review of the Biosecurity and Agricultural Management Act (2007), and WALGA will raise the need to address significant incursions of this pest in town-sites and the peri urban areas across the south-west land division. The Preferred Supplier Program provides for contractors to manage this species, and WALGA continues to maintain the pest bird portal for interested members.</p> <p>The issue will be raised at the Biosecurity Senior Officer Group meeting scheduled for June 25th 2020</p>	Ongoing	Mark Batty Exec Manager Strategy, Policy and Planning
2017 March 1 5.11 Urban Forest (05-038-04-2211 LS)	<p>That WALGA:</p> <ol style="list-style-type: none"> Advocate and work with the State Government to further prevent the loss of urban tree canopy, which is a significant environmental and social issue for communities across the State; and Work with member Councils to develop a system of appropriate market based and regulatory instruments to promote the increase in the urban tree canopy on private property. 	<p>WALGA has established a Local Government Urban Forest Working Group (comprising representatives from 22 Local Governments) which is focusing on building Local Government capacity, identifying gaps and delivering practical planning outcomes and tools. It is intended that the group will operate as a community of practice for Local Governments to share their experiences and take collective action and responsibility for progressing agreed priority issues.</p> <p>WALGA has developed a proposal as part of the WALGA draft pre-budget submission for the development of a State Urban Forest Strategy which would include:</p> <ol style="list-style-type: none"> A comprehensive planning policy framework and mechanisms for the retention and planting of trees in relation to greenfield and infill development. A community education program to raise awareness of the many benefits of urban tree canopy for the community and provide information about suitable trees to plant; 	Ongoing	Mark Batty Exec Manager Strategy, Policy and Planning

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		<p>c. A competitive grant program matching Local Governments investments in delivering their urban forest strategies (and similar initiatives);</p> <p>d. Continued investment in urban tree canopy data and measurement.</p> <p>WALGA is also advocating on this issue directly with the Department of Planning, Lands and Heritage and the Department of Water and Environmental Regulation, in the context of the development of the State Climate Change Policy.</p> <p>WALGA in conjunction with the 24 Local Governments that form the Local Government Urban Forest Working Group are hosting the inaugural Urban Forest Conference on 17 April 2020 at the University of Western Australia in Perth. The conference will seek to showcase the achievements of the various stakeholders involved in growing Perth's urban canopy, as well as incorporating best practice examples from the private sector, highlight new research and provide networking opportunities. The broad themes of the conference will cover best practice urban design and planning to better accommodate canopy, planting for biodiversity, improved data outcomes, behaviour change and community perceptions and two technical workshops that will explore bushfire mitigation in a changing climate and how this impacts urban canopy and a tree planting matrix to assist with better planting outcomes for the swan coastal plain.</p> <p>Consistent with Government guidelines during the Covid-19 crisis, this conference has been postponed.</p>		

DECLARATION

These minutes will be confirmed at the meeting held on 2 September 2020.

Signed _____
 Person presiding at the meeting at which these minutes were confirmed