

# State Council Full Minutes

3 July 2019

## NOTICE OF MEETING

Meeting No. 5 of 2019 of the Western Australian Local Government Association State Council to be held at WALGA, 170 Railway Parade, West Leederville on Wednesday 3 July 2019.

### 1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

#### 1.1 Attendance

Members	President of WALGA Chair Deputy President of WALGA, North Metropolitan Zone Central Country Zone Central Metropolitan Zone Central Metropolitan Zone East Metropolitan Zone East Metropolitan Zone Goldfields Esperance Country Zone Gascoyne Country Zone Great Eastern Country Zone Great Southern Country Zone Kimberley Country Zone Murchison Country Zone North Metropolitan Zone North Metropolitan Zone Northern Country Zone Peel Country Zone South East Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South West Country Zone	President Cr Lynne Craigie OAM Mayor Tracey Roberts JP  President Cr Philip Blight Cr Jenna Ledgerwood Cr Paul Kelly Cr Brooke O'Donnell Cr Kate Driver President Cr Malcolm Cullen President Cr Cheryl Cowell President Cr Stephen Strange President Cr Keith House JP Cr Chris Mitchell JP Cr Les Price Cr Russ Fishwick JP Cr Giovanni Italiano JP President Cr Karen Chappel JP President Cr Michelle Rich Cr Julie Brown Mayor Carol Adams OAM Cr Doug Thompson Mayor Logan Howlett JP President Cr Tony Dean
Ex-Officio	Local Government Professionals WA Chair of Commissioners City of Perth	Mr Ian Cowie Mr Eric Lumsden
Secretariat	Chief Executive Officer EM Environment & Waste EM Governance & Organisational Services EM Finance & Marketing EM People and Place EM Infrastructure EM Business Solutions Manager Strategy & Association Governance Executive Officer Governance	Mr Nick Sloan Mr Mark Batty Mr Tony Brown Mr Zac Donovan Ms Joanne Burges Mr Ian Duncan Mr John Filippone Mr Tim Lane Ms Margaret Degebrodt

#### 1.2 Apologies

Pilbara Country Zone Pilbara Country Zone South West Country Zone South West Country Zone  Avon-Midland Country Zone South East Metropolitan Zone	President Cr Kerry White Mayor Peter Long (Deputy) President Cr Tony Dean President Cr Murray Scott (Deputy) Cr Jan Court JP Cr Brian Oliver
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## **ORDER OF PROCEEDINGS**

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

The Chair declared the meeting open at 4:04pm.

- Acknowledgement of Country
- Welcome to Mr Eric Lumsden, Commissioner, City of Perth
- Welcome to State Councillors and WALGA secretariat

## **MEETING ASSESSMENT**

The Chair invited Cr Jenna Ledgerwood to undertake a meeting assessment at the conclusion of the meeting.

## **ANNOUNCEMENTS**

Congratulations to Mayor Carol Adams on her OAM Award.

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

#### **2.1 Minutes of 5 June 2019 State Council Meeting.**

Moved: President Cr Karen Chappel

Seconded: President Cr Phillip Blight

That the Minutes of the Western Australian Local Government Association (WALGA) State Council Meeting held on 5 June 2019 be confirmed as a true and correct record of proceedings.

#### **RESOLUTION 63.5/2019**

**CARRIED**

#### **2.1.1 Business Arising from the Minutes of 5 June 2019.**

Nil

### **3. DECLARATION OF INTEREST**

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

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

Nil

## **PAPERS**

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

- Strategic Forum Agenda;
- Item 5.7 Selection Committee Minutes;
- Item 5.8 Use of Common Seal;
- Item 5.9 LGIS Minutes;
- Item 5.10 WALGA JLT Broking & Scheme Management Agreements CONFIDENTIAL
- CEO's report to State Council; and
- President's Report (previously emailed to your Zone meeting)

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## 4. EMERGING ISSUES

### 4.1 Regional Road Group Project – Finalisation Payments

*By Mayor Carol Adams, City of Kwinana*

**Moved: Mayor Tracey Roberts JP**

**Seconded: Cr Julie Brown**

**That the Emerging Issue relating to Regional Road Group Project – Finalisation Payments, be considered by State Council.**

**RESOLUTION 64.5/2019**

**CARRIED**

#### **BACKGROUND**

Many WA Local Governments cannot make final claims for Regional Road Group Projects until all costs are finalised.

The final claim is made to Main Roads and Main Roads makes the payment to the Local Government. However, one of the invoices required is a line-marking invoice.

The City of Kwinana has been advised that Main Roads do not allow Local Governments to engage a contractor directly. Main Roads' contractor completes line marking, and Main Roads invoice the Local Governments for actual costs.

The issue is that Main Roads has not been sending invoices for line marking, which means final claims cannot be made.

The effect of this is that each Local Government is carrying the prefunding of grant funded works, and is having to carry forward completed projects and outstanding income, in order to pay for line-marking (at a later date) and to account for the income in the following year.

Another consequence of this problem is that Main Roads will not process requests for additional funds until all invoices are received. Accordingly, Main Roads' failure to invoice for line marking prevents a Local Government from requesting additional funds from Main Roads. This problem arises because under the Main Road rules, a local authority can request up to an additional 10%, to cover over-expenditure.

#### **SECRETARIAT COMMENT**

Main Roads WA initiated a new five year line marking contract in October 2018. There were administrative and operational issues following the appointment of a new contractor. Additional resources have been deployed and new systems implemented. An analysis of the potential impact of delays in line marking on acquittal of State funded and Australian Government

Black Spot funded road projects in the Metropolitan Region was completed as at 20 June. The results are summarised below.

Project Status	Number of Projects	Unclaimed amount (\$)	% of Grant funds
Line marking completed; Invoice not yet issued	6	218,675	0.4
Line marking requested prior to 1 April 2019	13	832,535	1.7
Line marking requested during April 2019	10	465,438	0.9

Line marking requested 1 May – 20 June	26	737,711	1.5
Works complete; No line marking request received	6	1,031,026	2.1
<b>TOTAL</b>	<b>61</b>	<b>3,285,385</b>	<b>6.6</b>

The current funding agreement with the State Government provides for the first 80% of the cost of road projects to be pre-funded by Main Roads WA (40% paid on project initiation; 40% paid when the first grant payment spent). The final 20% (plus or minus adjustments) is paid on acquittal.

As part of a suite of measures designed to improve timely acquittal of State and Federal road project grants, the Metropolitan Regional Road Group agreed to implement penalties for failure to acquit projects within the budget year. These arrangements commence in 2019/20 following a two year lead in period.

There are 19 projects where line marking requests were made prior to 1 April that are clearly impacted by operational and administrative delays by Main Roads' line marking contractor. An estimated \$1.051 million is expected to be claimed for these projects.

It has been agreed with Main Roads WA and the Metropolitan Regional Road Group that where projects have been completed and line-marking requests received on or prior to 30 April 2019 then projects will be recorded as being complete in 2018/19 and penalties will not be applied. The final 20% claims will be accrued and on confirmation of final costs the final claims for these project will be processed.

A total of \$49.95 million in State Government grants plus Federal Black Spot program was budgeted for 2018/19 in the Metropolitan Regional Road Group. As at 20 June 2019, 26.7% (\$13.319 million) of grant funding for 2018/19 remains unclaimed, a result similar to the same time last year. There remains time to improve this result before the end of the month. Of the outstanding claims, 7.9% are clearly due to delays by the line marking contractor. A further 3.5% of the outstanding claims are arguably the result of the line marking contractor performance (requests made during April).

Advice to Local Government staff during the past two years has highlighted the need to schedule road projects to complete physical work by the end of March to ensure timely acquittal. The Site Availability Form indicates that the line-marking delivery timeframe is 20 business days following confirmation of site availability. The time allowance for the sub-contractor, contractor, Main Roads WA and Local Government to produce and process an invoice is not set out.

The system does not provide any response or advice to Local Governments following receipt of the Site Availability Advice prior to receipt of the invoice for actual cost.

**Moved: Mayor Carol Adams OAM**  
**Seconded: President Cr Stephen Strange**

**That:**

- 1. WALGA write to MRWA seeking an urgent meeting to call for procedure changes to ensure timely delivery and invoicing of line marking.**
- 2. Where a request for line marking was submitted on or before 30 April 2019 the outstanding claim amount (final 20%) is accrued at 30 June, the project recorded as being complete in 2018/19 and no penalties on future grants be applied.**
- 3. Through the State Road Funds to Local Government Advisory Committee, WALGA seek a change to the Procedures so that invoices are always provided within four weeks of line marking work being completed and Main Roads WA to invoice on the basis of an estimate where this is not achieved.**

**RESOLUTION 65.5/2019**

**CARRIED**

## 5. MATTERS FOR DECISION

### 5.1 National Redress and Local Government (05-086-03-0004 KD)

*By Kirstie Davis, Policy Manager Community*

**Moved:** Cr Julie Brown

**Seconded:** President Cr Karen Chappel JP

**That:**

1. **WA Local Government participation in the State's National Redress Scheme declaration with full financial coverage by the State, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.**
2. **WALGA continue to promote awareness of the National Redress Scheme and note that Local Governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.**

**RESOLUTION 66.5./2019**

**CARRIED**

#### **In Brief**

- The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) was established in January 2013.
- The WA Parliament passed the legislation required to allow the Government and WA based non-government institutions to participate in the Scheme. The National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018 (WA) took effect on 21 November 2018.
- The Association, together with the Department of Local Government, Sport and Cultural Industries (DLGSC) consulted with the Local Government sector to develop the Western Australian State Government Child Safety Implementation Plan which was provided as an Item for Decision at the WALGA State Council December 2018 meeting.
- From February 2019, DLGSC has been consulting Local Government on their preference and capacity to join the National Redress Scheme, with one option to join as a State Government agency under the definitions contained within the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth).
- This report outlines outcomes from this consultation and provides a recommendation for final endorsement that is then subject to State Government consideration.

#### **Attachment**

Nil.

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

#### **Key Strategies**

##### Engagement with Members

- Improve communication and build relationships at all levels of member Local Governments.

##### Sustainable Local Government

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



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

#### Enhanced Reputation and Relationships

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

## **Policy Implications**

*National Redress Scheme for Institutional Child Sexual Abuse Act 2018*

## **Budgetary Implications**

There are no financial requirements to join the Scheme. However if a claim is made against a Local Government there will be resources required to respond and a financial redress payment made of which the specifics are covered in this report. The budget implications will be subject to the further engagement between Local and State Government in the second half of 2019.

## **BACKGROUND**

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) was established in January 2013, to investigate systemic failures of public and private institutions, and to protect, report and respond to child sexual abuse.

The Royal Commission released three reports throughout the inquiry: *Working with Children Checks* (August 2015), *Redress and Civil Litigation* (September 2015) and *Criminal Justice* (August 2017). The Final Report (Final Report) incorporated findings and recommendations of the previously released reports and was handed down on 15 December 2017<sup>1</sup>. Local Government were engaged in two stages of consultations as outlined below.

### **Stage 1: Child Safety Officers**

The Royal Commission made 409 recommendations. Of which 310 are applicable to the Western Australian State Government and one specific recommendation was directed at Local Government. Many recommendations will directly or indirectly impact on the organisations that Local Government works with and supports within the community<sup>2</sup>. Stage One consultations related directly to the recommendation which read as follows:

#### *Recommendation 6.12*

*With support from governments at the national, state and territory levels, Local Governments should designate child safety officer positions from existing staff profiles to carry out the following functions:*

- developing child safe messages in Local Government venues, grounds and facilities*
- assisting local institutions to access online child safe resources*
- providing child safety information and support to local institutions on a needs basis*
- supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.*

DLGSC consulted with Local Governments, through WALGA, between July and September 2018 on this recommendation and other related recommendations through the distribution of an Information and Discussion Paper (31 July 2018), webinars (August 2018) and an invitation for submissions that concluded in September 2018 and was endorsed by State Council at its December 2018 meeting.

<sup>1</sup> To access a full version of the Royal Commission's Findings and the Final Report, follow the link at <https://www.childabuseroyalcommission.gov.au/>.

<sup>2</sup> The State Government's response was released on 27 June 2018. The WA Government's response to the Royal Commission recommendations can be accessed at: <http://www.dpc.wa.gov.au/childabuseroyalcommission>

The endorsed position concluded:

- The principles of the recommendation are fundamentally sound in that it determines the role of Local Government as a capacity building function with resources, training and associated materials to be the responsibility of State Government, led by the Department of Communities in partnership with DLGSC
- Local Governments expressed generalised support, with concerns regarding the implementation of reforms in relation to:
  - the impact to the Local Government workforce
  - increasing levels of service expectations
  - strategic alignment and a whole of government approach
  - deliberative consultation and good governance moving forward
  - data collection
  - financial management policy and process
  - volunteer and community groups, and
  - rural and remote communities.

The findings have been finalised and will inform the State Government's development of key policies, reforms and program initiatives throughout 2019. At which time clarity will be provided around Local Governments role in responding to the Royal Commission recommendation to implement Child Safety Officers from existing workforce profiles and contribute to reforms in other areas (child safeguarding).

In the meantime, Local Governments are encouraged to continue due diligence on Working With Children checks and working to promote child safeguarding within the broader community.

## **Stage 2: National Redress Scheme**

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single national redress scheme.

The National Redress Scheme involves:

- People who have experienced institutional child sexual abuse who can apply for redress
- The National Redress Scheme team — Commonwealth Government staff who help promote the Scheme and process applications
- Redress Support Services — free, confidential emotional support and legal and financial counselling for people thinking about or applying to the Scheme
- Participating Institutions that have agreed to provide redress to people who experienced institutional child sexual abuse, and
- Independent Decision Makers who will consider applications and make recommendations and conduct reviews.

The National Redress Scheme formally commenced operation on 1 July 2018 and offers eligible applicants three elements of redress:

- A direct personal response from the responsible institution, if requested
- Funds to access counselling and psychological care, and
- A monetary payment of up to \$150,000 (average payment expected to be approximately \$76,000).

The Scheme is being administered by the Commonwealth Government and all State and Territory Governments have formally joined the Scheme. Institutions that agree to join the Scheme are required to adhere to the legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

The WA Parliament passed the legislation required to allow the Government and WA based non-government institutions to participate in the Scheme. The *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018* (WA) took effect on 21 November 2018.

The WA Government commenced participation in the Scheme from 1 January 2019.

The State Government's Redress Coordination Unit has been established within the Office of the Commissioner for Victims of Crime, Department of Justice, and will:

- Act as the State Government's single point of contact with the Scheme
- Coordinate information from State Government agencies to the Scheme, and
- Coordinate the delivery of Direct Personal Responses (DPR) to redress recipients (at their request) by responsible State Government agencies to redress recipients.

DLGSC provided Local Governments with a second Information and Discussion Paper (January 2019) which focused on Redress and then consulted with the Local Government sector through the February/March and June/July Zone meeting schedules together with attendance and presentations at key network meetings.

This consultation provided an opportunity for discussion and agreement to be reached on whether Local Governments will participate in the Scheme and, if so, whether participation will be with the State Government. Outcomes are now being presented to WALGA State Council for final endorsement and will then be subject to State Government approval.

To effectively respond to and provide key decision makers within Local Government Executive Administration and Elected Members, Local Governments should consider their capacity as a participating organisation through assessment of:

1. Source and provide records within prescribed timeframes
2. Deliver a Direct Personal Response in the requested manner
3. Financial compensation of the claim.

The following commentary is a discussion around the most recent consultation phase that requests a response from Local Governments on capacity to join the Scheme.

## Comment

Local Governments have the opportunity to either join the National Redress Scheme (the Scheme), and limit their liability exposure to the elements defined in the Scheme, or to not join and risk the full extent of a civil litigation process in the event an application is made against them. Whilst there is no obligation or cost to join the Scheme it was the favoured position of Local Government to join. The following table outlines considerations that which guided this initial decision.

Join Scheme (National Redress Scheme)	
Opportunities	Challenges
<ul style="list-style-type: none"><li>• Clearly defined eligibility criteria</li><li>• Consistency and capping of compensation payments</li><li>• Releases institution from civil liability</li><li>• Minimising likelihood of re-traumatisation for victim/survivor</li><li>• Increased perception of justice and procedural fairness is promoted provided protection for LGs</li><li>• Display of accountability and transparency of Local Government</li></ul>	<ul style="list-style-type: none"><li>• Ratepayers don't get a say</li><li>• WA Criminal Code may produce conflicting complexity.</li></ul>

<ul style="list-style-type: none"> <li>• National consistency and legislative safeguarding</li> <li>• Supports the principle of accountability promoted by the Royal Commission</li> </ul>	
Do Not Join Scheme (Civil Litigation Process)	
Opportunities	Challenges
<ul style="list-style-type: none"> <li>• Potential for negotiated settlement</li> <li>• Independence in achieving resolutions</li> <li>• Unlimited timeframes for action</li> <li>• WA Redress Scheme may have addressed some claims.</li> </ul>	<ul style="list-style-type: none"> <li>• A potentially more difficult process for survivors/victims</li> <li>• Additional legal and other expenses</li> <li>• No capped financial claim amount (could exceed \$150k)</li> <li>• Eligibility criteria and standard of proof unrestricted</li> <li>• Unlimited timeframes for action therefore may incur higher legal fees</li> <li>• Potential for socio-political consequences.</li> </ul>

Primarily based on Local Government as a compliance driven organisation that traditionally operates in a risk management framework, it was the favoured position of Local Government to join the Scheme.

In joining the Scheme, there are three primary areas for considerations as prescribed by the Act.

#### 1. Source and provide records within prescribed timeframes

Local Governments are guided by the *Local Government Act 1995*, previously the *Local Government Act 1960*, and further by the *State Records Act 2000*, as to what information to collect and report. Certain information about a person or an institution is protected information and can only be obtained, recorded, disclosed or used if this Act authorises that to happen. The *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* [S91-101] guides compliance in this area.

If an application is made for a service provided by a Local Government the following may help guide Local Governments on the nature, type and level of detail that could be incorporated into the application review process.

It is expected that Local Government will be able to provide information from the following sources:

- Ordinary Council Meeting minutes and agendas
- Financial Reports
- Annual Report
- Rate records
- Human Resources payroll records
- Documents of ownership and/or occupancy
- Certificates and licences for authorisation or approval i.e. planning/building
- Audit reports of systems, policies, practices and procedures.

Other possible sources for information:

- Library archives and membership records from other services (i.e. Recreation Centre)
- Ranger services fees and charges
- Vehicle log books
- Submissions, community consultation reports
- Local newspaper records, clippings or newsletters
- Attendance records at swimming, childcare, youth camp, other child services

- Photographs
- Historical Societies and other groups may be of assistance.

In recognising the diversity across the Local Government sector, it is likely that a proportion of Local Governments will require some assistance from the State Government Redress Coordination Unit to respond within the given timeframes<sup>3</sup>. However the primary responsibility of sourcing and providing records is considered the responsibility of the Local Government. This is considered to be the most practical and pragmatic response that acknowledges the importance of local knowledge and the relationship Local Government has with its community. Most often local people will be best able to contest the anecdotal and objective information and provide local leadership in this area.

## **2. Deliver a Direct Personal Response in the requested manner**

The *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* [S5691-7]) provides a set of general principles required for the delivery of a direct personal response which include engagement with the survivor and specifically the delivery should be:

*(6) by people who have received training about the nature and impact of child sexual abuse and the needs of survivors, including cultural awareness and sensitivity training where relevant.*

The State Governments Redress Coordination Unit is responsible for coordinating the delivery of direct personal responses which should include training, mentoring and support from suitably qualified professionals and development of specific protocols and approached to assist in achieving the most successful outcomes for each individual case. This recommendation considers it appropriate for the locally identified individual to utilise these services to deliver the apology. This is proposed for the primary reasons of:

- Existing relationships with individuals and communities that is built on dignity and respect
- Developing and further supporting the wider community a Local Government serves
- Capacity building and professional development of Local Government to access State Government provided training and support that builds the social capital of a Local Government to respond.

In a world where social complexities are becoming extremely diverse, the opportunity to broaden, improve and maintain skills, knowledge and expertise and to develop the qualities required in unique settings is an opportunity now available to Local Government.

## **3. Financial compensation of the claim**

The *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* [S48-50] provides guidance around a redress payment.

It has been suggested that the State Government could cover the costs of payment through the *Criminal Property Confiscation Act 2000*, or specifically allocated State Government budget to respond to National Redress. In the event neither of these options is a successful source of payment, other State Government funded sources are to be discussed and considered<sup>4</sup>, These suggestions are based on the following considerations:

- Under the *Local Government Act 1995*, no Local Government can be deemed bankrupt, however the burden of cost is passed through to the ratepayers of the current day
- Based on the anticipation that public liability and insurance costs for Local Government from their primary provider will inevitably rise, regardless of whether an application is made against a Local Government or not

<sup>3</sup> *National Redress Scheme for Institutional Child Sexual Abuse 2018* [Division 3, S24(4)-(7)] <https://www.legislation.gov.au/Details/C2018A00045>

<sup>4</sup> Note the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* [S6.8(9)] provides guidance to Local Government to raise an expense outside of the municipal budget process in the incident of a Redress payment.

- 80% of Local Governments are in regional areas and some in very remote locations, which directly correlates to a declining capacity to finance a claim should it arise
- To assist with the tightening fiscal environment, and with consideration to the likelihood of applications against a Local Government to be relatively low and minimal.

Further supporting this recommendation is the significant contribution to National Redress in the Western Australian State Government 2019-20 budget announcement which included:

- \$627,000 will be spent in 2019-20 to develop a whole-of-government strategy for the independent oversight of institutions providing child-related services
- An additional \$3.6 million over two years to employ additional State Government staff to complete the work
- The Western Australia Police Force will spend \$299,000 to digitise and upload historical criminal records from prior to 1985 to the criminal record database, \$114,000 to modify the Working with Children Check application and assessment system and \$442,000 to purchase new fixed and mobile recording equipment for use during interviews, and
- The State Solicitor's Office has been provided with additional resources totalling \$2.9 million over 2018-19 to 2020-21 to respond to the Government's reform to remove statutory limitation periods for historical child sexual abuse.

It is reasonable to acknowledge that the WA Redress Scheme established from 2008 to 31 December 2011 processed a total of 5,212 payments totaling \$117,740,167. This significant redress reform has impacted on the current status quo in Western Australian government institutions.

At the end of May 2019 there had not been a claim against a Western Australian Local Government in the first five months of the Schemes operation.

It is WALGA members' preference to enter a partnership arrangement with State Government, to absorb responsibility where it possibly can, and to fairly acknowledge where it cannot. Therefore, State Government fiscal responsibility is the preferred recommendation of this report as underpinned by consultation with members.

### **Frequently Asked Questions**

The following were developed and circulated as part of the WALGA Directions Paper at the request of members during the consultation period to assist in decision making and development of the sectors recommendations.

#### **a) Direct Personal Response specific protocols / approaches**

Direct Personal Responses is outlined in section 2.3 above and guided through *National Redress Scheme for Intentional Child Sexual Abuse Act 2018* [S5691-7)].

The State Governments Redress Coordination Unit is responsible for coordinating the delivery of direct personal responses which should include training, mentoring and support from suitably qualified professionals and development of specific protocols and approached to assist in achieving the most successful outcomes for each individual case.

#### **b) Protocols for complying with information requirements**

Records management is outlined in section 2.2 above with compliance provisions outlined in the *National Redress Scheme for Intentional Child Sexual Abuse Act 2018* [S91-101]. Consultation with DLGSC has consistently stated that all applications made by Commonwealth will be made on the information provided at that point in time. Refer to [S96(6-7)] for specific guidance on what is deemed to be an offence.

#### **c) Personal support for staff dealing with Redress matters**

The State Governments Redress Coordination Unit is responsible for coordinating the delivery of direct personal responses which should include training, mentoring and support from suitably qualified

professionals and development of specific protocols and approached to assist in achieving the most successful outcomes for each individual case.

**d) Case examples / findings of where Redress has been supported by the Scheme Operator related to a Local Government (to further assess process / outcomes and impacts, including level of information provided as part of claims leading to redress).**

Local Government specific case studies are not yet available. At time of this publication a total of 189 applications have been made to the State Government, with no cases made against a Local Government. WALGA will continue to liaise with other State Associations to ensure the most up to date information, best practice and other knowledge is brought to light of its members when it becomes available.

The National Redress website lists a vast range of resources including Case Studies<sup>5</sup> that may provide insight to redress from a variety of perspectives for examples YMCA, Salvation Army and Aboriginal Children's Services to name a few.

**e) Better understanding of the Burden of Proof determination. What are the parameters for this?**

Burden of proof is the likelihood of the application based on the information provided with the main purpose of reducing unknowns and addressing inconsistencies between the application and information provided. Burden of proof in redress is quite low in comparison to a civil litigation process.

Records management is outlined in section 2.2 above with compliance provisions outlined in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* [S91-101]. Consultation with DLGSC has consistently stated that all applications made by Commonwealth will be made on the information provided at that point in time. Refer to [S96(6-7)] for specific guidance on what is deemed to be an offence.

**f) Can decisions made by the Scheme Operator be appealed / reviewed within the Scheme?**

There is no appeal process available through National Redress, the confirmed process is outlined in the Act.

**g) Through the Scheme, will any legal advice be provided to Local Governments?**

WALGA has been working closely with DLGSC and Department of Premier and Cabinet who have engaged legal services to help guide and develop the process to address legislative queries around National Redress and Local Government.

Once an application has been made, all legal advice through National Redress is offered to the applicant. In which case it is up to each Local Government to determine if they would like to seek their own legal advice.

**h) Clarification about limitation periods associated with claims? What timeframes can they be considered historically?**

The National Redress has been defined to run for a period of two years from starting date of 1 July 2018, and is subject to review. Applications can be lodged from as far back as is necessary. Mindful that for more historical applications, information provision will be harder to provide, reducing the likelihood of a successful application.

**i) Can a Local Government opt out of the Scheme at any stage? [S116(1-2)]**

An institution ceases to be a participating institution if the declaration made under subsection 115(2) in relation to the institution is revoked under subsection (2), (3), (4) or (5) of this section.

The Minister may, by notifiable instrument, revoke a declaration made under subsection 115(2) in relation to an institution.

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<sup>5</sup> <https://www.childabuseroyalcommission.gov.au/case-studies>

**j) Is Local Government still liable for redress application to an institution that no longer exists?**

A defunct institution may be a government or non-government institution and under the clause of provider of last resort you may be considered in the application of redress under these circumstances.

**k) What does funder of last resort mean to Local Government?**

There will be cases in which abuse occurred in institutions that no longer exist. There will also be cases where institutions that still exist have no assets from which to fund redress.

Funding for redress for survivors of abuse in these institutions will need to come from elsewhere.

The community is entitled to look to government to meet an identified community need from their revenue sources rather than impose the obligations of one institution to either another institution or on individual survivors.

Local Government are satisfied with the response that State Government should be considered as funders of last resort on the basis of their social, regulatory and guardianship responsibilities as discussed above.

LGIS have been actively engaged with WALGA and other key stakeholders in most of the discussions about National Redress from the beginning and have developed and communicated a position paper.

LGIS do not form a position about whether Local Government should join the Scheme or not, however have outlined the barriers to LGIS Liability protection responding to redress awards (LGIS position statement released April 2019). The LGIS position paper notes that *“redress awards is recognition of harm as opposed to “legal liability”, therefore neither the protection offered by LGIS or a conventional liability insurance policy would respond to redress awards”*. LGIS has confirmed it currently does not carry a sexual molestation limitation and members will be indemnified against civil claims subject to the circumstances of each claim.

**Conclusion**

The National Redress Scheme is established to provide an effective means of justice for survivors of abuse. Local Government should act decisively with the regard to acts of sexual abuse toward children and that joining redress is a sound organisational approach to risk management of child abuse both historically and for the future protection of communities. It is recommended:

**That WA Local Governments participation in the State’s National Redress Scheme declaration with full financial coverage by the State, is endorsed in principal, noting that further engagement with the sector will occur in the second half of 2019.**

*Cr Brooke O'Donnell arrived at 4:13pm.*



## **5.2 Draft Guidelines for Local Heritage Surveys and *Heritage Act 2018* Proclamation Regulations (05-071-03-0003 SM)**

Susie Moir, Policy Officer, Community

**Moved:** President Cr Malcolm Cullen  
**Seconded:** Mayor Logan Howlett JP

**That:**

- 1. The interim submission on the Draft Guidelines for Local Heritage Surveys and *Heritage Act 2018* Proclamation Regulations be endorsed.**
- 2. WALGA write to the Minister for Planning, Lands and Heritage advising of the Local Government sectors' concerns about the lack of funding for maintenance, management and conservation of heritage places in Western Australia and urging the State Government to provide additional funding and support for heritage conservation.**

**RESOLUTION 67.5/2019**

**CARRIED**

### **In Brief**

- State Parliament passed the *Heritage Bill 2017* on 12 September 2018, effectively giving Western Australia a new Heritage Act (to be known as the *Heritage Act 2018*).
- Before the new Act can be proclaimed, a series of regulations must be approved by the Governor to ensure the new Act will have its intended effects. The Department of Planning, Lands and Heritage (DPLH) sought input on the draft Proclamation Regulations and various supporting guidelines and publications, including Draft Guidelines for Local Heritage Surveys (previously called Heritage Inventories).
- Consultation with Local Government was undertaken between January and April 2019.
- An interim submission was prepared to meet the submission deadline of 3 May 2018 and is now presented to State Council for final endorsement.

### **Attachments**

[Heritage Act 2018 Proclamation Regulations Explanatory Paper, March 2019.](#)

[Guidelines for Local Heritage Surveys Discussion Paper, March 2019 .](#)

The interim submission on Draft Guidelines for Local Heritage Surveys and the *Heritage Act 2018* Proclamation Regulations.

### **Relevance to Strategic Plan**

#### **Key Strategies**

##### Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments,
- Improve communication and build relationships at all levels of member Local Governments.

##### Sustainable Local Government

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

##### Enhanced Reputation and Relationships

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

## Policy Implications

This Item supports WALGA Policy Position 6.17 Built Heritage which provides that Local Government acknowledges the role of history and built heritage in the development of community cultural identity. (Resolutions December 2015 – 128.7/2015; April 2006 – 0.42.COM.2/2006; December 2005 – 0160.COM.6/2005).

## Budgetary Implications

Nil.

## Background

Parliament passed the *Heritage Bill 2017* on 12 September 2018, effectively giving Western Australia a new Heritage Act (to be known as the *Heritage Act 2018*).

Before the new Act can be proclaimed, a series of regulations must be approved by the Governor to ensure the new Act will have its intended effects. DPLH sought input on the draft Proclamation Regulations and various supporting guidelines and publications. Some of these materials are required by the new legislation, while others are intended to guide the Heritage Council and others in applying various provisions of the Act.

Under the Act existing Local Government heritage inventories will become known as a 'Local Heritage Surveys' or LHS. The Act directs the Heritage Council to publish guidelines that cover key areas for the preparation and review of these surveys, and requires that Local Government gives due regard to the guidelines.

The DPLH took a collaborative approach to the development of, and consultation on, the Draft Guidelines for Local Heritage Surveys. WALGA worked with DPLH officers to facilitate three workshops for Local Government on the Draft Guidelines and Proclamation Regulations:

- 18 January 2019 – Workshop at Heritage Council for Local Governments involved with the Heritage Officers Group (Rockingham, Perth, Canning, Fremantle and Peppermint Grove)
- 21 March 2019 – Workshop and Webinar at WALGA for Metropolitan and Regional Local Governments (Augusta Margaret River, Gosnells, East Fremantle, Perth, Vincent, Melville, Subiaco, Cambridge, Peppermint Grove, Busselton, Menzies, Northam and Manjimup participated)
- 30 April 2019 – Local Government Heritage Workshop Session at State History and Heritage Conference for Metropolitan and Regional Local Governments (29 Local Governments represented at Conference).

## Comment

The robust consultation process enabled Local Government to contribute to the development of the Guidelines for Local Heritage Surveys. Further issues raised by Local Government in relation to the Draft Guidelines and explored in the Interim Submission relate to the relationship with Aboriginal heritage, the different types of review and timeframes, nature and extent of consultation, assessment processes and significance descriptions, public access, supporting documents and best practice in other jurisdictions. Issues raised by Local Government in relation to the Proclamation Regulations related to Repair Notices and work permits for registered places.

## ATTACHMENT - Item 5.2

3 May 2019

Attn: Assistant Director General, Heritage Services  
Department of Planning, Lands and Heritage  
Locked Bag 2506  
PERTH WA 6001

By email: [heritageact2018@dplh.wa.gov.au](mailto:heritageact2018@dplh.wa.gov.au)

Dear Sir/ Madam,

### **RE: Interim Submission –Draft Guidelines for Local Heritage Surveys and *Heritage Act 2018 Proclamation Regulations***

Thank you for the opportunity to provide comment on the Discussion Paper and Draft Guidelines for Local Heritage Surveys and the Explanatory Paper relating to the Proclamation Regulations for the *Heritage Act 2018*, both released in March 2019.

The Western Australian Local Government Association (WALGA) is an independent, membership based organisation representing and supporting the work and interests of 138 Local Governments in Western Australia. WALGA provides an essential voice for over 1,200 Local Government Elected Members, approximately 14,500 employees and over 2.5 million constituents of Local Government in Western Australia.

Local Government acknowledges the important role of history and built heritage in the development of community cultural identity.

#### **Draft Guidelines for Local Heritage Surveys**

WALGA is very grateful for the collaborative approach that the Department of Planning, Lands and Heritage (DPLH) has taken to the development of, and consultation on, the Draft Guidelines for Local Heritage Surveys (Draft Guidelines). DPLH officers have facilitated three workshops for Local Government (on 18 January, 21 March and 30 April 2019 as part of the State History and Heritage Conference) which has provided the opportunity for a significant number of Local Governments to provide feedback directly to DPLH. The workshop on 18 January 2019 was held before the release of the Discussion Paper and Draft Guidelines, enabling Local Government to assist in, and contribute to, the development of the Draft Guidelines and Discussion Paper prior to their finalisation.

The following key issues have been raised by WALGA members during the consultation:

1. Introduction
  - a. The Introduction of the Draft Guidelines should provide additional information about the different implications of places being listed on the Local Heritage Survey and the State Heritage List.
2. Definition of Place
  - a. Local Government seeks greater clarification about how Aboriginal heritage fits within the Draft Guidelines. Amending the wording of clause 1.5 to make it clearer when places of significance to Aboriginal communities may or may not be included on the Local Heritage Survey, and how to identify places with layers of Aboriginal and non-Aboriginal significance, is recommended.
  - b. Guidance is requested for sites that have multiple values and/or listings.
  - c. Places can be a group or precinct and this should be reflected in the Draft Guidelines.
3. Updates and Reviews:

- a. The Draft Guidelines need to more clearly delineate the distinction between an ad hoc review, an administrative update and a full review (Parts 2.2-2.4 inclusive of the Draft Guidelines).
  - b. Part 2.4.2 of the Draft Guidelines should give a timeframe within which the review is to be undertaken from commencement to completion to prevent the completion of reviews being delayed.
- 4. Consultation:
  - a. As provided by clause 3.1, Local Governments should determine the scope and nature of the consultation process that they undertake in alignment with relevant policies and the size and nature of the stakeholder group.
  - b. The relationship between a Local Heritage Survey and a Heritage List requires clarification. This could be addressed in this section or in the Introduction, or both.
  - c. Property owners are often concerned by the planning implications of their property being included on the Heritage List. DPLH should consider specifying in the Draft Guidelines that there are no planning implications of a property being included on a Local Heritage Survey. Reference to clause 6.1 of SPP3.5 Historic Heritage Conservation which provides that '*The inventory does not have statutory force and effect in terms of planning controls*' may be helpful. This could be addressed in this section or in the Introduction, or both.
  - d. Specific reference to obtaining input from owners of adjoining properties could usefully be added at clause 3.4.4.
- 5. Assessment Processes
  - a. Clauses 4.1.1 and 4.1.2 should be amended to clarify that factors are to be considered in relation to places of 'local' cultural heritage significance and that the HERCON factors (as referred to in section 38(1) of the *Heritage Act 2018*) can also be applied at a local level.
  - b. The classification of significance descriptions referred to in clause 4.2.2 and contained in Table 1 should be simplified and amended to more clearly differentiate one level of significance from another, and the references to 'integrity' and 'authenticity' should be removed to reflect the move to focusing on cultural heritage significance rather than physical characteristics of places.
- 6. Criteria for Inclusion
  - a. The criteria for inclusion at clauses 5.1-5.3 inclusive are generally supported.
- 7. Public Access
  - a. Clause 6.1.1 should be amended to include a statement that once information is uploaded to the inHerit database, automated extracts from other databases may be included with the file.
  - b. Provision of the Local Heritage Survey at nominated public offices is supported.
- 8. Supporting Documents
  - a. Local Government would like to see some further supporting documents being developed, including an explanatory document with examples and case studies (for example, how to identify places with layers of Aboriginal and non-Aboriginal significance, and examples of places that fulfil different categories of significance as provided by Table 1), and details of the process for assessment.
  - b. Local Government is awaiting the preparation of Guidelines on the creation of the Heritage List which have been underway for approximately 4 years.
  - c. An updated version of *Criteria for the Assessment of Local Heritage Places and Areas: A Practical Guide to Identifying, Grading and Documenting Places and Areas in Local Government Inventories* that includes the HERCON factors would also be welcomed by Local Government.

## 9. Best Practice

- a. The Queensland Department of Environment and Heritage Protection Guideline 'Carrying Out a Heritage Survey' (2015) provides a best practice example of how Local Government can identify, investigate and represent the cultural heritage values of diverse communities.

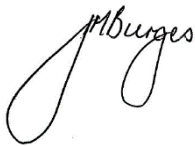
### **Proclamation Regulations for the *Heritage Act 2018***

The following key issues have been raised by WALGA members during the consultation:

1. Part 4: – *Draft Regulation 37. Repair Notices*. Draft Regulation 37 provides for the Minister to issue a Repair Order to a landowner to undertake repairs to a heritage place. Page 25 of the Explanatory Paper states that Repair Orders bring "*options open to WA local governments to address genuine cases of neglect*". However, the *Heritage Act 2018*, the Proclamation Regulations nor Draft Regulation 37 provide any guidance as to the requirements for Local Government to undertake monitoring for potential issues of neglect, how Local Government is to bring these issues to the attention of the Heritage Council, or the process for doing so. DPLH needs to consider these issues and provide further guidance to Local Government as to how the processes relating to Repair Orders are expected to operate in practice. These processes should be developed in consultation with Local Government and align with other, similar processes where repair orders are issued, eg under provisions of the *Building Act 2011*.
2. Part 5: - *Draft Regulation 42. Permit for works affecting registered place*. Section (1)(a) of Draft Regulation 42 should be amended to make it clear that applications for a works permit under section 79 of the Act must be made in writing '*to the Heritage Council*'.

Thank you again for the opportunity to provide comment. For additional information please contact Susie Moir, Policy Officer - Community on 92132058 or [smoir@walga.asn.au](mailto:smoir@walga.asn.au).

Yours Sincerely,



**Joanne Burges**  
Executive Manager, People and Place

## **5.3 Review of the *Aboriginal Heritage Act 1972* (Phase Two) (05-032-01-0001 SM)**

*By Susie Moir, Policy Officer, Community*

**Moved: Cr Julie Brown**

**Seconded: Cr Chris Mitchell JP**

**That the interim submission on the Aboriginal Heritage Act Review Phase Two be endorsed.**

**RESOLUTION 68.5/2019**

**CARRIED**

### **In Brief**

- In March 2018 the Minister for Aboriginal Affairs initiated a review of the *Aboriginal Heritage Act 1972* (the AHA). More than 130 written submissions were received by the Department of Planning, Lands and Heritage (DPLH) (including from WALGA). Feedback received during the 2018 review indicated that the scope and the purpose of the AHA needed to change and new legislation was needed.
- In March 2019, the Minister for Aboriginal Affairs released a Discussion Paper and additional materials setting out proposals for a new Aboriginal heritage system that will recognise, protect, manage and celebrate the places and objects that are important to Aboriginal people while providing an efficient land use proposal framework.
- Consultation with Local Government was undertaken between March and May 2019.
- An interim submission was prepared to meet the submission deadline of 31 May 2019 and is now presented to State Council for final endorsement.

### **Attachments**

[AHA Review Consultation Phase Two – Discussion Paper](#)

[AHA Review Consultation Phase Two – Overview of proposals for new legislation](#)

[AHA Review Consultation Phase Two – Consultation Paper](#)

The interim submission on the Review of the *Aboriginal Heritage Act 1972* (Phase Two)

### **Relevance to Strategic Plan**

#### **Key Strategies**

##### **Engagement with Members**

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

##### **Sustainable Local Government**

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

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

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

## Policy Implications

All Local Governments are bound by the requirements of Aboriginal Heritage legislation.

This Item supports WALGA Policy Position 3.1.1 that Local Government is supportive of conserving and protecting the State's Aboriginal heritage. (Resolutions: September 2012 – 109.5/2012; September 2012 – 118.5/2012; October 2005 – 0057.COM.3/2005; June 2005 – 0057.COM.3/2005)

## Budgetary Implications

Nil.

## Background

In March 2018 the Minister for Aboriginal Affairs initiated a review of the *Aboriginal Heritage Act 1972* (the AHA). More than 130 written submissions were received by the Department of Planning, Lands and Heritage (DPLH) including a submission from WALGA and submissions from five Local Governments.

Feedback received during the 2018 review indicated that the scope and the purpose of the AHA needed to change and new legislation was needed.

In March 2019, the Minister for Aboriginal Affairs released a Discussion Paper and additional materials setting out proposals for a new Aboriginal heritage system to recognise, protect, manage and celebrate the places and objects that are important to Aboriginal people, as well as providing an efficient land use proposal framework.

Consultation with Local Government to inform the submission was undertaken between March and May 2019. WALGA engaged with members in a number of ways:

- WALGA and DPLH presented an Infosession (also available by webinar) on 9 May 2019 which was attended by officers, managers and Elected Members from 9 Local Governments (Perth, Gosnells, Armadale, East Pilbara, Derby – West Kimberley, Busselton, Broome, Augusta – Margaret River and Northam)
- WALGA undertook a member survey seeking feedback on the review which was advertised in LG News and received 10 responses (seven from metropolitan Local Governments and three from regional and rural Local Governments), and
- WALGA established a Sector Reference Group during the 2018 review which again assisted in preparing the submission. An Expression of Interest process was undertaken through LG News in April 2019 to provide a further opportunity for involvement to WALGA members. Members are from Rockingham, Boddington, Augusta - Margaret River, Perth, Wanneroo, and Derby – West Kimberley.

## Comment

Feedback from members is largely supportive of the proposed reforms which seek to recognise the rights of Aboriginal people under national and international law to protect their cultural heritage and reflect current best practice heritage management principles. Significant matters raised in the Submission relate to the establishment, governance, financing, resourcing, fees and timeframes for services of Local Aboriginal Heritage Services, the relationship between the new Aboriginal heritage legislation and the *Planning and Development Act 2005*, and the use of standard heritage agreements between Local Government and Aboriginal people to facilitate consistency, transparency and certainty.

**Attachment 1 – Item 5.3**

**30 May 2019**

Attn: Assistant Director General, Heritage Services  
Department of Planning, Lands and Heritage  
Locked Bag 2506  
PERTH WA 6001

By email: [ahareview@dplh.wa.gov.au](mailto:ahareview@dplh.wa.gov.au)

Dear Sir/ Madam,

**RE: Interim Submission –AHA Review Consultation Phase Two**

Thank you for the opportunity to provide comment on the Discussion Paper, Consultation Paper and Overview of proposals for new legislation released in March 2019 relating to the review of Western Australia's Aboriginal heritage legislation.

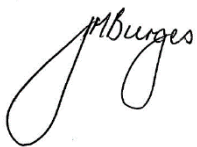
The Western Australian Local Government Association (WALGA) is an independent, membership based organisation representing and supporting the work and interests of 138 Local Governments in Western Australia. WALGA provides an essential voice for over 1,200 Local Government Elected Members, approximately 14,500 employees and over 2.5 million constituents of Local Government in Western Australia.

WALGA and its members supports the conservation and protection of Aboriginal cultural heritage in Western Australia and the modernization of our Aboriginal cultural heritage legislation to reflect international and national best practice. We acknowledge the importance to Aboriginal people of their cultural heritage and the central role that cultural heritage and access to country plays in their health and wellbeing. As land managers and land use planning decision-makers, Local Government plays an important role in many activities that have the potential to protect and impact Aboriginal cultural heritage. Local Government also acknowledges the place of Aboriginal people as community members, residents and ratepayers.

Our Submission is in the document attached to this letter. Our Submission is based on input provided by a Local Government Reference Group convened by WALGA comprising representatives from a number of Local Governments, as well as a Survey conducted by WALGA and feedback obtained during an Information Session conducted for our members by WALGA and the Department of Planning, Lands and Heritage on 9 May 2019.

Thank you again for the opportunity to provide comment. For additional information please contact Susie Moir, Policy Officer - Community on 92132058 or [smoir@walga.asn.au](mailto:smoir@walga.asn.au).

Yours Sincerely,



**Joanne Burges**  
**Executive Manager, People and Place**



## Attachment 2 – Item 5.3

### WALGA Submission on Stage 2 of Review of Aboriginal Heritage Act: 30 May 2019

Proposal Number	Proposal	Support/ Not Support	WALGA Response
<b>Proposal 1: Repeal the Aboriginal Heritage Act 1972 and deliver new Aboriginal heritage legislation</b>	<p>The proposal is to repeal the <i>Aboriginal Heritage Act 1972</i> and replace it with modern legislation, regulations and policies.</p> <p>The desired outcome is that the legislation to protect Aboriginal cultural heritage reflects developments in best practice in heritage management and the rights of Aboriginal people under national and international law.</p>	Support	<p><b>Local Government plays a role in Aboriginal cultural heritage as:</b></p> <ul style="list-style-type: none"> <li>• A landowner, when considering the potential impact of proposed development on Aboriginal heritage; and</li> <li>• As a planning body, when contacted by landowners and developers for advice about the location of Aboriginal and non-Aboriginal heritage.</li> </ul> <p><b>Local Government supports the conservation and protection of Aboriginal cultural heritage. WALGA supports the development of new Aboriginal heritage legislation that recognizes the rights of Aboriginal people under national and international law to protect their cultural heritage and reflects current best practice heritage management, and improves the clarity, compliance, effectiveness and certainty of the Aboriginal heritage legislation regime.</b></p>
<b>Proposal 2: Update definitions and scope of new Aboriginal heritage legislation</b>	<p>The proposal is to extend the scope of what is covered by new legislation to include ancestral remains, places that are cultural landscapes and place-based intangible heritage. It is not proposed to extend the definitions in the new legislation to include intellectual property rights.</p> <p>The desired outcome is that the legislation to protect Aboriginal cultural heritage is sensitive to the culture it is designed to protect and</p>	Support	<p>WALGA's understanding is that the new legislation will:</p> <ul style="list-style-type: none"> <li>• Adopt a new definition of 'place' that aligns with the <i>Australia ICOMOS Burra Charter</i> definition of place that includes tangible and intangible dimensions;</li> <li>• Continue to protect all Aboriginal cultural heritage places and objects, including cultural landscapes, whether they are registered or not (as under the current AHA);</li> <li>• Continue to protect Aboriginal objects consistent with the current AHA; and</li> <li>• Include culturally appropriate procedures to deal with ancestral remains.</li> </ul> <p><b>WALGA supports these proposals which are intended to ensure that Aboriginal heritage legislation in Western Australia aligns with international best practice, adequately protects cultural landscapes and intangible heritage, and makes provision for the appropriate care of ancestral remains. Some Local Governments have undertaken cultural mapping exercises with local Aboriginal people in order to document and protect places of Aboriginal cultural heritage significance. However, the undertaking of extensive cultural mapping exercises by Local Government is not practicable in all areas of our vast State; for example, extensive cultural mapping in the Kimberley region would be difficult given the extensive land areas and historical occupation patterns of the land by Aboriginal peoples. Many Local Governments do not have the resources or capacity that are necessary in order</b></p>

Proposal Number	Proposal	Support/ Not Support	WALGA Response
	therefore, more effective and trusted by Aboriginal people.		<b>to undertake extensive cultural mapping exercises. This may be an area that the newly formed Local Aboriginal Heritage Services and Aboriginal Heritage Council could assist the Local Government sector with in the future.</b>
<b>Proposal 3(A): Local Aboriginal Heritage Services</b>	<p>The proposal is to provide for the appointment of Local Aboriginal Heritage Services to ensure the right people speak for particular areas of country and related cultural heritage are identified, and to make agreements regarding Aboriginal heritage management and land use proposals in their geographic area of responsibility.</p> <p>The desired outcomes are:</p> <ul style="list-style-type: none"> <li>the active involvement of traditional owners and knowledge holders in decision making and management of heritage matters in particular areas of country that they have connection to and cultural responsibility for; and</li> <li>consultation and agreement making processes with Aboriginal people are culturally appropriate,</li> </ul>	Support	<p>WALGA understands that the proposal to establish Local Aboriginal Heritage Services (LAHS) is designed to provide a mechanism for Aboriginal people to have a direct role in decision-making about cultural heritage, and for the right people to ‘speak for Country’.</p> <p>WALGA understands that LAHS:</p> <ul style="list-style-type: none"> <li>will provide a first point of contact for proponents seeking advice on heritage matters in a particular area;</li> <li>will undertake or coordinate surveys and management of Aboriginal heritage;</li> <li>may make agreements relating to heritage management and land use proposals with land users;</li> <li>may give advice to the Aboriginal Heritage Council on the acceptability of land use proposals in their area of responsibility;</li> <li>will be appointed and performance monitored by the Aboriginal Heritage Council;</li> <li>will often be an existing Prescribed Body Corporate; and</li> <li>will be subject to timeframes and standards when providing advice and services.</li> </ul> <p>Additionally WALGA understands that LAHS will be required to:</p> <ul style="list-style-type: none"> <li>be 100% Aboriginal owned;</li> <li>have genuine connection with the area it proposes to represent;</li> <li>have demonstrable support from a broad constituency of the Aboriginal people within, and ‘cultural authority’ over, the area it proposes to represent;</li> <li>be incorporated under the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> or Corporations Law;</li> <li>have rules that are consistent with the requirements imposed on Prescribed Bodies Corporate; and</li> <li>demonstrable capacity to undertake the functions required of it and to maintain appropriate standards of corporate good governance.</li> </ul> <p>WALGA understands in relation to any area of land, there will only be one LAHS. In areas where there is no LAHS, the DPLH will perform the functions of a LAHS.</p> <p><b>WALGA supports the establishment of local Aboriginal decision making bodies which are better able to represent local Aboriginal communities which hold local knowledge and responsibility for Aboriginal heritage. The existence of a body which is the first point of contact for development</b></p>

Proposal Number	Proposal	Support/ Not Support	WALGA Response
	transparent and provide more certainty for land users.		<p>proponents will simplify processes and provide reassurance to parties that they have contacted the right people about Aboriginal heritage matters. LAHS are intended to perform a key role in the proposed new system and as such, their governance, feasibility and resourcing must be carefully considered. The new legislation must provide a clear, robust mechanism for ensuring that LAHS have a genuine connection to the land, demonstrable support from local Aboriginal people and cultural authority. Adequately resourced mechanisms will also be required for resolving disputes in relation to these matters. The financial and resourcing requirements, and the feasibility (given the vast and often isolated geographical expanse of Western Australia) of the new LAHS system will need to be thoroughly investigated before this model is committed to. It is anticipated that the Government will need to provide financial and capacity building support to LAHS, especially at the beginning of the new system, but in any event on an ongoing basis. The setting of reasonable and appropriate timeframes for LAHS to provide services will be essential to the efficient functioning of the system. Local Government would welcome the provision of a Standard Aboriginal Heritage Agreement for formalizing the relationship between Local Government and LAHS with recommended fees, charges and timeframes to ensure consistency across LAHS, transparency and certainty for parties. A clear dispute resolution process involving an appropriate third party must be established for when LAHS and proponents have disagreements that they are not able to resolve themselves.</p>
<b>Proposal 3(B): Aboriginal Heritage Council</b>	<p>The proposal is to (a) establish an Aboriginal Heritage Council as the central body providing advice and strategic oversight of the Aboriginal heritage system, and (b) abolish the Aboriginal Cultural Materials Committee.</p> <p>The desired outcomes are:</p> <ul style="list-style-type: none"> <li>The system for the protection, conservation and management of Aboriginal heritage benefits from the strategic oversight and</li> </ul>	Support	<p>WALGA understands that in order to provide centralized oversight of the new system, an Aboriginal Heritage Council (AHC) will be established. With a role somewhat similar to the State Heritage Council, the AHC will:</p> <ul style="list-style-type: none"> <li>Comprise an Aboriginal chair and eight further members appointed by the Minister on the basis of skills and experience relevant to Aboriginal heritage;</li> <li>Have a strategic focus;</li> <li>Set standards for services provided by LAHS and Heritage professionals;</li> <li>Oversee the Aboriginal Heritage Register;</li> <li>Make decisions on some land use proposals that could affect Aboriginal heritage (neutral or positive impact on heritage, low impact on heritage, accepted by relevant Aboriginal people, or don't relate to a project of State Significance);</li> <li>Ensure consultation and any related agreement-making processes have been conducted in good faith;</li> <li>Provide advice to the Minister;</li> <li><i>Provide a central point of advice to other decision-making authorities whose decisions could impact Aboriginal heritage;</i></li> </ul>

Proposal Number	Proposal	Support/ Not Support	WALGA Response
	<p>advice of people who are highly skilled and experienced in Aboriginal heritage management.</p> <ul style="list-style-type: none"> <li>• Aboriginal heritage is respected and valued by the non-Aboriginal community.</li> <li>• Aboriginal people have a greater say in the operational and strategic decisions that affect their heritage.</li> <li>• Equitable agreements between land users and Aboriginal people at a local level are encouraged and best practice recognized.</li> <li>• System reliance on the Minister as the sole decision maker on all land use proposals is reduced.</li> </ul>		<ul style="list-style-type: none"> <li>• Promote Aboriginal heritage and assist in ensuring that Aboriginal heritage in Western Australia is respected, maintained and managed in accordance with best practice;</li> <li>• Assist with resolving disputed between LAHS, their members and/or proponents where external intervention appears warranted and the parties agree or do not have other formal dispute resolution procedures in place;</li> <li>• Promote and assist in the proper management and maintenance of Western Australia's Aboriginal heritage, and provide financial and other assistance to promote the conservation of Aboriginal heritage, promote education and training, arrange or conduct research and investigations and develop and implement policies to give effect to its functions.</li> </ul> <p><b>WALGA supports the establishment of the AHC which as a statutory body will have responsibility for oversight of LAHS and the Aboriginal heritage system generally, and will be able to provide education and training and undertake research and investigations in relation to Aboriginal cultural heritage. The role of the AHC in promoting Aboriginal heritage is an important one. WALGA also welcomes the role of the AHC (along with DPLH) in providing a central point of advice to other decision making bodies, including Local Government, whose decisions could impact Aboriginal heritage.</b></p>
<b>Proposal 3(c): The Minister's Role</b>	The proposal is that the Minister retains overall accountability and decision-making powers for the Aboriginal heritage system in Western Australia, but may delegate certain decisions and	Support	<p>WALGA understands that the functions of the Minister will be:</p> <ul style="list-style-type: none"> <li>• The Minister may delegate decision-making to the AHC where such proposals have a neutral or positive impact or low impact on heritage, are accepted by relevant Aboriginal people, or don't relate to a project of State Significance;</li> <li>• To receive advice from the AHC on land use proposals that may have significant impact on Aboriginal heritage values or involve projects deemed to be of State Significance;</li> <li>• To make decisions on land use proposals that may have significant impact on Aboriginal heritage values or involve projects deemed to be of State Significance;</li> </ul>

Proposal Number	Proposal	Support/ Not Support	WALGA Response
	<p>functions to the Aboriginal Heritage Council.</p> <p>The desired outcomes are:</p> <ul style="list-style-type: none"> <li>• The Minister, who is accountable for an effective Aboriginal heritage management system, can focus on the effective and efficient running of the system.</li> <li>• The system is not clogged with matters on which the parties agree and where heritage is not impacted.</li> <li>• Ministerial intervention is available but reserved for contentious matters and those where the project is of State Significance or is likely to have a significant impact on Aboriginal heritage.</li> <li>• All stakeholders are confident in an Aboriginal heritage system that is fair, effective, efficient and respects Aboriginal</li> </ul>		<ul style="list-style-type: none"> <li>• To have due regard to the social and cultural effects of the land use proposal and the views of the Aboriginal people and the public interest as part of the decision-making process;</li> <li>• To publish reasons for decisions;</li> <li>• To support the AHC's activities promoting Aboriginal heritage; and</li> <li>• To issue a stop work order in cases where Aboriginal cultural heritage is threatened by unauthorized land use activities.</li> </ul> <p><b>WALGA supports this proposal which seeks to ensure transparency of decision –making by the Minister, as well as reducing the number of decisions the Minister is required to consider by limiting Ministerial decision-making to land use proposals that may have a significant impact on Aboriginal cultural heritage or are of State Significance. Stop work orders should have immediate effect.</b></p>

Proposal Number	Proposal	Support/ Not Support	WALGA Response
	people, their culture and their heritage.		
<b>Proposal 3(D): The role of the Department of Planning, Lands and Heritage</b>	<p>The proposal is that the DPLH remains responsible for the day to day operation of the Act.</p> <p>The desired outcomes are that DPLH supports the Minister and the Aboriginal Heritage Council in:</p> <ul style="list-style-type: none"> <li>• The strategic oversight of the Aboriginal heritage system;</li> <li>• Undertaking strategic and operational policy development and capacity building in the system;</li> <li>• Ensuring timely and efficient performance of the functions of LAHS where no such service exists; and</li> <li>• Maintaining the register as a reliable source of data on Aboriginal heritage and actively enforcing the provisions of the Act.</li> </ul>	Support	<p>WALGA understands that the day to day operations of the new legislation will continue to be the function of DPLH. DPLH will:</p> <ul style="list-style-type: none"> <li>• Provide secretariat and other support to the AHC;</li> <li>• Provide operational advice to the Minister;</li> <li>• Provide advice to land use proponents on processes and minimum standards that must be met when land use proposals have the potential to cause negative impacts on Aboriginal heritage places;</li> <li>• Receive reports of Aboriginal heritage places and objects for inclusion on the Aboriginal Heritage Register;</li> <li>• Maintain the Aboriginal Heritage Register;</li> <li>• Provide, or facilitate the provision of, financial and technical assistance or other Aboriginal heritage management and conservation initiatives;</li> <li>• Manage the Directory of heritage professionals;</li> <li>• Provide capacity building to LAHS;</li> <li>• Develop and deliver education, training and promotion programs;</li> <li>• Perform the role of LAHS where no suitable body exists or has been nominated to take on these functions;</li> <li>• Facilitate research and investigations relating to Aboriginal heritage;</li> <li>• Investigate alleged breaches of the Aboriginal heritage legislation; and</li> <li>• Assist in the prosecution of breaches where sufficient evidence has been collected.</li> </ul> <p><b>WALGA supports the DPLH undertaking the supporting and advisory functions necessary to enable the Minister and AHC to undertake their roles, as well as providing advice and guidance to proponents and other decision-makers, including Local Government. Additionally, WALGA supports the use of government services to undertake the functions of LAHS when necessary, given the key role of LAHS under the proposed new system. It is essential that the DPLH is adequately resourced to undertake these important functions and ensure the continued operation of the Aboriginal heritage system in places where LAHS do not exist.</b></p>
<b>Proposal 3(E): Heritage Professionals</b>	The proposal is to aid people needing to engage a Heritage Professional with appropriate	Support	WALGA understands that a Directory of Heritage Professionals will be established. The main elements of the Directory are:

Proposal Number	Proposal	Support/ Not Support	WALGA Response
– aiding selection of those with appropriate qualifications and experience and improving standards	<p>qualifications and experience, and promote higher standards by publishing on the Department's website a public Directory of Heritage Professionals and the standards required for heritage investigations, community consultation and reporting of heritage information.</p> <p>The desired outcomes are:</p> <ul style="list-style-type: none"> <li>Improved outcomes for Aboriginal heritage.</li> <li>Elimination by market selection of substandard consultants.</li> <li>No regulatory burden.</li> </ul>		<ul style="list-style-type: none"> <li>To be entered on the Directory, Heritage Professionals will be required to evidence their relevant experience and qualifications, which will also be published on the Directory;</li> <li>Aboriginal people and proponents will be encouraged to select from the Directory;</li> <li>In response to a land use proposal, the DPLH will advise what studies and standards are required;</li> <li>Materials that do not meet the standards set by the AHC will not be accepted and the clock will be stopped on approvals until the appropriate standard has been met by the Heritage Professional;</li> <li>The DPLH will work with the peak bodies for heritage professionals to develop guidelines and standards of service for endorsement by the AHC;</li> <li>Inclusion in the Directory does not constitute an endorsement or warranty in respect of any services delivered by a Heritage Professional;</li> <li>DPLH will not engage in disputes between Heritage Professionals and their clients;</li> <li>Fees will not be regulated and will remain open to market fluctuations, consistent with other professional service providers.</li> </ul> <p><b>WALGA supports initiatives directed at improving the standard, reliability and quality of research and consultation conducted by Heritage Professionals to support the assessment of land use proposals. The development of guidelines and standards detailing the requirements for particular types of heritage investigation, community consultation, reporting heritage places and the provision of spatial data, and endorsed by the AHC, will support improvements to the quality and standard of work undertaken by Heritage Professionals in Aboriginal heritage.</b></p>
<b>Proposal 4: Retain the current form and function of the register of Aboriginal places and objects but rename it the Aboriginal</b>	<p>The proposal is to:</p> <p>(a) Rename the 'Register of Aboriginal Places and Objects' to the 'Aboriginal Heritage Register' to reflect the proposed shift of emphasis from 'sites' to the revised scope of the legislation.</p> <p>(b) The Aboriginal Heritage Council will</p>	Support	<p>The current Register of Aboriginal Places and Objects is inaccurate with a significant backlog of sites lodged on the 'interim register' awaiting assessment by the Aboriginal Cultural Materials Committee (ACMC). Aboriginal people do not trust the Register, often preferring to not have places of Aboriginal heritage significance registered, which causes uncertainty for land users and inadvertent destruction of heritage.</p> <p>WALGA understands the proposal to be:</p> <ul style="list-style-type: none"> <li>The Register will be renamed the Aboriginal Heritage Register;</li> <li>Aboriginal heritage will continue to be protected whether it is registered or not, so the role of the Register will primarily be as an information repository;</li> <li>Heritage professionals will be required to provide reports that meet standards set by the AHC;</li> </ul>

Proposal Number	Proposal	Support/ Not Support	WALGA Response
<b>Heritage Register.</b>	<p>set and regulate reporting standards and improve the accuracy and utility of the register as a mechanism for Aboriginal people to record their heritage and as a land use planning tool.</p> <p>The desired outcomes are:</p> <ul style="list-style-type: none"> <li>Improved accuracy of records and information on Aboriginal heritage.</li> <li>The State's database of Aboriginal heritage is a trusted source of information that is captured and managed in a culturally appropriate way.</li> <li>Increased utility of the register as a record of heritage and planning tool.</li> </ul>		<ul style="list-style-type: none"> <li>Reports from non-heritage professionals may be entered onto the register, providing minimum information standards are met to identify and locate the heritage place or object and their associated stories;</li> <li>The register will show the level of confidence in accuracy of information;</li> <li>DPLH will support the AHC in the maintenance of the register;</li> <li>LAHS will be encouraged to update and improve information for their areas of responsibility;</li> <li>There will be standardized language and methods of spatial reporting;</li> <li>Use of predictive modelling to highlight areas of likely Aboriginal heritage sensitivity will aid risk assessments.</li> </ul> <p><b>WALGA supports the shift to this new model whereby places will be listed on the Aboriginal Heritage Register if they are identified as being culturally important to Aboriginal people (or having scientific value) and sufficient evidence is provided as to the location and why the place is important, rather than the ACMC assessing whether a place should be registered against the criteria stipulated in the current Act. Improvements to the registration process that improve the utility of the database as a planning tool and aid risk-based decision making benefit Aboriginal people, land use proponents and planning decision makers such as Local Government, as the available information will be reliable. Further, the Aboriginal Heritage Register will be able to function as a useful repository of heritage information for Aboriginal people, akin to the State Register of Heritage Places role as a useful repository of non-Aboriginal heritage information. Providing different levels of access to information on the Register for different stakeholders (for example, restricting access to sensitive information) may ease some Aboriginal people's concerns around providing information for inclusion on the Register while improving the reliability of the information recorded on it. If the DPLH was to advise land holders when a site was registered on their land, this may assist in the preservation of Aboriginal cultural heritage, as land holders would know that there were cultural heritage values on that land and could undertake risk minimization strategies.</b></p>
<b>Proposal 5: Introduce a referral mechanism to facilitate tiered</b>	<p>The proposal is to:</p> <p>(a) Introduce a referral mechanism to facilitate tiered assessments of proposed land uses, with early advice (non-</p>	Support	<p>WALGA understands that a referral process analogous to that provided in the <i>Environmental Protection Act 1986</i> is proposed to facilitate early notice of proposed land use activities. This referral process is also intended to support risk-based tiered assessment of land use proponents and LAHS. The new land use proposals system is intended to:</p>



Proposal Number	Proposal	Support/ Not Support	WALGA Response
assessments of proposed land uses.	<p>binding) provided by the DPLH or AHC on standards of consultation and/or research necessary to support the approvals process for a development.</p> <p>(b) Non-compliance with standards of consultation or documentation will result in the application not being accepted and the clock will stop on any agreed timeline until correct documents are submitted.</p> <p>(c) A 'call in power' will ensure that proposals that should have been referred, but have not been, can be assessed.</p> <p>Desired outcomes:</p> <ul style="list-style-type: none"> <li>Land use proposals are designed to co-exist with Aboriginal heritage places wherever possible.</li> <li>Approvals for low impact activities can be streamlined.</li> </ul>		<ul style="list-style-type: none"> <li>Provide for a formal referral mechanism for land use proposals to both government and a LAHS for advice on the Aboriginal heritage implications of the proposal and appropriate level of assessment;</li> <li>Provide for a tiered assessment of land use proposals dependent upon the known or predicted Aboriginal heritage values of the land and the nature of the proposed land use;</li> <li>Consent to undertake an activity or range of activities will run with the land provided that 'new' land users propose the same activity or range of activities;</li> <li>Provide a 'call in' power to DPLH/ AHC for proposals that ought to have been referred but were not;</li> <li>Provide that a land user may voluntarily adopt the highest tier of assessment;</li> <li>Set and enforce the standards for research, consultation and reporting to be undertaken for each level of assessment;</li> <li>Provide that reasons for decisions on the acceptability of land use proposals are given by decision makers;</li> <li>Provide that all parties to a decision regarding the acceptability of land use proposals that impact Aboriginal heritage values have the right to appeal.</li> </ul> <p>The tiered assessment system will reflect the following factors:</p> <ul style="list-style-type: none"> <li>Any known Aboriginal heritage;</li> <li>Any predicted Aboriginal heritage;</li> <li>The extent to which prior land uses have already impacted upon known or predicted Aboriginal heritage.</li> </ul> <p>Proponents will be required to take steps to identify whether their land use proposals will negatively impact on Aboriginal heritage. The risk assessment could be based on information contained in the Aboriginal Heritage Register, additional information the proponent has collected through previous studies they have undertaken or through processes embodied in an Aboriginal Heritage agreement, which may set out a range of agreed activities. If the risk assessment indicates that Aboriginal heritage is, or may be, present that is likely to be affected, at that stage the proponent may (1) modify their proposed land use to avoid those impacts, or (2) undertake further investigations with the LAHS to determine the nature and extent of any Aboriginal heritage places. If there is insufficient information available or the proponent is not confident in making a risk assessment, the proponent may seek early advice or formally refer the land use proposal to the DPLH for assessment. The DPLH will assess any formal referral and determine what, if any, studies must be completed prior to the land use proposal being assessed and approved should Aboriginal heritage impacts prove unavoidable.</p>

Proposal Number	Proposal	Support/ Not Support	WALGA Response
	<ul style="list-style-type: none"> <li>Reduced risk and cost for land use proponents through early referral and advice.</li> </ul>		<p>WALGA's policy position is that all legislation and policy which deals with land use planning and development must:</p> <ul style="list-style-type: none"> <li>Ensure role clarity and consistency across legislation controlling development, to avoid confusion of responsibilities;</li> <li>Be easily interpreted by, understood by and accessible to all sections of the community; and</li> <li>Be amended only with WALGA involvement and/or consultation/ involvement with local government.</li> </ul> <p>WALGA supports the impact avoidance and minimisation focus of the new proposed legislation. In drafting the new legislation consideration needs to be given to the interrelationships between the <i>Planning and Development Act 2005</i>, the <i>Local Government Act 1995</i>, the <i>Land Administration Act 1997</i>, the <i>Mining Act 1978</i> and the Aboriginal heritage legislation so that decision-making staff in Local Government considering the provisions of these pieces of legislation are able to identify <i>when</i> proponents need to consider Aboriginal heritage, and the <i>process</i> for considering Aboriginal heritage when considering land use proposals and applications for development approval. The circumstances in which certain activities do not require Aboriginal heritage approvals needs to be defined more clearly, particularly in relation to applications for development approval under the <i>Planning and Development Act 2005</i> and Works and Services activities undertaken pursuant to Schedule 3.2 of the <i>Local Government Act 1995</i>. DPLH's <i>Aboriginal Heritage Due Diligence Guidelines</i> and the Aboriginal Heritage Inquiry System and Aboriginal Heritage Risk Matrix contained within it are useful tools for Local Government when assessing whether development proposals may affect Aboriginal heritage. The <i>Aboriginal Heritage Due Diligence Guidelines</i> will require updating so they reflect the new Aboriginal heritage legislation, and consideration should be given to the preparation of additional materials (for example, additional guidelines, policies or checklists) to support Local Government decision-makers ensure that Aboriginal cultural heritage is considered and protected.</p> <p>As part of this Consultation a number of flow charts have been provided ('<i>Process for assessing land use impact on Aboriginal heritage flow chart</i>', '<i>Land use decisions in the proposed new Aboriginal heritage system flow chart</i>') however these flow charts do not address the relationship between the new Aboriginal heritage system and the processes and timeframes provided by the <i>Planning and Development Act 2005</i>. A flow chart illustrating this would be useful.</p> <p>WALGA could assist in the preparation of additional materials designed to assist Local Government through engaging with our members to gather further design input and seeking feedback on any proposals.</p>

Proposal Number	Proposal	Support/ Not Support	WALGA Response
<b>Proposal 6: Encourage and recognize agreement making</b>	<p>The proposal is to:</p> <ul style="list-style-type: none"> <li>(a) Encourage and recognize agreement making between LAHS or other relevant Aboriginal bodies and land use proponents.</li> <li>(b) The AHC will consider and, if appropriate, ratify agreements where land users wish to rely on an agreement to expedite approvals under the new Act.</li> </ul> <p>Desired outcomes:</p> <ul style="list-style-type: none"> <li>• Aboriginal people have more opportunity to determine better outcomes for their heritage through agreements that focus on avoiding or minimizing impacts on heritage.</li> <li>• Better heritage outcomes are achieved through agreements that are based on respectful and positive relationships.</li> <li>• New and existing agreements</li> </ul>	Support	<p>WALGA understands that when assessing the acceptability of land use proposals and issuing any required permits, it is proposed that both the AHC and the Minister will have regard to heritage outcomes agreed between land users and LAHS or other relevant Aboriginal bodies. Where land use proponents wish to rely on an existing agreement to expedite approvals under the new legislation, they will be required to submit the agreement for formal ratification by the AHC. In order to be ratified, an existing agreement must not authorize the destruction of Aboriginal heritage without the need for formal approvals under the legislation or seek to circumvent any other parts of its operation ie parties will not be able to contract out of the new Aboriginal heritage legislation. Proponents will also be able to make agreements with LAHS under the new legislation that are consistent with the new legislation. When presenting an agreed heritage outcome to the AHC for authorization or recommendation to the Minister, proponents will need to provide sufficient information regarding the outcome and how it will be implemented, the agreement it was agreed under, the processes followed and disclose any disputes regarding it. The AHC will be empowered to set the standard of information required and the form it must be supplied in. Once an agreement is ratified and the relevant information tendered, the AHC and Minister will be required to have regard to agreed heritage management outcomes when making decisions on land use proposals.</p> <p><b>WALGA supports the use of strategies in the new Aboriginal heritage legislation to encourage and recognize agreement making between Aboriginal people and land use proponents in order to provide improved social, economic and best practice heritage outcomes for Aboriginal people and increased certainty for proponents regarding development risks and approvals processes. Better Aboriginal heritage outcomes are able to be achieved when the parties have positive relationships and work together through collaboration and agreement based approaches rather than adversarial approaches. Many Local Governments have agreements and relationships with local Aboriginal people and work collaboratively to develop community infrastructure that is sensitive to Aboriginal cultural heritage values. Many Local Governments are seeking to use Reconciliation Action Planning to develop positive relationships with local Aboriginal people and implement strategies for protecting and recognizing Aboriginal cultural heritage. Some Local Governments also have entered into cultural heritage management plans, as well as engaging with Aboriginal Advisory Committees that provide advice and guidance on cultural heritage issues.</b></p> <p><b>Local Government would welcome the provision of a Standard Aboriginal Heritage Agreement for formalizing the relationship between Local Government and LAHS with recommended fees, charges and timeframes to ensure consistency across LAHS, transparency and certainty for parties.</b></p>

Proposal Number	Proposal	Support/ Not Support	WALGA Response
	concerning heritage outcomes between relevant Aboriginal people and land users can be used to expedite land use assessments and permitting decisions if they meet certain requirements.		
Proposal 7 <b>Transparency and Appeals</b>	<p>The proposal is that:</p> <ul style="list-style-type: none"> <li>(a) Reasons for decision are to be published.</li> <li>(b) Land users and Aboriginal people whose legal rights and interests are adversely affected by a decision will have the same rights of review and appeal.</li> <li>(c) Retain the State Administrative Tribunal as the primary review body.</li> </ul> <p>The desired outcomes are:</p> <ul style="list-style-type: none"> <li>• All stakeholders in Aboriginal heritage have confidence in the administrative decisions that affect Aboriginal heritage.</li> </ul>	Support	<p>WALGA understands that reasons for decisions will be published by the relevant decision-maker at key decision making stages (referral/ standards setting and land use proposal assessment) enabling affected parties to seek review of decisions. Aboriginal people and land users whose legal rights are affected by the decision will have the same rights of review and appeal if they are aggrieved by a decision. Review mechanisms will be subject to statutory timeframes. Participants in the consultation process on a land use proposal will be notified of the recommendations to be considered by the AHC and may lodge a written objection to the recommendation within 21 days of receiving notice of the recommendation. AHC will be required to consider objections before making a recommendation to the Minister on a land use proposal. The SAT will be retained as the primary review body for any person whose legal rights and interests are negatively affected by a decision by the Minister.</p> <p><b>WALGA supports increased transparency of decision making and equitable appeal rights in the new Aboriginal heritage legislation in order to reflect modern standards of procedural fairness. Aboriginal people and land users whose interests are affected by decision-making should have the same rights of review and appeal if they are aggrieved by a decision on proposed land use and other administrative decisions made during the decision-making process. The stages at which reasons for decisions will be published needs to be clarified to ensure certainty of processes. The process for applications for review of decisions made by the AHC also requires clarification ie is an application for review of a decision of the AHC made to the Minister or the SAT? The impact of delays caused by applications for review and appeals of decisions on statutory timeframes stipulated by the <i>Planning and Development Act 2005</i> requires explication. The preparation of a flow chart illustrating the appeals system under the proposed new legislation and impacts on statutory timeframes would be useful.</b></p>

Proposal Number	Proposal	Support/ Not Support	WALGA Response
	<ul style="list-style-type: none"> <li>Rights of review and appeal are equitable.</li> </ul>		
<b>Proposal 8: A modernized enforcement regime</b>	<p>The proposal is to:</p> <ul style="list-style-type: none"> <li>(a) Create a modern enforcement regime by ensuring offences and penalties are brought into line with the <i>Heritage Act 2018</i> and other modern statutes.</li> <li>(b) The statutory limitation period is extended to 3 years.</li> <li>(c) Conducting compliance inspections and proceedings will be the responsibility of DPLH.</li> </ul> <p>The desired outcome is that the duty of care to avoid unauthorized damage to Aboriginal heritage is taken seriously.</p>	Support	<p>WALGA understands that the proposal is to:</p> <ul style="list-style-type: none"> <li>Maintain the current range of offences;</li> <li>Limit the current ‘ignorance’ defence to circumstances in which the land use proponent has done everything ‘reasonably practicable’ to make themselves informed;</li> <li>Increase the limitation period within which a prosecution must commence to three* years from the time of the offence;</li> <li>Reinforce that a place need not be on the Aboriginal Heritage Register for the offences to apply; and</li> <li>Increase penalties to match those provided for in the <i>Heritage Act 2018</i> including fines, restoration orders and compensation for damage or loss of heritage.</li> </ul> <p><b>WALGA supports the increase of penalties under the new Aboriginal heritage legislation so that they align with penalties in the <i>Heritage Act 2018</i> so that the imposition of penalties is equitable across Aboriginal and non-Aboriginal heritage.</b></p> <p><b>*The Discussion Paper indicates that the limitation period within which a prosecution can be commenced is five years (page 28) while the Consultation Paper indicates that it is three years (page 26). The <i>Heritage Act 2018</i> provides a limitation period of three years.</b></p>
<b>Proposal 9: Protected Areas</b>	<p>The proposal is that:</p> <ul style="list-style-type: none"> <li>(a) The existing Protected Areas and the ability to declare new ones will carry forward into new legislation.</li> <li>(b) A new regulation will be created to authorize specific management</li> </ul>	Support	<p>WALGA understands that ‘Protected Areas’ under the current legislation will carry forward into the new Aboriginal heritage legislation, along with the process for declaring new ones. Provision will be made in the new legislation so that if an application is made to declare a new Protected Area, Regulations exist that authorize specific management activities by Aboriginal people. The declaration of Protected Areas has significant native title implications as it they are a ‘future act’ under the <i>Native Title Act 1993</i>.</p> <p><b>WALGA supports the continued use of Protected Areas in the new Aboriginal heritage legislation supported by amended Regulations authorizing specific management activities by relevant Aboriginal group(s) which is intended to facilitate the active management of heritage by Aboriginal people.</b></p>

Proposal Number	Proposal	Support/ Not Support	WALGA Response
	<p>activities by the relevant Aboriginal people.</p> <p>The desired outcome is that the mechanism for recognizing Aboriginal heritage places of outstanding importance is more flexible and allows for active management.</p>		

## **5.4 Planning for Bushfire Guidelines: Element 3 Vehicular Access (05-024-02-0056 CH)**

*By Christopher Hossen, Senior Planner – People & Place*

**Moved: Cr Julie Brown**

**Seconded: Mayor Tracey Roberts JP**

**That:**

1. the interim submission to the Western Australian Planning Commission on the proposed modifications to Appendix 4 Element 3: Vehicular Access of the Planning for Bushfire Guidelines, be endorsed, subject to the guidelines facilitating a flexible approach to key access issues based on a risk based analysis due to the varying terrain and bushfires across the State; and
2. WALGA formally advise the Western Australian Planning Commission that draft Appendix 4 Element 3 is not supported, due to significant concerns with the proposed modifications to road designs and difficulties in implementing the draft Guidelines.

**RESOLUTION 69.5/2019**

**CARRIED**

### **In Brief**

- In late January 2019, the Western Australian Planning Commission (WAPC) and the Department of Fire and Emergency Services (DFES) released proposed modifications to Appendix 4 Element 3 of the Planning for Bushfire Protection Guidelines for targeted stakeholder comment.
- The interim submission does not support the proposed modifications to Element 3.
- The comment period closed on the 12 April 2019, therefore an interim submission was prepared.

### **Attachment**

Interim submission – Element 3 Planning for Bushfire Protection Guidelines

### **Relevance to Strategic Plan**

#### **Key Strategies**

##### Sustainable Local Government

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

##### Enhanced Reputation and Relationships

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

### **Policy Implications**

Nil.

### **Budgetary Implications**

Nil.

## Background

In December 2012, the then Department of Planning released State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines for Planning in Bushfire Prone Area (Guidelines) to direct how land use should address bushfire risk management in Western Australia. It applies to all land which has been designated as bushfire prone as highlighted on the Map of Bush Fire Prone Areas. Since that time the Department of Planning, Lands and Heritage (DPLH) has been committed to a staged review of the bushfire planning framework, with updates to the Guidelines proposed on a periodic basis.

In late January 2019, the WAPC and DFES released the updated Element 3 for targeted stakeholder comment, this included a letter sent to all Local Governments. Four workshops were also held, including three in regional areas. The intent of Element 3 is *'to ensure that the vehicular access serving a subdivision/development is available and safe during a bushfire event.'*

The key changes in the Guidelines are:

- Refinement of the performance principle, improved descriptors for each acceptable solution and accompanying explanatory note
- Inclusion of additional acceptable solutions: perimeter roads and communal (private) roads servicing strata development
- Clarification of the term 'horizontal clearance'
- Changes to the design standards for road carriageways and adjoining verges in bushfire prone areas, and
- Additional consideration of operational firefighting requirements in the planning system.

## Comment

The Association welcomes the release of the draft Element 3 as it shows the commitment by DPLH and DFES to make continued improvement to the bushfire planning framework, allowing this new area of planning to develop in a robust fashion, with constant engagement of stakeholders. That being said, the Association in its Interim Submission raised significant reservations about the proposed modifications. These reservations were considerable and unable to be addressed through simple adjustments, therefore the Interim Submission recommended that the Association not support the draft Element 3 in its current format.

Of particular concern is the impact of the requirement to consider additional operational requirements of firefighting in the design of new urban areas. This has resulted in a number of changes to preferred road designs in bushfire prone areas that in turn will have considerable impact on the design of local streets. Further, these changes are a significant departure from the current standard within DPLH's Liveable Neighbourhood's policy, being inconsistent with 7 Objectives and 9 requirements of movement network element of this policy.

The interim submission includes 32 recommendations that can generally be categorised into the following aspects: -

1. That the DPLH and DFES undertake further consultation on the proposed reforms
2. That a regulatory impact statement (RIS) be prepared in collaboration with Local Government for the proposed changes, with a particular focus to be provided on the impact of the proposed changes on Local Government
3. That the proposed road designs are inconsistent with Liveable Neighbourhoods and will likely create streetscapes that do not align with existing subdivision design nor community expectations
4. That the definition of 'residential built-out area' be incorporated into State Planning Policy 3.7 and the Guidelines at the next possible opportunity, and
5. That the draft Element 3 incorporate risk based requirements utilising the definition of 'residential built-out areas' as the basis.

The public comment period closed on 12 April 2019, therefore, an interim submission was prepared. In accordance with State Council policy, the interim submission was referred to the Executive



Committee for consideration. The Shire of Mundaring and City of Cockburn provided the Association with copies of their submissions, these were incorporated into the Interim Submission, where possible.

*Mr Nick Sloan left the meeting at 4:20pm and returned at 4:22pm*



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

## **Planning for Bushfire Prone Area Guidelines: Appendix 4 Element 3 Vehicular Access**

### **INTRODUCTION**

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

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

### **GENERAL COMMENTS**

The Association welcomes the release of the draft Element 3 Vehicular Access of the Planning for Bushfire Prone Area Guidelines (draft Element 3), and acknowledges the contribution of, and collaboration between, members of the various bushfire working groups over a number of years. The Association strongly supports similar collaborative approaches to government policy changes now and into the future.

The Association wishes to formally acknowledge the decision of the Department of Planning, Lands and Heritage (DPLH) to provide all Local Governments with an opportunity to comment on the draft Element. This discretionary decision shows a commitment to honour the intent of the State and Local Government Partnership Agreement, and also highlights the important role Local Government plays in reducing the communities expose to bush fire risk through the planning system.

The DPLH and the Western Australian Planning Commission (WAPC) desire to make continued improvement to the bushfire planning framework have been constant, allowing this new area of planning to develop in a robust fashion, with constant engagement of stakeholders. That being said, whilst welcoming the publication the Association has considerable reservations about the proposed modifications to draft Element 3, which shall be outlined below.

Western Australia is a diverse State, but the risk of fire to our community is a constant. Some 93% of the State is designated as bushfire prone. The DPLH and Department of Fire and Emergency Services (DFES) in formulating policy frameworks must therefore be cognisant of the diverse range of environments in which fire risk presents itself, and must be cautious to set context appropriate responses to that risk. The Association believes that in formulating draft Element 3 that this contextual awareness has been lost in the application of broad brush and prescriptive policy levers.

The Acceptable Solutions as proposed seek to require the consideration of firefighting operational requirements in the planning of all developments in bushfire prone areas. While the Association does not object to the inclusion of these as an element for consideration, the implication of the need to

consider these above all other elements when planning an urban environment, is contradictory to proper and orderly planning.

The Liveable Neighbourhoods operational policy sets out objectives and requirements that the WAPC and Local Governments should consider when designing sustainable urban communities. The eight elements of Liveable Neighbourhoods 2009 and six elements of the draft 2015 version, provide a guide on how to balance the competing interests found in planning an urban environment. The proposed Acceptable Solutions in draft Element 3 are contrary to a number of these Objectives and provides for standards that would make finding that balance difficult, and may therefore lead to poor long-term outcomes for residents.

The Association's analysis of the draft Element 3 has highlighted a number of areas where an additional regulatory, financial or operation cost may be imposed on Local Government. No assessment of these impacts have been provided to the Local Government sector. It is common practice where a State Government proposal would have such an impact that a regulatory impact statement would be undertaken. The lack of such assessment in this case is concerning to the Local Government sector. These concerns are highlighted through the recommendations.

The Association in its recommendations on the recently advertised Position Statement on tourism land uses in bushfire prone areas highlighted its support for the use of the 'residential built-out areas' definition as a basis for a risk based approach to planning for bushfire. The Association made a recommendation that guidance be provided by the DPLH to Local Government on how such a mechanism could be implemented and determined. This recommendation has been reiterated below.

Lastly, in relation to the consultation of the draft Element 3. The DPLH undertook targeted consultation with Local Governments and select accredited bushfire assessors. While it is acknowledged that there is no formal process for advertising Guidelines, in light of the additional weight being afforded to the Guidelines in decision making, the Association is of the view that the targeted approach was insufficient. The impact of these changes are wide ranging, and have policy implications for all industries involved in the development sector, as such a formal public advertising period would have been more appropriate.

Thank you again for the opportunity to provide comment on the draft Element 3. Due to the time constraints of the advertising period this submission has not been presented to the Association's State Council for formal endorsement, and should be treated as interim submission until that occurs.

***Recommendation:***

1. That the Association does not support draft Element 3 in its current format
2. That the DPLH and DFES undertake further consultation on the proposed reforms, and following completion of the process outlined in recommendation 3 below, present the draft Element 3 again for formal advertising
3. That the DPLH and the DFES prepare a regulatory impact statement (RIS) for the proposed changes, with a particular focus to be provided on the impact of the proposed changes on Local Government, and that this process be undertaken in collaboration with the Local Government sector
4. That the WAPC incorporate the definition of 'residential built-out area' into State Planning Policy 3.7 and the Guidelines at the next possible opportunity
5. That the draft Element 3 incorporate risk based requirements utilising the definition of 'residential built-out areas' as the basis for this, as per the specific recommendations below.

**SPECIFIC COMMENT AND RECOMMENDATIONS**

***P3 Performance Principle and Statement of Intent***

The Association's comments in this part relate to the proposed rewording of the performance principle of Element 3 and the removal of the statement of intent from the same. The structure of the Planning

for Bushfire Prone Areas Guidelines (Guidelines) relies heavily on the interaction between the intent, the acceptable solutions, and the wording of the performance principle. The interaction of these allows the Guidelines to clearly articulate a preferred and acceptable pathway to approval, while still allowing for the flexibility needed when planning an urban environment.

The removal of the intent from Element 3 is of concern to the Association. All four current elements of the Guidelines feature a statement of intent. It is from this intent that the acceptable solutions is justified and the consideration of performance assessments facilitated. The intent is in practice the objective of each element, it is a fundamental feature of the document. The current wording of the intent for Element 3 states:

*“Intent: To ensure that the vehicular access serving a subdivision/development is available and safe during a bushfire event.”*

The Association supports the retention of the current statement of intent. Any proposal to modify this intent should be subject to consultation with the Local Government sector. The Association does not support the inclusion of firefighting operational considerations in the intent.

The draft Element 3 proposes to make significant changes to the P3 Performance Principle. The Association has concerns that the proposed wording of the performance principle has become too prescriptive and onerous, and in doing so makes the likelihood of receiving favourable consideration by the DFES low.

<b>Existing Performance Principle</b>	The internal layout, design and construction of public and private vehicular access and egress in the subdivision/ development allow emergency and other vehicles to move through it easily and safely at all times.
<b>Proposed Performance Principle</b>	The layout, design and construction of public and private vehicular access and egress to and within the site allows for safe and efficient evacuation by the community, whilst <b>simultaneously</b> providing a safe operational environment for emergency service personnel during firefighting and emergency management.” (Emphasis added)

While the existing performance principle focuses on the need for the design and construction of access legs to allow for safe movement of all vehicles, at all times. The proposed performance principle provides for a focus on the need to allow for safe and efficient evacuation of the community, with this evacuation occurring with a simultaneous emergency response to a fire threat. There has been a clear desire to embed emergency management principles into the planning framework.

In this regard the Association supports the concerns raised by the Shire of Mundaring in their submission on the draft Element 3. That is, that the current performance principle is incongruent with the practice currently espoused by DFES. That is:

- i. residents should leave early, or
- ii. if it is too late to leave, they should prepare to actively defend and shelter in place.

This practice is based upon the evidence that more lives are lost due to residents leaving too late. It is vital that the policy response to planning the built environment to reduce bushfire risk is consistent with the practice of emergency management.

While the Association therefore does not support the proposed wording of the performance principle, the inclusion of emergency management principles is not opposed outright. An alternative wording is provided in the recommendations below that reflects this.

**Recommendation:**

6. Reinstate the current Element 3 statement of intent
7. That performance principle be modified to read:

The internal layout, design and construction of public and private vehicular access and egress to and within the site allow emergency and other vehicles to move through it easily and safely at all times, with consideration for the provision of a safe operation environment for emergency service personnel during firefighting and emergency management.

### **Acceptable Solution A3.1 Public roads**

The draft Element 3 proposes significant changes to the minimum standards to be applied to public roads in bushfire prone areas. The design of public roads are to meet the technical specifications set by the Local Government as well as those outlined in Table 6 of the draft Element 6. The Association objects to the proposed standards in Table 6 where they relate to public roads.

Draft Element 3 proposes to set a new minimum width for any public road within a bushfire prone area, that being a minimum carriageway width of seven (7) metres with additional cleared areas known as 'horizontal clearance' of 2.5m on either side of the carriageway. Further additional requirements are also set for vertical clearance, radius of road curbs and nature of the road surface. While unstated, it is assumed that these standards will be applied to all proposed roads within bushfire prone areas, regardless of the context of the site.

It has been explained to the Association that the wider widths are required to allow the establishment of a safe working environment around a stationary firefighting appliance while still allowing for vehicle movements to continue on the roadway.

The proposed road design requirements within this section are not supported by the Association for the following reasons:

- i. The proposal is inconsistent with the Objectives of 1, 16, 17, 18, 19, 20 and 23 of Element 2 Movement Network of Liveable Neighbourhoods
- ii. The proposal is inconsistent with the Requirements of 12, 12, 25, 46, 47, 48, 49, 56 and 57 of Element 2 of Liveable Neighbourhoods
- iii. The application of this road design to all contexts is inappropriate and doesn't reflect the varied nature of areas subject to bushfire risk in Western Australia, nor the variance on the level of risk experienced
- iv. The provision of 2.5m horizontal clearance from the edge of the carriageway will remove the ability to include trees into any streetscape planned under the draft Element 3. The positioning of underground services, usually positioned on the property boundary, is fixed. While street trees are generally located in a line with light poles, approximately 1.5m from the edge of the carriageway
- v. The inability to plant or retain sufficient street trees, provide necessary street infrastructure, and limitations to on-street parking likely, are incompatible with the expectations of Local Governments and communities on how their neighbourhood will look and function,
- vi. The proposed standards are inconsistent with the IPWEA Subdivisional Guidelines, which is likely to cause unnecessary confusion for proponents and decision makers. It should be noted that the IPWEA Guidelines will undergo review this year, which offers an opportunity to incorporate appropriate emergency management requirements.

At the core of the Association's concerns is the requirement that streets are to be designed around the small likelihood of the situation outlined in the performance principle. The notion that that fire fighters will operate at every point along a road reserve to fight fires on both sides of the road is not

a rational presumption from which to plan an urban environment. The Association supports a more nuanced approach to how such a requirement would be applied.

Requirement 68 of Element 2 of Liveable Neighbourhoods 2009 provides a good starting point for when and how to apply such a nuanced measure. This Requirement states:

*“Streets abutting areas of high bushfire hazard on the long-term urban edge or conservation area should be designed to the requirements of the Fire and Emergency Services Authority and in accordance with the WAPC Bushfire Hazard Guidelines to provide adequate access to fire and other emergency vehicles particularly under conditions of poor visibility.”*

The above will also be raised in the discussion of Acceptable Solution A3.3 Perimeter Roads, on the following page.

Further, the DPLH’s recently advertised position statement on planning for tourism land uses in bushfire prone areas provides further advice on how a balanced risk based approach to the imposition of higher standard could be applied. The use of Residential built-out areas to distinguish where and when the various provisions of this part of Element 3 would seem logical. Further it may be pertinent to establish differing standards for those areas within an urban built-out area.

The Association does not support the provisions of this part as advertised, however is willing to consider a risk based approach to planning roads in bushfire prone areas, where this approach takes into consideration the context of the site, including the level of risk experienced. This is reflected in the recommendations below:

**Recommendation:**

8. That the proposed standards for public road not be supported as it is contrary to orderly and proper planning, more specifically that it is inconsistent with multiple objectives and requirements of Liveable Neighbourhoods
9. If Recommendation 8 is not supported by the WAPC that A3.1 be amended to remove the requirements of this part from any area identified as a ‘Residential built-out areas’,
10. That the DPLH and DFES undertake detailed consultation with IPWEA and the Local Government sector on the proposed public road standards;

**Acceptable Solution A3.2a Public road access**

The Association supports the maintenance of the position that land within bushfire prone areas should be provided with two publicly available access routes to two different destinations. This is a reasonable and defensible acceptable solution. That being said, there has been an issue raised by Local Government members concerning the conservative nature in which both DPLH and DFES applies their discretion on performance assessments under this part.

As has been outlined above, Western Australia is a diverse state with a range of land form typologies, vegetation classifications and climates, and while 93% of the State is bushfire prone, this risk presents itself differently and at varying degrees of severity. These variances are coupled with legacy issues of developments that were approved prior to the consideration of bushfire matters in the planning system.

Therefore the need for a secondary means of access often requires a comprehensive risk assessment taking into consideration:

- the proposed land use (e.g. vulnerable, high risk)
- the intensity of the land use (number of people)
- the classification of vegetation (grassland or forest),
- management level surrounding immediate development and within the area.

The Guidelines as currently formulated allow for the consideration of all these matters through a performance based assessment of an application. However, in practice this is difficult, and Local Governments have expressed frustration with the conservative approach to the consideration of performance based assessments. The Association is supportive of the inclusion of a risk based approach in draft Element 3 that aligns with the flexibility provided for in Part 5.3 of the recently advertised position statement on planning for tourism land uses in bushfire prone areas.

With regard to the second paragraph of this section that deals with the topic of cul-de-sac heads. This section should be deleted as it is a replication of the information provided in A3.4. This comment should be read in the context of our comments on A3.4.

**Recommendation:**

11. Provide further guidance in the Explanatory Notes, particularly where it relates to 'subdivision' and 'development applications', that allows for the consideration of risk based responses to a lack of 'two access points' similar to those outlines in Part 5.3 of the position statement on planning for tourism land uses in bushfire prone areas
12. Remove the second paragraph in A3.2a that references cul-de-sac heads.

**Acceptable Solution A3.2b Public easement in gross (emergency access way)**

Public easements in gross (emergency accessways) are generally provided as a temporary means of meeting the requirements of A3.2a, that being two publicly available access routes in bushfire prone areas. They are commonly utilised in staged urban subdivision and where there are multiple landowners undertaking development.

The draft Element 3 outlines that a public easement in gross 'should only be considered when it is demonstrated that the requirements of A3.2a cannot be achieved'. In this regard, the structure of the draft Element 3 is confusing and may lead to incorrect interpretation of the role of public easements in gross. If A3.2b as an acceptable solution is subservient to AA3.2a then this should be clearly articulated. Recommendations have been provided below to remove this confusion.

Secondly, the current wording of the requirements of this part read as if this is a standard as opposed to an acceptable solution. The wording of the requirements must be in a fashion that makes it clear that the acceptable solution is but one way to meet the intent of this Element. The recommendations below provided an amended wording.

It is proposed that a public easement in gross is to be constructed to the same standard as a public road which is a significant construction and maintenance cost for an 'easement' only to be used in emergency situations. As outlined above, the Association does not support the design requirements for this road typology. This objection is extended to its application in A3.2b, and the final technical requirements for this road type should reflect the requirements of Liveable Neighbourhoods or the relevant Local Government's technical specifications.

**Recommendation:**

13. That A3.2b be modified to clarify that it is only to be treated as an acceptable solution where A3.2a cannot be complied with, and that it is not a standalone acceptable solution,
14. That A3.2b be modified to read:

*'For a public easement in gross to be considered an acceptable solution it is to meet all the following requirements:'*

**Acceptable Solution A3.3a Perimeter roads**

The Association supports the concept of a perimeter road as a core structural element in planning for bushfire prone areas, as they form a hard barrier between a hazard and a vulnerable land use. However there are considerable reservations regarding the current proposal.

As per comments on A3.1 Public roads, above, the Association has considerable concerns around the proposed road typology, and how that fits within the current planning framework while ensuring consistency with community expectations.

The technical requirements for a perimeter road are excessive, with an eight (8) metre carriage way and two (2) metre cleared zones on either side. It is again understood that this is designed around the need to fight a fire at the same time that an evacuation of residents is being undertaken.

Consistent with our comments above, there is a need to consider a risk based approach to the application of this road classification. There may be appropriate situations where a wider carriageway with cleared verges is required to adequately secure vulnerable land-uses from risk, however this would not be relevant in all situations.

The use of 'Residential built-out areas' definition to distinguish where and when a wider perimeter road is required would seem logical. Further it may be pertinent to establish differing standards for those areas within an urban built-out area. Secondly, the use of a higher standard may be appropriate where the road directly adjoins an area of high or extreme hazard. Alternatively, the higher standard would seem less appropriate where it adjoins lower threat vegetation or there is a separation, such as managed POS, between the vulnerable use and the hazard.

In light of how the acceptable solutions are applied, namely as a rigid standard, the Association is not in a position to support the current proposal outlined in these Guidelines.

***Recommendation:***

15. That the proposed standards for perimeter road not be supported as it is contrary to orderly and proper planning, and specifically that it is inconsistent with multiple objectives and requirements of Liveable neighbourhoods
16. That the DPLH and DFES liaise with IPWEA and the Local Government sector to determine how bushfire road standards could be incorporated into the IPWEA Subdivisional Guidelines,
17. That consideration be given to a risk based approach to any higher standard for perimeter roads, with a preference for higher standard to apply to rural and rural residential areas, and those urban areas where a road directly adjoins an areas of extreme risk.

***Acceptable Solution A3.3b Easements in gross (fire service access easements)***

Draft Element 3 proposes a number of changes to the existing fire service access route (perimeter road) acceptable solution. Most notable is the preference for one management and access arrangement, being an easement in gross with the management of maintenance falling to the Local Government. The existing Element 3 provides for a range of management and funding arrangements for this form of access.

Considering the expanded nature of this form of access, namely the width and scale of the access way, Local Governments will be required to give due consideration to the appropriateness of such proposals, and their ability to adequately fund and maintain such easements in perpetuity.

While draft Element 3 makes clear in the explanatory notes that a Local Government will need to consent to such arrangements, the inclusion of this requirements should be included within the acceptable solutions. Where Local Government consent is not given, an easement in gross should no longer be a considerable acceptable solution, and this reality should be made clear to proponents.

***Recommendation:***



18. Include within A3.3b an additional requirements for Local Governments to consent to an easement in gross (fire service access easement) for it to be considered an acceptable solution
19. Re word first sentence of the opening paragraph of A3.3b to read:

“Fire service access easements **should** be established where a perimeter road cannot be provided and where proposed lots adjoin classified vegetation.” (*emphasis added*)

20. That A3.3b be modified to read:

*‘For a fire service easement to be considered an acceptable solution it is to meet the following requirements.’*

#### **Acceptable Solution A3.4 Cul-de-sac (including a dead-end road)**

The draft Element 3 proposes modifications to the requirements that a cul-de-sac must meet to be considered an acceptable solution. While the baseline requirement of 200m length has remained consistent, the ability to consider an extension to 600m, as an acceptable solution, where certain requirements are met, has been removed. This will likely lead to more applications undertaking a performance based solution in rural and rural residential areas.

Cul-de-sacs are also required to be constructed in line with the public road definition, this definition is not supported by the Association, and this position also applies to its application in cul-de-sacs.

Lastly, the current wording of the requirements of this part read as if this is a standard, as opposed to an acceptable solution. The wording of the requirements must be in a fashion that makes clear that the acceptable solution is but one way to meet the intent of this Element. To this end, the recommendation below provides an amended wording.

#### **Recommendation:**

21. That A3.4 be modified to read:

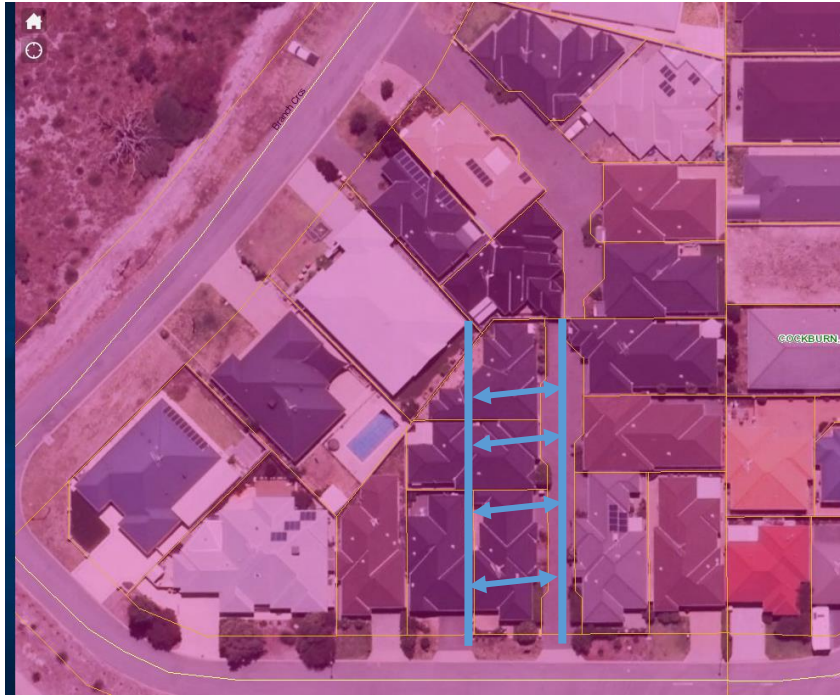
*‘For a cul-de-sac to be considered an acceptable solution it is to meet the following requirements:’*

#### **Acceptable Solution A3.5 Communal (private) roads servicing strata developments**

The Association does not support the proposed provisions of this part. Of particular concern is the expectation that proponents of strata developments with more than 3 dwellings to provide access greater than a standard access street. This is inconsistent with the requirements of State Planning Policy 3.1 and State Planning Policy 7.3 and the design objectives of both. It is inappropriate that a Guideline proposes requirements above and beyond the requirements of other State Planning Policies.

Again, there is a lack of risk based rationality within the draft Element 3. The majority of strata developments occur within urban contexts where fire risk is generally not as high as in a rural or rural-residential setting. The use of ‘Residential built-out areas’ definition to remove this requirement from such areas would seem logical and is supported by the Association.

Below is an example of two strata developments within the bushfire prone area that would be expected to try and comply with this acceptable solution if they were built today. These developments include vehicular access that are of a width commonly seen in such developments. If A3.5 was applied to these developments, the accessways would need to be 7.0m wide with 2.5m of horizontal clearance on either side. The blue arrows indicate the space taken up by a twelve (12) metre wide driveway. It is likely that if such a requirement was imposed on a development of this scale that it would be unviable.



A requirement for a 7.0m driveway is inconsistent with C5.2 of Part 5 of State Planning Policy 3.1 which stipulates that no driveway shall be wider than six (6) metres at the street boundary. Further the proposed driveway widths are likely to produce a product that is inconsistent with the design principles 5.3.5 Vehicular access (within SPP 3.1), which stipulates the need to consider 'pedestrian safety' and 'high quality landscaping features' in the design of accessways.

The outcome of such a prescriptive approach would lead to a large number of performance based applications under both the Guidelines and the R-Codes. This would have considerable resourcing impact on Local Governments and the DFES. It is also understood that the draft Element 3 has not been widely circulated to the development and housing industry for comment, considering the scope of the changes proposed in A3.5, wider consultation is warranted.

***Recommendation:***

22. That A3.5 be removed from the draft Element 3 as it is inconsistent with orderly and proper planning and the requirements of State Planning Policy 3.1 and State Planning Policy 7.3
23. If Recommendation 16 is not supported by the WAPC that A3.5 be amended to remove the requirements of this part from any area identified as a 'Residential built-out areas';

***Acceptable Solution A3.6 Battle-axe access legs***

The Association does not support the proposed provisions of this part. Again these concerns are drawn from the wide ranging contexts that such a provision will be applied, and therefore the inappropriateness of the proposed requirements in many urban settings.

The proposed acceptable solutions appear to have been crafted with a rural or rural-residential context in mind. Where battle-axe legs are at times hundreds of metres long and are lined with at-risk vegetation. The Association generally supports the proposed provisions in such locations, though this support should be read in the context of the below comments, comments on Table 6 and the battle-axe access legs explanatory notes.

Consistent with our previous comments, there is a need to consider a risk based approach to the application of this form of accessway. There may be appropriate situations where a wider carriageway with cleared verges is required to adequately secure vulnerable land-uses from risk, however this will not be for all situations. The use of 'Residential built-out areas' definition to distinguish where and when a wider perimeter road is required would seem logical. Further it may be pertinent to establish differing standards for those areas within an urban built-out area.

Below is an example of an existing lot in the City of Melville with a 53m battle-axe access leg. The bushfire risk is a managed area of public open space to the rear of the lot. Under the proposed acceptable solutions such a development would be expected to meet the requirements of the acceptable solutions. It would require a 6m wide access leg, and adequate space to turn around a fire truck.



Access requirements to such lots for firefighting purposes are quite different to those found in rural and rural residential areas. In rural setting access is required so that firefighters can access the firefighting water source – the water tank. In the example above, scheme water is available. Examples such as the one above are an indication that the proposed application of the acceptable solutions are poorly framed and likely to have unintended consequences.

Further, in an urban context the requirements for wider access legs and space to turn around a fire appliance will likely mean non-compliance with the deemed-to-comply provisions of State Planning Policy 3.1. Again, decisions such as these in the draft Element 3 have considerable resourcing implications for Local Government.

The current wording of this section is confusing and makes it unclear as to whether battle-axe access legs are an acceptable solution or a design outcome 'to be avoided'. As per the commentary on part A3.2b above the draft Element 3 should be modified to make clearer that A3.6 is an acceptable solution only where it is agreed that A3.2a can not be satisfactorily addressed.

Lastly, the current wording of the requirements of this part read as if this is a standard as opposed to an acceptable solution. The wording of the requirements must be in a fashion that makes clear that the acceptable solution is but one way to meet the intent of this Element. To this end, the recommendations below provided an amended wording.

### **Recommendation:**

24. That A3.6 be modified to clarify that it is only to be treated as an acceptable solution where A3.2a cannot be complied with, and that it is not a standalone acceptable solution
25. That A3.6 be amended to remove the requirements of this part from any area identified as a 'Residential built-out areas', and
26. That A3.6 be modified to read:

*'a battle-axe to be considered an acceptable solution it is to meet the following requirements:'*

### **Acceptable Solution A3.7 Private driveways**

The Association supports in part the proposed provisions of this part. Again these concerns are drawn from the wide ranging contexts that such a provision will be applied, and therefore the inappropriateness of the proposed requirements in many urban settings.

The proposed acceptable solutions appears to have been crafted with a rural or rural-residential context in mind. Where long private driveways are common and are lined with at-risk vegetation. The Association generally supports the proposed provisions in such locations, though this support should be read in the context of the below comments, comments on Table 6 and the battle-axe access legs explanatory notes.

Consistent with our previous comments, there is a need to consider a risk based approach to the application of this form of access way. There may be appropriate situations where a wider carriageway with cleared verges is required to adequately secure vulnerable land-uses from risk, however this will not be in all situations. The use of 'Residential built-out areas' definition to distinguish where and when a wider perimeter road is required would seem logical. Further it may be pertinent to establish differing standards for those areas within an urban built-out area.

Lastly, the current wording of the requirements of this part read as if this is a standard as opposed to an acceptable solution. The wording of the requirements must be in a fashion that makes clear that the acceptable solutions is but one way to meet the intent of this Element. To this end, the recommendations below provided an amended wording.

#### **Recommendation:**

27. That A3.6 be amended to remove the requirements of this part from any area identified as a 'Residential built-out areas';
28. That A3.7 be modified to read:

*'a battle-axe to be considered an acceptable solution it is to meet the following requirements:'*

#### **Table 6**

Where relevant the Association has made comments on each road classification under the appropriate acceptable solution. These comments should be read in conjunction with the comments below.

Table 6 makes various references to detailed road design requirements, which ensure that the road network in and around a bushfire prone area is able to be safely traversed by DFES firefighting appliances. However, as has been noted, the Association has concerns regarding the inclusion of detailed road design elements in the Guideline. The duplication and addition of requirements outside the IPWEA Subdivision Guidelines, a document endorsed by the WAPC, is an unnecessary replication. The IPWEA Subdivisional Guidelines are to be reviewed this year, it is the preferred position of the Association that any public road standards for bushfire prone area be included within this document.

Table 6 makes reference to all road classifications being able to take a weight capacity of 23 tonnes, up from 15 tonnes in the current iteration. It is understood that this relates to the weight of a bulk water transporter and the need to bring that vehicle into various settings. The Association has a number of concerns regarding this requirement:

- That the manner in which road loading requirements are portrayed is inconsistent with the approach taken by the Road Traffic (Vehicles) Regulations 2014, namely weight per axle type
- That the vehicle this requirement is designed around, being 23 tonnes, and having a rear tandem axle and a single front axle, may make it non-compliant with the requirements of Regulation 164 (7) of the Road Traffic (Vehicles) Regulations 2014, and

- That any overweight vehicles seeking to operate in such a fashion would require a concession from Main Roads WA, and that such a vehicle would then not be able to operate on most local roads as these are not concessional roads.

The Guidelines should not recommend a standard that is outside the regulatory framework set by Main Roads WA. While it is accepted that DPLH and DFES should be able to set loading capacity standards for non-public roads, these standards must also be cognisant of the standards of the requirements of the public roads vehicles are required to traverse to reach it.

Table 6 of the draft Element 3 seeks to clarify the definition of 'minimum horizontal clearance'. It is understood that this refers to the area between the carriageway and a hazard or non-traversable area that is designed in a manner that allows use by DFES during operational times. It is assumed from the diagram provided for in Figure 1 that this area is to be largely devoid of items or vegetation that may encumber the use of this area by DFES personnel.

The expectation that these areas are to be left in a cleared state raises a number of concerns for the Association. In this submissions comments, reference is made to concerns within an urban context. There are however additional concerns around the application of minimum horizontal clearances in rural and rural residential areas.

As outlined in the IPWEA Subdivisional Guidelines, in rural and special rural subdivisions the aesthetic and environmental amenity of the subdivision may depend upon the conservation of the roadside vegetation. Some of the positive values of roadside vegetation that relate to fire risk include:

- existing roadside flora is usually stable and requires little management;
- it is less of a fire hazard than weeds and therefore takes less effort to maintain;
- the reduction of sunlight and the competition provided by roadside shrubs and trees can suppress the growth of weeds; and
- roadside flora assists in erosion control.

The wholesale removal of roadside vegetation from rural and rural residential areas is not supported by the Association. There has been no justifiable case made by the DPLH and DFES to support this change.

#### ***Recommendation:***

29. That DPLH and DFES consult with Main Roads WA on the appropriateness of the 23 tonne weight capacity in light of the requirements of Regulation 164 (7) of the Road Traffic (Vehicles) Regulations 2014
30. That the weight requirements be removed from Table 6 and an appropriate reference be made to the most appropriate vehicle type under Regulation 164 of the Road Traffic (Vehicles) Regulations 2014, and
31. That the DPLH investigate the inclusion of detailed road design requirements for bushfire prone areas into the next iteration of the IPWEA Local Government Guidelines for Subdivisional Development.

#### ***Explanatory Note – Access and egress on private land - E3.7 Private driveways***

With regard to Figure 8, the types of turning heads and their dimensions differ from those outlines in Figure 25 of Liveable Neighbourhoods 2009. For the purposes of clarity and legibility of the planning system the same diagrams should be utilised. These diagrams are also utilised in the IPWEA Subdivisional Guidelines. Secondly, the current dimensions in figure 8 appear to conflate the use of the radius and diameter. For example the Type A turning head indicated a radius of 17,500mm (it is assumed that the measurements are in mm, though no measure is given). This is almost twice the preferred radius of a cul-de-sac head in Liveable Neighbourhoods. It is assumed that this is an error.

#### ***Recommendation:***

32. That the preferred turning head types in Figure 8 be replaced with the appropriate example provided for in Figure 26 of Liveable Neighbourhoods.

## **5.5 Remote Area Tax Concessions (05-001-03-0006 DM)**

*By Nebojsa Franich, Policy Manager - Economics*

**Moved: Cr Les Price**  
**Seconded: Cr Paul Kelly**

**That WALGA's interim submission to the Productivity Commission Inquiry into Remote Area Tax Concessions be endorsed.**

**RESOLUTION 70.5/2019**

**CARRIED**

### **In Brief**

- Treasurer Josh Frydenberg has provided the Productivity Commission with a terms of reference to undertake a study into the zone tax offset and related remote area tax concessions and payments.
- WALGA has for a number of years called for the review and reform of the zero tax offset. The Association's submission has been prepared on the basis of existing State Council policy positions, the Economic Development project and feedback from individual Local Governments. Members were also provided the opportunity to contribute to the submission.
- The interim submission was provided to the Executive Committee out of session, and has been submitted to the Productivity Commission.

### **Attachment**

WALGA Submission to the Productivity Commission Inquiry into Regional Tax Concession and Payments.

### **Relevance to Strategic Plan**

#### **Key Strategies**

##### Sustainable Local Government

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

##### Enhanced Reputation and Relationships

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

### **Policy Implications**

The submission reflects related WALGA policy positions.

### **Budgetary Implications**

Nil.



## Background

- The Australian Government provides assistance to Australians who reside in specified geographic areas through the zone tax offset, the fringe benefits tax (FBT) remote area concessions and the Remote Area Allowance.
- The eligible zones for the zone tax offset were originally established in 1945 and were based on exposure to uncongenial climatic conditions, isolation or a relatively high cost of living. The areas eligible for FBT remote area concessions are partly determined by reference to the zone tax offset boundaries, and the Remote Area Allowance is available to recipients of Australian Government income support payments who live in specified zone tax offset areas.
- There have been concerns raised over a number of years that the design of these mechanisms has not evolved to adequately reflect changes that have occurred in demographic, infrastructure and cost-of-living since they were first established.
- Treasurer Josh Frydenberg has provided the Productivity Commission with a terms of reference to undertake a study into the zone tax offset and related remote area tax concessions and payments. The Commission is seeking information on:
  - The economic and employment effects of the zero tax offset, Fringe Benefit Tax remote area concessions and Remote Area Assistance
  - Objectives of remote area assistance programs
  - Options for revising current arrangements.
- WALGA has for a number of years called for the review and reform of the zero tax offset as a way to support a sustainable population base in regional areas. These concerns have been raised through various submissions including to the 2015 Senate Inquiry into Regional Capitals, and the Tax White Paper.

## Comment

Ensuring a sustainable population and workforce is a key issue for remote and regional areas of Western Australia. Local Governments have a keen interest in ensuring sustainable remote and regional populations both in terms of maintaining a suitable workforce for economic development as well as making certain that these communities can access essential services.

There are many challenges for remote communities, and these require complex policy responses in order to overcome these issues. While remote area concessions in isolation will not be a complete solution to these problems, they can form part of a broader suite of policy measures to help overcome some of the challenges faced by remote and regional communities and to encourage sustainable population in these areas.

WALGA considers that the rationale for retaining remote area assistance - to lessen the impact on residents and businesses from living or operating in remote areas, in order to encourage people to locate to these areas - still exists and there are still overall benefits that can be achieved by encouraging population growth in regional and remote areas.

However the current arrangements are outdated and are not delivering on their objectives. Any reforms to remote area assistance programs must ensure that they are operating as intended to support the population of remote and regional areas and are not acting as a disincentive to establishing a residential population in remote and regional areas.

WALGA's submission sets out the rationale for maintaining remote area assistance programs and identifies some of the key challenges faced by remote and regional communities. It also puts forward some options for reform for consideration by the Productivity Commission. These are as follows.



- The Zone Tax Offset arrangements should be reviewed to ensure:
  - That it provides reasonable acknowledgement of the cost of living in remote Australia
  - That the zones are based on a contemporary measure of remoteness
  - That the zones are based on up-to-date census figures
- The recommendations of the House of Representatives Inquiry into Fly In Fly Out workforce practices in regional Australia should be explored by the Productivity Commission as part of this study. This includes reform to the *Fringe Benefits Tax Assessment Act 1986* to:
  - remove impediments to the provision of residential housing in regional communities;
  - remove the exempt status of fly-in, fly-out/drive-in, drive-out work camps that are co-located with regional towns;
  - remove the exempt status of travel to and from the workplace for operational phases of regional mining projects;
  - remove the general exemption for fly-in, fly-out/drive-in, drive-out workers from the 12- month limit of payment of the living away from home allowance;
  - enable specific exemptions for construction projects that have a demonstrated limited lifespan; and
  - enable specific exemptions for projects in remote areas where the fly-in, fly-out/drive in, drive-out work practice is unavoidable.



## **Study into Remote Area Tax Concessions and Payments**

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Interim submission to the Productivity Commission

April 2019

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## 1. Introduction

The Western Australian Local Government Association (WALGA or 'the Association') is the peak organisation for Local Government in Western Australia. The Association is an independent, membership-based group representing and supporting the work and interests of 136 mainland Local Governments in Western Australia, plus the Indian Ocean Territories of Christmas Island and Cocos (Keeling) Islands.

The Association provides an essential voice for more than 1,200 Elected Members, approximately 14,500 Local Government employees, and the 2.4 million constituents that they serve and represent. The Association also provides professional advice and offers services that provide financial benefits to the Local Governments.

WALGA is grateful for the opportunity to provide a submission to the Productivity Commission study into remote area tax concessions and payments. Ensuring a sustainable population and workforce is a key issue for remote and regional areas of Western Australia. Local Governments have a keen interest in ensuring sustainable remote and regional populations both in terms of maintaining a suitable workforce for economic development as well as making certain that these communities can access essential services.

There are many challenges for remote communities, and these require complex policy responses in order to overcome these issues. While remote area concessions in isolation will not be a complete solution to these problems, they can form part of a broader suite of policy measures to help overcome some of the challenges faced by remote and regional communities and to encourage sustainable population in these areas.

WALGA considers that the rationale for retaining remote area assistance- *to lessen the impact on residents and businesses from living or operating in remote areas, in order to encourage people to locate to these areas* - still exists and there are still overall benefits that can be achieved by encouraging population growth in regional and remote areas.

However the current arrangements are outdated and are not delivering on their objectives. Any reforms to remote area assistance programs must ensure that they are operating as intended to support the population of remote and regional areas and are not acting as a disincentive to establishing a residential population in remote and regional areas.

WALGA's submission sets out the rationale for maintaining remote area assistance programs and identifies some of the key challenges faced by remote and regional communities. It also puts forward some options for reform for consideration by the Productivity Commission.

Due to meeting schedules, this interim submission has not yet been endorsed by the Association's State Council. The Productivity Commission will be informed of any changes to the Association's submission following consideration by the Council.

### ***Findings and Recommendations***

- Local Governments recognise that addressing many of the challenges faced by remote and regional communities is a complex task, which requires multi-faceted policy solutions. In this regard, remote area assistance programs are not the panacea for regional Australia.
- Nonetheless, the sector considers that remote area assistance programs can still form an important part of a broader suite of policy solutions which can help to address some of the unique challenges they face related to the future economic development of the regions, ensuring their communities have access to services and infrastructure and encouraging a sustainable population.
- While the existing support programs were introduced from 1945, the rationale for these policies still remains. Even in the current economic and social environment, there are a range of economic

and social benefits that can be achieved by encouraging people to live in remote and regional areas.

- WALGA considers that there remains a strong rationale for regional assistance programs as part of a broader policy agenda to support regional areas of the nation by encouraging development and offsetting some of the challenges of living in these areas. Some of the key objectives of these programs should include:
  - Economic development in remote and regional areas;
  - Ensuring communities in remote areas have access to essential services and infrastructure;
  - Encouraging sustainable populations within regional areas.
- There are a number of issues with the current remote area assistance programs that were outlined in the Productivity Commission's Issues paper. In light of this, and feedback from WALGA members, the Association considers that the current arrangements do not appear to be delivering on these objectives at present.
- WALGA supports the analytical approach proposed by the Productivity Commission to assess the current programs against the principles of good policy, as outlined in the issues paper. The Association's assessment of the current arrangements against these principles, and some preferred options for reform are outlined below.
- The Association believes that the Zone Tax Offset arrangements should be reviewed to ensure:
  - *That it provides reasonable acknowledgement of the cost of living in remote Australia* - At a minimum, the ZTO should be increased by applying the change that has occurred in the Australian CPI since January 1993. The Association also recommends that in future years the ZTO should be indexed to the CPI to prevent inflation from again eroding the real value of the offsets. An alternative measure could be to index the ZTO to changes in the Wage Price Index to ensure that provides a genuine benefit based on contemporary measures of income. A further option could be for the Government to develop an appropriate measure of regional costs as an appropriate inflator through the Australian Bureau of Statistics or another appropriate agency. For example, the WA Department of Primary Industries and Regional Development produces an annual Regional Price Index, which could be an appropriate inflator.
  - *That the zones are based on a contemporary measure of remoteness* – The existing measures of remoteness are not necessarily reflective of the contemporary demographic profile of the nation. There needs to be a review to determine whether the current methodology is still appropriate, or whether an alternative measure (for example the ABS classification of remoteness) is a more appropriate benchmark.
  - *That the zones are based on up-to-date census figures* – The current zones are based on figures from the 1981 census. Given the considerable changes that have occurred in the economic, demographic and population profile of the nation, the existing zones need to be updated based upon the latest census figures to ensure that it is genuinely targeted at remote areas. There are some areas (for example Darwin, Townsville, and Cairns) that may no longer meet a more contemporary definition of remoteness. It is also important that these Zones are reviewed regularly (for example after each Census update) to ensure the offset reflects accurate population figures.
- Local Governments have raised concerns that the current Fringe Benefits Tax arrangements are acting as a disincentive to a residential workforce and are instead encouraging the use of FIFO and the associated effects on the community.
- Specifically, the sector has raised concerns that the current arrangements are creating perverse incentives, whereby the FBT concessions are encouraging the use of FIFO instead of a

residential workforce. Under current arrangements, employers' use of work camps is exempt from FBT, but using housing in existing towns is subject to FBT. This means FBT has encouraged employers to use FIFO rather than locating workers and their families in regional communities.

- The House of Representatives Inquiry into Fly in, fly out workforce practises in Regional Australia, which recommended the *Fringe Benefits Tax Assessment Act 1986* should be reviewed and reformed in order to:
  - remove impediments to the provision of residential housing in regional communities;
  - remove the exempt status of fly-in, fly-out/drive-in, drive-out work camps that are co-located with regional towns;
  - remove the exempt status of travel to and from the workplace for operational phases of regional mining projects;
  - remove the general exemption for fly-in, fly-out/drive-in, drive-out workers from the 12-month limit of payment of the living away from home allowance;
  - enable specific exemptions for construction projects that have a demonstrated limited enable specific exemptions for projects in remote areas where the fly-in, fly-out/drive-in, drive-out work practice is unavoidable.
- WALGA is supportive of these changes and encourages the Productivity Commission to examine these options as part of the study.

## **2. Background**

Western Australia is a vast state, with significant areas that are sparsely populated. With the exception of the densely populated South-West regions, most of the State's geography is considered very remote. According to the latest data from the ABS, some 6% of WA's population lives in 'remote' or 'very remote' areas, well above the 2% share of the population that lives in remote or very remote areas across the country.

These characteristics mean that there are many areas in the state where residents qualify for remote area assistance programs. For example, the locations designated as eligible for the Zone Tax Offset (ZTO) in WA fall within approximately 16 Local Government areas. There are also many locations within WA that are considered remote for Fringe Benefit Tax (FBT) purposes.

The size and sparseness of the state means that WA's remote and regional areas face a number of challenges such as difficulties in funding and providing infrastructure, thin labour markets, narrowly based economies and a small State Government presence. These factors all contribute to the more challenging living conditions in remote areas, including higher costs.

For example, the latest Regional Price Index produced by the WA Department of Regional Development found that prices were highest in remote areas of the state including the Kimberley and Pilbara regions. The higher construction costs in regional areas of WA are also reflected in the Department of Finance's guidelines requiring the application of a "regional loading" to construction cost estimates for State Government projects, in recognition of the higher costs in regional and remote areas as a result of factors such as transporting materials, labour challenges and lack of competition.

Anecdotal feedback from WALGA members also states that the cost of living in remote areas is significantly more than closer rural and regional areas mostly due to freight costs, which disproportionately increases the costs of everyday supplies such as fresh fruit and vegetables. Transport costs are also reported to add to the costs of construction materials and household items.

Given the significant costs associated with provision of services and infrastructure in many of these areas, the private sector is often reluctant to enter the market. As a result, Local Governments in remote areas play a critical role in the provision of essential services and infrastructure in these communities. For example, Local Governments in remote areas often provide services such as housing for essential services workers or airports .

This can lead to significant pressures for the sector. A key challenge is in relation to funding. Local Governments in remote and regional areas generally do not have the same capacity as those in metropolitan Perth or large regional centres to use rates revenue to fund the services they provide. As a result, these Local Governments are reliant on grant funding from other levels of Government to help finance the infrastructure and services required by their communities. In 2014-15, own sourced revenue accounted for only 56% of total revenue for regional Local Governments without large towns. This is exacerbated by the need to provide a wider range of services.

This is reflected in the significant number of Local Governments in WA that are running operating deficits, which are predominantly those in regional WA without large towns, and those with declining populations. Based on research by Deloitte Access Economics, approximately 47 Local Governments in WA have finances that are unsustainable based on existing policy settings. The report also found that smaller rural councils often have a far higher ratio of assets to annual operating income and therefore typically face greater asset management challenges.

Local Governments recognise that addressing many of the challenges faced by remote and regional communities is a complex task, which requires multi-faceted policy solutions. In this regard, remote area assistance programs are not the panacea for regional Australia. Nonetheless, the sector considers that remote area assistance programs can still form an important part of a broader suite of policy solutions which can help to address some of the unique challenges they face related to the future economic development of the regions, ensuring their communities have access to services and infrastructure and encouraging a sustainable population.

### **3. Objectives of remote area assistance programs**

The current remote area assistance programs exist to lessen the impact on residents and businesses from living or operating in remote areas, in order to encourage people to locate to these areas. At the time these policies were introduced, it was considered that there was benefit to the nation in encouraging people to settle in remote areas. Some of the issues that these benefits and concessions look to offset are the harsh climate, isolation and high costs of living, or in the case of businesses, operating.

While the existing support programs were introduced from 1945, the rationale for these policies still remains. Even in the current economic and social environment, there are a range of economic and social benefits that can be achieved by encouraging people to live in remote and regional areas. Many of these have been reflected in recent reviews focussed on the development of regional Australia, including the *Our North, Our Future: White Paper on Developing Northern Australia*; the Productivity Commission's study into *Transitioning Regional Economies*; and the House of Representatives *Inquiry into the use of 'fly in fly out' workforce practises in regional Australia*.

In this context, WALGA considers that there remains a strong rationale for regional assistance programs as part of a broader policy agenda to support regional areas of the nation by encouraging development and offsetting some of the challenges of living in these areas. Some of the key objectives of these programs should include:

- Economic development in remote and regional areas;
- Ensuring communities in remote areas have access to essential services and infrastructure;
- Encouraging sustainable populations within regional areas.

These objectives and some of the issues and challenges that remote area assistance programs can look to overcome are discussed in further detail below.

### ***Regional Economic Development***

Developing regional Australia has consistently been identified as an opportunity for our economic future. Remote area assistance programs are an important tool along with other policy measures to ensure that this potential can be realised by ensuring the availability of a suitable workforce and population base to support economic diversification.

While economic development is clearly a priority for the State and Federal Governments, many Local Governments also have a strong focus on strengthening their local economy as a way to deliver better local outcomes. WALGA research has shown that economic development has become a growing focus for the sector. Some 80% of respondents to a recent survey of WA Local Governments believed that the sector plays a key role in supporting local economic outcomes; 70% allocated dedicated resources to economic development activities; and more than half have a formal economic development strategy in place.

Some of the key objectives of local economic development activities include:

- *The creation of local jobs* – Creating a strong local economy ensures jobs are available in the local area, which is an important way to attract residents and reduce the need to commute or relocate to other areas for work.
- *Availability of local products and services* – A thriving and diverse business community can mean that the community has access to a range of products and services in their local area. This is often a particularly important objective in regional areas of the state where there are fewer services available.
- *Reducing crime* – There have been a range of studies that link higher levels of unemployment with crime and antisocial behaviour. A strong economy and labour market is an important tool to address these social issues.
- *Generating revenue for service delivery* – Growing the overall size of the economy and business community can generate revenue for Local Governments to reinvest back into community services and infrastructure, and lower the overall burden on individual ratepayers.

In Western Australia, many of the opportunities to diversify the economy and support our future growth will be driven by regional areas of the state, including in remote areas. Some of the key opportunities in regional WA that have been identified by the State Department of Jobs, Tourism, Science and Innovation include:

- *Lithium* – Western Australia is currently the global leader in lithium production and also has a significant endowment of other key resources to feed into the new battery technology such as vanadium, manganese, cobalt and nickel resources. WA is also in close proximity to manufacturing hubs in Asia.
- *Space* – WA has experience in the Space industry spanning more than six decades, and is home to key institutions and infrastructure including the International Centre for Radio Astronomy Research and the Pawsey Supercomputing Centre. WA has other key advantages for this industry including geographical location; expertise in remote operation; and capabilities in development and use of space-derived applications. The expanding national research and development agenda associated with the space industry is likely to drive an expanding market of opportunities for WA.
- *Mining equipment, technology and services* – WA's expertise in resources extraction has led to the development of expertise in areas such as core engineering design and project management, consulting services, core mining and processing equipment, IT equipment and related services, specialised technology and general support services.
- *Renewable Energy* – There are also considerable opportunities for the state in the production of renewable energy due to its vast available land and climate conditions, with renewable hydrogen, solar, wave and wind power all key opportunities.
- *Tourism* – WA is located in close proximity to key growth markets in Asia, and is home to unique natural attractions.

- *Agriculture and food* – Being located in the southern hemisphere, WA is well placed to take advantage of seasonal export opportunities into northern hemisphere markets. The state is also renowned for its stringent safety and quality systems and the production of premium food and beverage products.

However, the ability to leverage these opportunities is not guaranteed and will amongst other things require effective provision of public infrastructure and policies that will ensure that WA's regions can attract the employment and private investment they need to realise their potential. Tax concessions and incentives are an important part of this policy mix along with other reforms to improve the productivity and competitiveness of the economy, in particular to ensure an appropriate workforce is available in the regions to make the most of these opportunities.

WALGA members in many regional and remote areas of the state have reported that access to a suitably skilled labour force can act as a barrier to economic development. This issue affects both local businesses as well as the ability of the Local Government itself to source staff.

This was clearly demonstrated during the mining boom in the early 2000s where labour and skills shortages were a major issue affecting the state. There are signs that this will once again be a challenge for the state in coming years as the WA economy returns to growth. There have already been anecdotal signs that skills shortages are starting to occur in regional and remote areas of WA. For example, the Kalgoorlie Chamber of Commerce and Industry reported in March 2018 that up to 1500 jobs were unable to be filled due to a lack of workers in the region, with shortages being experienced across industries including mining, engineering, education, real estate, transport and the not for profit sector.

The inability to source local workers is a particular issue in the resources regions of the state, which are required to accommodate significant increases in demand for labour during 'peak' phases of a project, and has required the use of fly in fly out (FIFO) workers. This has broader implications for local communities beyond the economic impact.

While the use of a fly-in fly-out workforce is often necessary, Local Government's preference is for the use of a residential workforce in the first instance. Further detail on the issues surrounding FIFO can be found on page 12.

### ***Access to services and infrastructure***

Access to basic services and infrastructure is problematic for many remote communities. It is recognised that this is a complex issue and that these challenges will not be overcome by remote area assistance programs in isolation.

However, these examples do highlight the challenges faced by remote communities and reinforces the rationale for assistance programs as a measure to help compensate residents of these areas for the more difficult conditions and higher costs. This is particularly important for those on lower incomes who have less capacity to travel to access services.

Remote area assistance programs can provide an incentive for essential services workers to locate in the region, but also to grow the population more generally which contributes to the viability of these services and infrastructure by creating scale.

Some examples of the challenges faced by remote communities in WA in accessing essential services and infrastructure are outlined below.



## *Health Services*

WALGA members in remote and regional areas of WA have identified access to essential services as a key issue for their local community, often due to the lack of a suitable workforce. Specifically some of the concerns that have been raised by WALGA members include:

- Difficulties attracting and retaining appropriately skilled and experienced staff, in particular doctors, nurses and allied health staff (health professionals), police, teachers and education providers;
- Distance to travel to see a professional or access to essential services; and
- Access to essential services and professionals (hours of operation or number of staff providing service that is not meeting demand).

WALGA recently conducted a survey of its members to better understand the challenges related to health services in regional and remote areas.

In terms of regional WA more generally:

- Twenty-one Local Governments had no medical centre at all. Of those with a medical centre within their boundaries, sixteen have very limited hours.
- Forty-two respondents stated that they had a nursing post operating in their local community, including nurses stationed at the hospital, medical centres, external organisations such as Silver Chain or in communities. Many of the responses stated that nurses worked in their community part-time with some areas having only one day of coverage per week.
- Some regional and remote areas have considerable distance to the nearest health services, and in some cases there is a 500km drive to receive care.

In terms of the areas that are eligible for remote area concessions, some of the specific issues reported included:

- Some remote towns do not have access to a doctor service (for example, Dampier, Coolgardie).
- Workers in medical centres are often not replaced, leaving these services unstaffed. For example, some areas no longer have access to a community or aboriginal health officer as these roles have become vacant and not been replaced.
- Where services exist, there is not necessarily consistent coverage. One Local Government reported that its nursing posts was unstaffed while the existing nurse is on leave.
- In areas where there are no services, there are significant distances to the nearest available centre. For example, one Local Government reported the nearest hospital is 500km away and the nearest medical centre 712km away.
- Some services do not exist or there are gaps in service availability. For example, some towns did not have access, or had only limited access, to dental, paediatric, chiropractic and mental health services, or more specialised services such as kidney dialysis.
- There can be significant waiting times to access services due to lack of resources. For example, one Local Government reported a case where an individual left the emergency department after not being assessed for 3 hours.
- Lack of resources to provide preventative health activities. For example, insufficient resourcing to provide health promotional material to provide knowledge and awareness to at risk communities, particularly in relation to drug and alcohol abuse.

Many Local Governments being forced to directly procure the services of health professionals or to provide financial incentives to address this issue and ensure equitable access to services for all Western Australians. For example:

- The Town of Port Hedland has built housing to accommodate General Practitioners and medical staff.
- The City of Karratha has previously run financial incentive programs to attract doctors, and facilitate commercial space at attractive rates. The City has also partnered with local industry to manage a medical service incentive scheme to encourage doctors to the region by providing housing and other incentives

#### *Aviation Services*

There is an ongoing issue in WA in relation to the provision of efficient, cost effective air services to ensure accessibility for residents, visitors, workers and service providers in remote and regional areas, and to underpin the economic and social sustainability of these regions.

While there are a number of routes that are regulated by the WA Government to ensure access to essential air services in remote areas which are not commercially viable, there remains an ongoing concern about the cost of airfares in regional WA. This is of particular concern for residents needing to travel to Perth regularly for medical or other reasons.

Recently, a Parliamentary Committee undertook an Inquiry into this issue and found that the current arrangements are impacting on social amenity, government service delivery, business operations, and tourism. In particular, the final report found:

- The more remote a community is from Perth, and the more limited alternative transportation arrangements are, the more significant the impact of high airfares on regional communities.
- Isolation and high airfare prices work in synergy to create pressure and challenging living conditions for regional communities, and is a major factor detracting from the 'liveability' of regional centres. The report cited the submission from the Shire of Derby West Kimberley, which stated that their population has declined since the cessation of the regular public transport service from this town.
- Isolation and high airfares influence people's long-term decisions to live in remote centres.
- High regional airfares are significantly and adversely affecting the lives of regional Western Australians, particularly those who are forced to travel due to sickness, emergency or other family incident.
- Many residents are affected by inadequate scheduling, a poor quality older air fleet and unreliable and expensive freight services.

To address the issues surrounding high regional airfares, many Local Governments are undertaking initiatives to address this issue, primarily those which operate the regional airport. The Inquiry noted that many regional local governments have taken direct action to reduce or freeze airport passenger and landing charges. For example:

- The City of Kalgoorlie Boulder has agreed to rebate the \$25.95 per passenger landing fees for those passengers who use the new Qantas residents discount trial fares each month. It is estimated that this will cost the City approximately \$250,000 per annum.
- The City of Greater Geraldton has frozen its airport passenger service fees and landing fees for the past three years.

- The City of Karratha has reduced its airport charges to match the discount provided by Qantas for residents using the residents discount trial fares.

### *Telecommunications*

WALGA members in remote and regional areas have consistently identified telecommunications as a challenge for their communities. Some of the issues raised related to the reliability and speeds of mobile telephone and internet access and the implications for both the community and economy.

The anecdotal feedback provided by WALGA members has also been reflected in recent research.

For example, the Bankwest Curtin Economics Centre examined access to the internet in WA. While this report shows that WA compares favourably to other states in terms of internet access in remote and very remote areas, it still shows that people located in these areas are accessing the internet less than those in major cities. Some 82.7% of households in very remote areas have internet access in WA, compared to 65.5% across the country. However, this is still well below the 92.6% of households in major cities which have internet access.

In terms of those households which don't access the internet, a large proportion of these were located in remote areas. For example, the lowest performing region in WA was East Pilbara, with 55% of households not accessing the internet. This was followed by Halls Creek (47%), Leinster-Leonora (44%) and Derby-West Kimberley (41%).

The report also did not provide any information about the quality of services being accessed by households. However, it did examine small business access to telecommunications and provided some indication of service quality.

Overall, the report found that small businesses in the Pilbara and Kimberly regions had a high share of respondents rating the quality of broadband as low (26.2% and 24.4% respectively) and a small share rating the quality of broadband as very high (11.9% and 8.9% respectively). In terms of mobile phone and internet services collectively, some 13% of small businesses in the Kimberley and rated the quality of both internet and mobile services as low – the highest of all areas. A similar result was reported for around 10% of small businesses in the Goldfields.

### ***Sustainable populations***

Population and demographic issues remain important considerations in many regional and remote areas of WA. Many Local Governments have reported challenges arising from declining populations and the larger "service" populations associated with FIFO workers and other seasonal residents.

These issues all help to reinforce the rationale for remote area assistance programs to encourage a residential workforce and sustainable population in remote areas.

#### *Declining populations in remote areas*

After a period of record growth, WA's rate of population growth has declined in recent years in line with the downturn in the economy and end of the mining investment boom. Over the year to September 2018, WA's estimated resident population grew by just 0.9%, well down on the growth rates in excess of 3% recorded during the height of the boom in 2008.

Although the rate of growth has declined, the State's overall population has continued to rise. However, growth has not been evenly spread, with many remote areas of the state experiencing population decline. According to the Australian Bureau of Statistics, the number of Western Australians living in very remote or remote areas has been in decline for the four years from 2014 to 2017 (-4.9% to 155,265 from 163,311), while the number of people living in outer regional areas of WA has declined for the last three years (-1.3% from 189,218 to 186,065).

Addressing this decline and ensuring sustainable populations in regional areas – particularly the regional capitals – is important to ensure that these locations can continue to service the significant industry base that is located in regional areas.

The importance of regional centres was set out by Regional Capitals Australia, which emphasised that the role of these centres is to provide a 'central point to access essential infrastructure, services, business, employment and education for local residents as well as those in surrounding towns and rural areas. This is particularly relevant to WA Local Governments, since they provide important rail, road and port links to export markets for the State's key commodities, such as wheat and iron ore.

### *Fly in Fly Out Workers*

While FIFO is an economic reality and has allowed for the development of an industry that has delivered significant wealth for the state economy more broadly, Local Governments have concerns that FIFO operations can lead to a range of challenges for host communities. For these reasons, Local Governments have a preference for a residential workforce in the first instance.

The use of FIFO creates challenges for Local Governments in providing services and infrastructure, as they are required to contend with 'service populations' that are larger than their resident populations. Many Local Governments stated that they were carrying the burden of services and infrastructure to support FIFO workers without appropriate funding to cover for these costs, and pointed towards resulting shortages across a number of areas including:

- community infrastructure and services;
- rail and road infrastructure;
- town services, including water, road and sewerage;
- airports; and
- telecommunications.

For example, Local Governments in Karratha, Port Hedland and Kalgoorlie/Boulder are required to service larger populations due to the impact of the large FIFO workforce. A 2012 Parliamentary Inquiry into the use of FIFO received a number of Local Government submissions regarding the economic impact of FIFO workers. Local Governments pointed out that infrastructure such as roads, airports, water and sewerage services, and community facilities were provided to the non-resident population, who do not contribute financially to meeting the costs. Some remote areas such as Broome also cater to a large service population due to the impact of tourism.

Local Governments have also raised concerns about the social impact of FIFO, including declines in community identity and social cohesion; reduced community safety; and lower engagement in community life. Regional towns have also reported adverse outcomes for their local economy and business community.

The overall economic impact of FIFO was outlined in research by Hogan and Berry which found that FIFO:

- Delivers benefits to capital cities and large urban or regional centres by diversifying their economies;
- Is destructive to local communities that are not able to meet the infrastructure and service demands generated by a non-resident workforce;
- Can reduce the economic viability of local infrastructure, services and businesses in situations where there has been a shift from a permanent resident workforce to a largely FIFO workforce.

Many of these concerns were also raised by Local Governments in their submissions to the 2015 House of Representatives Inquiry, *Cancer of the bush or salvation for our cities?*, which examined the impact of FIFO and Drive In Drive Out (DIDO) workforce practices in Regional Australia.

In particular, the final report noted that there is evidence of projects in the Pilbara where there has been effectively no integration with the local or regional economy, and pointed towards examples

where major resources projects were not using local suppliers for basic services even when suitable local suppliers were available. The report also pointed towards examples where FIFO work camps in close proximity to host towns contained services such as supermarkets and bars, which have reduced benefits to the local community.

While it is recognised that FIFO is necessary in some circumstances, it is important that any remote area assistance does not actively encourage FIFO in preference to a residential community.

#### **4. Options for revising current arrangements**

While the rationale for remote area assistance programs still exists, these alone are not a panacea for the challenges faced in remote and regional areas, such as high costs, lack of services and infrastructure. Many of the issues will require a broader, multifaceted policy solution.

Remote area assistance programs can form part of the policy solution, and as outlined earlier, Local Governments consider there is a clear rationale for these to be maintained. However, it is important that any remote area assistance programs are appropriately targeted, delivering on their stated policy objectives and delivering an overall net benefit to the community.

There are a number of issues with the current remote area assistance programs that were outlined in the Productivity Commission's Issues paper. In light of this, and feedback from WALGA members, the Association considers that the current arrangements do not appear to be delivering on these objectives at present.

WALGA supports the analytical approach proposed by the Productivity Commission to assess the current programs against the principles of good policy, as outlined in the issues paper. The Association's assessment of the current arrangements against these principles, and some preferred options for reform are outlined below.

##### ***Zone Tax Offset***

WALGA questions whether the current ZTO arrangements are delivering on the elements of good policy design which require that the policy:

- Bring a net benefit to society
- Be proportional to the objective that they are designed to achieve
- Be evaluated over time to ensure that they remain relevant and cost-effective
- Be transparent, clear and concise

Given that the nominal value of the ZTO has not been adjusted since 1993 and that only a limited number of people are accessing the offset, it is not likely that the offset is delivering any clear benefit for the community. The base payment for a single person has remained at \$338 a year in Zone A, \$57 in Zone B, and \$1,173 in the special areas. Based on average weekly earnings, even in the special areas the offset represents less than 2% of annual income. Further, the multiple zones and special areas make the offset confusing and are not likely to reflect contemporary measures of remoteness given that they are based on census figures from 1981.

The Association believes that the ZTO arrangements should be reviewed to ensure:

- *That it provides reasonable acknowledgement of the cost of living in remote Australia* - At a minimum, the ZTO should be increased by applying the change that has occurred in the Australian CPI since January 1993. The Association also recommends that in future years the ZTO should be indexed to the CPI to prevent inflation from again eroding the real value of the offsets. An alternative measure could be to index the ZTO to changes in the Wage Price Index to ensure that provides a genuine benefit based on contemporary measures of income. A further option could be for the Government to develop an appropriate measure of regional costs as an appropriate inflator through the Australian Bureau of Statistics or another appropriate agency. For example, the WA Department of Primary Industries and Regional

Development produces an annual Regional Price Index, which could be an appropriate inflator.

- *That the zones are based on a contemporary measure of remoteness* – The existing measures of remoteness are not necessarily reflective of the contemporary demographic profile of the nation. There needs to be a review to determine whether the current methodology is still appropriate, or whether an alternative measure (for example the ABS classification of remoteness) is a more appropriate benchmark.
- *That the zones are based on up-to-date census figures* – The current zones are based on figures from the 1981 census. Given the considerable changes that have occurred in the economic, demographic and population profile of the nation, the existing zones need to be updated based upon the latest census figures to ensure that it is genuinely targeted at remote areas. There are some areas (for example Darwin, Townsville, and Cairns) that may no longer meet a more contemporary definition of remoteness. It is also important that these Zones are reviewed regularly (for example after each Census update) to ensure the offset reflects accurate population figures.

### ***Fringe Benefits Tax – Remote Area Concessions***

Given the lack of available information about the FBT remote area concessions, it is difficult to determine whether it is consistent with the elements of good policy design. In particular, WALGA questions whether the current arrangements:

- Bring a net benefit to society
- Are better than any alternative
- Are proportional to the objective that they are designed to achieve
- Are transparent, clear and concise.

The lack of available information about the use of the concession also reinforces that it has not been evaluated over time to ensure that it remain relevant and cost-effective.

Local Governments have raised concerns that the current Fringe Benefits Tax arrangements are acting as a disincentive to a residential workforce and are instead encouraging the use of FIFO and the associated effects on the community.

Specifically, the sector has raised concerns that the current arrangements are creating perverse incentives, whereby the FBT concessions are encouraging the use of FIFO instead of a residential workforce. Under current arrangements, employers' use of work camps is exempt from FBT, but using housing in existing towns is subject to FBT. This means FBT has encouraged employers to use FIFO rather than locating workers and their families in regional communities.

The Association acknowledges that the FBT exemption for work camps is reasonable particularly for remote project sites or for the construction phase of projects. In contrast, operational workforces located near existing cities and towns should not be encouraged, through the tax exemption, to be located in camps. Indeed, this practice is detrimental to the development of mining regions as it discourages workers from participating in community life and spending money in the local area.

These issues were acknowledged by the 2013 House of Representatives Inquiry into Fly in, fly out workforce practises in Regional Australia, which recommended the *Fringe Benefits Tax Assessment Act 1986* should be reviewed and reformed in order to:

- remove impediments to the provision of residential housing in regional communities;
- remove the exempt status of fly-in, fly-out/drive-in, drive-out work camps that are co-located with regional towns;

- remove the exempt status of travel to and from the workplace for operational phases of regional mining projects;
- remove the general exemption for fly-in, fly-out/drive-in, drive-out workers from the 12-month limit of payment of the living away from home allowance;
- enable specific exemptions for construction projects that have a demonstrated limited lifespan; and
- enable specific exemptions for projects in remote areas where the fly-in, fly-out/drive-in, drive-out work practice is unavoidable.

WALGA is supportive of these changes and encourages the Productivity Commission to examine these options as part of the study.

<b>5.6</b>	<b>Directions Paper for the 10 Year Strategy on Homelessness (05-018-02-0007 JB)</b>
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*By Joanne Burges, Executive Manager People & Place*

Moved: Cr Brooke O'Donnell  
Seconded: President Cr Malcolm Cullen

1. That WALGA notes:
  - a. that the State Government's "Directions Paper for 10-year Strategy on Homelessness: Western Australia 2019-2029" does not explicitly address the general housing affordability crisis as a cause of homelessness, nor the approximate seven year waiting list for qualifying applicants to be allocated social housing
  - b. that without a significant injection of new capital and a qualitative increase in social housing stock, it is hard to see how endemic homelessness can be eliminated even though this is the stated aim of the directions paper.
2. The Association's submission be endorsed subject to incorporating the need to address the underlying crisis outlined in (1) above.

**AMENDMENT**

Moved: Mayor Carol Adams OAM  
Seconded Mayor Tracey Roberts JP

3. That WALGA advocates to the State and Federal Governments for a whole of Government approach.

**AMENDMENT CARRIED**

The Motion as Amended was put:

1. That WALGA notes:
  - a. that the State Government's "Directions Paper for 10-year Strategy on Homelessness: Western Australia 2019-2029" does not explicitly address the general housing affordability crisis as a cause of homelessness, nor the approximate seven year waiting list for qualifying applicants to be allocated social housing
  - b. that without a significant injection of new capital and a qualitative increase in social housing stock, it is hard to see how endemic homelessness can be eliminated even though this is the stated aim of the directions paper.
2. The Association's submission be endorsed subject to incorporating the need to address the underlying crisis outlined in (1) above.
3. That WALGA advocates to the State and Federal Governments for a whole of Government approach.

**RESOLUTION 71.5/2019**

**CARRIED**

**In Brief**

- In March 2019, the Department of Communities released a Directions Paper for the 10-Year Strategy on Homelessness: Western Australia 2019-2029
- The Association garnered input to an Interim Submission through the normal communication channels and provided this by the deadline of 17 May 2019.



- The Association has been represented on the Supporting Communities Forum Homelessness Working Group by senior staff since its inception in mid-2018.

## Attachments

Interim Submission – Directions Paper for the 10-Year Strategy on Homelessness

Link to Directions Paper <https://www.communities.wa.gov.au/media/1746/homelessness-strategy-directions-paper.pdf>

## Relevance to Strategic Plan

### Key Strategies

#### Engagement with Members

- Improve communication and build relationships at all levels of member Local Governments
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues.

#### Sustainable Local Government

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

#### Enhanced Reputation and Relationships

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government.

#### Policy Implications

- Nil

#### Budgetary Implications

- Nil

## Background

Since 2017 the McGowan Government has had a renewed focus on social policy development and underpinning this has been a commitment to seek innovative solutions, support collaboration, focus on outcomes, build from an evidence base and, most importantly, place people at the heart of their response.

As part of this renewed focus the Government established the Supporting Communities Forum with the membership of the Forum announced on 6 December 2017.

The role of the Forum is to explore effective ways of engaging with the sector, to enable positive change to complex issues impacting on the lives of Western Australians.

Seven Working Groups were established to focus on each of the Premier's identified priorities for the Forum in 2018:

- provide advice on collaborative practice between the government and community services sectors
- work with DPC to develop an outcomes framework for the community services sector
- support reforms to procurement practice including a review of the Delivering Community Services in Partnership Policy
- work with the Department of Communities to trial new approaches to service design to develop a State Homelessness Strategy
- support the Government's commitment to strengthen data sharing and linkage
- inform the structure, tone and reporting areas of the biennial Our Communities Report, and

- identify ways for the Forum to engage with the broader community to communicate the work of the Forum.

In mid-2018 the State Government Supporting Communities Forum established a Homelessness Working Group to deliver on a Homelessness Strategy.

Participants were invited to participate based on those that may be currently working in the space of Homelessness, sit on Committees with relevance or as a conduit to wider key stakeholder groups.

Participants include representatives from Youth Advisory Council WA, National Disability Services WA, Ruah, Shelter WA, Foundation Housing, Western Australian Alliance to End Homelessness, Ebenezer House Homeless Service and WALGA. State Government representatives from Education, Finance, Justice, Treasury, Health Networks, DPC and Communities also contribute. Key stakeholders are identified and co-opted throughout the process as needed.

The Association has been represented on the Working Group by senior staff since its inception.

The Working Group has met regularly throughout the development of the Directions Paper which will ultimately inform the Strategy.

The aim of the Working Group is to deliver a whole of community Strategy that:

- Is responsive to the feedback received from communities across regional and metropolitan Western Australia
- Defines the role of and sets out clear actions for State Government agencies, Local Government, business and the community sector to help address and prevent homelessness, and
- Puts Western Australia on the path to ending – not managing – homelessness.

The goal is to create a Strategy that places people at the heart of the response and shifts away from 'managing' homelessness towards 'ending' homelessness.

This is reflected in the strategic vision of: "Everybody has a place to call home and is supported to achieve stable and independent lives."

In March 2019, the Department of Communities released a Directions Paper for the 10-Year Strategy on Homelessness: Western Australia 2019-2029.

It is acknowledged that Homelessness looks different across the State. The manifestations of Homelessness can broadly be described as per the manner in which data was gathered by the ABS Census of Population and Housing, 2016:

Persons:

- Living in improvised dwellings, tents or sleeping out
- In supported accommodation for the homelessness
- Staying temporarily with other households
- Living in boarding houses
- In other temporary lodgings
- Living in severely crowded dwellings.

The Directions Paper outlines that *'Local Government services such as libraries and rangers provide assistance to people who are at risk of or experiencing homelessness and in some regions Local Governments are directly involved in the provision of homelessness services and accommodation'*

The Strategy seeks to look at how to create an effective whole-of-community response to homelessness that coordinates efforts across all levels of government and the community sector with key elements including:

- Focusing on outcomes
- Working towards visible targets
- Creating clear lines of accountability.

To assist in the development of the Directions Paper and ultimately the Statewide Strategy, face to face consultations were held throughout Western Australia during September and October 2018 and included workshops in Broome, Kununurra, Port Hedland, Karratha, Geraldton, Albany, Kalgoorlie, Bunbury, Cockburn, Joondalup and the Perth CBD.

## Comment

The Directions Paper synthesises the work to date and provides an opportunity to consider strategic direction. There has been considerable consultation with service providers from across the State, academic research, engagement with community and insights from people with lived experience.

**The submission responds in a positive manner however advocates for early communication to Local Government of any roles or responsibilities that may be considered appropriate for the sector albeit it is acknowledged none are envisaged at this stage.**

Specifically the submission recognises that Local Government through its planning, health, community development and regulatory powers can facilitate positive local and regional responses to end homelessness, however does not see that it has a lead role rather one of a stakeholder that requires early engagement in the understanding of collaborative approaches that improve the quality of life for people experiencing homelessness in all of its manifestations.

# Submission

## Directions Paper for the 10- Year Strategy on Homelessness

**Contact:**

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## Introduction

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

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

## General Comments

The Association appreciates the opportunity to respond to the Directions Paper for the 10-Year Strategy on Homelessness (Directions Paper), and further has valued the opportunity to contribute to the development of the Strategy through officer representation on the Supporting Communities Forum Homelessness Working Group (Working Group) that aims to deliver a whole of community Strategy that:

- Is responsive to the feedback received from communities across regional and metropolitan Western Australia,
- Defines the role of and sets out clear actions for State Government agencies, Local Government, business and the community sector to help address and prevent homelessness, and
- Puts Western Australia on the path to ending – not managing – homelessness.

The Association is generally satisfied with the content and direction of the Directions Paper and ultimately the State Strategy.

This submission responds in a positive manner however advocates for early communication to Local Government of any roles or responsibilities that may be considered appropriate for the sector albeit it is acknowledged none are envisaged at this stage.

The Association recognises that Local Government through its planning, health, community development and regulatory powers can **facilitate** positive local and regional responses to end homelessness, however does not see that it has a lead role rather one of a stakeholder that requires early engagement in the understanding of collaborative approaches that improve the quality of life for people experiencing homelessness in all of its manifestations.

## Response to Specific Questions

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

### **1. What is the best way to provide advice to Government on emerging issues and trends on homelessness over the life of the Strategy?**

The Regional Homelessness Plan developed by the Cities of Joondalup and Wanneroo provides excellent guidance in their Action Plan under Pillar 1: Building Capacity, Understanding and Engagement, in particular:

Strategy 1.1 Maintain a formalised interagency network of stakeholders in the northern suburbs to ensure the sector works effectively, efficiently and collaboratively.

This strategy, along with a Communication Strategy that provides a conduit to Government, could indeed be expanded to a whole of metropolitan / State approach to ensure ongoing and relevant advice is provide directly to Government.

## **2. How can the Strategy help stakeholders and services in your area to collaborate and work together?**

One of the main deliverables of the Working Group for the Strategy has been to define the role of and set out clear actions for State Government agencies, Local Government, business and the community sector to help address and prevent homelessness. These clear roles and actions, particularly those for Local Government will assist in providing guidance for Association members as to the level of engagement they will have with service provision or otherwise based on the needs of their individual communities.

By way of example the cities of Wanneroo and Joondalup have recently launched a Regional Homelessness Pan 2018/19 – 2021 / 22 <https://www.joondalup.wa.gov.au/wp-content/uploads/2019/03/Regional-Homlessness-Plan-Final-for-Web.pdf> that provides an Action Plan based on three pillars:

- Building capacity, understanding and engagement
- Prevention, and early intervention, and
- Responding to homelessness.

This Strategy could be used as a guide and built upon by other Local Government, in particular as referred to in Question 1 the reference to Strategy 1.1 of the Regional Homelessness Plan.

## **3. How can the Strategy support better data collection on outcomes for individuals?**

The Association asserts that data collection on individuals may well be included via the Procurement process as a Key Performance Indicator for Service Providers when tendering.

The Regional Plan developed by the Cities of Joondalup and Wanneroo again provides guidance in their Action Plan under Pillar 1: Building Capacity, Understanding and Engagement, in particular:

Strategy 1.2 Ensure relevant, accurate and consistent data is collected and made available in the northern suburbs to inform sound decision making by stakeholders.

It should be noted that the Regional Plan refers to a broad stakeholder group therefore this Strategy does not necessary infer that Local Government would collect this data, rather that appropriate agencies with capability and capacity to do so collect and further provide this information to those in decision making roles, one of which could be Local Government.

Further, commitment to an Outcomes Framework that is clearly understood by all with a stake in contributing to and supporting this Strategy. By way of example the Association refers to the Outcomes Measurement Framework currently under development and refinement as part of the Supporting Communities Forum Outcomes Framework Working Group.

## **4. Are these the vision, principles and focus areas that you would like to see in the Strategy?**

The Association is supportive of the vision, principles and focus areas however would strongly reiterate that any proposed role for Local Government is clearly articulated and that the sector is involved in determining that role in collaboration with State Government and key stakeholders.

## **5. What actions would you like implemented as a priority under each focus area in the Strategy?**

### **Focus Area 1: Sustainable pathways out of homelessness**

Ensure that Local Government is involved at the decision making table particularly around planning for trialling different types of housing and accommodation.

## **Focus Area 2: Prevention and early intervention**

Ensure that Local Governments have the capacity along with other service providers, to guide those in crisis to appropriate support mechanisms.

## **Focus Area 3: System transformation**

Ensure where whole of government responses to homelessness are implemented that Local Government is included and supported to the appropriateness of its role.

### **6. Are there any cohorts that are missing?**

Not currently.

## **Conclusion**

The Association has valued being involved in the development of the State Homelessness Strategy to date and appreciates the collaborative nature of the work that has gone into the Directions Paper.

Reference has been made in this submission to the Regional Homelessness Plan developed by the Cities of Joondalup and Wanneroo therefore it is appropriate to conclude with the following drawn from their Plan:

*'Given that there is no sole sphere of Government or service provider that has capacity to address every contributing factor to homelessness, it is critical that a whole of community and commitment to an inter-agency approach to a common outcome is secured. This sharing of resources, knowledge and programming can maximise the provision of services available to support a community and in doing so, take meaningful strides to sustain an improved quality of life for people experiencing homelessness.'*

*Local Government is largely considered to be the sphere of government closest to the people, responsible for the wellbeing of communities through the provision of infrastructure, services and regulation. Whilst there is no specific mandate for Local Government to play a major role in addressing homelessness, Local Government through its planning, health, community development and regulatory powers can **facilitate** positive local and regional responses to end homelessness.'*



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

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<b>5.7 Selection Committee Minutes (01-006-03-0011 CO)</b>
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**RECOMMENDATION**

Moved: Cr Chris Mitchell JP  
Seconded: Mayor Carol Adams OAM

That:

1. The recommendations claimed in the 25 June 2019 Selection Committee Minutes be endorsed; and
2. The resolution contained in the 25 June 2019 Selection Committee Minutes be noted.

**RESOLUTION 72.5/2019**

**CARRIED**

<b>5.8 Use of the Association's Common Seal (01-004-07-0001 NS)</b>
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**RECOMMENDATION**

Moved: Cr Chris Michell JP  
Seconded: Cr Paul Kelly

That the use of the Association's common seal for the following purpose be noted:

Document	Document Description	Signatories	State Council prior approval
General License Transfer	Application for Transfer of a General Licence for an Employment Agents Licence (WALGA Recruitment)	Nick Sloan	No

**RESOLUTION 73.5/2019**

**CARRIED**

*Cr Doug Thompson departed the meeting at 5:09pm and did not return.*

## **5.9 LGIS Board Minutes and Surplus Distribution**

Moved: Cr Julie Brown

Seconded: Cr Chris Mitchell JP

That:

1. Minutes of the LGIS Board meeting held 16 May 2019 be endorsed.
2. The proposed surplus distribution strategy be endorsed and be implemented by the WALGA President writing to each LGIS Member Local Government:
  - a) explaining the LGIS surplus distribution options and potential broad considerations of such; and
  - b) requesting a decision of the Ordinary Council Meeting to advise WALGA on the respective Local Government's preferred option.
3. WALGA to advise JLT (Marsh) as to Member preferences to make distribution payments as per respective OCM resolutions.

**RESOLUTION 74.5/2019**

**CARRIED**

## **5.10 LGIS Agreements - Confidential**

### **RECOMMENDATION**

Moved: Cr Paul Kelly

Seconded: President Cr Karen Chappel JP

Given the Strategic Review of LGIS by State Council that:

- a) The following agreements be approved for signing on the basis that they be open to renegotiation in 12 months' time:
  1. WALGA JLT (Marsh) Scheme Management Agreement.
  2. WALGA JLT (Marsh) Broking Agreement.
- b) WALGA President and CEO advise JLT(Marsh) and the LGIS Board as to the State Council strategic review process timing and option to renegotiate the agreements in 12 months.
- c) All other details as to the State Council LGIS review to remain confidential.

**RESOLUTION 75.5/2019**

**CARRIED**

*Cr Russ Fishwick left the meeting at 5:11pm and returned at 5:13pm.*

## 6. MATTERS FOR NOTING / INFORMATION

### 6.1 Report on Local Government Road Assets and Expenditure 2017/18 (0600-703-0016 MB)

*By Mark Bondietti, Policy Manager Transport and Roads*

**Moved: Mayor Logan Howlett JP**

**Seconded: Cr Julie Brown**

**That the Report on Local Government Road Assets and Expenditure 2017 /18 be noted.**

**RESOLUTION 76.5/2019**

**CARRIED**

#### **In Brief**

- The Report on Local Government Road Assets and Expenditure 2017/18 has been finalised.
- This Report provides information, statistics and trends on:
  - the length and types of roads and bridges managed by Local Governments;
  - sources of funding and the use of funds in expanding, upgrading, renewing and maintaining roads, paths and bridges;
  - actual expenditure relative to that needed to sustainably maintain the road network.

The Report is intended to underpin advocacy for continued and increased Federal and State funding for Local Government roads and to support Councils wishing to benchmark aspects of their own roads programs with similar or neighbouring areas.

#### **Attachment**

Report on Local Government Road Assets & Expenditure 2017/18: Conclusions and Statistics Summary.

The complete Report is available [here](#).

A hard copy of the full report has been distributed to all Local Governments.

#### **Relevance to Strategic / Business Plan**

##### **Key Strategies**

##### Engagement with Members

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

##### Sustainable Local Government

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

##### Enhanced Reputation and Relationships

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

## Background

The Report on Local Government Road Assets and Expenditure 2017/18 was produced by WALGA with assistance from the WA Local Government Grants Commission. The report provides information on the lengths and types of roads, paths and bridges and highlights trends in the data over the preceding five years. It includes statistics and trends on the funding sources and amount of Local Government expenditure on roads, paths and bridges. Details are provided on the allocation of expenditure between expansion, upgrade, maintenance and renewal of the network at a regional level and for individual Local Governments.

The expenditure statistics are analysed to provide comparisons of road preservation performance, net preservation needs and expenditure effort. These comparisons provide insight into the adequacy of funding and the difference between road preservation needs and current expenditure on road preservation. For the first time, the report now includes a road surface condition network rating for each region.

## Comment

Local Government is responsible for 127 610 kilometers of roads with a replacement value of over \$27 billion, which makes up 87% of the State road network (excluding Forestry and National Park roads). Only 31% of these roads are sealed with a bitumen surface, the rest being gravel or unformed roads. In 2017/18 the total expenditure on Local Government roads was \$982.15 million and 50% of this was funded by State and Federal Government grants. Total annual expenditure increased by \$77.9 million (8.6%) compared with the previous year.

Much of the Local Government road network is now approaching the end of its design life and an increasing portion of funding is being spent on maintenance and renewal (collectively termed preservation). In 2017 / 18 expenditure on preservation (excluding flood damage) totaled \$584.3 million amounting to 59.5% of the total expenditure. Expenditure on roads was strongly influenced by the need to repair flood damage following storms and heavy rain in early 2017 that affected most Local Governments. A total of \$136 million or 13.8% of total expenditure in 2017/18 was spent on repairing flood damage.

An important objective of the report is to assess if road expenditure on preservation is keeping up with road preservation needs. This is determined by comparing actual annual expenditure on road preservation with the estimated amount needed to maintain the roads in their current condition in that year. The estimated cost of maintaining the Local Government road network in its current condition in 2017/18 was \$716.7 million and Local Governments spent \$584.3 million on preservation. There was therefore a shortfall of \$132.5 million. The shortfall over the past five years has increased by 29%, which indicates that the average condition of the road network is deteriorating. Surface condition statistics reveal the consequences of the shortfall in preservation funding and in the Wheatbelt more than 20% of the sealed roads are rated poor or worse equating to approximately 2,200km of road with a poor surface condition.

A further important objective is to assess the sustainability and capacity of Local Government to fund their road preservation requirements. For regional Local Governments, 66% of road expenditure is funded by State or Federal Government grants and for the Wheatbelt, this figure rises to 72%. On average, Local Governments spend 20.4% of their revenue capacity on roads. This illustrates the dependence on State and Federal funding and many regional Local Governments would have to spend almost their entire income on roads if this was the only source of funding.

The statistics and analysis presented in the report provides evidence for the level of expenditure required on Local Government roads and underpins the argument for sustainable funding to maintain and improve the condition and functionality of the road network.

# Conclusions

## 2017-18 Report

1. Local Government is responsible for 127,610 kilometres of local roads of which 31.2% are sealed. Excluding Forestry and National Park roads, the Local Government roads make up 86.6% of the WA road network. Local Government roads have a replacement value of \$27.18 billion as at 30 June 2018.
2. The written down value of the road network is \$15.45 billion. The National Local Roads Data System uses the percentage of written down value over replacement value as a National Performance Measure of the state of the road network. It is 57% for local roads compared to 64% for State highways and main roads in WA.
3. In 2017-18 the total expenditure on local roads was \$982.15 million, \$77.8 million more than in 2016-17. Despite a reduction in Federal funds, there was an increase of \$30.2 million in expenditure from own-source revenue and an increase of \$71.4 million in State funds largely due to an increased allocation for reinstatement of flood damage.
4. In the five years 2013-14 to 2017-18 total road expenditure increased by 21.6% from \$807.4 million to \$982.15 million.
5. The estimated cost of maintaining WA's road network in its current condition in 2017-18 was \$716.7 million. Local Governments spent \$584.3 million on road preservation, a shortfall of \$132.4 million.
6. The \$132.4 million shortfall in 2017-18 was \$16.2 million more than in 2016-17 and \$47.7 million more than in 2013-14.
7. State wide, Local Government provided 48.5% of its total road expenditure from its own resources. The Commonwealth Government provided 22.2%, the State Government 28.1%, excluding funds allocated for expenditure by Main Roads WA. Various private sources contributed 1.3% of the total road expenditure.
8. Metropolitan Local Governments received less than a quarter of Federal and State funds while non Metropolitan Local Governments receive more than three quarters.



9. Over the whole State, Local Governments would have to spend 23% of their estimated revenue capacity to make up the difference between their road preservation needs and the road grants they receive for preservation. In 2017-18 Local Governments spent 20.4% of their revenue capacity on roads, with 16.4% exclusively on preservation.
10. Local Governments in the Metropolitan Region have to spend only 8.9% of their estimated revenue capacity to make up the difference between their road preservation needs and the road grants they receive for preservation. In 2017-18 they spent 14.4% of their revenue capacity, significantly more than the required percentage. Because of their high revenue capacity their roads are generally in a better state than roads elsewhere.
11. Local Governments in the Wheatbelt South and Gascoyne Regions have the lowest capacity in the State to satisfy their road needs. These two Local Government regions would have to spend 99.9% and 86.6% respectively of their entire estimated revenue capacity on road preservation to make up the difference between their road preservation needs and the road grants they receive for preservation. In 2017-18 the Gascoyne was able to spend only 7.9% of their revenue capacity, well short of the required percentage. Because of their low revenue capacity their roads are likely to be in a worse state than roads elsewhere.
12. Every measure considered in this report leads to the conclusion that current funding arrangements do not properly recognise the road needs of the Wheatbelt South and Wheatbelt North Regions. Roads in these two regions are in a worse state than roads elsewhere. The analysis suggests that these regions have the lowest preservation performance, the oldest roads in the State, poor performance in road asset consumption and low capacity to fund their road needs.
13. Expenditure on maintenance and renewal of the existing road network (\$584.3 million in 2017-18) has increased 4.9% in the five years from 2013-14 to 2017-18. Expenditure on upgrading and expansion (\$261.9 million in 2017-18) has increased by 13.5% since 2013-14.
14. Road preservation expenditure for each class of local road varies considerably. Each road category has different expenditure needs.

#### ROAD PRESERVATION EXPENDITURE PER KILOMETRE OF ROAD 2017-18

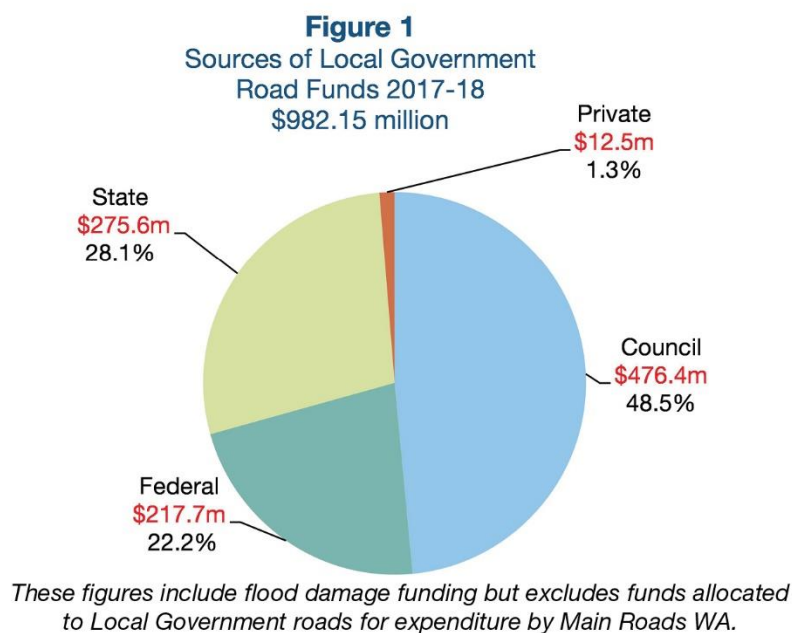
Region	Built Up Areas		Outside Built Up Areas	
	Sealed Roads \$ per Lane km	Sealed Roads \$ per Lane km	Gravel Roads \$ per km	Formed Roads \$ per km
Gascoyne	20,751	1,667	7,473	66
Goldfields-Esperance	8,933	1,387	3,179	725
Great Southern	10,744	2,727	6,174	725
Kimberley	16,346	787	11,799	2,674
Metropolitan	10,149	4,776	-	-
Mid West	12,885	1,779	5,282	1,766
Pilbara	16,579	1,323	2,046	1,596
South West	8,566	2,746	2,610	931
Wheatbelt North	7,043	2,134	1,822	484
Wheatbelt South	8,543	1,825	3,568	352
<b>STATE</b>	<b>10,207</b>	<b>2,423</b>	<b>4,024</b>	<b>1,025</b>

Important statistics are presented graphically in the following pages.

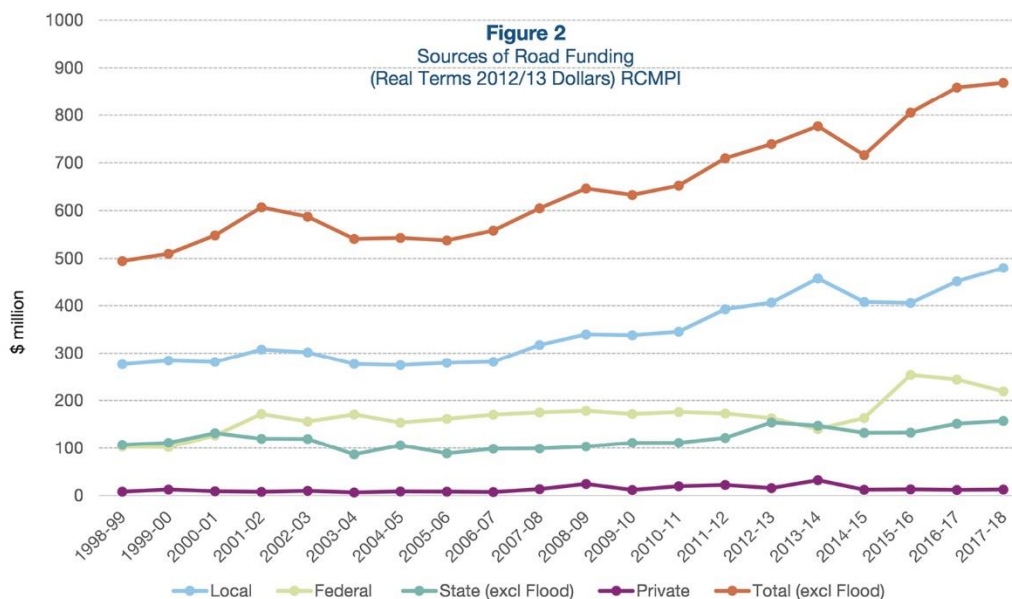
# Important Statistics

## 1. Sources of Local Government road funds

Total funding for Local Government roads was \$982.15 million in 2017-18, an increase of \$77.8 million from the previous year. Local Governments provided 48.5% of their total road expenditure from their own resources (Figure 1). The Federal funds include \$98.31 million of Roads to Recovery funds and \$7.7 million of Federal Black Spot funds. The State funds include \$5.18 million of Royalties for Regions and \$10.52 million of Black Spot funds.



Road funding levels for the past 20 years are presented in Figure 2. Note that funding has been indexed to 2012/13 dollars using the BITRE Road Construction Cost Index (RCMPI). The contribution of all sectors to the road funding task has increased over the long term. Local government's contribution has increased significantly over the past 20 years. State Government contributions have increased too, in generally a flatter trajectory. The increase in Commonwealth funding in 2001-2 reflects the introduction of Roads to Recovery funding, with the increased funding from 2015-16 being particularly evident.



*State and Total funds excludes repair of flood damage.*

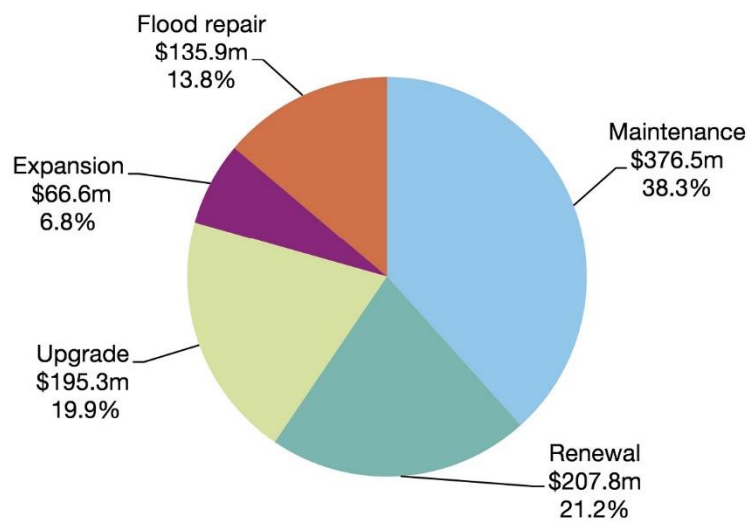


## 2. Expenditure on maintenance, renewal, upgrade and expansion

Expenditure on upgrading and capital expansion accounts for more than a quarter of total road expenditure (Figure 3). This level of expenditure on upgrading and capital expansion is expected to continue to meet the needs of new development and increased traffic.

The \$343.7 million spent on renewal in 2017-18 represents about 0.76% of the Current Replacement Value of the State's local road infrastructure. This is less than the 1.5% [based on a road life of 60 to 75 years] that sealed road infrastructure wears in a year and the 5% [based on a road life of 20 years] of unsealed road infrastructure that wears in a year. However, there is a significant expenditure on repair of flood damage which by its nature includes an element of renewal, so the situation is likely to be somewhat better than these figures indicate. For example, if flood damage expenditure is included in the renewal expenditure, the figure increases to 1.38%.

**Figure 3**  
Local Government Road Expenditure 2017-18  
\$982.15 million



*Road expenditure includes bridges*



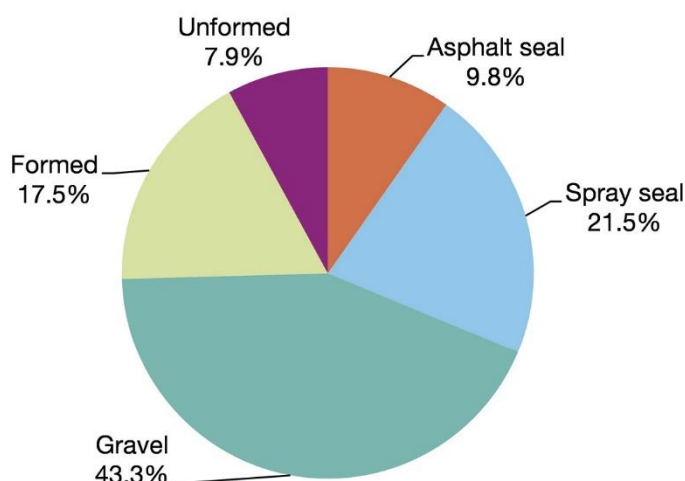


### 3. Type of roads

Local Government is responsible for 127,610 kilometres of roads representing 86.6% of the State's road network.

Only 31.2% of the roads are sealed. The remaining 68.8% (87,745 kilometres) have a gravel or natural surface.

**Figure 4**  
Types of Local Government Roads 2017-18  
(Total Length 127,610km)

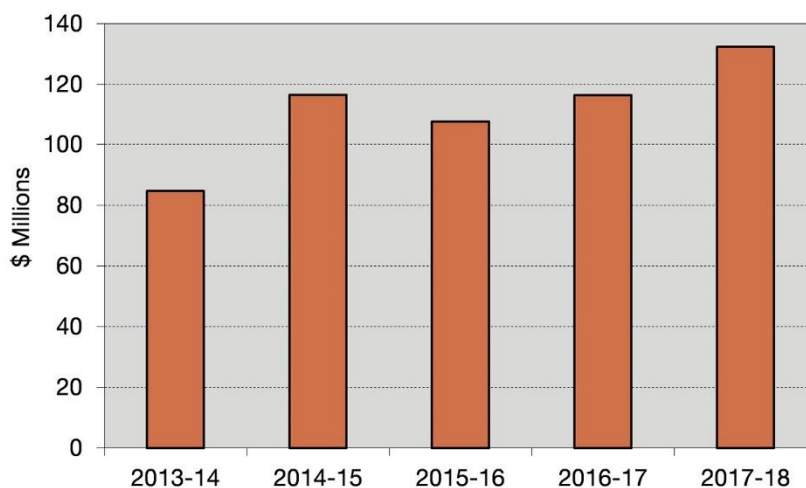


### 4. Shortfall between road preservation needs and expenditure

Excluding expenditure on repairing flood damage (\$135.9 million), Local Government's spent \$584.3 million on road preservation. This is \$132.4 million less than the \$716.7 million required to maintain roads at their current condition (Figure 5). The \$132.4 million shortfall in 2017-18 is \$16.2 million more than in 2017-18 and \$47.7 million greater than in 2013-14.

It is clear that the Local Government sector in WA does not have the financial resources required to fully maintain its road network and to keep up with its road improvement needs.

**Figure 5**  
Shortfall Between Preservation Need and Expenditure

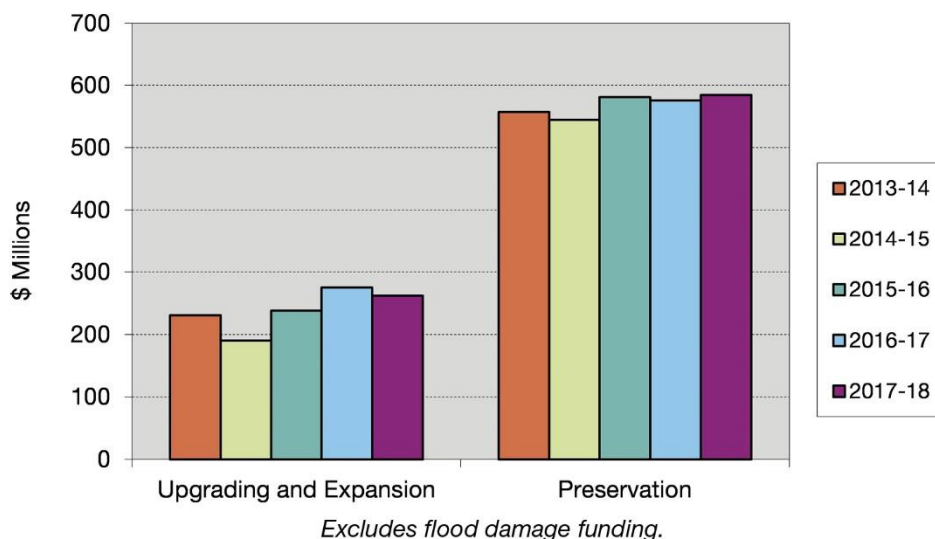


*The shortfall has increased from \$116.25 million in 2016-17 to \$132.4 million in 2017-18 and is \$47.7 million more than in 2013-14.*

## 5. Expenditure on road preservation and capital upgrading and expansion

Expenditure on road preservation has increased by 4.9% over the five years from 2013-14 to 2017-18 while expenditure on upgrading and capital expansion has increased by 13.5% (Figure 6). Expenditure on upgrading and expansion was less than in 2016-17.

**Figure 6**  
Expenditure Trends

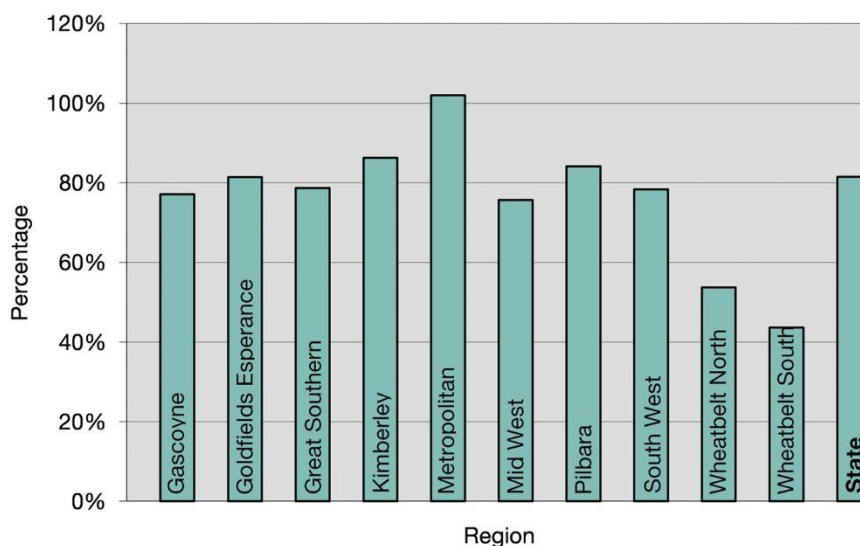


## 6. Road preservation performance

Road preservation performance is the percentage of the amount spent on road preservation over the amount that should have been spent to maintain roads at their current condition (Figure 7).

Overall State Performance is 81.5%, which means that Local Governments spent 81.5% of the amount required to maintain their roads at their current condition. However, this performance is heavily influenced by the Metropolitan Region which had a very high performance of 102%. When the Metropolitan Region is excluded, the average performance for the non-metropolitan regions is 69%. The preservation performance varies widely between the regions from 102% for the Metropolitan Region to 43.7% for the Wheatbelt South Region and 53.7% for the Wheatbelt North Region.

**Figure 7**  
Road Preservation Performance  
2017-18







## 7. Capacity to fund road preservation needs and Local Government road expenditure from its own resources

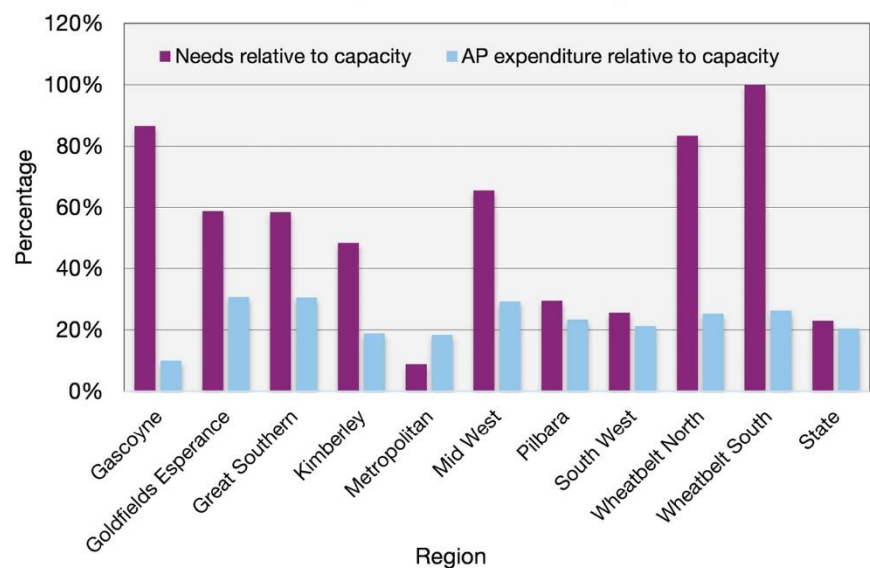
Over the whole State, Local Governments would have to spend 23% of their estimated revenue capacity from their own resources to make up the difference between their road preservation needs and the road grants they receive for preservation. In 2017-18 Local Governments spent 16.4% of their estimated revenue capacity on road preservation, about 10% less than the required 23%.

The percentage that Local Governments would have to spend varies widely between the regions (Figure 8, purple columns) from 8.9% for the Metropolitan Region to 99.9% for Wheatbelt South.

Local Government expenditure on roads from its own resources, expressed as a percentage of estimated revenue capacity (Figure 8, blue columns), averages 16.4% for the State and ranges from 7.9% for the Gascoyne Region to 26.2% for the Great Southern Region.

Figure 8 also highlights the differences in the capacity of Local Governments to meet their road preservation needs. Local Governments in the Wheatbelt South Region would have to spend 99.9% of their revenue capacity to meet their road preservation needs, but were able to spend only 21.6%. Local Governments in the Metropolitan Region would have to spend only 8.9% of their revenue capacity to meet their preservation needs, but spent 14.4%.

**Figure 8**  
Percentage Revenue Capacity required to meet net Preservation Needs compared to Actual Percentage



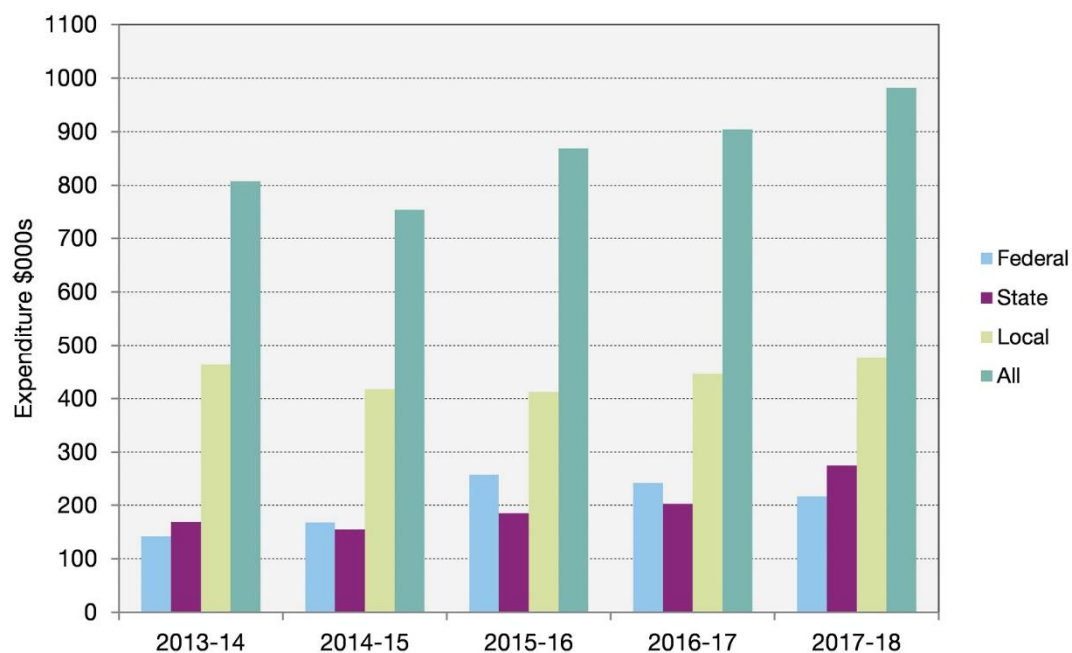


## 8. Total Local Government road expenditure 2013-14 to 2017-18

Figure 9 shows that:

- Total funding increased by 21.6% between 2013-14 and 2017-18, and was \$77.8 million more than in 2016-17, largely due to increased funding for flood damage reinstatement.
- Local Government funds increased by 2.8% between 2013-14 and 2017-18 (2013-14 was a relatively high year); funding in 2017-18 was \$30.2 million more than in 2017-18.
- Federal road grants increased by 53.1% over the last five years.
- State Government funding increased by 63.0% over the last five years.

**Figure 9**  
Federal State and Local Government Funds



*State Government Grants exclude funds allocated to Local Government Roads for expenditure by Main Roads WA but includes flood damage funding.*





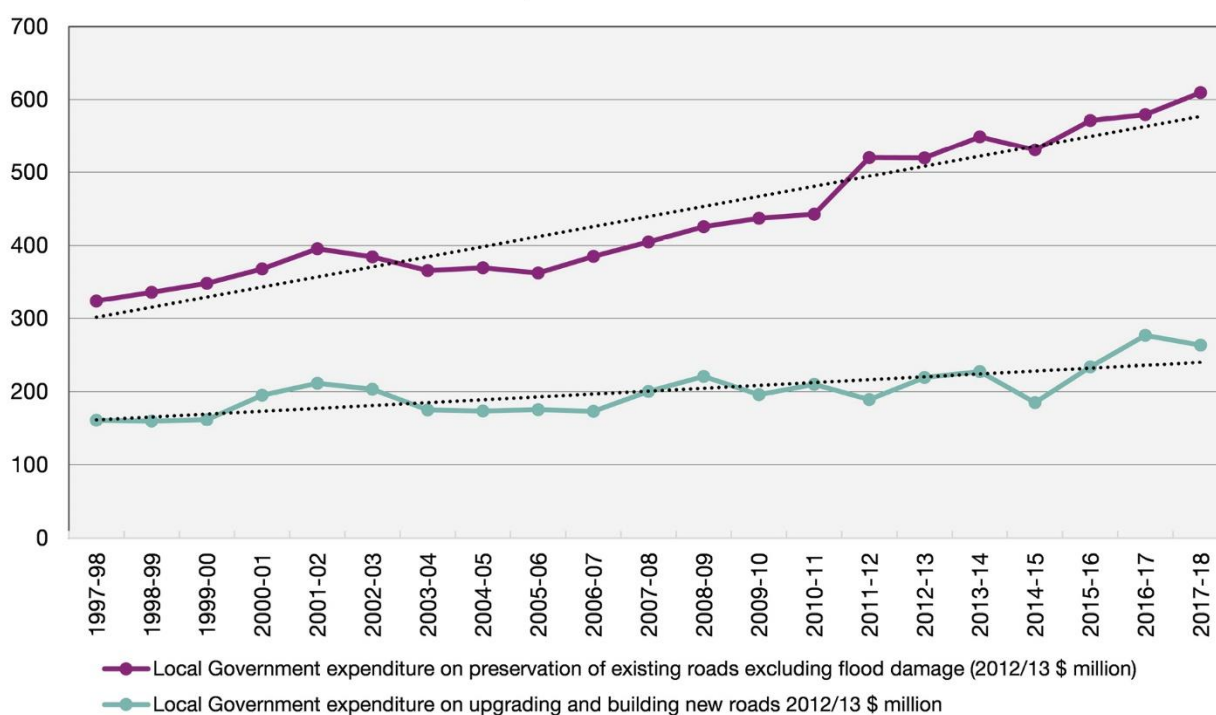


## 9. Growth in expenditure 20 years 1997-98 to 2017-18

Figure 10 shows the expenditure trend over twenty years 1997-98 to 2017-18. Note that funding has been indexed to 2012/13 dollars using the BITRE Road Construction Cost Index (RCMPI).

Expenditure on both preservation and upgrade and expansion has increased significantly over the long term. Expenditure on preservation has increased 81% after adjusting for cost inflation, from \$324.2m to \$609.7m (in 2012/13 dollars) over the period. Expenditure on upgrade and expansion of the network has increased similarly (65%), from \$161.2m to \$263.9m (in 2012/13 dollars).

**Figure 10**  
Expenditure on Roads by Purpose  
Real \$million 2012/13 RCMPI



## 6.2 2019-2020 State and Federal Budgets (05-088-03-0001 NF)

*By Nebojsa Franich, Policy Manager, Economics*

**Moved: Mayor Logan Howlett JP**  
**Seconded: Cr Julie Brown**

**That the key outcomes for Local Governments in the 2019-20 State and Federal Budgets be noted.**

**RESOLUTION 77.5/2019**

**CARRIED**

### **In Brief State Budget**

- The 2019-20 State Budget provides a balance between the need for fiscal restraint and spending on important community priorities. Most importantly, the expected surplus in 2019-20 will allow the State Government to begin the task of paying down the State's record levels of debt. This will free up future funds to be used for critical services and infrastructure, rather than interest repayments on debt.
- It is pleasing that the State Government is continuing to deliver on its election commitments and progress important Local Government priorities including METRONET, the container deposit scheme, insurance payments for volunteer bush fighters, and additional funding for local roads.
- There were some key Local Government initiatives that were not progressed in the 2019-20 State Budget, including funding for the implementation of the State Public Library Strategy and a review of Local Government Fees and Charges.

### **Federal Budget**

- The 2019-20 Federal Budget is predicting a return to surplus in 2019-20 of \$7.1 billion, which would be the first Federal Budget Surplus in over a decade. While the Government deserves credit for the efforts it has made to rein in spending, the return to surplus has also been helped along by other factors such as reduced spending on the National Disability Insurance Scheme compared to previous forecasts; changes to the point at which excise is applied to tobacco, along with stronger than expected tax collections.
- Some key expenditure measures announced in the Federal Budget included large personal income tax cuts and a \$1 billion infrastructure package. From a Local Government perspective, some key initiatives included increases to funding for the Roads to Recovery, Roads Safety Federal Blackspots and Bridges renewal programs, as well as additional funding for regional airports and community sports facilities.

### **Attachments**

<https://walga.asn.au/getattachment/b0dc7b9f-44dc-4de2-8d23-08563a27ed3c/State-Budget-2019-APPROVED.pdf>

<https://walga.asn.au/getattachment/270e7629-cc49-41cd-8d49-107d6f93e8f1/Federal-Budget-Update-2019.pdf>

## Relevance to Strategic Plan

### Key Strategies

#### Engagement with Members

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

#### Sustainable Local Government

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

#### Enhanced Reputation and Relationships

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

## Background

The State Budget is back in the black, while the Federal Budget is expected to be in surplus next year. Despite this, both levels of Government still face considerable fiscal challenges in the coming years due to the record levels of public debt amassed over the past decade and the associated interest repayments.

Against this backdrop, it's not surprising that there were very few new spending commitments from the State Government, with most introduced measures being tweaks to pre-existing programs. The Federal Budget, however, included some pre-election 'sweeteners', including substantial spending on infrastructure and income tax cuts.

A summary of the requests in WALGA's Pre-Budget Submission to the State Government versus funding commitments contained in the 2019-20 State Budget is below; while the Australian Local Government Association's response and analysis of the Federal Budget can be viewed using the below links.

<https://alga.asn.au/budget-contains-some-good-news-for-local-councils-but-more-needs-to-be-done-to-unlock-community-potential/>

<https://alga.asn.au/alga-analysis-2019-20-federal-budget/>

Request	New funding sought	Met?	Budget Commitment
<b>Economic Development</b> <ul style="list-style-type: none"><li>Fund and create an Economic Development Strategy for WA.</li></ul>	Not specified.	Not met.	Not funded.
<b>Fiscal Management</b>			



<ul style="list-style-type: none"> <li>Fiscal repair must remain a priority for the 2019-20 Budget.</li> <li>Spending cuts must be targeted at removing waste and inefficiencies from the public sector, and then focused on moving service delivery to a sustainable base.</li> <li>No cost shifting onto Local Government.</li> <li>Windfall gains from the GST should be directed into key local infrastructure and paying down debt.</li> <li>WA Government should advocate to the Commonwealth for a review of the tax system.</li> </ul>	Nil.	Largely Met.	<p>The Budget continued to implement its fiscal repair measures, with expenditure growth expected to be contained at just 1.3% on average across the forward estimates, well below the decade average of 5.9%.</p> <p>On the back of this and an uptick in GST and royalty revenue, a surplus of \$553 million is expected in 2018-19 – the first since 2013-14. With no new major spending initiatives, future surplus funds are expected to be directed into paying down debt and the State Government's pre-announced METRONET infrastructure package.</p> <p>On the face of it, fiscal repair measures do not appear to have shifted further costs to Local Government. However, there are some cost increases for Local Government, including electricity costs.</p> <p>There was no mention in the Budget of the State advocating to the Commonwealth for reform to the tax system.</p>
<b>Local Government Act Review</b> <ul style="list-style-type: none"> <li>Funding should be made available to enable a comprehensive consultation process with the Local Government sector and general community as part of the development of the New Local Government Act.</li> </ul>	Not specified.	Met.	<p>Funding for the Local Government Act Review continues to be provided through the Department of Local Government, Sport and Cultural Industries' budget.</p> <p>The consultation period for the first phase of the review closed in March 2019. More than 3,000 responses were received following a six month consultation period which included more than 100 workshops across Western Australia. The Department is now reviewing those submissions to inform the development of the New Local Government Act.</p> <p>WALGA will continue to advocate for continued Local Government involvement during the development of the New Local Government Act.</p>
<b>Local Government Fees and Charges</b> <ul style="list-style-type: none"> <li>Funding should be provided for an independent review into Local</li> </ul>	Not specified.	Not met.	Not funded.



<p>Government fees and charges to inform the New Local Government Act.</p> <ul style="list-style-type: none"> <li>The review should allow Local Governments to set the level of their fees and charges.</li> </ul>			
<p><b>Waste</b></p> <ul style="list-style-type: none"> <li>Funds collected from the Waste Avoidance and Resource Recovery Levy should be directed into strategic waste management activities, including the establishment of the container deposit scheme.</li> </ul>	Nil.	Met.	<p>The Waste Avoidance and Resource Recovery Account will fund:</p> <ul style="list-style-type: none"> <li>the implementation and oversight of the container deposit scheme, totaling \$3.1 million over 2019-20 to 2022-23; and</li> <li>1.</li> <li>the Economic Regulation Authority to monitor the effect of the Container Deposit Scheme, with \$1.3 million to be spent undertaking this work between 2018-19 and 2020-21.</li> </ul>
<p><b>Planning</b></p> <ul style="list-style-type: none"> <li>The monies raised from the Metropolitan Regional Improvement Tax should not be withheld from use, and should be used to assist in long term planning in the Metropolitan region.</li> <li>The introduction of a Regional Improvement Tax within the Greater Bunbury and Peel Region Schemes should be considered and evaluated, and relevant Local Governments should be consulted with as part of this process.</li> <li>Funding should be provided for the planning and delivery of infrastructure upgrades at priority METRONET and other train precincts. Local Governments should be consulted with as part of this process.</li> </ul>	Not specified	Partially met.	<p>The closing balance of the MRIT Fund will be \$441 million in 2018-19 and \$420 million in 2019-20. Key areas of expenditure from the fund in 2019-20 include the acquisition of land and buildings (\$50 million) and METRONET project costs (\$51 million).</p> <p>The Government has decided to not proceed with the extension of the MRIT in the Greater Bunbury and Peel regions. As a result, \$22 million of embedded revenue from across the forward estimates has been removed from the Budget.</p> <p>An amount of \$7.5 million will be spent over 2019-20 to 2021-22 on the expansion of the dedicated team to deliver station precinct planning for METRONET.</p>
<p><b>Infrastructure</b></p> <ul style="list-style-type: none"> <li>Funding should be provided to address the local infrastructure backlog.</li> </ul>	Not specified.	Partially met.	<p>Funding was provided for a number of Local Government infrastructure projects, although a substantial local infrastructure backlog will still exist. See the <i>WA State Budget Summary</i></p>

<ul style="list-style-type: none"> <li>Local Government should be represented on the Infrastructure WA Board.</li> <li>Infrastructure WA should have a broad mandate, be well resourced, and be consultative in developing an Infrastructure Plan for WA.</li> <li>An appropriate mechanism should be developed to recover increased infrastructure costs from the use of heavy vehicles.</li> <li>Street light tariffs should be reformed to encourage Local Government re-investment, and LED street lighting should become the default replacement technology.</li> </ul>			<p>2019 for more information on specific projects.</p> <p>No mention made of Infrastructure WA in the Budget, although a call for expressions of interest (EOI) for members of the Infrastructure WA Board was advertised on Saturday 11 May 2019. The EOI period will be open until 31 May 2019.</p> <p>No mention of a heavy vehicle cost recovery mechanism, or of reform to street lighting tariffs.</p>
<b>Environment</b> <ul style="list-style-type: none"> <li>With sufficient funding and consultation, the Independent Review of the Strategic Assessment of the Perth and Peel Regions (SAPPR) must be progressed as a matter of priority and should be followed by the implementation of the Perth and Peel Green Growth Plan.</li> <li>Funding should be provided to undertake a review of the <i>Biosecurity and Agriculture Management Act (2007)</i>.</li> <li>The State Government should work collaboratively with Local Government to prepare adequate adaption and mitigation strategies to address climate change. The costs of these measures should be shared by all levels of Government.</li> </ul>	Not specified.	Partially met.	<p>The Department of Premier and Cabinet is preparing scoping documents in conjunction with other State Government agencies and Local Governments for the Planning Investigation Areas identified in the Perth and Peel@3.5million sub regional planning and infrastructure frameworks.</p> <p>No mention of reviewing the <i>Biosecurity and Agriculture Management Act (2007)</i> or any significant climate change initiatives.</p>
<b>Essential Services in Regional Communities</b> <ul style="list-style-type: none"> <li>Funding should be provided for workforce strategies that assist regional communities to access and retain an essential services workforce.</li> </ul>	Not specified.	Not met	Not funded.

<b>Sport and Recreation</b> <ul style="list-style-type: none"> <li>The Community Sporting and Recreation Facilities Fund should be reinstalled to \$20 million per annum.</li> </ul>	\$8 million per annum from 2019-20 onwards	Not met.	The Community Sporting and Recreation Facilities Fund has been increased to \$15 million per annum in 2019-20 and 2020-21 and to \$13 million in 2021-22 (from \$12 million per annum for all of these years). These increases are more than offset by a reduction in the fund in 2018-19 from \$19 million to \$12 million.
<b>Public Health</b> <ul style="list-style-type: none"> <li>Funding should be provided for the implementation of the <i>Public Health Act 2016</i>, including funding to help build the capacity of the Local Government workforce and the development of local health plans.</li> </ul>	Not specified.	Not met.	Not funded.
<b>Public Libraries</b> <ul style="list-style-type: none"> <li>Funding should be provided for the implementation of the WA Public Library Strategy. As part of this, a system for allocating annual funding should be considered a priority.</li> </ul>	Not specified.	Not met.	Not funded.

## Comment

### State Budget

Local Governments and their communities will benefit from the State Government fulfilling its Budget promises, while at the same time maintaining its focus on fiscal recovery.

The return to surplus is welcome news, as it will allow the Government to begin the difficult task of paying down the State's record debt. This is an important priority as it will free up funds that are currently being used for interest payments, which can then be directed into critical services and infrastructure in future years.

In a fiscally constrained environment, it is recognised that there are only limited funds available for new spending initiatives. It is pleasing that the Government is continuing to deliver on its election commitments and has progressed a number of important priorities identified by Local Governments including the container deposit scheme.

The Budget also contains funding for a number of other priority initiatives including additional funding through the Local Government Grants scheme for insurance payments for volunteer bushfire fighters; and the implementation of the Sustainable Health Review recommendations.

However the 2019-20 Budget missed the opportunity to progress some important initiatives, such as funding for a State Economic Development Plan, the implementation of the State Public Library Strategy, or a review of Local Government Fees and Charges.

It will be important for WALGA to continue to advocate for the above Local Government initiatives over the coming year, and for other initiatives that will enhance local economies and communities.

## **Federal Budget**

Treasurer Josh Frydenberg's first budget has brought to an end more than a decade in the red, predicting a return to surplus in 2019-20.

The expected return to surplus is certainly welcome news, and the Government has claimed that it reflects their responsible fiscal management. While the Government deserves credit for the efforts it has made to rein in spending, the return to surplus has also been helped along by other factors such as reduced spending on the National Disability Insurance Scheme compared to previous forecasts; changes to the point at which excise is applied to tobacco, along with stronger than expected tax collections.

Nonetheless, the return to surplus is positive news that will allow the Government to begin reducing its record levels of debt – which is expected to be paid off within a decade. However it is important to bear in mind that the surplus still remains a projection – it has yet to be delivered.

With the Budget being released so close to the Federal election, it is not surprising that some key budget highlights were election “sweeteners” focussed on large personal income tax cuts and a substantial infrastructure package.

For Local Governments, there were some positive announcements, including the increases to funding for the Roads to Recovery, Roads Safety Federal Blackspots and Bridges renewal programs, as well as additional funding for regional airports and community sports facilities. This will allow the sector to make progress in addressing the infrastructure backlog.

Given the Coalition's election victory, there is some certainty that the above initiatives will be introduced (assuming that they are able to receive support from the upper house), which will assist Local Government forward planning.

## 6.3 Public Library Assets (05-012-03-0001 KD)

*By Kirstie Davis, Policy Manager, Community*

**Moved: Mayor Logan Howlett JP**

**Seconded: Cr Julie Brown**

**That the pending consultation to the public library collection assets be noted.**

**RESOLUTION 78.5/2019**

**CARRIED**

### **In Brief**

- The Western Australian Public Libraries Strategy Consultation Report was endorsed by WALGA State Council and the Library Board of WA in July 2018.
- The Public Libraries Working Group (PLWG), with representatives from State and Local Governments identified the development of a new tiered model for public library service delivery across WA with support for regional and remote public library services as the initial priority.
- WALGA State Council and the Library Board of WA respectively endorsed the new Public Library Tiered Service Model at their May 2019 meetings.
- The PLWG are now progressing with the next priority to consult on reforming public library assets to a more effective, efficient and flexible model that will deliver better value for money and deliver essential outcomes to community members.
- A Forum is being held on 21 June 2019 at WALGA to consult members on the proposed repurposing of funds and asset management for public library materials.

### **Attachment**

[The Western Australian Public Libraries Strategy Consultation Report  
WA Public Libraries Strategy Forum: Proposed repurposing of funds and asset management for public library materials](#)

### **Relevance to Strategic Plan**

#### **Key Strategies**

##### Engagement with Members

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

##### Sustainable Local Government

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

##### Enhanced Reputation and Relationships

- Develop simple and consistent messages that are effectively articulated.

### **Background**

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

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

The WA Public Libraries Strategy was released in December 2017 by the Hon. David Templeman MLA, Minister for Culture and the Arts to guide the evolution of public library services in Western Australia so that they remain efficient, sustainable and relevant to meet the knowledge, literacy and learning needs of Western Australians today and into the future. Central to this is the introduction of a new multi-tiered model for public library service delivery determined by the ability to meet agreed criteria for service provision and population size. The Framework for this new tiered model was endorsed by WALGA State Council and the Library Board of Western Australia respectively in May 2019.

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

This requires a robust conversation within Local Government Administration to consider:

- changing the intent of the funding from being allocated solely for physical library materials to funding that can be allocated to a range of library services including library materials within agreed parameters.
- repurposing of the accounting treatment of existing capital funds to recurrent funding.

It is proposed this will enable a planned transition to a more effective, efficient and flexible model that will deliver 21<sup>st</sup> century public library services to provide better value for money and deliver essential outcomes to community members.

There are currently three possible options for dealing with the existing public library collection assets.

#### **Option 1**

Option 1 provides a two stage approach whereby public library materials owned by the Board prior to the introduction of the grants funding scheme (indicatively from 1 July 2020) would remain the property of the Board until such time as their value was written down to zero (i.e. five years after acquisition). Initially public library collections would consist of a mix of State-owned and Local Government-owned library materials purchased with grant funds. Over time, the proportion of Board owned library materials would diminish to zero.

Or

#### **Option 2**

Under this option, public library materials purchased by the SLWA – held in public libraries at a date to be determined – would have ownership transferred to the relevant Local Governments. In addition, library materials acquired by Local Governments using grant funding would become the property of the Local Governments.

Or

#### **Option 3**

Retain status quo in an updated framework. In this option the State and Local Government would continue to operate according to the current framework.

Much consultation has already occurred in the previous decade which has determined that transfer of stock is the preferred outcome, meaning either Option 1 or Option 2 are the desired options. Both options provide a range of benefits and potential issues for Local Government that are explored in greater details in the discussion paper.

## **Comment**

Local Governments are being engaged via a face to face forum at WALGA on 21 June 2019 to discuss and develop a sector wide position on library asset management. Registrations are now available via the <https://walga.asn.au/News,-Events-and-Publications/Events/WA-Public-Libraries-Strategy-Forum>

## **6.4 Climate Change Policy Advocacy Update (05-028-04-0002 LS)**

*By Laura Simes, Environment Policy Advisor*

**Moved: Mayor Logan Howlett JP**

**Seconded: Cr Julie Brown**

**That this update on WALGA's key climate change advocacy priorities, the development of the State Climate Change Policy and related initiatives, be noted.**

**RESOLUTION 79.5/2019**

**CARRIED**

### **In Brief**

- The WALGA Climate Change Policy Statement represents the consolidated view of the sector and forms the basis of WALGA's climate change advocacy.
- Drawing on the Climate Change Policy Statement, WALGA has identified five key areas for advocacy to the State Government:
  1. Accelerated action and fast tracked reform to remove regulatory barriers and facilitate the transition to a low carbon, energy efficient economy;
  2. The setting of a State based emissions reduction target and/or renewable energy target;
  3. Planning for climate proof communities (including funding for innovative climate change projects);
  4. Comprehensive, effective adaptation planning; and
  5. Role for the EPA in emissions reduction.
- WALGA is pursuing these priorities with the State Government through direct representations and submissions on the development of the State Climate Change Policy (a release of a discussion paper is expected in mid-June 2019) and other related initiatives including the EPA Greenhouse Gas Guidelines, the WA Climate Health Inquiry and the implementation of the Energy Transformation Strategy.
- WALGA will keep the Sector informed of opportunities to input to these processes and encourages Local Governments to make submissions directly and/or contribute to WALGA's submissions.

### **Links to relevant documents**

WALGA Climate Change Policy Statement (available [here](#))

EPA's Greenhouse Gas Guidelines consultation paper (available on the EPA website [here](#))

Climate Health WA Inquiry Terms of Reference (available [here](#))

Energy Transformation Strategy (supporting paper available [here](#))

### **Relevance to Strategic Plan**

#### **Key Strategies**

##### **Engagement with Members**

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



### Sustainable Local Government

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

### Enhanced Reputation and Relationships

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

## **Background**

The [WALGA Climate Change Policy Statement](#), which forms the basis of WALGA's climate change advocacy, was unanimously endorsed by State Council in July 2018 (72.5/2018 refers). The Statement was developed following extensive consultation and reflects the overwhelming view of Councils, elected members and officers that the sector should take a strong position on the need for action on climate change.

## **Comment**

### WALGA climate change advocacy

Drawing on the Climate Change Policy Statement, WALGA has identified five key areas for advocacy to the State Government:

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

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

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

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

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

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

**4. Comprehensive, effective adaptation planning**

It is recognised that there is planning around coastal adaptation currently occurring, but effective planning needs to take in comprehensive identification of, and response to, the effects of climate change. It also needs to expand out to other effects of climate change such as heat waves and other extreme weather events, bush fire planning and water management.

## 5. Role for the EPA in emissions reduction

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

There are a number of current and upcoming opportunities for the Sector to contribute to the development of climate change and related policy:

- **EPA's Draft Greenhouse Gas Guidance**  
The Environmental Protection Authority is consulting on its proposed *Greenhouse Gas Guidelines*. The consultation opened on 10 June and closes on 2 September 2019.
- **State Climate Change Policy**  
The State Government announced in December that it would develop a State Climate Change Policy by early 2020. The Department of Water and Environmental Regulation (DWER) is leading the development of the policy. A discussion paper was due to be released for public comment in mid-June for a period of 12 weeks. The potential for a Climate Change Partnership Agreement between Local Governments and State Government is also being investigated.
- **Climate Health WA Inquiry**  
The inquiry has broad terms of reference, including recommending a program of work to strengthen the preparedness and resilience of communities against extreme weather events and evaluating the likely benefits (health and wellbeing, social and economic) arising from climate change mitigation strategies. The Inquiry will be seeking written submissions, running public forums and conducting public hearings over the course of this year, and is due to report by March 2020.
- **Implementation of the Energy Transformation Strategy**  
The Strategy was announced on 20 May. It aims to deliver a vision for an innovative, resilient and dynamic electricity system that provides affordable, reliable and clean energy to Western Australian households and businesses. A taskforce has been created that will run until May 2021, with a range of opportunities to participate in stakeholder workshops throughout this period.

WALGA will continue to keep the Sector informed of opportunities to input to these processes. Local Governments are encouraged to make Council endorsed submissions directly on each of the above, and to WALGA to inform its submissions.

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

*By Rebecca Brown, Manager, Waste & Recycling*

**Moved: Mayor Logan Howlett JP**  
**Seconded: Cr Julie Brown**

**That the resolutions of the Municipal Waste Advisory Council at its 17 April 2019 meeting be noted.**

**RESOLUTION 80.5/2019**

**CARRIED**

### **In Brief**

- This item summaries the outcomes of the MWAC meeting held on 17 April 2019.

### **Attachment**

Nil

### **Relevance to Strategic Plan**

#### **Key Strategies**

##### Engagement with Members

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

##### Sustainable Local Government

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

##### Enhanced Reputation and Relationships

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

### **Background**

The Municipal Waste Advisory Council is seeking State Council noting of the resolutions from the **17 April 2019** meeting, consistent with the delegated authority granted to the Municipal Waste Advisory Council to deal with waste management issues.

Minutes of the meeting are available from the WALGA website <http://walga.asn.au/About-WALGA/Structure/State-Council/Agenda-and-Minutes.aspx>. Copies of specific items and further supporting information are available on request from Municipal Waste Advisory Council staff.

## **Comment**

The key issue considered at the meeting held on **17 April 2019**:

### **Waste Authority Community and Industry Engagement Grants**

The Waste Authority recently released their Community and Industry Engagement (CIE) Grant round, with applications due Monday 29 April. Previously the Association has been successful in receiving grants from this Program. In the current Financial Year, this included \$25,000 for Waste Authority Sponsorship of the Waste & Recycle Conference (which WALGA co-hosts with the Department of Water and Environmental Regulation and Waste Management and Resource Recovery Association (WMRR) of Australia) and \$75,000 for the Bin Tagging Program (currently being implemented with 10 Local Governments). It was proposed that, subject to WALGA and Municipal Waste Advisory Council approval, WALGA submit applications for CIE Grants relating to:

- Bin Tagging (\$75,000)
- Non-Metropolitan Waste Summit (\$15,000)
- Waste & Recycle Conference (\$27,000)

The Waste Authority CIE Grants are one of the few avenues that can be used to access funds from the Waste Avoidance and Resource Recovery Account. As a State / Local Government Partnership Agreement is unlikely to be in place for the next Financial Year, it is recommended that WALGA submits applications for the following programs:

- Bin Tagging is an effective behaviour change approach, which is strongly supported by Local Governments. It continues to be a valued WALGA program.
- Waste Summits have proven to be highly successful. A Waste Summit was held in Kalgoorlie in 2018, with another scheduled for 31 May 2019 in Broome. These events are strongly supported by Local Government, as it provides an opportunity to engage with key decision makers in Government.
- The Waste & Recycle Conference is co-hosted by WALGA, DWER and WMRR. The CIE grants are the only current avenue for the Waste Authority to sponsor such events.

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

That the Municipal Waste Advisory Council endorse the submission of Community and Industry Engagement applications for:

- Non-Metropolitan Waste Summit
- Bin Tagging
- Waste & Recycle Conference Sponsorship

**Moved: Cr Price - Seconded: Cr Court  
CARRIED**

## 7. ORGANISATIONAL REPORTS

### 7.1 Key Activity Reports

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

*By Mark Batty, Executive Manager Environment & Waste*

**Moved:** Mayor Tracey Roberts JP  
**Seconded:** Cr Julie Brown

**That the Key Activities Report from the Environment and Waste Unit to the July 2019 State Council meeting be noted.**

**RESOLUTION 81.5/2019**

**CARRIED**

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

#### **Launch of the WALGA Environment Platform**

The WALGA Environment Team have developed a new online networking portal for Elected Members. The purpose of the platform is to facilitate networking opportunities and improve collaboration between Local Governments, in addition to sharing environmental events and resources relevant to the sector.

The platform will accommodate the already established Sustainability Officers Network Group (SONG) and users of WALGA's Environmental Planning Tool, as well as the new group for Elected Members. The Platform can be accessed [here](#).

#### **Policy and Advocacy**

##### **Climate Resilient Councils – preparing for impacts of climate change**

At the time of writing WALGA was awaiting notification of the success of its application for National Disaster Resilience Program funding. The proposed project aims to identify Local Government needs in climate resilience planning, and begin to assist Local Governments with building capacity. It would involve:

- 1) desktop assessment of all Local Governments' governance and decision making documents, to measure the extent to which climate change, emergency management and resilience planning is embedded in these documents;
- 2) workshops for local governments to distribute findings, gaps analysis and 'what next'; and
- 3) production of targeted guidance materials to assist Local Governments with capacity building.

The Department of Fire and Emergency Services endeavours to advise applicants by 30 June if they have been successful. If successful, the project would commence in July and run for 18 months.

#### **Meeting with ICLEI (Local Governments for Sustainability)**

WALGA Environment met with Bernie Cotter from ICLEI (Local Governments for Sustainability) to discuss the new framework under the Global Covenant of Mayors, which provides an internationally recognised method for reporting Local Government and community greenhouse gas emissions (pictured on the right). ICLEI discussed a range of other tools that can be utilised by Local Governments, including a new Cities With Nature platform, providing tools and case studies of how cities can engage and connect around renaturing cities.

## Climate Change policy developments

There are a number of upcoming opportunities to contribute to the development of climate change related policy in Western Australia (Item 6.4 of the Agenda refers).

- **Environmental Protection Authority's Greenhouse Gas Guidelines consultation**

The Environmental Protection Agency is undertaking open consultation on its proposed *Greenhouse Gas Guidelines*. As a member of the EPA's Stakeholder Reference Group, WALGA provided a confidential submission in support of the Greenhouse Gas Guidelines prior to their initial release in February this year. After the Guidelines were withdrawn, WALGA inputted to the EPA's Stakeholder Engagement Strategy. WALGA is developing a submission taking in Sector input. The consultation opened on 10 June and it runs for 12 weeks.

- **State Climate Change Policy**

The Department of Water and Environmental Regulation (DWER) is heading up the development of a new State Climate Change Policy. At the time of writing, an Issues Paper was due to be released for public comment in mid-June, open for 12 weeks. WALGA has been in regular contact with DWER to outline its policy position (as per the WALGA Climate Change Policy Statement) and has been informed that DWER can attend WALGA Sector consultation workshop/s to inform a submission in response to the State's Issues Paper.

- **Climate Health WA Inquiry**

The inquiry has broad terms of reference, including recommending a program of work to strengthen the preparedness and resilience of communities against extreme weather events and evaluating the likely benefits (health and wellbeing, social and economic) arising from climate change mitigation strategies. The Inquiry will seek written submissions, run public forums and conduct public hearings over the course of this year, and is due to report by March 2020.

- **Energy Transformation Strategy**

The Strategy is being delivered out of the Public Utilities Office and will run until May 2021, with a range of opportunities to participate in stakeholder workshops throughout this period. A briefing on the strategy was held on 28 May, with Minister Bill Johnston and Chair Stephen Edwell speaking about the technological revolution that is dramatically changing the way the network looks (centralised to distributed, one way to two way). The background to this strategy is that if no action is taken, in three to four years there will be instability and disruptions in the grid. The outcomes of this Strategy will impact fossil fuel powered generators there will need to be an 'orderly and compassionate' transition.

WALGA will continue to keep the Sector informed of opportunities to input to these processes. Local Governments are encouraged to make Council endorsed submissions directly on each of the above, and to WALGA to inform its submissions.

## Native Vegetation clearing

### Clearing Permit fees

The State Government announced increases to fees for native vegetation clearing permit applications that came into effect on 1 July 2019. WALGA had strenuously opposed any fee increase for Local Governments, proposing instead that the State Government first improve the efficiency and effectiveness of clearing regulation system and develop a more comprehensive and strategic approach to native vegetation protection in WA. The new fees, although less than had been originally proposed for clearing up to 5 ha, still represent a significant increase ) and impost on the Local Government sector. WALGA has provided the Sector with information on the new fees ([infopage HERE](#)) and advised Local Governments to consider lodging clearing permit applications by 30 June 2019 where feasible to do so to avoid the increase.

## Local Government Clearing Regulation Working Group

WALGA has been working with DWER and the Department of Biodiversity, Conservation and Attractions (DBCA) in relation to Local Governments' concerns regarding the operation of the regulations of clearing of native vegetation. DWER has agreed to WALGA's proposal to establish a Local Government Clearing Regulation Working Group to provide strategic leadership and guidance on roadside clearing guidelines and policy, including permits and offsets. The first meeting of the Working Group is expected to be held in mid-July, following confirmation of the Local Government Officer nominees by State Council.

### **Environmental Offsets Review**

WALGA has represented the Sector on the Stakeholder Reference Group for the review of the State Offsets Framework by the Department of Water and Environmental Regulation. The review process has highlighted significant issues with the operation of the current offsets framework, that there is insufficient information and reporting available to determine the status of a significant number of approved offsets or if the intended environmental benefits of on-ground management offsets have been achieved. WALGA has reiterated Local Governments' concerns regarding the complexity of the assessment and approval process for clearing of native vegetation, including difficulties in coordination between Departments with a role in the system, scarcity of suitable land, and increasing costs.

WALGA has asked that WALGA considers that full consultation with stakeholders, including Local Governments should be undertaken prior to finalisation of any revisions to the Offsets Framework. WALGA has indicated in-principle support for changes to the offsets framework to ensure the intended environmental outcomes of offsets are realised, without increasing the regulatory burden on proponents and Local Government rate payers. WALGA has requested that there be full consultation with stakeholders, including Local Governments should prior to finalisation of any revisions to the Offsets Framework.

### **Draft Compliance and Enforcement Policy**

The Department of Water and Environmental Regulation (DWER) is seeking submissions on the [draft Compliance and Enforcement Policy](#). The Compliance and Enforcement Policy details the departments approach to ensuring compliance with the legislation they administer, and responding to breaches of the law to deter and punish offenders and rehabilitate damage caused to the environment.

The department is seeking feedback from stakeholders and the general public on the draft policy over a 12 week period, running from Monday, 27 May to Friday, 16 August. All submissions must be received by 5pm, Friday 16 August.

More information on making a submission can be found [here](#).

### **Strategic Assessment of the Perth and Peel Regions**

WALGA met with the SAPPR review panel and Department of Premier and Cabinet staff on 31 May to discuss the panels' SAPPR funding options. The review has been extended until August to consider options to resolve SAPPR 'gateway' issues, funding, legal risk and flexibility.

WALGA is concerned that potential funding models being considered by the Panel have the capacity to impact on the sector and capture proposals that do not currently require environmental approval. WALGA will make further representations on this issue and has proposed that the Panel meet with Local Governments to discuss the proposal as a priority.

### **Biosecurity**

The Department of Primary Industries and Regional Development (DPIRD) has advised that the Biosecurity and Agriculture Management Act 2007 (the BAM Act) will be delayed until 2020. DPIRD has indicated that it is unable to sustain another review this year in addition to the review of the Animal Welfare Act 2002 currently underway, while also undergoing Machinery of Government changes.

DPIRD has indicated that the review of the BAM Act will include consultation to 'ensure that the views of stakeholders are considered'. As part of its advocacy, WALGA has now been invited to participate in the State Government Biosecurity Senior Officers Group (BSOG), to enable greater



penetration of the sectors views and issues in relation to post-border biosecurity issues being considered by Government.

### **Urban Forest Working Group**

In response to sector feedback, WALGA Environment and Planning teams are in the process of establishing an Urban Forest working group to enable Local Governments to come together to share their experiences, develop practical tools and inform advocacy on the retention of their urban forest canopy.

The working group will be focussed on building Local Government capacity, identifying gaps and delivering practical planning outcomes and tools. It is intended the group will operate as a community of practice for Local Government to take collective action and responsibility for progressing priority issues.

At the time of writing WALGA was in the process of collecting expressions of interest from the sector, and will then proceed in establishing the group formally.

### **Water Licencing Fees**

The State Government has announced that it will not extend water licence to agriculture and other sectors. The fees currently apply only to the mining and public water supply sectors. WALGA had strongly advocated that water licencing fees should not be extended to Local Government.

### **Environmental Planning Tool (EPT)**

In-house EPT training was delivered to staff at the Shires of Chittering, Wyalkatchem, Lake Grace, Jerramungup, and the City of Greater Geraldton. Four Local Government and one State Government staff attended EPT training at WALGA. Additional assistance was provided to the Shire of Cuballing with utilising the EPT in preparing an application for native vegetation clearing associated with the Shire's 10 year road works program. In June, the EPT was updated with the latest data and some new functionality, increasing the scope of functionality.

### **Events and Newsletters**

#### **Surge Ahead: Cities Power Partnership WA Roundtable**

The Climate Council's Cities Power Partnership team held its first event in Perth on 30 May, attended by Officers and Elected Members from 21 WA Local Governments. WALGA presented on its Climate Change Policy and the status of the State Government's planned Climate Change Policy. Attendees were informed about the CPP program, as well as potential for renewable energy projects in their communities. The event concluded with attendees agreeing to call on the State Government to set a renewable energy target of 50% by 2030 as well as emissions reduction targets of 65% by 2030 and 100% by 2050.

#### **The New Normal: Emergency Management in a Changing Climate Event**

WALGA hosted an event on Emergency Management in a Changing Climate on Wednesday, 12 June. The event was fully subscribed, and included a keynote address by Dr Robert Glasser, author of the special report Preparing for the Era of Disasters and expert speakers from the Department of Fire and Emergency Services, Office of Bushfire Risk Management, Department of Health, State Emergency Services, Red Cross, University of Western Australia and Local Government Insurance Scheme.

#### **WALGA Sustainability Officers Network Group (SONG) Meeting – Energy Efficient Street Lighting**

WALGA held a Sustainability Officers Network Group (SONG) meeting on Tuesday, 18 June on Energy Efficient Street Lighting. WALGA discussed regulatory changes and provided an overview of the approaches that different Local Governments are taking to improve lighting, increase energy efficiency and reduce operating costs of streetlights. Western Power discussed their LED product range, and the new tariff for LEDs that comes into effect on 1 July. The City of Gosnells provided insights into the planning and delivery of sustainable street lighting projects.



### **Living Smart Behaviour Change Program**

WALGA hosted a short sample course of the Living Smart program for Local Government, with 10 officers and Elected Members attending two sessions held in May. Living Smart is a behaviour change program for adults, which uses experiential learning and goal setting to encourage individuals to make the changes needed to lead healthier and more sustainable lives.

The sessions provided a condensed version of the usual eight week course, so that Local Governments could see if the program meets their corporate or community needs. A full course covers 10 topics, including water, power, waste, simple living, gardening for food, transport, healthy you, gardening for biodiversity, healthy homes and community. More information on Living Smart can be found [here](#).

### **EnviroNews**

The May and June editions of EnviroNews can be accessed electronically on the WALGA website [here](#). The next edition is scheduled for release on 24 July.

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

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

**Moved: Mayor Tracey Roberts JP**  
**Seconded: Cr Julie Brown**

**That the Key Activities Report from the Governance and Organisational Services Unit to the July 2019 State Council meeting be noted.**

### **RESOLUTION 82.5/2019**

**CARRIED**

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

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

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

### **Association Governance**

#### **State Council and Zone Structure and Process Working Group**

The WALGA President, Cr Lynne Craigie, supported by State Council, has convened a working group to review WALGA's current governance structure and processes. The working group, which is comprised of the President, Deputy President, State Councillors, an Elected Member from WA Regional Cities Alliance, Local Government CEOs and senior WALGA staff, has been charged with developing an alternative model to the existing arrangements, with corresponding recommendations, for State Council consideration. If State Council considers that the alternative model or models are worthy of further consideration, consultation with WALGA members will be undertaken.

Specifically, the working group could consider the following:

- Composition of State Council as a representative board;
- Underpinning principle that metropolitan and country Local Governments should be equally represented on State Council;
- Role of Zones;
- Method of election of State Councillors;
- Relationship between State Council and Zones;
- Existing Zone structures and the basis for the membership of Zones;
- Method of election of the President;
- Role of the Deputy President;
- Role and membership of the Executive Committee;

- Continuing effectiveness of State Council committees such as the Selection Committee, and Honours Panel;
- Membership and efficacy of State Council Policy Teams, and Policy Forums;
- Ability of Zones to shape State Council decision-making through emerging issues;
- Interim submission process to meet Government deadlines;
- Format of State Council meetings and agendas;
- Continuing need to print and distribute hard-copy State Council agendas;
- Protocols for Zone delegates and Local Governments putting forward Zone agenda items;
- Any other matters relating to the existing structure or process of State Council, committees of State Council and Zones.

It is anticipated that the working group's recommendations will be presented to State Council in September 2019, which will be followed by consultation with the Local Government sector if required.

## **Sector Governance Support**

### **Local Government Elections**

#### Promotion

WALGA is partnering with the Department of Local Government, Sport & Cultural Industries for a promotional campaign in the lead up to the Local Government elections in October. The campaign will focus on attracting a wider diversity of both candidates and electors to participate in the elections. It will involve metropolitan and regional television advertising; online and social media and a new website intended to feature profiles of all candidates. The focus of the campaign is preferred by the Minister for Local Government and is in response to trying to encourage greater participation. Voter turnout for WA Local Government elections has historically been around 30 per cent which is consistent with participation rates in other jurisdictions with non-compulsory polls. It is hoped that highlighting diversity may help access a new and additional cohort.

#### WALGA Composite Advertising Program - 2019 Elections

WALGA will once again be coordinating the Composite Election Advertising Program for Local Governments conducting in-person elections on Saturday 19<sup>th</sup> October 2019.

This Program features a series of four statutory election advertisements to be run in The West Australian between August and October, and one discretionary 'Vote Today' advert. A Registration Form and request for a purchase order has been sent to participating Local Governments in June 2019. Local Governments conducting postal elections will be participating in the WA Electoral Commission's Composite Advertising Program.

For further advice on Local Government elections, contact WALGA Governance staff.

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

The Local Government Amendment Bill was introduced in the Legislative Assembly by the Minister for Local Government on 14 March 2019.

This Bill will include amendments to the Local Government Act that align with WALGA's advocacy on the following matters:

- Gifts
- Universal Training

- Standards of Behaviour
- CEO Recruitment and Performance Review
- Public Notices and Access to Information
- Administrative Efficiencies

At the time of writing this report the bill had yet to be finalised in the Legislative Council.

## **Training**

### **Universal Training**

The Department of Local Government, Sport and Cultural Industries (DLGSC) has invited WALGA Training, along with a number of other Registered Training Organisations, to enter into an Expression of Interest (EOI) process to establish a list of approved training providers to develop, deliver and manage a training program for Local Government Council Members.

Entitled *Council Member Essentials*, this training for newly Elected Members would encompass all five of the courses currently delivered within Stage 1 of WALGA Training's Elected Member Learning and Development Pathway.

It is intended that the list of Approved Training Providers will be published in the Local Government Regulations.

WALGA Training submitted its EOI to DLGSC on Friday, 3 May 2019.

## **Employee Relations**

### **State Industrial Relations Review**

The Final Report (Report) of the review into the WA State industrial relations system was tabled in State Parliament on 11 April 2019. This report makes the recommendation to amend the *Industrial Relations Act 1979* (IR Act) to enable a declaration to be made that WA Local Government authorities are not "national system employers" for the purposes of the *Fair Work Act 2009* (FW Act).

If endorsed at state and federal levels there will be transitional arrangements to assist the 93% of Local Government currently operating in the Federal system transition to the State system.

A taskforce comprising of key stakeholders, including WALGA, will be formed in June 2019 to discuss and scope out the proposed two year transition process.

## **Recruitment**

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

- CEO – Shire of Serpentine Jarrahdale
- Director Corporate Services – Shire of Mundaring
- Planning Officer – Shire of Irwin
- Community Ranger (Casual) - Shire of Irwin.

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

*By Ian Duncan, Executive Manager Infrastructure*

**Moved: Mayor Tracey Roberts JP**  
**Seconded: Cr Julie Brown**

**That the Key Activities Report from the Infrastructure Unit to the July 2019 State Council meeting be noted.**

#### **RESOLUTION 83.5/2019**

**CARRIED**

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

## **Roads**

### **Report on Local Government Road Assets and Expenditure 2017/18**

The Report on Local Government Assets and Expenditure 2017/18 was finalised. The report provides information on the lengths and types of roads, paths and bridges and highlights trends in the data over the preceding five years. It includes statistics and trends on the funding sources and amount of Local Government expenditure on roads, paths and bridges. Details are provided on the allocation of expenditure between expansion, upgrade, maintenance and renewal of the network at a regional level and for individual Local Governments.

The expenditure statistics are analysed to provide comparisons of road preservation performance, net preservation needs and expenditure effort. These comparisons provide insight into the adequacy of funding and the difference between road preservation needs and current expenditure on road preservation. For the first time, the report now includes a surface condition network rating for each region. Copies have been sent to all Local Governments and it is available for download from the WALGA website.

### **Methodology for Calculating the Cost of Road Wear on Unsealed Roads**

In response to member requests, WALGA has worked closely with ARRB to develop a guide for calculating the cost of road wear on unsealed roads subject to a significant increase in heavy vehicle traffic. This builds on similar work completed for sealed roads and now adopted by many Councils.

The Guide provides Local Governments with a tool to estimate the cost of additional damage to unsealed roads resulting from a defined freight task. It can be used as the basis to negotiate cost recovery where a specific transport task is forecast to cause extraordinary damage to a road that was not designed and built for that purpose. Costs attributable to a defined scenario can be calculated by following a stepped process and inputting the vehicle type, number of trips, road length and gravel quality. Typical worked examples are provided in the Guide.

Copies of the Guide have been posted to all Local Governments and it is available for download from the WALGA website.

### **Review of the Restoration and Reinstatement Specification**

The Specification was originally published in 2002 and IPWEA has endorsed a comprehensive review to be performed by a working group of industry experts. The working group comprises members from IWEA, WALGA, Local Government and Main Roads WA. The working group has met on several occasions and has decided to rewrite the specification which will be titled "Local Government Guidelines for Restoration and Reinstatement in Western Australia". This guideline will be a key supporting resource to a Model Policy Guideline for Managing Third Parties Working in the Road Reserve. Compilation of the document is well advanced and a draft will be circulated to all stakeholders for comment in coming months.

## **Proposed Changes to Main Roads WA Policy on Control of Heavy Vehicle Operations on Local Government Roads**

It is Main Roads policy to consult with Local Governments before adding or amending a RAV route. Local Governments may propose an operating condition that requires the Operator to obtain written approval from the Road Owner. The approval letter must be carried in the vehicle and produced upon request. This is commonly referred to as a CA07 condition. It is Main Roads WA policy to apply this condition to all roads that are designated Type A or B Low Volume Roads. Records indicate that there are a 117 Local Governments that have roads with the CA07 condition.

Some Local Governments are charging transport operators a fee to obtain the letter of approval. Main Roads have advised WALGA that instructions have been received from the State Solicitors Office that Local Governments do not have the powers to charge transport operators to access a public road (note that the practice of establishing a maintenance agreement with a freight owner / generator in instances of an extraordinary transport task is a separate issue). Consequently they are proposing to abolish the condition.

WALGA has advised Main Roads that changes should only be considered once there is a proper understanding of the functioning of the current arrangements. Seventy Local Governments participated in the survey undertaken by the Association. Results indicate that the overwhelming majority of Local Governments are against withdrawal of the CA07 condition and that only a minority are charging transport operators. WALGA has subsequently advised Main Roads that the sector does not support withdrawal of the condition unless an acceptable alternative can be developed and that the issues can be resolved by advising Local Governments not to use the letter to charge transport operators and to establish consistent administrative practices regarding fees and letter formats. WALGA State Council endorsed this position in December and WALGA continues to consult with Main Roads to develop an acceptable solution. WALGA will consult with Local Governments and State Council before determining if any proposed solution is "acceptable".

## **Development of a Model Policy Template for Works or Events in the Local Government Road Reserve**

The requirement for notifications, approval and management of works and events in the road reserve is an important responsibility of Local Government. Currently these responsibilities are specified in different documents causing confusion for Local Governments, utility providers and contractors. Based on requests from Local Governments and utility providers, WALGA developed a policy guideline to assist Local Governments frame consistent and robust policy to govern works or events in the local road reserve by a Local Government. The sector provided feedback on the draft policy guideline, which prompted separation of the guideline into two documents - one document addressing works in the road reserve and the other addressing events in the road reserve. Refining both policy guidelines continues. State Council will consider the policy guidelines.

## **Road Safety Management System**

The recently signed State Road Funds to Local Government Agreement 2018/19 to 2022/23 requires that WALGA, Main Roads WA and Regional Road Groups work towards establishing a Road Safety Management System to suit the needs of Local Government. It is proposed the system be used by all Local Governments to assess Black-Spot and other grant funded projects. WALGA and Main Roads WA surveyed the member Local Governments of the South West Regional Road Group to inform components of a Road Safety Management System and identify information and process gaps. WALGA continues to work with Main Roads WA on system requirements and parameters based on the guidance provided by Local Governments in the South West Region.

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

The State Road Funds to Local Government Agreement 2018/19 to 2022/23 provides an opportunity to review the associated Procedures. The procedures identify the structures and processes that support the Agreement. WALGA is working with Main Roads WA to ensure the revised procedures meet the needs of the State Road Funds to Local Government Advisory Group and Regional Road Groups. Consultation with Regional Road Groups on proposed amendments to the procedures will occur.

## **Funding**

### **Wheatbelt Secondary Freight Routes**

The State Government has announced \$10 million of funding for the Secondary Freight Routes project as a contribution to \$14 million required to match the \$70 million provided by the Federal Government in the May 2019 budget from the Roads of Strategic Importance Initiative. The funding has been committed over 10 years commencing in 2019/20. There is significant work still required to develop the governance arrangements to deliver this project.

### **Level 1 Bridge Inspections**

The State Road Funds to Local Government Agreement states that WALGA and Main Roads WA will implement a framework during 2019 to monitor and support all Local Governments to fulfil the obligation of performing annual Level 1 bridge inspections.

In order to be eligible for Special Project funding from the State Road Funds to Local Government Agreement, Local Governments must be able to show that Level 1 inspections have been performed and that adequate routine and preventative maintenance have been undertaken to prevent undue deterioration.

WALGA has developed a draft framework that sets out the obligations of Local Governments and Main Roads and introduces timelines for completion and submission of inspections. The document also details potential financial and training support.

WALGA has met with Main Roads WA on several occasions to discuss progress of the framework. All Local Governments will be invited to provide comment on the framework in coming months.

## **Urban and Regional Transport**

### **Revitalising Agricultural Region Freight Strategy**

The State Government has released a draft strategy, Revitalising Agricultural Region Freight, for consultation. The consultation period closes on 12 July. This draft considers input provided by Local Governments in targeted and public engagement during 2018. The Association is evaluating the strategy from a sector perspective and seeking to support contributions from Local Governments and regions addressing the priority of specific investments proposed in local areas.

## **Road Safety**

### **Road Safety Council Update**

The current focus of the Road Safety Council is on preparing and developing recommendations to the Minister for the next road safety strategy. Community and stakeholder consultation is expected to commence in the coming weeks. Other matters given consideration at the Road Safety Council meeting in April included the following topics: applications and guidelines for developer contributions to road safety at intersections, regulations for motorcycle lane filtering, the publication of mobile speed camera locations, and the results of the metropolitan and regional speed monitoring surveys.

### **RoadWise Road Safety Newsletter**

The April and May 2019 editions of the *RoadWise Road Safety Newsletter* can be accessed electronically at <http://roadwise.asn.au/roadwise-road-safety-newsletter.aspx>.

New subscribers can register to receive the newsletter directly through the following link: <http://eepurl.com/PHFsr>.

The newsletter is currently distributed to more than 1800 members of the community road safety network in Western Australia. Readership of the newsletter is estimated to be significantly higher than distribution.

### **WALGA RoadWise Facebook page**

With more than 300 followers the WALGA RoadWise Facebook page is designed to help promote the community road safety network's road safety initiatives, enable the network to interact more, raise community awareness of road safety and promote RoadWise campaigns and projects. The WALGA

RoadWise Facebook page can be found at <https://www.facebook.com/WALGARoadWise/>.



#### **7.1.4 Report on Key Activities, People and Place (01-006-03-0014 JB)**

*By Jo Burges, Executive Manager Planning and Community Development*

**Moved: Mayor Tracey Roberts JP**

**Seconded: Cr Julie Brown**

**That the Key Activities Report from the People and Place Unit to July 2019 State Council meeting be noted.**

#### **RESOLUTION 84.5/2019**

**CARRIED**

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

#### **EMERGENCY MANAGEMENT**

##### **Local Government Animal Welfare in Emergencies Workshops**

The new [State Support Plan - Animal Welfare in Emergencies \(Interim\)](#) came into effect on the Wednesday, 13 March 2019 and documents WA's strategic arrangements for the coordination of animal welfare services during emergencies. The Department of Primary Industries and Regional Development (DPIRD) and WALGA will be hosting a two workshops on Animal Welfare in Emergencies for Local Governments. The workshops will offer the opportunity to learn about integrating animal welfare considerations in the development of plans, policies and procedures and the benefits it has for building community resilience for emergencies. The full day workshops will offer opportunities to network and learn from case studies and experienced professionals on planning for and responding to animal welfare in emergencies. The first workshop will be held in the metropolitan region, with a second to follow in a yet to be confirmed regional location, both on the week Monday, 19 to Friday, 23 August 2019.

##### **WALGA Emergency Management Engagement Workshop: Before - During - After**

The Emergency Management: Before - During - After Project will identify challenges and opportunities for improvement within Local Government systems, and set a clear direction for WALGA's representative, advocacy and capacity building activities into the future. This Workshop will provide an opportunity for Local Government representatives to inform the Before - During - After Project, by sharing information on their current awareness and activities in Emergency Management, and defining how WALGA can assist the sector before, during and after emergencies. The Workshop will run one day prior to the WALGA Local Government Convention, providing the potential for regional delegates travelling to Perth for the Convention to attend.

The Workshop will run from 9:00am – 12:00pm on Tuesday, 6 August 2019, at the Perth Convention and Exhibition Centre. The session will include facilitated discussion on the current status and future aspirations for WA Local Governments. Local Government Elected Members, CEOs and Officers are encouraged to attend.

##### **Review of LGGS including Manual for Capital and Operating Grants**

WALGA have been advocating for a review of the Local Government Grants Scheme for many years and the report by the Economic Regulation Authority on the Emergency Services Levy (ESL) reinforced the need to review this funding mechanism. DFES have agreed to an initial workshop with relevant Associations to discuss the key issues and priority areas of focus. WALGA will attend this first meeting to represent the sector with the key outcome to develop a whole of sector consultation strategy to ensure the views and priorities of the sector are identified and considered in any changes to the LGGS. The workshop is being held 24 June 2019. An InfoPage will be published post event to communicate with the sector.

#### **COMMUNITY**

##### **Public Health Risks at Events**

WALGA distributed an InfoPage outlining the key considerations as part of this review in May and has also received several submissions from member Local Governments to form a sector wide submission. The Discussion Paper is available [here](#).

### **Public Health Regulatory review open consultations**

WALGA supports members to register for all updates to public health and the regulatory review via the Environmental Health Directorate (WA Health) [ehinfo@health.wa.gov.au](mailto:ehinfo@health.wa.gov.au). In addition to Public Health Risks at Events, there are an additional three consultations open. WALGA has been receiving submissions for the Air-handling and Water Systems review and the Offensive Trades review with submissions to WALGA closing 11 July. The fourth open consultation [A new regulatory framework for drinking water in Western Australia](#) closes to the Department of Health on 30 August 2019. Please send all submissions to WALGA by 30 July 2019 to form a sector wide position. All feedback on the regulatory review is being received by Bec Waddington [bwaddington@walga.asn.au](mailto:bwaddington@walga.asn.au).

### **Obesity**

WALGA and six Local Governments were represented at the Obesity Advocacy Targets Food Focus Forum held on 24 May 2019. More than 60 targets were put forward for consideration and further analysis, of which the final set of indicators will be presented to State Government for consideration to measure outcomes across five key themes. Development of a state-wide set of targets will assist in Local Government public health planning.

### **Regional Health Event**

Leading on from the positive feedback from member Local Governments from the 19 February 2019 event, a second regional health event is being planned for 21 September 2019 to be held in Wyalkatchem. Registration and event information will be made available shortly.

### **State History and Heritage Conference**

A second conference was successfully convened in Perth in April 2019 and delivered international and national presentations to the theme of Dark Heritage: the untold history of Aboriginal Australia. High value from attendance was reported from more than 50 individuals from Local Governments, of which several received full bursary's to attend. This enabled individuals from as far as the Shire of Wyndham East Kimberley, Shire of Broome and the City of Greater Geraldton to be in attendance for the duration. The next conference will be held in 2021 with the theme preparation currently underway.

### **WA Motorsport Strategy**

The State Government has released its draft [Western Australian Motorsport Strategy](#), which has been developed in conjunction with peak motorsport bodies, motorsport regulators and relevant Local Governments. The strategy aims to help the industry increase participation in motorsports in WA, enhance its potential to attract national and international events, and plan for the long-term infrastructure needs of motorsport in both Perth and regional WA.

The strategy recommends the formation of an industry working group, which may include key Local Governments, to collaborate and lead the development of motorsport in WA. It also calls for the creation of a dedicated motorsport events and tourism strategy to leverage the benefits to industry, grow the sport, boost tourism and create jobs.

The strategy has been released for a four-week public consultation period ending on Friday, 14 June 2019. Local Governments are encouraged to provide comments to WALGA by Friday, 7 June 2019 for incorporation into a representative submission. Local Governments are also encouraged to make individual submissions. For more information or to provide your comments, contact Senior Policy Advisor – Community, Marissa MacDonald on 9213 2074 or email [mmacdonald@walga.asn.au](mailto:mmacdonald@walga.asn.au).

## **PLANNING**

### **Short Term Accommodation Parliamentary committee – additional questions**

On 18 February 2019, Association staff presented to the Economics and Industry Standing Committee's inquiry into short-stay accommodation. The purpose of the hearing was to provide

supporting commentary to the Association's written submission to the inquiry. Following the completion of the hearing the Standing Committee provided the Association with five questions on notice. These questions were:

1. Your assessment of the level of noncompliance to Local Government responsibilities and regulations for short-stay accommodation
2. What has been the reaction of residents to the introduction of differential rates in Fremantle and Busselton?
3. The responses from WALGA members to their situation where an owner-occupier (single, couple, family) who reside in their homes as their principle place of residence, and wish to list their home on a short-stay platform for rental whilst they are away on holiday
4. The types of Local Government regulations which should apply to the whole home or principal place of residence being rented for short-term accommodation?
5. Are there any differences in terms of policy issues in the provision of short-stay accommodation in the State's North West?

The Association provided a written response to the Standing Committee on 15 May 2019 (a copy can be accessed on <https://walgapip.ning.com/>). Local Government were contacted for input to the above questions where appropriate. The Standing Committee is scheduled to table their final report to Parliament on 27 June 2019.

### **Minister for Commerce meeting – 29 May 2019**

Association staff met with the Minister for Commerce, Hon John Quigley MLA to discuss the State Wide Cladding Audit and future options for the identification and rectification of this flammable product. The meeting was very positive, with the following commitments made: -

- The State to consider whether the other buildings outside the current Statewide Cladding Audit should or shouldn't be audited, and make a statement of that decision, and
- if the other classes of buildings are going to be audited, then they will investigate setting up a system for the owner to respond, and get a detailed fire engineers report completed, before handing anything over for enforcement or compliance actions.

These commitments align with the recommendations in the Emerging Issues item presented to State Council in May.

The Minister also advised that a report on a possible full private certification model is due out in July 2019, which will also include an option for improvements to the current system rather than a full certification model.

### **Survey on referrals to State Agencies**

In March 2019, a number of WALGA members, primarily the GAPP Councils, raised concerns about the impact of recent interactions with seven State government agencies on development application and strategic referral planning processes. To assist in determining if these issues are being experienced by other members, WALGA prepared a survey for members to provide feedback on their satisfaction levels. The results of the survey are currently being collated and will be circulated on the PIP Portal in June (<https://walgapip.ning.com/>).

### **Presentation at the Managed Retreat Conference in New York**

WALGA staff member Ashley Robb (& Curtin University PHD student) has been accepted to present at a conference in June 2019, at Columbia University's Earth Institute (New York) conference '*At What Point Managed Retreat? Resilience Building in the Coastal Zone*'. The presentation will be to an international audience, including the findings from the PHD research work currently being undertaken and the approaches being taken by different Local Governments in WA. The experiences of other countries in managing coastal hazards will be brought back to the Local Government CHRMAP forum, as there is very little practical knowledge or experience on how to implement

“managed retreat” strategies within WA. The Conference webpage can be accessed at:  
<http://adaptation.ei.columbia.edu/conference/at-what-point-managed-retreat-conference/>

## 7.2 Policy Forum Reports

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

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

**Moved:** Mayor Tracey Roberts JP  
**Seconded:** Cr Julie Brown

**That the report on the key activities of the Association's Policy Forums to the July 2019 State Council meeting be noted.**

#### **RESOLUTION 85.5/2019**

**CARRIED**

#### **7.2.1 Mayors/Presidents Policy Forum**

(Tony Brown, Executive Manager Governance & Organisational Services)

*The Mayors/Presidents Policy Forum has been tasked with addressing the following key issues;*

- i. Advise the WALGA President on emerging policy issues;*
- ii. Serve as a stakeholder forum to effectively support and complement the broader work of the Western Australian Local Government Association*
- iii. Provide a networking opportunity for all Mayors and Presidents across the State.*
- iv. Provide a forum for guest speakers to present on topical sector issues.*

#### **Comment**

There has been no meeting of the Mayors Presidents Policy Forum since the last report. The next Forum will be held on Tuesday 6 August 2019. A notice of meeting and agenda will be distributed prior to the meeting.

#### **7.2.2 Mining Community Policy Forum**

(Wayne Scheggia, Deputy CEO)

*The Mining Communities Policy Forum has been tasked with addressing the following key issues;*

- i. Monitor and assess the continuing impacts of State Agreement Acts on Local Government revenue raising capacity and service delivery;*
- ii. Monitor and assess the impacts of State Government legislation, regulation and policies on the capacity of Local Governments to appropriately rate mining operations.*
- iii. Develop and recommend relevant advocacy strategies in relation to i & ii;*
- iv. Consider and recommend relevant strategies in respect to "Fly-in, Fly-out (FIFO) and "Drive-in Drive-out" (DIDO) workforce practices with specific reference to;*
  - a. The effect of a non-resident, FIFO/DIDO workforce on established communities, including community wellbeing, services and infrastructure;*
  - b. The impact on communities sending large numbers of FIFO/DIDO workers to mine sites.*

#### **Comment**

There has not been a meeting of the Policy Forum since the previous State Council meeting.

### 7.2.3 Container Deposit Legislation Policy Forum

(Mark Batty, Executive Manager Waste and Environment)

*A Container Deposit Scheme (CDS) is a form of Extended Producer Responsibility which seeks to place financial/physical responsibility for a product (at end of life) on the original producer*

*The objectives of the Container Deposit Scheme Policy Forum shall be to:*

- *Provide constructive input into the development of a CDS for WA*
- *Ensure that regional and remote communities have access to the benefits of a CDS*
- *Engage with Local Government, and collectively negotiate with the Scheme operator, to ensure the sector has the opportunities to be involved in the implementation of a CDS.*

#### **Comment**

The Policy Forum continues to provide feedback to the Department of Water and Environmental Regulation on the development of the Scheme. The Scheme implementation is progressing with the following key milestones:

- Announcement of the Scheme Coordinator – WA Return Recycle Renew
- Release of the Minimum Networks Standards, which outlines the minimum number of refund points (full and part time) that will be available in the State
- Release of the Western Australian Planning Commission position statement to guide location of container deposit scheme infrastructure
- Availability of the Department of Water and Environmental Regulation register of interest for those who would like to participate in the Scheme.

### 7.2.4 Economic Development Policy Forum

*Tony Brown, Executive Manager Governance & Organisational Services*

*The Economic Development Policy Forum has been tasked with addressing the following key issues;*

1. *Provide sector leadership on Local Government's role in economic development*
2. *Provide guidance on effective engagement with Elected Members to inform the Economic Development Framework Project*
3. *Review and provide input into the draft outcomes of the Economic Development Framework Project, including the Local Government Economic Development Framework, Economic Development Discussion Paper, Economic Development Policy and Advocacy Strategy and Sector Support Strategy*
4. *Monitor the outcomes and effectiveness of the Economic Development Framework Project*
5. *Provide guidance on ongoing work to support the sector in its economic development activities*
6. *Provide input into the development of economic development policy and advocacy*
7. *Provide input and guidance into WALGAs responses to emerging issues as they relate to economic development*

#### **Comment**

The Policy Forum has not met since the last State Council meeting, however the Economic Development project was officially launched on Tuesday 7 May 2019 by the Minister for Local Government, the Hon David Templeman MLA. The launch was followed by an Economic Development forum which showcased the content of the framework and profiled some of the activities being undertaken by Local Governments.

Local Governments will have greater assistance in carrying out Economic Development activities with the release of support materials and a targeted policy approach. The materials provided through the Framework project will assist Councils in facilitating a strategic approach to their work in the economic development space.

A summary of the research, the Economic Development Framework materials and policy priorities can be found on the WALGA website at [www.walga.asn.au/EconomicDevelopment](http://www.walga.asn.au/EconomicDevelopment).

<b>7.3 President's Report</b>
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Moved: Mayor Logan Howlett JP  
Seconded: Cr Chris Mitchell JP

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

RESOLUTION 86.5/2019

CARRIED

<b>7.4 CEO's Report</b>
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Moved: Cr Les Price  
Seconded: Mayor Logan Howlett JP

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

RESOLUTION 87.5/2019

CARRIED

<b>7.5 LG Professional's Report</b>
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Moved: President Cr Stephen Strange  
Seconded: Cr Giovanni Italiano JP

That the LG Professional's Report be received.

RESOLUTION 88.5/2019

CARRIED

## **8. ADDITIONAL ZONE RESOLUTIONS**

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Moved: President Cr Phillip Blight  
Seconded: Mayor Logan Howlett JP

That the additional Zone Resolutions from the June 2019 round of Zone meetings as follows, be referred to the appropriate policy area for consideration and appropriate action.

### **RESOLUTION 89.5/2019**

**CARRIED**

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#### **NORTHERN COUNTRY ZONE**

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##### **Hydraulic Fracking – Environment and Waste**

That the Northern Country Zone of WALGA works with WALGA to confirm the State Government Policy with respect to hydraulic fracking in coal seam gas.

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#### **GASCOYNE COUNTRY ZONE**

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##### **Regional Strategy Carnarvon to Exmouth – Nynggulu (Ningaloo) Coastal Reserves, Draft Joint Management Plan.– Environment and Waste**

That the Gascoyne Zone:

1. Request WALGA continue to advocate to the State Government that an independent economic assessment of Wilderness Camping in the Shire of Exmouth and the broader Gascoyne Region be undertaken prior to any decisions being made; and,
2. Note that the Shire of Exmouth will draft a statement to be sent to Gascoyne Local Government Chief Executive Officers outlining concerns with the current proposal.

##### **Asset Preservation Model – Infrastructure**

That the Gascoyne Country Zone request WALGA to undertake a review of the Asset Preservation Model that informs the distribution of road funding to ensure equity, recognition of Local Government circumstances and the validity and accuracy of assumptions that inform the model.

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#### **GREAT SOUTHERN COUNTRY ZONE**

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##### **Clearing Regulations – Shire of Plantagenet – Environment and Waste**

That the WA Local Government Association be advised that:

1. The Great Southern Zone of WALGA supports a review of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, so that the clause regarding previously cleared vegetation be amended to 20 years without seeking further authority from the Department of Water and Environmental Regulation.
2. WALGA therefore be requested to endorse this position and to write to the Minister for Environment highlighting the effectiveness and efficiency of the Strategic Purpose Permit system whilst requesting an amendment to the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 extending the time frame for clearing restrictions to 20 years.



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## **NORTH METROPOLITAN ZONE**

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### **Urban Tree Canopy – Environment and Waste**

That WALGA:

1. Writes to the Premier seeking a Whole of Government approach coordinated through the Department of Premier and Cabinet, to address Perth's declining urban tree canopy cover and;
2. Develop a policy position on urban tree canopy to be endorsed by State Council.

### **State Underground Power Program – Infrastructure**

That WALGA advocates on behalf of Local Government to the State Government to engage with the Sector and other Stakeholders, to review the State Underground Power Program prior to the commencement of Round 7, for the following reasons:

- a) The program is becoming an unacceptable cost burden on residents; and
- b) Changes made to the program before Round 6, resulting in a bidding war between Local Governments, have disadvantaged many communities and Local Governments and do not adequately take into consideration factors such as service reliability.

### **WA Election Signage – Governance and Organisational Services**

That the Zone requests WALGA to prepare for all Local Governments, a model Local Law template governing election signs.

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## **SOUTH EAST METROPOLITAN ZONE**

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### **Urban Forest Grants Program – Environment and Waste**

That WALGA supports and develops an advocacy approach for the introduction of a Local Government Greener Perth grant program, funded by the State Government.

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## **GREAT EASTERN COUNTRY ZONE**

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### **WALGA Advocacy Regarding Greenfinch Mine Expansion – Environment and Waste and Economics**

That the Great Eastern Country Zone

1. Supports the Shire of Westonia's position to seek clearing and mining approval for the proposed Greenfinch mining operation.
2. Requests WALGA to raise the issue with relevant authorities to ensure that the Greenfinch Project has every chance of success.

### **Government Regional Officer Housing (GRPH) – People and Place**

That the Zone request WALGA to advocate on the impact of Government Regional Officer Housing on retaining public sector professionals (Doctors, nurses, teachers) in the Great Eastern Country Zone.

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## **SOUTH WEST COUNTRY ZONE**

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### **Community Newspaper Awards – Finance and Marketing**

The Zone requests WALGA support a regional annual award program to recognize the significant contribution of community news publications.

### **Support for Waste to Energy – Environment and Waste**

That WALGA continue to support Western Australia's Waste Avoidance and Resource Recovery Strategy 2030 and seek firm commitments from the State Government about how the waste avoidance, resource recovery and diversion from landfill targets will be achieved, including local options for reprocessing, recycling and waste to energy.

### **Reactivation of South West Rail Line – Infrastructure**

That WALGA advocate for the State Government to make a clear decision on the reactivation of the South West rail line.

### **Waste Reduction – Environment and Waste**

That WALGA

1. Seek a commitment from the Waste Authority to complete an audit into downstream processing of mixed plastic that are shipped overseas to ensure this waste is not ending up in illegal recycling centres with large amounts either burned or buried in landfill.
2. Advocates to the State Government to consider a State Government rescue package using the Waste Levy as is the case in other States.

*Mr Eric Lumsden departed the meeting at 6:03pm and did not return.*

*Mr Nick Sloan left the meeting at 6:03pm and returned at 6:05pm.*

## **9. MEETING ASSESSMENT**

Cr Jenna Ledgerwood provided feedback as to the effectiveness of the meeting.

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

That the next meeting of the WALGA State Council be held in Shark Bay, on **Friday 6 September 2019** commencement time to be advised.

## **11. CLOSURE**

There being no further business the Chair declared the meeting closed at 6:07pm.

### **DECLARATION**

These minutes were confirmed at the meeting held on 6 September 2019.

Signed

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Person presiding at the meeting at which these minutes were confirmed