

State Council

Full Minutes

2 September 2020

NOTICE OF MEETING

Meeting of the Western Australian Local Government Association State Council held at Crown Perth in Botanical Room 3, on Wednesday 2 September 2020.

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1 Attendance

Members	President of WALGA - Chair Deputy President of WALGA, Northern Country Zone Avon-Midland Country Zone Central Country Zone Central Metropolitan Zone Central Metropolitan Zone East Metropolitan Zone East Metropolitan Zone Goldfields Esperance Country Zone Gascoyne Country Zone Great Eastern Country Zone Great Southern Country Zone Kimberley Country Zone Murchison Country Zone North Metropolitan Zone North Metropolitan Zone North Metropolitan Zone Peel Country Zone Pilbara Country Zone South East Metropolitan Zone South East Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South West Country Zone	Mayor Tracey Roberts JP President Cr Karen Chappel JP President Cr Ken Seymour President Cr Phillip Blight Cr Jenna Ledgerwood Cr Paul Kelly Cr Catherine Ehrhardt Cr Kate Driver - Deputy President Cr Malcolm Cullen President Cr Eddie Smith – Deputy via teleconference President Cr Stephen Strange Cr Ronnie Fleay Cr Chris Mitchell JP Cr Les Price Cr Frank Cvitan JP Mayor Mark Irwin Mayor Albert Jacob - Deputy President Cr Michelle Rich Mayor Peter Long Cr Julie Brown Mayor Ruth Butterfield Cr Doug Thompson Mayor Carol Adams OAM Mayor Logan Howlett JP President Cr Tony Dean
Ex Officios	Chair Commissioner, City of Perth Local Government Professionals WA	Mr Andrew Hammond, arrived at 4:13pm Mr Jamie Parry
Guests	Minister for Local Government; Heritage; Culture and the Arts Minister's Chief of Staff LGIS Chair LGIS Chief Executive Officer	Hon. David Templeman MLA – arrived at 5:11pm Mr Gary Hamley, arrived at 5:11pm Mr Peter Forbes Mr Jonathan Seth
Secretariat	Chief Executive Officer EM Strategy, Policy and Planning EM Governance & Organisational Services EM Commercial and Communications EM Infrastructure Intergovernmental Relations and Risk Manager Strategy & Association Governance Chief Financial Officer Manager Governance Executive Officer Governance	Mr Nick Sloan Mr Mark Batty Mr Tony Brown Mr Zac Donovan Mr Ian Duncan Ms Joanne Burges Mr Tim Lane Mr Rick Murray Mr James McGovern Ms Margaret Degebrodt

ORDER OF PROCEEDINGS

- **OPEN and WELCOME**

The Chair declared the meeting open at 4:00pm.

- **Acknowledgement of Country**

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

Welcome to:

- Hon David Templeman MLA Minister for Culture and the Arts, Local Government and Heritage (arrived at 5:11pm).
- Mr Gary Hamley Minister's Chief of Staff (arrived at 5:11pm).
- Mr Peter Forbes Chair LGIS
- Mr Jonathan Seth Chief Executive Officer LGIS
- Hon Mayor Albert Jacob North Metropolitan Zone Deputy
- Cr Kate Driver East Metropolitan Zone Deputy
- President Cr Eddie Smith Gascoyne Country Zone Deputy –via teleconference
- State Councillors
- WALGA secretariat

APOLOGIES

- Cr Russ Fishwick North Metropolitan Zone
- Cr Cate McCullough East Metropolitan Zone
- President Cr Cheryl Cowell Gascoyne Country Zone

ANNOUNCEMENTS

Nil

2. DECLARATIONS OF INTEREST

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

- *Mayor Logan Howlett declared an interest in Item 5.1, as an owner of a park home covered by the Act*
- *Cr Fleay declared an interest in Item 5.3 as a member of the WA Planning Commission*
- The following State Councillors declared an impartiality interest in Item 5.3 as a member of a Joint Development Assessment Panel (JDAP).
 - *Mayor Peter Long*
 - *Cr Frank Cvitan*
 - *Cr Julie Brown*
 - *Cr Chris Mitchell*
 - *Mayor Carol Adams*
 - *Cr Catherine Ehrhardt*
 - *President Cr Michell Rich*
 - *Mayor Ruth Butterfield*
 - *Cr Paul Kelly*
 - *Cr Kate Driver*
 - *President Cr Karen Chappel*
 - *Cr Jenna Ledgerwood*
- *Cr Paul Kelly declared an impartiality interest in Item 5.5*

PAPERS

State Councillors received the following papers under separate cover:

- Strategic Forum Agenda
- Flying Minute – Template Noongar Heritage Agreement for Local Government
- Flying Minute – Infrastructure WA Discussion Paper
- Item 5.6 Finance and Services Committee Meeting Minutes 22 July.
 - Management Financials
 - May Financial Dashboard
 - WALGA Financial Report for year ending 31 May 2020
 - Deloitte's Report
 - Deloitte's Review
 - OAG Correspondence
- Item 5.7 Finance and Services Committee Minutes 19 August 2020
 - 2020/21 Governance Financials Pack period ending 31 July 2020
 - 2020/21 Management Financials ending 31 July 2020
- Item 5.8 Selection Committee Meeting Minutes
- Item 5.9 LGIS Board Minutes
- Item 5.10 LGIS Review Action Points Schedule - Confidential
- CEO's report to State Council
- President's Report (previously emailed to your Zone meeting)

3. MINUTES OF THE PREVIOUS MEETINGS

3.1 Minutes of Meeting Held 1 July 2020

Moved: Cr Julie Brown
Seconded: Cr Chris Mitchell

That the Minutes of the State Council meeting held Wednesday [1 July 2020](#) be confirmed as a true and correct record of proceedings.

RESOLUTION 113.4/2020

CARRIED

3.1.1 Business arising from the Minutes of 1 July 2020.
Nil

3.2 Flying Minutes of Template Noongar Heritage Agreement for Local Government – 6 August 2020

Moved: President Cr Karen Chappel
Seconded: Mayor Logan Howlett

That the Flying Minutes of the [Template Noongar Heritage Agreement for Local Government, 6 August 2020](#), be confirmed as a true and correct record of proceedings.

RESOLUTION 114.4/2020

CARRIED

3.2.1 Business arising from the Flying Minutes of the Template Noongar Heritage Agreement.
Nil

3.3 Flying Minutes Infrastructure WA Discussion Paper and Submission

Moved: President Cr Michelle Rich
Seconded: President Cr Stephen Strange

That the Flying Minutes of the [Infrastructure WA Discussion Paper of 18 August 2020](#) be confirmed as a true and correct record of proceedings.

RESOLUTION 115.4/2020

CARRIED

3.3.1 Business arising from the Flying Minutes of 18 August 2020.

Nil

4. EMERGING ISSUES

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

Nil

5. MATTERS FOR DECISION

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

6. MATTERS FOR NOTING / INFORMATION

- As per matters listed.

7. ORGANISATIONAL REPORTS

7.1 Key Activity Report

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

7.2 Policy Forum Reports

- 7.2.1 Policy Forum Reports

7.3 President's Report

Recommendation

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

7.4 CEO's Report

Recommendation

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

7.5 Ex Officios

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

- 7.5.2 Chair Commissioner, Andrew Hammond to provide City of Perth Report.

8. ADDITIONAL ZONE RESOLUTIONS

9. PRESENTATION

10. DATE OF NEXT MEETING

That the next meeting of the WALGA State Council to be held at WALGA on **Wednesday 2 December 2020**.

11. CLOSURE

Agenda Items

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5. MATTERS FOR DECISION

5.1 Park Home Approvals and the *Caravan Parks and Camping Grounds Act 1995* (05-018-02-0002 VJ)

By Vanessa Jackson, Policy Manager, Planning and Improvement

- *Mayor Logan Howlett declared an interest in Item 5.1, as an owner of a park home covered by the Act and left the meeting at 4:04pm.*

Moved: Cr Julie Brown

Seconded: Cr Catherine Ehrhardt

That WALGA urgently requests the State Government to undertake a full review of the *Caravan Parks and Camping Grounds Act 1995* and associated legislation and regulations, to address manufactured homes on caravan park sites.

RESOLUTION 116.4/2020

CARRIED

Executive Summary

- The State currently regulates the approval and ongoing management of park homes within a caravan park under the *Caravan Parks and Camping Grounds Act 1995*.
- A recent SAT case has highlighted the conflict in the various legislative controls on this form of accommodation.
- New Regulations gazetted in March 2020 do not address the fundamental issue of locating park homes within caravan parks, they only provide a temporary solution after the SAT case.
- A full review of the *Caravan Parks and Camping Grounds Act 1995* and other legislative requirements (i.e. planning and building) is required to enable a more streamlined assessment of park homes in caravan parks, and remove the conflict between the different State legislative requirements.

Attachment

South West Country Zone Minutes:

<https://walga.asn.au/getattachment/Documents/Minutes-South-West-Country-Zone-26-June-2020.pdf?lang=en-AU>

Background

At WALGA's South West Country Zone on 26 June 2020, the Zone resolved to:

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

Under the Act, park homes are required to have a chassis, axles and wheels which are structurally able to bear the weight of the park home giving it the capacity to be drawn by another vehicle on a public road.

Comment

Over the last ten years, Local Governments and WALGA have been raising concerns with the Department of Local Government, Sport and Cultural Industries (DLGSC) on the regulation and management of park homes, seeking to resolve the various conflicts between the legislation governing Caravan Parks, Park Homes and Lifestyle Villages.

The report presented to the South West Country Zone by the City of Busselton provides a comprehensive summary of the issues and concerns relating to the approval of park homes under the *Caravan and Camping Grounds Act 1995*.

The recent [SAT decision](#) (*Henville and City of Armadale*) highlighted longstanding and significant issues with the Caravan Parks Legislation in Western Australia, and created a situation whereby most, if not all, park homes could be considered unlawful.

After the *Henville and City of Armadale* case, DLGSC set up a working group of State Agencies, to see whether the various pieces of legislation could be harmonised, to provide greater certainty to the park home industry and to Local Government.

At the end of 2019, the working group advised that they had arrived at a series of possible solutions, however, the only formal response that has occurred is the *Caravan Parks and Camping Grounds Amendment Regulations 2020*, as gazetted on the 4 March 2020 (more information [here](#)).

The new regulations address park homes that were already in place in mid-2019, but there is no change with respect to the lawfulness of new park homes constructed since that time. This creates significant uncertainty and issues for the industry, its customers and for Local Government in assessing applications for park homes under the caravan park legislation. As outlined in the South West Country Zone report, this is an inadequate solution because it does not address the underlying issues between the various pieces of legislation.

The South West Country Zone resolution, which seeks an urgent amendment to the *Caravan Parks and Camping Grounds Act 1995* to allow the continued lawful placement of new manufactured homes on caravan park sites, until 2030, is therefore supported.

This will provide greater regulatory certainty in the short term to the industry, its customers and local governments, and will enable a more comprehensive regulatory reform to be undertaken to address the issue, more holistically, of the location of park homes in caravan parks.

Mayor Howlett returned to the meeting at 4:07pm.

5.2 Submission on Decision Paper – Swimming Pool and Safety Barrier Control (05-015-02-0010 VJ)

By Vanessa Jackson, Policy Manager Planning and Improvement

Moved: Cr Chris Mitchell
Seconded: President Cr Malcolm Cullen

That the submission on the Decision Paper on Swimming Pool and Safety Barrier Control, be endorsed.

RESOLUTION 117.4/2020

CARRIED

Executive Summary

- In June 2020, a Decision Paper on Swimming Pool and Safety Barrier Control was released to the Local Government sector.
- A workshop with Local Government Building Surveyors and Swimming Pool inspectors was held to assist in providing feedback on the 16 proposals contained in the Decision Paper.
- The proposed changes to the swimming pool barrier inspection process has resourcing implications for the sector.
- A submission has been prepared to meet the comment deadline of 16 September 2020.

Attachments

Attachment 1 – Decision Paper Swimming Pools.

Attachment 2 - Submission on the Decision Paper - Swimming Pool and Safety Barrier Control
<https://walga.asn.au/getattachment/Documents/Item-5-2-attachment-link-Decision-Paper-Swimming-Pool-and-Safety-Barr.pdf?lang=en-AU>

Policy Implications

Current position from WALGA's Policy and Advocacy Positions manual ([here](#))

- The fee for structure applications made under the Building Act should be reviewed with the aim for cost recovery

Background

On 23 November 2017, the Ombudsman's Report '[Investigation into ways to prevent or reduce deaths of children by drowning](#)' was tabled in WA Parliament. The report contains 25 recommendations, of which 20 were specifically directed to the Building Commission, and five were directed to the Department of Mines Industry Regulation and Safety (DMIRS).

In January 2019, DMIRS undertook targeted consultation with Local Government through a consultation paper on swimming pool and safety barrier controls. The feedback provided at a Local Government workshop was submitted in March 2019, and this feedback has informed the preparation of this recently released DMIRS Decision Paper.

The purpose of the Decision Paper is to:

- outline the current issues with respect to swimming pools and safety barriers in light of the recommendations in the Ombudsman's Report;
- examine the impacts of reforms based on the feedback from stakeholders; and
- set out the decisions for change.

The Decision Paper sets out 16 decisions on how the Government intends to improve the regulatory requirements for Swimming Pool and Safety Barrier Control and the impacts of each decision are presented in the report. In a number of instances, non-regulatory interventions have been determined as the best method to improve safety outcomes, as well as addressing the recommendations in the Ombudsman's Report.

The report outlines proposed regulatory changes or non-regulatory changes for the following issues:

Building Permits, Notice of Completion & first barrier inspection	Excluded areas of the State
Barriers for pools under construction & other temporary barriers	Pre-November 2001 concession
Reinspections of non-compliant barriers	Boundary barriers
Compliance and enforcement strategy for barrier compliance	Training of swimming pool barrier inspectors
Four-yearly inspections: administering, record keeping & reporting	Display of CPR charts
Swimming pool barrier inspection charge	Portable swimming pools
Inspection of pools with a depth of water 30cm or less	Spa baths
Barrier inspection at sale/rent of property	Swimming pool covers

DMIRS has advised that it will work closely with stakeholders to develop the necessary regulatory amendments and guidance material to ensure WA has in place best practice requirements to reduce the risk of young children drowning in swimming pools. Submissions on the Decision Paper close on the 16 September 2020.

Comment

The majority of the proposals within the decision paper are supported, as they align with the feedback provided to DMIRS in 2019. The paper proposes a few new processes in the current pool barrier control:

- A new first barrier inspection to be conducted by Local Government which is accompanied by a new maximum fee of \$292
- A series of additional guidance notes for Local Government and the Industry in the installation process, best practice inspection processes and compliance and enforcement processes.

A workshop was held with Local Government Building Surveyors and Swimming Pool inspectors on 16 July 2020 with officers from 33 Local Governments attending the session. Officers were from Armadale, Bayswater, Belmont, Bridgetown Greenbushes, Broome, Bunbury, Busselton, Canning, Capel, Chittering, Cockburn, Collie, Dandaragan, Gosnells, Joondalup, Kalamunda, Mandurah, Melville, Mosman Park, Mundaring, Northam, Perth, Port Hedland, Rockingham, Serpentine Jarrahdale, South Perth, Subiaco, Stirling, Swan, Vincent, Wanneroo, Waroona and Yilgarn. The feedback from these officers has assisted in the preparation of the attached submission.

Comments in the submission have been made on the following decisions:

- The fee structures cannot claim to be cost recovery if a maximum fee is regulated
- Further work is required in regard to the boundary barrier requirements
- Owners of empty pools should be charged an inspection fee, rather than other ratepayers subsidising the inspection of their empty pool.



The details in the submission will provide DMIRS with assistance in drafting of the amendments to the *Building Act 2011* and *Building Regulations 2012* and in the preparation of the guidance documents.

Item 5.2 attachment 1

Issue (and source)	DMIRS Decision paper recommendation	WALGA comments
<p>1. Building Permits, Notice of Completion & first barrier inspection</p> <p>Ombudsman recommendations 5 & 6 <i>Consultation Paper elements 1 & 10</i></p>	<p>Amend the Building Regulations to:</p> <ul style="list-style-type: none"> • require the first barrier inspection to be undertaken by local government only; • establish a maximum fee for the first barrier inspection, which also covers any subsequent re-inspections. The maximum fee will be based on cost recovery principles for local governments, but implementation will be deferred until the 2021-22 financial years; and • exempt swimming pool barriers from the requirement to obtain a building permit. <p>Provide guidance on:</p> <ul style="list-style-type: none"> • building permit minimum documentation for swimming pools (as in Appendix 2); • the new process requirements to local governments and owners, including specific guidance on carrying out the first safety barrier inspection; • Notice of Completion (BA7) requirements and the use of Building Act sanctions/penalties for not complying, in order to increase the level of compliance; and • reducing the building permit validity period for fibreglass swimming pools to six months. <p>Collaborate with SPASAWA to educate pool builders on the Notice of Completion requirements.</p>	<p>The following comments are provided on amending the Building Regulations: -</p> <ul style="list-style-type: none"> - Support that the first barrier inspection to be undertaken by Local Government only, as the sector is responsible for ongoing inspections it is beneficial to undertake the first inspection for consistency. - Support the establishment of a new fee for the first barrier inspection (including the subsequent reinspections). However, imposing a maximum fee of \$292 while stating that it is based on cost recovery, is contradictory. A more detailed response on the fee structure is provided in Decision 6. - Do not support the exemption of a swimming pool barrier from the requirements to obtain a building permit. The rationale provided in the Decision paper incorrectly assumes that the Industry will be submitting the BA07 Notice of Completion in order to then initiate the inspection process. The level of compliance for the submission of the BA07 is on average around 30%. Given complaints from Industry outlined in the Decision paper, an easier option would be to separate the pool and the barrier into two applications, ensuring the builder is responsible for the pool and any temporary fence during construction, while the owner would be responsible for the permanent barrier/fence. One application for both the pool and the barrier would still also be possible. <p>The following comments are provided on the proposal to provide additional guidance: -</p> <ul style="list-style-type: none"> - Appendix 2 – Minimum documentation is supported, providing this becomes the benchmark information for a complete application under Section 16 of the Building Act 2011. Specific feedback on the content of Appendix 2: - <ul style="list-style-type: none"> ▪ The terminology should be Swimming Pool Safety Barrier Report, not Swimming Pool Certificate. ▪ Site plan should include all other buildings as well as the elevations, existing structures, ground levels, locations of

Issue (and source)	DMIRS Decision paper recommendation	WALGA comments
		<p>existing retaining walls or fixtures, actual boundary fence heights.</p> <ul style="list-style-type: none"> ▪ Photographs – one photo may be insufficient, ie it doesn't prove compliance that the gate is sufficient unless there is a measuring tape showing heights etc. - The first inspection should be no different to any future inspections and if a guidance is to be developed it should cover all inspections. - The guidance should also clearly explain the reason for the BA7 information and the infringements that are possible for non-compliance, to reduce the amount of time a Local Government spends in chasing up the completion notice. The Decision paper does not consider a higher penalty for failure to comply with the BA07; currently the out of court penalty is \$500, and this could be increased to \$1000 to assist in compliance. - Reducing the building permit validity period for fibreglass swimming pools to six months is supported. Given it is just guidance it will enable members to consider applying 6 months to all pools, just fibreglass ones, or 12 months, due to staff resourcing and IT capabilities.
<p>2. Barriers for pools under construction & other temporary barriers</p> <p>Ombudsman recommendation 21 <i>Consultation Paper elements 1 & 7</i></p>	<p>Not to amend the Building Regulations requirements for temporary barriers. Provide guidance on:</p> <ul style="list-style-type: none"> • construction and other temporary barriers in general, including the good practice of having a child-resistant gate and the importance of not propping open or removing portions of temporary barriers; • good practice of reinspecting temporary barriers at intervals not exceeding three months; • approving plank and mesh covers as a performance solution; and • risks associated with pools under construction. 	<p>Support, as it does not require a change to the Building Regulations. Guidance allows the option for small and/or remote councils to vary the process based on resourcing.</p> <ul style="list-style-type: none"> ▪ The timeframe for temporary barrier should however be clearly specified in regulations, to ensure that builders and owners do not use them for more than a 3 month period. ▪ Plank and mesh is a better option than temporary fencing, however, if it's not regulated why is there the need for a performance solution? Or is it part of an approval under Building Regulations regulation 51(5)?

Issue (and source)	DMIRS Decision paper recommendation	WALGA comments
3. Reinspections of non-compliant barriers Ombudsman recommendations 19 & 20 <i>Consultation Paper elements 1 & 3</i>	Amend the Building Regulations to: <ul style="list-style-type: none"> specifically require reinspection of non-compliant swimming pool safety barriers; and clarify that the inspection fee incorporates the reinspection of non-compliant barriers (refer to Decision 6). Provide guidance on good practices for: <ul style="list-style-type: none"> arranging reinspections promptly in the event of non-compliance; reinspecting non-compliant barriers until compliance is achieved; and reinspecting non-compliant barriers within a 60-day maximum period, where possible and practicable. 	Support the changes to the building regulations to specifically state that barriers must be inspected until compliance is achieved and that the fee is able to include multiple inspections undertaken. In regards to the guidance provided: - <ul style="list-style-type: none"> 60 days is considered to too long, between 14 - 30 days is the current standard practice. However, as it is only being specified as suggested maximum period and as a good practice principle, this timeframe shouldn't cause concern.
4. Compliance and enforcement strategy for barrier compliance Ombudsman recommendation 18 <i>Consultation Paper consultation element 2</i>	Provide guidance on compliance and enforcement strategies, including the use of available enforcement tools and sanctions (e.g. infringement notices) under the Building Act to penalise non-compliance, in order to achieve higher levels of compliance and encourage a common approach.	Support. This will be helpful for those Local Governments that seek to have a recognised strategy for enforcement. Many members already have a well-established enforcement process in place for all compliance activities, not just swimming pool inspections. A review of infringement notices should be undertaken, specifically for the consideration of a penalty for constant denial of access, missed inspections by owner not being present and/or no responses to inspection due notices.
5. Four-yearly inspections: administering, record keeping & reporting Ombudsman recommendations 7 & 8 and part of 15 & 16 <i>Consultation Paper elements 1 & 4</i>	Amend the Building Regulations to require local governments to report annually to the Building Commissioner, providing sufficient data (as published by the Building Commissioner) to demonstrate progress with the four-yearly inspection programme. Provide guidance on: <ul style="list-style-type: none"> organising inspections, accessing properties (including difficulty arranging/gaining access), and carrying out an inspection (including a checklist of all elements to be inspected, barrier access point considerations, and taking photographs); record management practices appropriate to swimming pool barrier inspections; and pool register minimum information. 	Support. The current reporting process is not overly onerous. <ul style="list-style-type: none"> Clarity needs to be provided that in amending the Regulations, there will not be a penalty on a Local Government if they are unable to provide the annual data. The report doesn't reflect why Local Government could not undertake the inspection which can be misleading in the report presented in Parliament ie unable to arrange access. Support additional guidance on the record keeping process as this could assist in standardising the record keeping practice at all Local Governments.

Issue (and source)	DMIRS Decision paper recommendation	WALGA comments
<p>6. Swimming pool barrier inspection charge</p> <p>Ombudsman recommendations 10 and 11.</p>	<p>Amend the Building Regulations to:</p> <ul style="list-style-type: none"> • increase the prescribed annual maximum charge for swimming pool barrier inspections. Further analysis will be undertaken to determine a new maximum fee that improves local governments ability to cost recover, but implementation will be deferred until at least 2021-22; and • clarify that this charge includes reinspections of non-compliant barriers. <p>Provide guidance to local government to clarify:</p> <ul style="list-style-type: none"> • the intent that the new annual maximum charge will improve the ability for local governments to achieve cost recovery, and that it incorporates the four-yearly safety barrier inspections, reinspections of non-compliant barriers, and the monitoring/inspection of pools with a depth of water 30cm or less; and • the requirement to actually conduct (not simply arrange) an inspection at intervals not exceeding four years. 	<p>WALGA's policy position with respect to fees and charges is that a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services. Fees determined by State Government legislation are of particular concern to Local Governments and represent significant revenue leakage because of:</p> <ul style="list-style-type: none"> ▪ Lack of indexation; ▪ Lack of regular review (fees may remain at the same nominal levels for decades), and ▪ Lack of transparent methodology in setting the fees (fees do not appear to be set with regard to appropriate costs recovery levels)'. <p>Imposing a maximum fee while stating that it will assist in cost recovery, is contradictory. It should be full cost recovery, otherwise all other rate payers are paying for the inspections of pools. Other fee for service functions are justified, the sector is able to charge the true cost of the service provision, dependant on the size and resources of their Local Government. DMIRS should just provide guidance and let the local government set own fee.</p> <p>Support that the fee structure must include the number of reinspections required to ensure compliance.</p> <p>Do not support that owners of empty pools are not included in the inspection fees. If they are still on the swimming pool register and the pool has not been decommissioned, then they must pay the same inspection fee, as the other pool owners should not be subsidising these inspections. Empty pools/ spas are still pools and should have a compliant barrier as they can be easily refilled.</p>
<p>7. Inspection of pools with a depth of water 30cm or less</p> <p>Ombudsman recommendation 24 Consultation Paper elements 1 & 5</p>	<p>Provide guidance to local governments on:</p> <ul style="list-style-type: none"> • the good practice of monitoring the status of private swimming pools with a depth of water 30cm or less for the purpose of ensuring they are not refilled with a depth of more than 30cm of water without a compliant safety barrier in place. • including the estimated cost of inspecting pools with a depth of water 30cm or less into their estimated cost for the running of their normal four-yearly pool barrier inspection program. 	<p>Regulations should be changed to state that a swimming pool is 'capable of containing or holding 300mm of water', as this will remove any confusion over this clause.</p> <p>Do not support the lack of fee structure for an owner of an empty pool. If you have a pool that has not been decommissioned, then the pool is still on the Local Governments register and must be inspected, and therefore is part of the inspection process. Inspections and follow</p>

Issue (and source)	DMIRS Decision paper recommendation	WALGA comments
	<p>Provide guidance to pool owners:</p> <ul style="list-style-type: none"> • of their obligation to ensure the depth of water in their pool remains at 30cm or less; • on the need to notify the local government if their pool is refilled with water; • that the pool will remain on the local government's pool register; • that the pool will continue to be monitored until decommissioned or removed; • the importance of installing a compliant safety barrier prior to refilling the pool with water, and the applicable penalties for failing to do so; <p>and</p> <ul style="list-style-type: none"> • on decommissioning private swimming pools, conversions (e.g. fish ponds), etc.. 	<p>up of empty pools still requires resourcing by the sector. Other pool owners should not be paying for owners with empty pools, as the pool could be refilled at any stage.</p> <p>WALGA has already prepared a Decommissioning advice note that could be incorporated into the guidance to local government.</p>
<p>8. Barrier inspection at sale/rent of property</p> <p>Ombudsman recommendations 3 & 4 Consultation Paper elements 1 & 13</p>	<p>Not to amend the Building Regulations to require swimming pool safety barrier inspections at sale or rent of a property.</p> <p>Provide guidance on:</p> <ul style="list-style-type: none"> • voluntary barrier inspection service available on request to anyone, including potential buyers/sellers/agents; • barrier inspection records/certificates being made available on request to potential buyers/sellers/agents; and • barrier inspection records/certificates being made available on request to owners and authorised property managers for rental purposes. 	<p>Support.</p> <p>The four year inspection regime provides suitable timeframe for barriers to be checked and the owner will have a current report. Many members already provide for ad hoc inspections for real estate agents/owners as a fee for service.</p> <p>Provision of the current report at sale or at change of tenancy could be pursued through Consumer Protection rather than through the Building Act.</p>
<p>9. Excluded areas of the State</p> <p>Ombudsman recommendation 25 Consultation Paper element 9</p>	<p>Amend the Building Regulations on formal request by affected local governments to require safety barriers for all private swimming pools in all areas of their geographic district.</p> <p>Actively engage with affected local governments to remove excluded areas from their district.</p> <p>Provide guidance to these affected local governments on:</p> <ul style="list-style-type: none"> • the processes required to remove the regulatory exclusion and satisfy the Government's commitment to best practice regulation; and • the existing requirement for all new swimming pools in all areas of the State, regardless of excluded areas, to have compliant safety barriers at the time of completion of building work, regardless of whether or not a building permit is required. 	<p>Support this approach as it acknowledges the different resourcing at Local Governments and the logistical issues with carrying out inspections in the larger and more remote locations.</p> <p>The risk is still the risk, therefore, encouraging owners to consider the installation of a pool barrier is supported.</p>

Issue (and source)	DMIRS Decision paper recommendation	WALGA comments
	Provide guidance to owners on the merit of voluntary pool barriers for those pools located in excluded areas of WA.	
10. Pre-November 2001 concession Ombudsman recommendation 9 Consultation Paper element 8	Not to amend the Building Regulations to remove the concession provided for swimming pools constructed prior to 5 November 2001. Provide guidance to owners on the benefits of isolation fences versus child-resistant door-sets.	Support, as it would be unnecessary to regulate this, as the barrier complied with the existing legislation at the time of construction. Anecdotally the number of pools that use the concession are dropping, therefore over time it will be phased out as pools are replaced and the new pool will need to comply with the current Standard requirements. Don't need to change the status quo as it could be a major cost imposition for these pool owners.
11. Boundary barriers Consultation Paper element 11	Amend the Building Regulations to provide an additional option for boundary barrier compliance. This option will permit the use of the non-pool side of a boundary barrier where it is at least 1200mm in height and complies with NCZ 1, 2, 3, and where relevant NCZ 4, in addition to other relevant parts of AS 1926.1-2012. Not to amend the Building Regulations to prescribe the application of a 500mm clear area on the pool side of the boundary fence. Provide guidance on: <ul style="list-style-type: none"> • the additional option for boundary barrier compliance (once enacted); and • the application of AS 1926.1-2012 to boundary fences. 	Not Supported. The boundary barrier requirement needs to be clarified and provide alternative options for compliance, as this decision still does not provide a sensible outcome. The owner on the pool side has no control over what happens on the non-pool side, and if a neighbour changes their NGL or modifies their garden then it would no longer be compliant. This option would be possible for a barrier on road reserve, public open space reserve, battle axe driveway, etc. but not for a shared property boundary fence.

Issue (and source)	DMIRS Decision paper recommendation	WALGA comments
12. Training of swimming pool barrier inspectors Ombudsman recommendations 12, 13, 14, 15, 16 & 17 Consultation Paper elements 1, 4 & 6	<p>Not to amend the Building Regulations to require the training of pool inspectors.</p> <ul style="list-style-type: none"> • Support the development of a voluntary external training course. • Provide guidance in the form of a training manual to form part of the Pool Inspector Guidelines. • Provide annual workshops to maintain knowledge and skills of swimming pool inspectors. <p>Promote to local governments:</p> <ul style="list-style-type: none"> • the voluntary external training course, encouraging completion by their pool inspectors; • the annual workshops, encouraging attendance by their pool inspectors. 	<p>Support as it would ensure consistency amongst Swimming Pool inspectors and give greater credibility to the profession.</p> <p>The training could also be opened up to landscapers and builders to get raised awareness of the standards and then less faults would be constructed in the first place.</p> <p>Once training and CDP is established, it could eventually lead to the accreditation and registration of the Swimming Pool inspectors, which is the preferred option.</p>
13. Display of CPR charts Consultation Paper element 12	<p>Provide guidance to owners on the benefits of learning CPR, and displaying CPR charts and their installation locations.</p>	<p>Support.</p>
14. Portable swimming pools Ombudsman recommendations 22 & 23	<p>Not to amend the Building Regulations to further regulate portable swimming pools.</p> <p>Improve public awareness on child safety around portable swimming pools, via campaigns and publications.</p>	<p>Support.</p> <ul style="list-style-type: none"> ▪ Public awareness is the key. It is too hard for a Local Government to track these as they can just appear and then disappear. ▪ Portable pools should be clearly marked at point of sale that a Building Permit is required and a compliant safety barrier installed. It should be mandatory that all necessary information to keep children safe is provided at the point of sale
15. Spa baths	<p>Amend the Building Regulations to specifically exclude “spa baths” from the definition of a “private swimming pool”.</p>	<p>Support providing that there is a very clear definition of what a ‘spa bath’ is.</p>
16. Swimming pool covers Consultation Paper element 14	<p>Request the Australian Building Codes Board to remove the WA addition that requires the use of a pool cover in the next cycle of amendments to the BCA.</p>	<p>Support.</p>

5.3 Development Assessment Panels (05-047-01-0016 CH)

By Chris Hossen, Senior Planner

- *Cr Fleay declared an interest in Item 5.3 as a member of WA Planning Commission and left the room at 4:09pm.*

The following State Councillors declared an impartiality interest in this item as members of a Joint Development Assessment Panel (JDAP).

- *Mayor Peter Long*
- *Cr Frank Cvitan*
- *Cr Julie Brown*
- *Cr Chris Mitchell*
- *Mayor Carol Adams*
- *Cr Catherine Ehrhardt*
- *President Cr Mitchell Rich*
- *Mayor Ruth Butterfield*
- *Cr Paul Kelly*
- *Cr Kate Driver*
- *President Cr Karen Chappel*
- *Cr Jenna Ledgerwood*

Moved: Cr Les Price

Seconded: Cr Chris Mitchell

That the findings and recommendations of the Development Assessment Panels, 2011-20 Review be endorsed and that WALGA advocate for:

- 1. The abolishment of the current 'mandatory' mechanism which requires a Development Assessment Panel to act as the decision maker where a proposal has a value of \$10 million or greater, and replace this with an 'opt in' mechanism for all proposals;**
- 2. Raising the Development Assessment Panel threshold from the current \$2 million to \$5 million; and**
- 3. The Department of Planning, Lands and Heritage to make public comprehensive data related to the performance of the Development Assessment Panel system to improve the transparency of the system.**

RESOLUTION 117X.4/2020

CARRIED

Executive Summary

- The Development Assessment Panels (DAPs) system was introduced in July 2011 with the intention of creating a more streamlined planning approval process and to establish a better balance between professional advice and community representation.
- The Association undertook a review of the DAP system in 2016 in response to motions from Metropolitan Local Governments calling for the abolition of DAPs, this review found that the DAP system was failing to meet its aims.
- The Association has undertaken a further review of the DAP system, looking at the years 2011-2020. This review provides evidence that the DAPs system is still failing to meet its aims and objectives and is in need of further reforms.

Policy Implications

A summary of previous decisions and positions of State Council relating to DAPs is provided in Attachment 1. Successful motions to the WALGA AGM have also been included in this attachment.

Attachments

All State Council resolutions – Attachment 1

<https://walga.asn.au/getattachment/Documents/Item-5-3-attachment-1-Summary-of-all-WALGA-SC-and-AGM-DAP-Resolutions-v2.pdf?lang=en-AU>

Development Assessment Panel 2011-20 Review – Attachment 2

<https://walga.asn.au/getattachment/Documents/Item-5-3-attachment-2-Development-Assessment-Panels-2011-2020-Review-v3.pdf?lang=en-AU>

Background

The DAPs system was introduced in July 2011 with the intention of creating a more streamlined planning approval process. DAPs were also established with the intention of providing a better balance between independent professional advice and Local Government representation through the involvement of independent technical experts in the determination of significant development proposals.

The Minister for Planning announced a number of changes to the DAP system which came into operation at the beginning of the 2015-16 financial year. The most significant of these changes was the lowering of the 'opt in' DAP assessment eligibility criteria to development proposals with a capital works value of \$2m (outside of the City of Perth), and a reduction in the number of panels, particularly in regional areas.

Further reforms were undertaken in 2020 in response to the State Government's Action Plan for Planning Reform that has seen the number of panels reduce again from nine (9) to five (5), and a range of process improvements that seek to improve consistency of information and decision making, and enhanced transparency.

The Association undertook a review of the DAP system in 2016 in response to motions from Metropolitan Local Governments calling for the abolition of DAPs, this review found that the DAP system was failing to meet its aims. This review examined the performance of the DAPs system against its aims and objectives across the first five years of its operation. The Association also conducted a survey in 2016 to gather member's experience of the DAPs system.

Comment

The analysis of the DAPs data between 2011-2020 generally shows that the DAP system is still failing to meet the stated aims and objectives of the DAP system.

Since the inception of the DAP system in 2011, the average processing time for development applications (DAs) has increased year on year. For the 2019/20 financial year, the average processing time for DAs was 148 days, with 68% of all proposals taking longer than 90 days, and 41% taking greater than 120 days. By comparison, in the period 2015/16, the average time taken by a DAP to determine a DA was 108 days, with 58% taking longer than 90 days and 28% taking longer than 120 days.

The analysis of DAP assessment timeliness in the DPLH's 2018/19 Annual Report further supports these findings, with only 72.9% of applications in that year processed within statutory timeframes. In comparison 82% of DAs assessed by Local Governments in 2018/19 were assessed within statutory timeframes (in the Local Government Performance Monitoring Report).

The decision to lower the capital works cost for DAP eligibility has led to rapid growth in the number of proposals that fall within the \$2-\$3m range, with these now accounting for 25% of all DAs

considered by a DAP. Developments with a lower development value are unlikely to be of a complex or strategic in nature, and are generally service stations, child care centres and fast food restaurants. Proposals for such uses are over represented in recommendations for refusal by Local Government and in the rates of DAPs deferred decisions.

More detailed analysis of trends can be viewed in Attachment 2. Based on the findings, it is recommended that advocacy be undertaken on the following items:

1. The abolishment of the current 'mandatory' mechanism which requires a Development Assessment Panel to act as the decision maker where a proposal has a value of \$10 million or greater, and replace this with an 'opt in' mechanism for all proposals;
2. Raising the Development Assessment Panel threshold from the current \$2 million back to \$3 million; and
3. The Department of Planning, Lands and Heritage to make public comprehensive data related to the performance of the Development Assessment Panel system to improve the transparency of the system.

An interactive dashboard of the DAPs decision database will be developed by the Association.

In conclusion, the findings of the 9 year analysis of the DAPs system supports the long held position of the Association that the DAPs system is in need of significant reform for it to achieve its objectives of greater transparency, consistency and efficiency in decision making on significant planning applications.

Cr Ronnie Fleay returned to the meeting at 4:13pm.

5.4 Air Handling Discussion Paper Part Two (05-031-01-0001 BW)

By Bec Waddington, Policy Officer, Community

Moved: President Cr Michelle Rich

Seconded: Mayor Carol Adams

That the submission to the Department of Health in response to the Air Handling discussion paper Part Two be endorsed.

RESOLUTION 118.4/2020

CARRIED

Executive Summary

- The *Public Health Act 2016* is progressing through a five-stage process of implementation and is currently at Stage 4. All regulations from the previous *Health Act 1911* will be repealed and replaced with new regulations at the commencement of Stage 5, which is anticipated to commence in 2021.
- The Department of Health previously released a discussion paper on Air Handling where WALGA provided a formal submission supporting the development of new regulations, but noting the need for further detail in the content of the regulations. The Department has now released part two of the discussion paper which provides more detail on the regulations.
- WALGA's Submission discusses Local Government's preference for air handling enforcement to be centralised with the Department of Health, rather than Local Government as the enforcement agency.

Attachment

WALGA Submission to Department of Health: Air Handling Discussion Paper Part Two.

Policy Implications

WALGA has previously made comment on the Public Health regulations; Construction Sites Facilities, Cloth Materials and Temporary Toilets Regulations (Resolution 139.7/2018) and Aquatic Facilities and Public Buildings (Resolution 15.3/2019), Managing Public Health Risks Associated with Pesticides in WA (Resolution 131.FM/2019), Managing Public Health Housing Risks in WA (Resolution 2.1/2020).

This paper relates directly to Air Handling Public Health Risks in WA, which WALGA previously made a submission on (Resolution 152.7/2019).

Background

Air handling units, which usually have the acronym of A.H.U are found in medium to large commercial and industrial buildings.

Air handling units' condition and distribute air within a building. In essence, they are industrial scale air conditioners, part of a heating, ventilating, and air-conditioning (HVAC) system. They take fresh ambient air from outside, clean it, heat it or cool it, maybe humidify it and then force it through some ductwork around to the designed areas within a building. Most units will have an additional duct run to then pull the used dirty air out of the rooms, back to the AHU, where a fan will discharge it back to atmosphere.

The Department of Health (DOH) released the "Air Handling Discussion Paper Part Two" for public comment; this provides more detail on the proposed new regulations. The major changes outlined in this paper, which relate to Local Government are:

- Registration will remain a requirement; however, it is yet to be determined whether this is maintained at local government or in a centralised register.

- Remove the requirement for Local Government to assess and approve applications in respect of air handling or water systems.
- Require a Risk Management Plan as part of the registration process and provide templates and guidance to enable local government to enforce this requirement.

Comment

The report contains technical advice in response to the 19 survey questions. Despite extensive call for comment, Local Governments provided limited feedback. The key points of the submission are:

- While there is a recognised public health risk associated with air handling, it is considered a low priority for the Local Government sector due to the low occurrences of outbreak, relatively low numbers and the requirement for highly specialised technical knowledge that most Local Governments are unlikely to have.
- All feedback received indicated that it would more appropriate for a centralised system for registration and enforcement with Department of Health as the enforcement agency.
- Local Governments would be better placed to provide on-ground support during assessment of an outbreak on a case-by-case basis (as they would do in any case) rather than being an enforcement agency.

Air Handling Discussion Paper Part Two

WALGA Submission to Department of Health

July 2020

Contact:

Bec Waddington

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WALGA

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Introduction

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

It provides an essential voice for its members who are 138 Local Governments, 1,215 Elected Members and approximately 22,000 Local Government employees as well as over 2.2 million constituents of Local Governments in Western Australia. The Association also provides professional advice and offers services that provide financial benefits to the Local Governments and the communities they serve. WALGA is appreciative of the extensive consultation with Local Government that the Department of Health has undertaken in the review of legislation and regulations.

Background

The Department of Health (DOH) released the “Air-handling Discussion Paper Part Two” for public comment. The discussion paper outlines the details proposed to be included in new regulation based on the feedback from the initial discussion paper.

Local Government is an enforcement agency under the *Public Health Act 2016* (the Public Health Act), with Local Government Environmental Health Officers (EHO's) playing a key role in administering the Public Health Act and Regulations. To ensure broad representation of Local Government responses to the Discussion Paper, and within this submission, WALGA promoted the Discussion Paper consultation through our formal communication channels, as well as via emails to Local Government networks of officers working in environmental health. All Local Governments were invited to participate in a discussion meeting and all who provided comment on the Discussion Paper Part One were encouraged to provide comment on Part Two.

WALGA received a joint submission from the Shires of Meekatharra, Mount Magnet, Yalgoo and Cue. The City of Busselton, Shire of Manjimup and the Metropolitan Environmental Health Management Group (MEHMG) provided some informal comments. Additionally, WALGA officers responsible for the areas of Governance, Community and Planning Policy have provided comment on the submission. A list of engagement methods and the Local Governments engaged is included in Appendix 1.

Local Government Response

Revised definitions and exemptions

1. Do you agree that the proposed regulations apply to all cooling towers except those in Class 1, 4 or 10 buildings under the Building Code?

Yes. However, consideration needs to be given to whether floor space is the threshold, or if it is the existence of the cooling towers as the threshold. This is not clear in the paper.

2. Do you agree that a proposed risk rating matrix should be used by enforcement agencies to classify each type of system and/or building?

Yes, although the risk matrix should be used as the guide for the applicant to comply with, rather than the matrix be used by the enforcement agency to tick off.

3. Do you agree that the proposed regulations would apply to commercial car washes or other potentially high-risk businesses/facilities?

Yes if they have been a source of legionella cases in the past. If not, it seems that it may be a bit excessive for a car wash to be included within the regulations.

4. Do you agree with the term 'vulnerable facility'?

This depends on how the rest of the Classes of Buildings are incorporated into the regulations. Does this mean that different criteria will be established for the four vulnerable facilities mentioned on page 4?

5. Should the proposed regulations apply to any other building or facility not mentioned?

If 'Class of Buildings' is the means of identification, it appears that all higher risk facilities have been covered.

6. Do you have any concerns or comments about this proposal?

No

Administration requirements and application of regulations

7. Do you agree that air-handling and water systems should be registered with the appropriate enforcement agency?

Yes, but the appropriate enforcement agency needs to be determined. The Discussion Paper implies that it could be Local Government, Department of Health or both. Considering the relatively small scale of this (3500 systems over 40 Local Governments) and the highly specific technical knowledge that would be required in each Local Government a centralised system would likely be more efficient.

High-risk systems and vulnerable facilities

8. Do you agree that warm water systems in 'vulnerable' facilities including hospitals and aged care facilities should be registered with the appropriate enforcement agency?

Yes

9. Do you agree that the Chief Health Officer should be the principle enforcement agency for State hospitals and State aged care facilities?

Yes, Local Governments do not have the highly technical expertise to be the enforcement agency.

10. Do you agree that 6 months is an appropriate amount of time for owners to register a warm water system following the enactment of the proposed regulations?

Yes, providing all of the necessary paperwork or online system is set up and it is easy to register.

11. Do you have any other ideas or comments to make about any of these proposals?

Local Governments should not be the enforcement agency with such systems. These systems are highly technical and require much more analysis than in most cases can be reasonably supplied by a Local Government.

Compliance with the National Construction Code

12. Do you agree with requiring compliance with the NCC for design, installation and maintenance of air handling and water systems?

Yes, it is easier to apply and will make it nationally consistent.

Risk Management Plans

13. Do you agree that Risk Management Plans should be mandatory as part of the registration process for high risk or vulnerable facilities? And optional for lower risk premises?

Yes, Risk Management Plans should be mandatory for the high-risk facilities only. However, WALGA has concerns about the following statement on page 11:

“RMPs are to be verified by the appropriate enforcement agency to ensure they contain the necessary information as described in the DOH template.”

This implies that any Local Government who is the appropriate enforcement agency (if this is the case) would have to have a staff member that with the appropriate skills and certification to verify that the RMP is correct. These systems are highly technical and require much more analysis than in most cases can be reasonably supplied by a Local Government. WALGA strongly encourages having a centralised system; this would be more efficient and less of a risk for the Local Government sector.

Independent auditors

14. Do you agree with the use of independent auditors to undertake regular inspections of systems and to report to the appropriate enforcement agency?

Yes

15. Do you agree with the use of independent auditors to undertake regular inspections of systems and to report to the appropriate enforcement agency?

Yes

Regular maintenance inspections and water testing

16. Do you agree with the proposal to replicate the Australian Standards requirements for either routine maintenance schedules or regular water sampling and testing?

Not applicable

17. Do you have any other ideas or comments regarding this proposal?

Not applicable

Testing results reporting

18. Do you agree with the proposed requirements for reporting of microbial testing and investigation if above a threshold?

Not applicable

Final Comments

19. Do you have any other ideas or comments to make about any of these proposals?

While there is a recognised public health risk associated with air handling, it is considered a low priority for the Local Government sector due to the low occurrences of outbreak, relatively small in scale and the requirement for highly specialised technical knowledge that most Local Governments are unlikely to have.

All feedback received indicated that it would be more appropriate for a centralised system for registration and enforcement with the Department of Health as the enforcement agency. Local Governments would be better placed to provide on-ground support during assessment of an outbreak on a case by case basis (as they would do in any case) rather than being an enforcement agency.

In relation to the five key changes outlined on page 17 of the discussion paper, WALGA has the following comments:

Key Proposed Changes	WALGA comments
Registration will remain a requirement, however it is to be confirmed whether this is maintained at local government or in a centralised register	WALGA does support registration as a requirement, but does not support this being maintained by Local Government (as outlined above), instead encourages a centralised register with Department of Health.
Remove the requirement for local government to assess and approve applications in respect of air-handling or water systems.	Yes, WALGA supports this proposal.
Require a Risk Management Plan as part of the registration process and provide templates and guidance <i>to enable local government to enforce this requirement</i>	WALGA does not support Local Government having a role in registration; this should be centralised with Department of Health. WALGA does support the requirement for a Risk Management Plan as part of the registration process.
If facilities choose water sampling and testing, reporting of results over set thresholds will be mandatory for high-risk systems and vulnerable facilities.	This should go to the centralised location for greater transparency and tracking
Independent auditors will be required to review the RMP every 3 years or sooner, depending on the risk level of the system or facility. Service technicians will undertake monthly inspections or water sampling and complete repairs or equipment replacement	Yes, WALGA supports this.

Conclusion

Thank you again for the opportunity to make comment on the “Air-handling Discussion Paper Part Two”. Local Governments are appreciative of the opportunity to provide input on the development of the *Public Health Act 2016* regulations, and it is anticipated that integrating the experiences and knowledge of Local Government Environmental Health Officers into regulation will lead to improved health and wellbeing for community.

Appendix: Engagement Methods

Engagement Process

Newsletters:

- WALGA Local Government News
- WALGA Community and Place News

Emails:

- Local Government Environmental Health Officers Mailing List
- Metropolitan Environmental Health Management Group (MEHMG)
- WALGA Teams: Governance, Planning

Formal correspondence:

- Submission sent to WALGA People and Place Policy Team prior to State Council
- *to be approved by WALGA State Council*

Written submissions / comments received from:

- WALGA Planning
- Shires of Meekatharra, Mount Magnet, Yalgoo and Cue
- Shire of Manjimup

Verbal comments received from:

- City of Busselton
- MEHMG

5.5 Local Government Review Panel Final Report (05-034-01-0001 TB)

Tony Brown, Executive Manager Governance and Organisational Service
James McGovern, Manager Governance

WALGA carried out an extensive consultation process on Phase 2 of the Local Government Act Review in 2018/19, culminating in sector positions being endorsed by State Council in March 2019. This agenda item considers the Local Government Review Panel's recommendations in the context of the sector's current advocacy positions.

The Minister for Local Government has not considered the Panel's recommendations at this stage and has not requested a consultation process on the report. WALGA is taking the opportunity to obtain a sector opinion on the recommendations to provide to the Minister.

The Recommendations below are subject to Zone input and all Zone recommendations will be collated into a consolidated recommendation that will be provided for State Council consideration at its meeting on 2 September 2020.

- *Cr Paul Kelly declared an impartiality interest in this item.*

MOTION

Moved: President Cr Karen Chappel
Seconded: Cr Catherine Ehrhardt

Defer the item until further member consultation and refer back for consideration at the December 2020 State Council Meeting.

LOST

MOTION

Moved: Mayor Carol Adams
Seconded: Cr Stephen Strange

That State Council Standing Orders be suspended for 20 minutes, (approximately 4:20pm).

CARRIED

MOTION

Moved: Mayor Carol Adams
Seconded: Cr Stephen Strange

That State Council Standing Orders be suspended for a further 10 minutes, (approximately 4:40pm).

CARRIED

MOTION

Moved: Cr Catherin Ehrhardt
Seconded: Cr Paul Kelly

That State Council Standing orders be resumed, (approximately 4:50pm).

CARRIED

Moved: Cr Paul Kelly
Seconded: President Cr Karen Chappel

That WALGA:

1. Acknowledges the panel report and the recommendations received from Zones and continue to work with the Government to undertake further consultation on the recommendations contained therein;
2. Requests a formal commitment from the Minister for Local Government that the Local Government Sector be consulted on the Draft Local Government Bill in line with the State / Local Government Partnership Agreement and that WALGA actively participates in the legislative drafting process to develop the new Local Government Act; and
3. Strongly encourages individual Local Governments to consider responding to the recommendations of the panel report and advise WALGA of their submissions by 31 October 2020.

RESOLUTION 119.4/2020

CARRIED

Recommendations 1 to 7 – Introduction and Role and Functions of Local Government

Local Government Act Reference: Part 1

Recommendation 1 proposes a strategic approach to the consideration of the Report recommendations.

Recommendation 2 introduces a new statement of intent that will explain the legislation's purpose:

An Act to provide for a system of local government relevant to Western Australia that develops and supports sustainable, accountable, collaborative and capable local governments through democratic representation, the provision of services, opportunities and enhanced well-being for each and every community.

Recommendation 3(a) to (j) proposes objectives for the legislative framework 'to support Local Governments having the agility, adaptability and flexibility to respond to changing community expectations and technology'.

Recommendation 4 proposes a shorter, less prescriptive Act that minimizes the use of regulations in favour of a principles-based approach.

Recommendation 5 proposes recognition of the diversity of Local Governments however it does not support a multi-tiered (size and scale) legislative framework.

Recommendation 6 proposes upholding the power of general competence predicated in the current Local Government Act.

Recommendation 7 (a) to (i) proposes guiding principles for sustainable, accountable, collaborative and capable Local Governments.

WALGA Comment – WALGA advocacy supports many of the proposals in Recommendations 1 to 7, principally that the Local Government Act Review be based on a 'Principles over Prescription' approach that avoids red tape and 'declutters' the extensive regulatory regime that currently exists¹ (Recommendations 3 and 4) and maintaining the general competence principle² (Recommendation 6) which frees Local Governments to make any decision that does not conflict with statute or common law. Recommendation 7 aligns with WALGA advocacy for enabling legislation.³ Recommendation 5 is unsupportive of WALGA advocacy that promotes a size and scale compliance regime⁴ and it is recommended that WALGA maintain its current advocacy for a Local Government Act that is reflective of the differences and diversity of Local Governments in Western Australia.

WALGA Recommendation: Support Recommendations 1, 2, 3, 4, 6 and 7. Oppose Recommendation 5

¹ State Council Resolution 06.3/2019 Items 1, 1(b) and 1(e)

² State Council Resolution 06.3/2019 Item 1(a)

³ State Council Resolution 06.3/2019 Item 1(d)

⁴ State Council Resolution 06.3/2019 Item 1(c)

AN AGILE SYSTEM

Recommendations 8 to 11 - Structural Reform

Local Government Act Reference: Part 1; Section 2.1(2) and Schedule 2.1, cl. 8

Recommendation 8 proposes to combine the Local Government Grants Commission and Local Government Advisory Board to form a Local Government Commission, with roles assigned that will engender a strategic approach to its operation including monitor the performance and financial health of the sector, the latter in collaboration with the Office of the Auditor General, in addition to traditional functions such as distributing Commonwealth grant funding to Local Governments and boundary changes. Establishment of the Commission under this strategic framework will require skills-based appointments rather than by representation.

Recommendations 9 and 10 supports a legislative framework that is flexible, responsive and resilient and capable of facilitating community participation. There are also specific proposals for structural reform including revised processes for boundary changes and mergers, enhanced model of joint subsidiaries (see Recommendation 14) and provision for the establishment of community boards. Commentary associated with Recommendation 9 sees flaws in the current poll provisions found in Clause 8 of Schedule 2.1 ('Dadour provisions') as being '*...unduly restrictive when Local Governments need to adapt to changing circumstances*'.

Recommendation 11 proposes the potential to establish community boards, with reference to examples of successful international models. While community boards might be formed in response to mergers or for use by large Local Governments to devolve certain responsibilities to community representatives, the proposal makes clear that the overall responsibility for decision-making and authority will rest with the 'parent' Local Government. See also Recommendation 33 'Community Engagement'.

WALGA Comment – WALGA does not have an advocacy position in relation to Recommendation 8 'Local Government Advisory Board' and this may be a matter for sector consultation. Recommendations 9 and 10 propose a legislative framework that has similar themes to WALGA's advocacy that the Local Government Act Review promote a flexible, principles-based legislative framework⁵.

WALGA has a long-standing advocacy position for the retention of the Dadour provisions that give electors a right to demand a poll on recommended amalgamations⁶. This advocacy is tied to the principle that the Dadour provisions are the ultimate expression of community support or rejection of amalgamation proposals. Although not a specific recommendation, the commentary appears contradictory to the general themes expressed throughout the Report for increased opportunities for community consultation⁷. The community board proposal in Recommendation 11 is similar to WALGA advocacy for community engagement that is based on principle rather than prescription⁸.

WALGA Recommendation: Support the general intent of Recommendations 8 and 9. Oppose any proposal to remove the poll provisions (Dadour provisions) in Schedule 2.1, Clause 8 of the Local Government Act. Support Recommendation 11.

Recommendations 12, 13 and 14 - Expanded Regional Cooperation

Local Government Act Reference: Part 3, Division 4

⁵ State Council Resolution 06.3/2019 at 1(b)

⁶ State Council Resolution 06.3/2019; 121.6/2017; 108.5/2014

⁷ For example, Recommendations 9, 10(c), 11, 33, 34, 35

⁸ State Council Resolution 06.3/2019

Recommendations 12 and 13 promotes expanding opportunities for regional cooperation between Local Governments under improved regional subsidiaries model for shared services, and through a new form of regional authority for specific issues. Recommendation 14 proposes an end to the regional council model in favour of regional cooperation models set out in the previous recommendations.

WALGA Comment – WALGA has a strong advocacy history in support of regional subsidiaries⁹ and is disappointed that the complexity of the existing legislative provisions means that no regional subsidiaries have formed since the Act amendment of 2016. WALGA has independently developed a revised version of regulations that limits unnecessary compliance without diluting transparency and accountability of regional subsidiaries, and therefore welcomes recommendations that will facilitate regional cooperation under this model.

WALGA is cognisant that regional councils are often formed for a singular purpose, most commonly waste management, yet compliance obligations are generally equivalent to that of a Local Government. It is current WALGA advocacy that the compliance obligations of regional councils should be reviewed¹⁰. It appears the recommendations will create a suitable opportunity for the transition of regional councils to a model more suitable to the participant Local Governments.

WALGA Recommendation: Support Recommendations 12, 13 and 14.

Recommendation 15 - State Local Government Partnership Agreement

Local Government Act Reference: Section 3.18

Recommendation proposes a set of principles for intergovernmental relations that makes clear Local Government's role and obligations as part of a broader system of government.

WALGA Comment – WALGA's advocacy is for a communication and consultation protocol that ensures a consultation process precedes regulatory or compliance changes that affect the sector¹¹. The current Partnership Agreement signed in 2017 is currently under review.

Section 3.18 'Performing executive functions' includes apparently similar objectives to Recommendation 15, whereby a Local Government considers matters such as; integration and coordination; avoidance of inappropriate duplication; and effective and efficient management of services and facilities that may also be provided by the State and Commonwealth. This creates adequate space for the general competence principle to apply when a Local Government considers the range and scope of its executive functions, services and facilities.

WALGA Recommendation: Support Recommendation 15.

⁹ State Council Resolutions 121.6/2017; 106.6/2016; 94.4/2011; 114.5/2010

¹⁰ State Council Resolution 06.3/2019

¹¹ State Council Resolution 2.1/2012

INCLUSIVE LOCAL DEMOCRACY

Recommendations 16 and 17 - Relations with Aboriginal Peoples and Communities and Recommendation 18 - Service Delivery in Remote Communities

Local Government Act Reference: Not mandated

Recommendations 16 and 17 contemplate a Local Government Act that includes recognition of the unique status of Aboriginal peoples and inclusion of mechanisms for consultation and engagement. Recommendation 18 recommends further consideration of service delivery to remote communities through improved integration with Integrated Planning and Reporting requirements.

WALGA Comment – WALGA’s advocacy recognises and respects Aboriginal cultural practices and places through development of Reconciliation Action Plans¹², and is supportive of efforts to improve the living conditions and governance in Aboriginal communities.¹³

There are 287 discrete Aboriginal communities in WA accommodating approximately 17,000 Aboriginal people spanning 26 Local Government districts. It is therefore inevitable that service delivery considerations are coordinated with State and Federal Government departments and agencies with relevant responsibilities, to mitigate against cost-shifting responsibility to individual Local Governments with limited financial capacity.

WALGA adopted the advocacy position that *‘the State Government must not assign legislative responsibilities to Local Governments unless there is provision for resources required to fulfil the responsibilities’*¹⁴.

The commentary associated with Recommendation 18 raises a necessary discussion regarding service delivery to remote Aboriginal communities but lacks detail on how the inter-governmental responsibilities and funding arrangements associated with efficient and timely service delivery can be better achieved.

WALGA Recommendation: Support Recommendations 16 and 17, and reiterate WALGA’s current advocacy position in relation to Recommendation 18, that there be adequate funding of legislative responsibilities assigned to Local Governments in relation to service delivery to remote Aboriginal communities.

Recommendation 19 - Optional Preferential Voting

Local Government Act Reference: Section 4.69, 4.74 and Schedule 4.1

The Report recommends a system of voting that better represents the community’s preference for candidates that is not currently delivered by a first past the post system, where a candidate does not require a clear majority of votes to be elected.

WALGA Comment – WALGA’s advocacy position supports the current ‘first past the post’ system. WALGA has previously opposed other forms of voting¹⁵ and the system of proportional preferential voting was briefly introduced to the Local Government Act for one election cycle before being repealed and returned to first past the post voting in 2009¹⁶.

WALGA Recommendation: Oppose Recommendation 19 and any alternative voting system in favour of retaining the first past the post system.

¹² State Council Resolution 118.5/2012

¹³ State Council Resolution 64.3/2014

¹⁴ State Council Resolution 06.3/2019 at 1(f)

¹⁵ State Council Resolutions 185.2/2007 and 427.5/2008

¹⁶ *Local Government Amendment (Elections) Act 2009*

Recommendations 20, 21 and 27 - Review of Property Franchise

Local Government Act Reference: Sections 4.30 → 4.35; Section 4.66

Recommendation 20 proposes mandating one vote per person, which is currently prescribed in Section 4.65 albeit in the context of the property franchise. Recommendation 21 proposes discontinuing enrolment entitlement through ownership or occupation of rateable property. Property franchise claims result in enrolment on the Owner's and Occupiers Roll, forming the second limb of voter entitlement alongside the Residents Roll.

The Expert Panel proposes increasing participation, consultation and involvement of business owners and operators by Local Governments including mechanism such as business advisory groups. Recommendation 27 recommends consultation be undertaken to determine whether the property franchise continue within the City of Perth, in concert with a review of the *City of Perth Act 2016*.¹⁷ Currently, Part 4 of the Local Government Act applies to the election of council members of the City of Perth, and Section 20 of the *City of Perth Act 2016* applies to the election of the Lord Mayor.

WALGA Comment – WALGA has not adopted an advocacy position relevant to the recommendations.

It is recommended that support be given to a broad consultative process with Local Governments, the business sector, communities and relevant stakeholders to assess whether or not owners and occupiers of rateable property should have a right to vote in a modern democratic electoral system.

WALGA Recommendation: Conditionally Support Recommendations 20, 21 and 27 in support of a review of the property franchise including a broad community consultative process.

Recommendation 22 - All In/All Out 4 Year Election Cycle

Local Government Act Reference: Section 4.5

Recommendation 22 proposes Elected Members be elected at the same time, every four years. This aligns with the election of State Parliamentarians. An acknowledged detriment is the potential loss of corporate knowledge due to non-election of experienced councillors, whereas benefits include potential increased participation by candidates and electors and reduced election costs to Local Governments.

WALGA Comment – There is no WALGA advocacy position relevant to this proposal. It is therefore recommended that the sector be consulted and the resultant views be considered in developing WALGA's advocacy position.

WALGA Recommendation: That the sector be consulted prior to WALGA considering its advocacy position in relation to Recommendation 22.

¹⁷ City of Perth Inquiry Report, Recommendation 144

Recommendations 23, 24 and 25(a) – Conduct of Elections

Local Government Act Reference: Section 4.20 and 4.61

Recommendation 23 is that the Western Australian Electoral Commission (WAEC) take responsibility for all Local Government elections, with the consequence that a Local Government CEO will no longer be the Returning Officer of first resort. Recommendation supports electronic/online voting. Recommendation 25(a) adds to the currently mandated role of the WAEC by proposing all elections are by postal voting, ending the option on in-person voting.

WALGA Comment – WALGA advocates for an end to the WAEC's enshrined monopoly on the conduct of postal elections by amending legislation to permit third parties to be service providers of postal elections¹⁸.

WALGA Recommendation: Support Recommendation 24; Oppose Recommendations 23 and 25(a); WALGA reiterates its position that third parties be permitted as service providers for postal elections.

Recommendations 25(b) to (f) - Other Election Proposals

Recommendation (b) proposed the extension of the election process to optimise participation. Recommendation 25(c) 'Candidate Nomination Information' is adapted from a model similar to Victorian legislation that requires candidates to respond to a set of questions prescribed by regulation in the form of a statutory declaration. Recommendation 25(d) – Caretaker Policies are increasingly evident in Local Government; in 2016, WALGA committed to develop the currently-available template Caretaker Policy¹⁹.

Recommendation 25(e) seems to reflect current legislation²⁰ and Recommendation (f) identifies the prospect that potential donations can be crowdfunded in the absence of a gift declaration and this is likely to undermine integrity of the election process.

WALGA Recommendation: Support Recommendations 25(b) to (f)

Recommendation 26(a) - Elected Member Numbers Based on Population

Local Government Act Reference: Section 2.17

The Report proposes the following structures for Elected Member positions on Council:

- (i) Population up to 5,000 – 5 Councillors (incl. President)
This proposal will capture approximately 81 Local Governments (1 metro, 80 non-metro)
- (ii) Population between 5,000 and 75,000 – 5 to 9 Councillors (incl. Mayor/President)
This proposal will capture approximately 47 Local Governments (19 metro, 28 non-metro)
- (iii) Population above 75,000 – 9 to 15 Councillors (incl. Mayor)
This proposal will capture approximately 11 Local Governments (10 metro, 1 non-metro)

WALGA Comment – WALGA adopted an advocacy position in 2011 opposing a previous proposal to reduce the number of Elected Members to between 6 and 9²¹. At the time, WALGA requested a proper examination of the relative benefits and merits of any proposal to reduce numbers of Elected Members be conducted. There is still merit in reviewing numbers on Council and the proposal is worthy of consideration although limiting populations of up to 5,000 to a fixed number of 5 Councillors lacks the flexibility that is easily resolved by extending the maximum number of Councillors to 7.

¹⁸ State Council Resolution 06.3/2019

¹⁹ State Council Resolution 16.1/2016

²⁰ Regulations 30B and 30CA of the *Local Government (Elections) Regulations*

²¹ State Council Resolution 08.1/2011 – 'Reject the reduction in the number of Elected Members to between 6 and 9, and request the Minister engage the Department of Local Government in research to determine the relative benefits and merits of the proposal prior to further discussion with the Local Government sector'

WALGA Recommendation: Conditionally Support Recommendation 26(a) conditional upon a review of the relative benefits and merits of changes to reduce numbers of Elected Members on Council be supported, on the following basis:

- (i) Populations up to 5,000 – 5 to 7 Councillors (incl. President)
- (ii) Populations between 5,000 and 75,000 – 5 to 9 Councillors (incl. Mayor/President)
- (iii) Populations above 75,000 – up to 15 Councillors (incl. Mayor)

Recommendation 26(b) to (f) – Wards, Mayor/President Election and Term Limits

Local Government Act Reference: Part 2 and Part 4; Schedule 2.2

Recommendation 26 (b) to (f) proposes a number of adjustments associated with Recommendation 8 - Local Government Advisory Board/Local Government Commission. These proposals include:

- Recommendation 26(b) - system of ward boundary reviews;
- Recommendation 26(c) - discontinuance of ward boundaries for Band 3 and 4 Local Governments;
- Recommendation 26(d) - phasing in of proposals under Recommendation 26(a);
- Recommendation 26(e) - continuance of two year election cycle for Council-elected Mayors/Presidents; and
- Recommendation 26(f) - no limits to be placed on terms Elected Members and elected Mayor/President can serve.

WALGA Comment – Recommendation 26(e) aligns with WALGA advocacy that Local Governments retain the right to determine whether the Mayor / President will be elected by the Council or the community.²² WALGA has not adopted advocacy positions specific to the remaining proposals however Recommendation 26(c) conflicts with the general competence principle and the current self-determination inherent in the current ward review system. WALGA supports the ability for all Local Governments, not merely those in Band 3 and 4, to consider the merits of its system of representation and election on the basis of community of interest; physical and topographical features; demographic trends; economic factors and the ratio of Councillors to electors in the various wards.²³

²² State Council Resolution 06.3/2019; 121.6/2017

²³ *How to conduct a review of wards and representation for local governments with and without a ward system* – Department of Local Government, Sport and Cultural Industries - October 2017, Page 6

WALGA supports the general intent of Recommendation 8 and similar support is proposed to the exclusion of Item (c).

WALGA Recommendation: Support Recommendations 26(b), (d), (e) and (f). Oppose Recommendation 26(c).

Recommendations 28 to 32 - Redefinition of Roles and Responsibilities

Local Government Act Reference: Sections 2.7, 2.8, 2.10 and 5.41

Recommendation 28 sets the scene for Recommendations 29 to 32 by suggesting revised statements of roles and responsibilities that are specific to address the following issues:

- Community leadership
- Strategic planning
- Continuous improvement
- Executive function (for mayors/presidents)
- Guiding the CEO (for mayors/presidents)
- Training

WALGA Comment – Recommendations 28, 29, 30 and 31 are supported. Recommendations 32(1)(a) to (o), and 32(a) are supported. WALGA opposes Council involvement in matters relating to senior employees²⁴ as this conflicts with the role of the CEO as employing authority of all employees under Sec. 5.41(g) of the Local Government Act.

Recommendations 32(2)(b) and (c) are opposed. These recommendations seek to perpetuate ongoing Council involvement in matters relating to senior employees. WALGA points out that Regulation 9(1) of the *Local Government (Rules of Conduct) Regulation* was amended on 15 August 2020 to remove reference to Councillor involvement in administration where authorised by the Council to undertake that task.

This amendment directly relates to past findings such as the City of Canning Inquiry 2014, where the Inquirer noted this Regulation was used to involve Council in a matter directly related to the CEO's employing authority functions:

*'Reg. 9(1) of the Local Government (Rules of Conduct) Regulations 2007 is a rule of conduct, and is not, by itself, a source of authority for intervention by the Council in Administration activities.'*²⁵

WALGA Recommendation: Support Recommendations 28, 29, 30, 31, 32(1)(a) to (o) and 32(a). Oppose Recommendations 32(2)(b) and (c) to conclusively ensure that a Council cannot involve itself in the functions of the Chief Executive Officer as set out in Section 5.41 of the Local Government Act.

Recommendations 33 and 34 – Community Engagement and Governance

Local Government Act Reference: Sections 2.7, 2.8, 2.10 and 5.41

Recommendation 33 proposes a range of community engagement principles, and Recommendation 34 proposes a Community Engagement Charter be required as a mechanism for guiding and enhancing community participation in local decision-making.

WALGA Comment – WALGA advocates that Local Governments adopt a Community Engagement Policy, with each Local Government to implement the most appropriate means of engagement²⁶.

WALGA Recommendation: Support Recommendations 33 and 34.

²⁴ State Council Resolution 123.6/2017

²⁵ Report of the Panel of Inquiry into the City of Canning, May 2014 at 9.53

²⁶ State Council Resolution 06.3/2019

Recommendation 35 – Annual Engagement with Electors

Local Government Act Reference: Sections 5. 27

Recommendation 35 proposes a lesser version of the opportunity already available to electors but poorly attended historically. This raises the prospect that, in the absence of the opportunity to move motions at meetings, the proposed annual meeting will follow a similar trend.

WALGA Comment – WALGA advocates that Elector's General Meetings should not be compulsory, on the basis that there is adequate opportunity for the public to participate in the affairs of the Local Government through attendance at Council Meetings, participating in public question time, requesting special electors' meetings etc²⁷.

WALGA Recommendation: Oppose Recommendation 35 and seek amendment to the Act to ensure Electors' General Meetings are not compulsory.

²⁷ State Council Resolution 06.3/2019; 121.6/2017; 09.1/2011

SMART PLANNING AND SERVICE DELIVERY

Recommendations 36 and 37 - Enhanced Integrated Planning and Reporting

Local Government Act Reference: Section 5.56; Local Government (Administration) Regulations Part 5, Division 3

Recommendation 36 and 37 propose enhanced Integrated Planning and Reporting principles and provisions and that Audit, Risk and Improvement Committee monitor performance against baseline measures including financial management, service delivery and community well-being.

WALGA Comment – WALGA has supported the Integrated Planning and Reporting framework dating back to the Systemic Sustainability Study of 2008 and broadly supported the regulatory amendments introduced in 2011.

WALGA Recommendation: Support Recommendations 36 and 37

Recommendations 38(a) and (b) – Minimum Service Levels

Local Government Act Reference: Section 3.18

Recommendations 38(a) and (b) are separated for independent consideration due to the potential for extensive consequences to the Local Government sector. Recommendation 38(a) proposes a minimum level of service delivery established as a statutory obligation, and Recommendation 38(b) proposes a qualified reserve power whereby the Minister for Local Government responds to a failure to deliver the minimum services by issuing an enforceable direction.

WALGA Comment: WALGA's closest advocacy positions to Recommendation 38 is 'principles over prescription' together with upholding the General Competence Principle²⁸. Recommendation 38(a) appears intended to create a commonality of service delivery that is potentially measurable across the sector, with service delivery outcomes either legislated or directed by the Minister for Local Government. This approach is anathema to the General Competence Principle that permits Local Governments to independently determine appropriate levels of service.

It is noted that continuance of the General Competence Principle is supported in Recommendation 6, but the contradictory nature of Recommendation 38(a), that determination of some services will be taken out of the hands of Local Governments and their communities, is neither identified nor examined in the Report.

Recommendation 38(b) is intended as a qualified reserve power however the associated commentary includes reference to directions relating to a natural disaster or a pandemic. The Local Government sector's experiences during the COVID-19 pandemic did not bring to light any deficiency in the capacity of the State Government to manage issues arising from a pandemic that would requiring the Minister for Local Government to assume emergency direction powers – see also Recommendation 58. WALGA advocates that the State Government ensure there is proper provision for resources required to fulfil any legislated responsibility²⁹.

WALGA Recommendation: Oppose Recommendation 38(a) and (b) and reiterate support for Recommendation 6 'General Competence Principle'.

Recommendations 38(c), (d) and (e) – Service Levels and IPR

Local Government Act Reference: Section 5.56; Part 5, Division 3 Local Government (Administration) Regulations

²⁸ State Council Resolution 06.3/2019 Items 1(a) and (b); 120.6/2017

²⁹ State Council Resolution 06.3/2019 Item 1(f)

Recommendations 38(c), (d) and (e) propose a range of measures to align financial sustainability principles and services and programs to the integrated planning and reporting framework, and to conduct regular service delivery reviews including community consultation.

WALGA Comment: WALGA supported the introduction of the Integrated Planning and Reporting 'planning for the future' provisions and the above recommendations broadly align with current level of maturity in community consultation processes and examination of service delivery leading to the development of Strategic Community Plans and Corporate Business Plans.

WALGA Recommendation: Support Recommendations 38(c), (d) and (e)

Recommendations 39 to 42 - Local & Joint Subsidiaries

Local Government Act Reference: Part 3, Division 4

Recommendation 39 proposes Integrated Planning and Reporting frameworks be cognisant of State Government plans when developing strategies for economic development.

Recommendation 40 proposes the new Local Government Act provide freedom for commercial activities, linking with Recommendation 41 which, whilst recommending against a beneficial enterprise model, makes positive recommendations for the support of commercial activities under an updated subsidiary model required to observe competitive neutrality principles. Recommendation 42 supports the use of regional subsidiary models unless qualified by the requirement to form an entity where the Local Government is not the dominant party.

WALGA Comment – It is noted that Recommendation 41(a) to (i) details the elements required for a flexible subsidiary model, including a proposal under 41(h) that employees of a subsidiary fall within the jurisdiction of the WA Industrial Relations Commission. This conflicts with current WALGA advocacy that such a transfer is conditional upon modernisation of the State system to be more consistent with the Federal industrial relations system³⁰.

WALGA has a long-held advocacy position for the creation of Beneficial Enterprises³¹ with support for a vehicle for commercial activity ('Council-controlled organisations') dating back to WALGA's Systemic Sustainability Study 2008³².

WALGA Recommendation: Support Recommendations 39, 40, 41(a) to (g) and (i) and 42. Oppose Recommendation 41(h).

³⁰ State Council Resolution 78.5/2018

³¹ State Council Resolutions 06.3/2019; 121.6/2017; 107.5/2010; 114.5/2010

³² *The Journey: Sustainability into the Future* - Action 21, Page 49

Recommendations 43 and 44 - Modernise Financial Management

Local Government Act Reference: Part 6; Local Government (Financial Management) Regulations

Recommendation 43 proposes a modern set of principles to modernise financial management.

Recommendation 44 proposes a selection of measures in support of sound financial decision-making.

WALGA Comment – WALGA supports the general intent of the recommendations, aligning as they do with a number of advocacy positions³³ including:

- Conduct a complete review of financial management provisions
- Freehold land be used to secure debt
- Enable Building Upgrade Finance

WALGA notes that the Report of the Inquiry into the City of Perth makes a number of recommendations³⁴ relating to financial management of all Local Governments including:

- Recommendation 188 : Establishment of Financial Management Instructions;
- Recommendation 189 : The 'WA Accounting Manual' dated September 2012 be reviewed and updated;
- Recommendation 190 : The format of format of the annual budget and financial report be prescribed for consistency across local government'

WALGA Recommendation: Support Recommendations 43 and 44

Recommendation 45 to 49 - Procurement

Local Government Act Reference: Section 3.57; Local Government (Functions and General) Regulations Part 4

Recommendation 45 proposes procurement thresholds, rules and policies be more closely aligned with the State Government. Recommendation 46 proposes a model Procurement Policy be adopted by all Local Governments. Recommendations 47 and 48 propose enhancing panel contracts and encouraging local business to register as local content providers. Recommendation 49 introduces the prospect that breaches of procurement rules be referred to an Independent Assessor for investigation.

WALGA Comment – WALGA has consistently supported the alignment of the tender threshold with that of the State Government³⁵ and broadly supports the principle that suppliers of goods, services and works competing for contracts will benefit where procurement processes across State and Local Government has more similarities than differences. These proposals will also assist recent endeavours of both State and Local Government to enhance opportunities for local and regional suppliers to access contracts and boost local economies in the post COVID-19 recovery phase.

WALGA Recommendation: Support Recommendations 45, 46, 47, 48 and 49

³³ State Council Resolution 06.3/2019

³⁴ City of Perth Inquiry Report, Volume 3, Page 83

³⁵ State Council Resolution 06.3/2019

Recommendations 50, 51 and 52 - Rating and Revenue

Local Government Act Reference: Part 6; Local Government (Financial Management) Regulations

Recommendation 50(a) opposes rate capping and 50(c) proposes a broad review of rate exemptions available under Section 6.26(2) of the Local Government Act in recognition of the limitation this places on capacity to raise revenue. Further proposals include development and publication a Local Governments rates and revenue strategies (50b) and a review by the Valuer General of rating methodologies (50 g). Recommendation 51 aligns with the current provisions in Sec 6.17 of the Local Government Act which requires the setting of fees and charges to consider; the cost of providing the service; importance of the service to the community; and the price of alternative providers might charges for similar service.

Recommendation 52 recommends cost recovery principles be adopted when Local Government and State Government set fees and charges.

WALGA Comment – WALGA’s advocacy opposes rate capping³⁶ and there is long-standing support for a review of general rate exemption provisions and charitable land use rate exemptions³⁷ initially examined by the Local Government Advisory Board in 2005³⁸. WALGA also supports a review of the basis of rates³⁹ and this may be incorporated in Recommendation 50(g).

WALGA’s advocacy position in relation to Recommendation 52 is that Local Government to be empowered by legislation to set fees and charges for all services it provides in favour of the current arrangement whereby many fees and charges are determined by State Government legislation⁴⁰.

The Office of the Auditor General regularly audits State Government fee-setting in line with Government policy:

It is general government policy that fees should fully recover the cost of providing related services. If fees under-recover costs, this could mean the general public is subsidising customers, while over-recovery could mean customers are being charged too much. Any under or over-recovery of costs requires approval from the Minister or authority from legislation, respectively.⁴¹

WALGA’s long-held concern is that the State Government’s policy is inadequately applied to Local Government service delivery (town planning fees, building fees, dog and cat registration etc) and Local Governments experience a net revenue loss due to inherent issues of:

- Lack indexation
- Lack from regular review
- Lack a transparent methodology in setting of fees and charges

WALGA Recommendation: Support Recommendations 50, 51 and 52; continue to advocate for legislation that empowers Local Governments to set fees and charges for all services it delivers.

ACCOUNTABILITY, SELF-REGULATION AND INTEGRITY

Recommendations 53 and 54 - Accountability and Self-Regulation

Local Government Act Reference: Part 7 (Audit); Local Government (Audit) Regulations

³⁶ State Council Resolution 06.3/2019; 96.6/2015; 118.7/2015 incl. Rate Setting Policy Statement

³⁷ State Council Resolution 06.3/2019; 122.6/2017; 118.7/2015; 5.1/2012

³⁸ Local Government Advisory Board’s Inquiry into the Operation of Section 6.26(2)(g) of the Local Government Act 1995 – November 2005

³⁹ State Council Resolution 06.3/2019; 123.6/2017

⁴⁰ State Council Resolution 06.3/2019; Metropolitan Local Government Reform Submission 2012

⁴¹ Report 13 ‘Fee-setting by the Department of Primary Industries and Regional Development and Western Australia Police Force’ December 2019 - Executive Summary, Page 3

Recommendation 53 recommends an expanded Audit, Risk and Improvement Committee with Recommendation 53(a) and (b) proposes that skills-based independent members hold the majority of numbers, and the Chair, of the Committee, and regional committees be formed to offset potential increased costs.

Recommendation 54 proposes an expanded role for the Audit, Risk and Improvement Committee including an audit plan approach focussing on compliance, risk (including procurement), financial management, fraud control, governance and delivery of plans.

WALGA Comment – WALGA’s advocacy supported the Office of the Auditor General WA conducting Local Government finance and performance audits⁴². The self-regulation themes within Recommendation 54 are supported, however Recommendation 53(a) and (b) proposals for a majority of independent members, potentially drawn from a panel of approved suppliers or shared through regional cooperation arrangements, does not include a benefits analysis and there is no evidence the regional cooperation approach will lessen internal audit costs particularly for rural and regional Local Governments.

WALGA Recommendation: Oppose Recommendation 53(a) and (b). Supports Recommendation 54.

Recommendation 55 – Integrity and Governance

Local Government Act Reference: Part 7 (Audit); Local Government (Audit) Regulations

Recommendation 55(a) to (i) propose a range of governance measures to improve integrity, oversight and public participation.

WALGA Comment – Recommendations (f), (g) and (h) align with the Department of Local Government, Sport and Cultural Industries current development of Mandatory CEO Standards for Recruitment, Performance Review and Termination (associated with the *Local Government Amendment Legislation Act 2109*) and it is likely this body of work will continue to be dealt with independent of this Report. WALGA’s current advocacy position includes opposition to item (g), the mandatory readvertising of the CEO position upon completion of two five year terms.⁴³

The proposal under item (c), permitting elected members unable to maintain impartiality to withdraw from a meeting and not vote, is clearly unworkable where the meeting quorum comes under threat and is opposed.

WALGA Recommendation: Support Recommendation 55(a), (b), (d), (e), (f), (h) and (i). Oppose Recommendations 55(c) and (g).

⁴² State Council Resolution 7.1/2018

⁴³ State Council Resolution 145.7/2019

Recommendation 56 – Training and Development

Local Government Act Reference: Section 5.126 and Regulations 35 and 36 of the Local Government (Administration) Regulations

Recommendation 56 updates the recently introduced Elected Member training provisions.

WALGA Recommendation: Support Recommendation 56

Recommendation 57 and 58 – Early Intervention Framework

Local Government Act Reference: Part 8

Recommendation 57 proposes an early intervention framework whereby the Department of Local Government, Sport and Cultural Industries works with Local Governments to improve performance, governance and compliance. Recommendation 58 proposes the Minister for Local Government should have powers to direct Local Governments and make declarations during a declared state of emergency.

WALGA Comment – WALGA does not have advocacy positions in relation to either recommendation. Recommendation 38(b) introduced commentary on this topic and it is reiterated the Local Government sector's experiences during the COVID-19 pandemic did not bring to light any deficiency in the capacity of the State Government to manage issues arising from the pandemic that would require providing the Minister for Local Government with additional emergency powers. A matter of this significance should be considered in the broad context of the State Government's assessment its capacity to respond during the present state of emergency period, rather than dealt with piecemeal in a review of the Local Government Act.

WALGA Recommendation: Support Recommendation 57. Oppose Recommendation 58.

Recommendations 59 and 60 – Office of the Independent Assessor

Local Government Act Reference: Part 8; Section 5.41

Recommendation 59 (a) to (f) proposes conditions upon which an Office of the Independent Assessor might be established, including taking the functions of the Local Government Standards Panel.

Recommendation 60 proposes consideration of managing complaints by Elected Members against a CEO or other senior officer, with potential complaints be investigated by the Independent Assessor.

WALGA Comment – WALGA has a long-standing advocacy position for improvement to the operational efficiency of the Local Government Standards Panel.⁴⁴

The proposal in Recommendation 59 to create the Office of the Independent Assessor resonates in some regard with Recommendation 323, 324 and 325 of the Report of the Inquiry into the City of Perth.⁴⁵

⁴⁴ State Council Resolution 43.2/2011

⁴⁵ City of Perth Inquiry Report Recommendations Pp. 108 - 110

Recommendation 60 has the potential to overlay with other statutory provisions relating to employment law, and it is unclear whether the Report has considered the appropriateness of a proposal which will permit individual Elected Members, rather than the Council acting collectively as the employing authority, to instigate actions relating to a CEO's performance. Similarly, it is current practice that all complaints relating to other local government employees fall within the function of the CEO as the employing authority under Section 5.41(g) of the Act.

WALGA Recommendation: Support Recommendation 59. Oppose Recommendation 60.

OTHER MATTERS

Recommendation 61(a) and (b) – Classification Bands

Local Government Act Reference: Schedule 2.2

Recommendation 61(a) proposes the principles for determining classification and for Local Governments should be set out in the new Act, and Recommendation 61(b) states that once established they be utilized by the Salaries and Allowances Tribunal to determine Councillor and CEO allowances and remuneration.

WALGA Comment – WALGA has a long-standing advocacy position in relation to appropriate levels of remuneration for Elected Members.⁴⁶ The commentary accompanying Recommendation 61(b) informs the rationale for removing the classification band process from the *Salaries and Allowances Act 1975* to the *Local Government Act 1995* is to provide a broader application of the band system to other matters including whether a Local Government should have wards. This ties Recommendation 61(a) and (b) to Recommendation 26(c) that has the intent of discontinuing wards in Band 3 and 4 Local Government, which WALGA does not support.

WALGA Recommendation: Oppose Recommendation 61.

Recommendations 62 and 63 - Harmonisation of Local Laws

Local Government Act Reference: Section 3.5 to 3.17

Recommendations 62 and 63 propose increased harmonisation of Local Laws by developing model Local Laws and deemed provisions, with Local Government responsible for justifying any departure or variation from the models or provisions.

WALGA Comment – WALGA advocates for improvements to the current local law-making process and independent local law scrutiny conducted by Parliament's Delegated Legislation Committee⁴⁷. Consistent Models and deemed provisions will greatly enhance certainty in the local law-making process whilst ensuring the right for Local Governments to argue for and justify departures and variances that suit local conditions, issues and needs.

WALGA Recommendation: Support Recommendations 62 and 63

⁴⁶ State Council Resolution 06.3/2019; WALGA Submission to the Salaries and Allowances Tribunal – 21 February 2019

⁴⁷ State Council Resolution 06.3/2019

Recommendation 64 - WALGA

Local Government Act Reference: Section 9.58

Recommendation 64 recommends the following in respect to WALGA;

- (a) WALGA not be constituted under the new Act;
- (b) A transition period is provided to ensure continuity in operations of WALGA while it is re-formed under other legislation; and
- (c) Recognition of WALGA's Preferred Supplier Program and mutual insurance coverage in the legislation should be accompanied by appropriate oversight measures, including auditing.

WALGA Comment – From the Local Governments sector perspective it is critical to retain WALGA's services status in the legislation and regulations relating to the Preferred Supplier Program and the Insurance service, as these programs provide significant savings for the Local Government sector.

In respect to whether WALGA's establishment is referenced in the Local Government Act, it is appropriate for the Association to obtain legal advice on any negative consequences this may have.

WALGA Recommendation: Support recommendation 64(c) for WALGA services retention in the Local Government Act relating to the Preferred Supplier Program and the Local Government Insurance Service. Further advice required in respect to recommendation 64(a) and (b)

Recommendation 65 – Operational Provisions

Local Government Act Reference: Various

Recommendation 65 (a) to (f) proposes a number of operational matters for future consideration.

WALGA Comment – The proposals align with WALGA's advocacy to the extent that the new Local Government Act be based on a flexible, principles-based legislative framework that avoids red tape and 'de-clutters' the current extensive regulatory regime.⁴⁸

There is general support is therefore for these operational provisions, however Recommendation 65(f) – transfer of employee entitlements across all three levels of Government – though well intended is highly likely to raise extensive legal, industrial and financial ramifications prior to being capable of implementation. Further research and industrial consideration is therefore inevitable.

WALGA Recommendation: Support Recommendations 65(a) to (e). Conditionally support Recommendation 65(f) pending further research and industrial consideration.

⁴⁸ State Council Resolution 06.3/2019 Items 1(b) and (e)

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

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

Moved: Cr Julie Brown
Seconded: Mayor Logan Howlett

That the Minutes of the Special Finance and Services Committee Meeting held 22 July 2020 be endorsed.

RESOLUTION 120.4/2020

CARRIED

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

Moved: Cr Julie Brown
Seconded: Mayor Logan Howlett

That the Minutes of the Finance and Services Committee Meeting held 19 August 2020 be endorsed.

RESOLUTION 121.4/2020

CARRIED

5.8 Selection Committee Minutes (01-006-03-0011 CO)

By Tim Lane, Manager Strategy and Association Governance

Since the 18 August Selection Committee meeting, a request has been received from the Minister for Health, Hon Roger Cook MLA, seeking two panels of names for the following positions on the Local Health Authorities Analytical Committee:

- Two metropolitan members
- One non-metropolitan member

The Minister has requested the panels to be submitted by 30 September 2020. While this timeframe will not be able to be met, it is recommended that the vacancies be included in the special Selection Committee process proposed in the 18 August Selection Committee Minutes to seek nominations for the vacancies on the DFES Bush Fire Services Capital Grants Committee and the DFES State Emergency Services Capital Grants Committee. Utilising this process, panels of names will be able to be provided to the Minister for Health by the end of October, and the Minister for Health will be advised of the Selection Committee process and timeframe if the proposed course of action is endorsed.

It is recommended that State Council delegate authority to the Selection Committee to undertake this process during September and October. The outcomes of this process will be reported to State Council at the 2 December 2020 State Council meeting.

Moved: Cr Ronnie Fleay
Seconded: Cr Frank Cvitan

That:

- 1. The recommendation in the 18 August 2020 Selection Committee Flying Minute be endorsed; and,**
- 2. The Selection Committee be granted authority to advertise positions on the Local Health Authorities Analytical Committee and put forward panels to the Minister for Health.**

RESOLUTION 121.4/2020

CARRIED

5.9 LGIS Board Minutes

Moved: Mayor Logan Howlett

Seconded: Cr Chris Mitchell

That the Minutes of the LGIS Board meetings held 25 June 2020 and 13 August 2020 be noted.

RESOLUTION 122.4/2020

CARRIED

5.10 LGIS Review Action Points Schedule - Confidential

Moved: Cr Julie Brown

Seconded: Cr Frank Cvitan

That the LGIS Review Action Points Schedule, August 2020 be noted.

RESOLUTION 123.4/2020

CARRIED

6. MATTERS FOR NOTING / INFORMATION

6.1 COVID-19 Pandemic - Update

By Nicole Matthews: COVID-19 Coordinator

Please note: The information contained in this report is up-to-date as of 3 August 2020. If required further supplementary information will be provided at Zone and State Council meetings, as well as through other channels, such as the COVID-19 Update from the WALGA President and CEO.

Moved: Mayor Logan Howlett

Seconded: Cr Les Price

That the information contained in this report be noted.

RESOLUTION 124.4/2020

CARRIED

Executive Summary

- At the time of writing the COVID-19 pandemic in WA is under control, with a significant reduction in active cases and no evidence of community transmission.
- Restrictions in WA have eased, enabling many businesses and Local Government facilities to reopen. However outbreaks in Victoria and New South Wales have delayed the reopening of WA's border until at least August 15.
- While planning for possible local outbreaks of COVID-19 is underway, the focus has turned to recovery.
- The WA Government announced a State Recovery Plan on 26 July 2020. WALGA advocated for a package of Local Government led economic stimulus measures, *Rebooting Local Economies* during the State's consultation on developing the Recovery Plan.
- WALGA has continued to provide dedicated COVID-19 support and advocacy for members, including regular updates, webinars, guidance and analysis.

Policy Implications

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

Budgetary Implications

Nil

Background

COVID-19 in WA

The latest information on COVID-19 cases in WA (including by Local Government Area) and nationally can be found on the WA Health website [here](#).

Phase 4 of the State Government Roadmap to easing restrictions commenced on 27 June. Phase 5, which would see all remaining restrictions removed except for WA's hard border and access to remote aboriginal communities, has been delayed until at least 15 August due to the significant level of community transmission of COVID-19 in Victoria and NSW.

A challenge to the constitutionality of WA's hard border closure, brought by Clive Palmer, will go before the High Court later this year.

Economic impacts

The Economic and Fiscal Update provided by the Commonwealth Treasurer, Josh Frydenberg on 23 July 2020 indicated that Australia is expected to experience its largest ever recorded fall in economic activity during the 2020 calendar year, with an expected drop in GDP of 3.75 per cent. In financial year terms, GDP is expected to drop by 0.25 per cent in 2019-20 and 2.5 per cent in 2020-21. The unemployment rate is expected to peak during the December quarter 2020, at 9.25 per cent.

Overall, reduced tax receipts and increased public expenditure mean that instead of the small surplus position initially forecast, the 2019-20 Budget is expected to be in deficit by \$85.8 billion. A further deficit of \$184.5 billion is expected in 2020-21.

Australia has also recorded its biggest-ever recorded quarterly fall in consumer prices, which dropped 1.9 per cent in the June quarter driven by free childcare and cheaper fuel.

At a State level, ABS data released on 28 July indicates that 62 per cent of the jobs displaced in WA by late April had been recovered by July 11, 2020. It also showed WA has recorded the lowest decline in the number of jobs in the nation, down 3.1 per cent compared to a 5.6 per cent fall nationally, since March 14, 2020, when Australia recorded its 100th COVID-19 case.

WALGA is undertaking regular economic impact analysis to provide the sector with information on impacts at the local level (further information provided later in this agenda paper).

Outbreak planning

The State Health Incident Coordination Centre (SHICC) has developed Integrated COVID-19 Outbreak Response Plans which set out the State's strategic response to outbreaks, both at a state-level and for 'high risk' settings. Plans have been developed for: Remote Aboriginal communities; Residential aged care; Prisons; Hospitals; Schools and Childcare services; Mining and Offshore facilities; Commercial vessels; and Congregate living. An Integrated COVID-19 Welfare Response Plan has also been developed to integrate with the Integrated Outbreak Plans.

WALGA is working with the SHICC and Department of Communities to ensure that implications for Local Governments are considered and that roles and responsibilities in an outbreak are understood.

COVID-19 Recovery

Role of Local Government in recovery

The State Government has determined that WA's COVID-19 recovery will be coordinated at a State, rather than a local level as would normally be the case after an emergency.

In correspondence to CEOs in late June, the State Recovery Controller, Sharyn O'Neill informed Local Governments that going forward, Local Government's role in COVID-19 recovery will be to:

1. collect and provide local impacts to the State Recovery Coordinator to inform recovery planning and implementation
2. align local recovery plans to the State Recovery Plan where required to ensure consistency
3. build on the strong work already undertaken by local governments in:
 - a) reviewing or adopting financial hardship policies to support ratepayers to provide rate, fee and tenancy relief to businesses and individuals in distress
 - b) reviving community services, sports and recreation to promote wellbeing and enable the community to resume active, connected lives in a COVID-safe manner
 - c) supporting arts culture, events and tourism activities and content in local areas and helping these industries to innovate to operate in the future
 - d) accelerating small capital works projects to provide vital employment channels and use local materials, contractors and labour services to support vulnerable parts of the workforce

- e) streamlining or fast tracking approval processes and relieving compliance burdens on businesses and households where possible to stimulate local economic activity
- 4. monitor recovery progress and report any emerging issues and key actions taken at the local level to the State Recovery Coordinator to inform quarterly reporting to the State Recovery Steering Committee

State Recovery Plan

The Premier and the State Recovery Controller Sharyn O'Neill released the [WA Recovery Plan](#) on 26 July. The Plan was accompanied by a statement detailing the health, economic and infrastructure, social, industry and regional impacts of the pandemic to date, which can be viewed [here](#).

The release of the Plan followed stakeholder engagement through Ministerial Roundtables, a number of which were attended by WALGA, Elected Members and Local Government CEOs, the State Recovery Advisory Group, of which WALGA President Mayor Tracey Roberts is a member. Key insights from these consultations can be found [here](#).

The Plan outlines \$5.5 billion in spending (including \$2.77 billion in relief and stimulus measures already announced) across 12 priority areas:

- Driving industry development
- Boosting local manufacturing
- Building infrastructure
- Investing in renewable energy and new technologies
- Rebuilding TAFE and reskilling our workforce
- Maintenance blitz
- Building schools for the future
- Building METRONET
- Major road construction
- Building community infrastructure
- Unlocking future mining opportunities
- Housing construction
- Supporting small business
- Buying local
- Green jobs and environmental protection
- Growing WA's food industries
- Investing in the tourism sector
- Revitalising culture and the arts
- Supporting our most vulnerable
- Putting patients first
- Unlocking barriers to investment

The Plan also has a particular focus on investing in regional WA and remote Aboriginal communities and supporting women and young people.

Recovery Plan initiatives are being announced progressively (details [here](#)). Of those announced at the time of this report, road safety improvements to reduce the number of run-off road crashes in country areas, funding for sport and community infrastructure, renewable energy and investment in broad-scale biodiversity outcomes such as water quality and roadside vegetation are aligned with initiatives in WALGA's 2020-21 budget submission and stimulus plan *Rebooting Local Economies* (see below).

WALGA will provide further information on announcements relevant to the sector as they become available.

Local Governments will have the opportunity to hear directly from the State Recovery Controller, Sharyn O'Neill at a WALGA webinar on Wednesday 26 August.

Support and Advocacy

WALGA has continued to provide dedicated COVID-19 support and advocacy for the sector, including in the key areas below.

Rebooting Local Economies

WALGA developed a package of proposed economic stimulus, *Rebooting Local Economies*, for the consideration of the State Government in the development of the State Recovery Plan. The package was informed by information provided by every Local Government in the State regarding their projects and priorities to promote the economic recovery of their communities.

Information provided by Local Governments showed that the sector has provided \$512 million in financial support to our communities in the form of:

- \$101 million in rate relief
- \$12.5 million in rent relief
- \$24 million in additional maintenance works
- \$148 million in fees and charges relief
- \$34.5 million in financial grants
- \$192 million in additional capital works

Rebooting Local Economies seeks support for:

1. A State contribution of \$257 million, matched by Local Governments, to enable the sector to bring forward capital and maintenance projects that would support 2,951 jobs across the State and boost WA's Gross State Product by \$506 million in the immediate term.
2. An investment of \$256.3 million to fast track the delivery of shovel ready, value for money programs and projects like those identified for the Community Sporting and Recreation Facilities Fund and the Commodities Freight Route Fund, which will provide long lasting, widespread benefits across WA.

WALGA COVID-19 Local Economic Impact Analysis

Following the Health and Economic Vulnerability Analysis provided to Local Governments two months ago, WALGA has now analysed publicly available economic data to determine the economic impact of COVID-19 on WA's local economies. This analysis includes:

- How local jobs have been impacted since the start of the pandemic, measured as a proportion of total payroll job changes in each Local Government Area;
- How local businesses have been impacted since the start of the pandemic, measured as a proportion of organisations within each Local Government Area that were accessing the JobKeeper subsidy in April; and
- The overall economic impact of COVID-19, relative to other Local Government Areas and regions.

Like the Health and Economic Vulnerability Analysis, the COVID-19 Local Economic Impact Analysis can be used as an input into a Local Government's operational and strategic decision making and planning. Some of the key areas where the data, which will be made available to all Local Governments, can be used include:

- For estimating the percentage of ratepayers (residents and businesses) who may be under added financial stress and will subsequently require access to hardship measures for their rates notices;
- For estimating potential changes in fees and services revenue, based on the percentage of residents and businesses who may be under added financial stress;
- To support applications for grant funding or other forms of support from State and Federal Governments;
- To support the appropriateness of, and to inform, Local Government response and recovery activities and stimulus measures; and
- For sharing with key community stakeholders, such as regional Chambers of Commerce, businesses, community groups and not-for-profits and other key bodies and institutions.

Other significant areas of advocacy and support include:

- *Planning and Development Amendment Bill 2020* - representations to Upper House members with a list of concerns on the Bill, which successfully effected some changes to the Bill. A full outline of the actions undertaken are included as a separate Item for Noting in this State Council Agenda.
- *Development Contribution Plans (DCPs)* - working with members to provide information to the Department of Planning, Lands and Heritage and Treasury regarding how DCP funds can be

utilised and projects at each Local Government with DCPs that could possibly be brought forward if additional funding or assistance was provided.

- The release of a WALGA *Guide for 2020/2021 Budget Adoption* in July 2020:
 - The Guide assists Local Governments to meet the statutory requirements of the Ministerial Order gazetted on 8 May requiring budget adoption resolutions to specifically reflect a Local Government's rate setting strategies, treatment of penalty interest and management of overdue debts.
 - The Guide features an explanation of the Ministerial Order and provides 7 template Officer Recommendations associated with each Clause provision set out in the Order.
- *Procurement and support for local suppliers*
 - The Vendor Panel marketplace initiative now has 8000 local suppliers registered.
 - Following the release State Government's updated Buy Local Policy 2020 and the recently proclaimed *Procurement Act 2020*, WALGA will be examining further opportunities to maximise local and regional procurement engagement with Local Government.
- *Childcare Relief Package* - continued representations, together with ALGA on the financial impact of the Childcare Relief Package and lack of access to JobKeeper payments on Local Government childcare providers.
- *Emergency Management eLearning* - WALGA is providing this free of charge until 31 December 2020.
- *COVID-19 Updates* - 74 updates have been provided to the sector between 23 March and 31 July. There are approximately 1300 subscribers to these updates. Updates can be viewed on WALGA's COVID-19 website [here](#).
- *COVID-19 State Briefing to Sector Webinars* - The following Sector briefing webinars, hosted by WALGA President, Mayor Tracey Roberts, have been held since 1 June:

5 June	Local Government Minister the Hon David Templeman and the Minister for Transport and Planning the Hon Rita Saffioti
19 June	WALGA CEO Nick Sloan and Economist Nebojsa Franich
10 July	US Consul General David J. Gainer
24 July	Minister for Regional Health, Regional Communications and Local Government, The Hon Mark Coulton
31 July	Valuer General, Lester Cousins
<i>Upcoming</i> 26 August	<i>Local Government Minister the Hon David Templeman and State Recovery Controller Sharyn O'Neill</i>
- *Showcase Webinars* - WALGA has continued to showcase the work of the sector, though a webinar series featuring presentations from Local Governments discussing innovative approaches to managing COVID-19 and providing ongoing services to their communities.

June 4	Communicating with communities during the pandemic: City of Gosnells; City of Canning; Shire of Dundas
July 30	Local Government recovery activity: Shire of Narrogin; Town of Victoria Park; City of Mandurah

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

6.2 *Planning and Development Amendment Act 2020 (06-03-01-0001 VJ)*

By Vanessa Jackson, Policy Manager Planning and Improvement

Moved: Mayor Logan Howlett
Seconded: Cr Les Price

That the advocacy undertaken on the *Planning and Development Amendment Act 2020* be noted.

RESOLUTION 125.4/2020

CARRIED

Executive Summary

- The *Planning and Development Amendment Bill 2020* was passed by Parliament in June 2020, receiving Royal Assent on the 7 July 2020.
- The 26 amendments include a new development assessment pathway to the WAPC, establishment of a Special Matters Development Assessment Panel, and changes to the *Planning and Development Act 2005* that were foreshadowed in 2013.
- Regulations are currently being drafted by the Department of Planning Lands and Heritage.

Attachments

Planning and Development Amendment Act 2020 ([here](#))

Policy Implications

WALGA's relevant Advocacy Position Statements:

- 6.2 Planning Reform - The Local Government sector supports the underlying principles of planning reform and the continuing focus of streamlining the planning system.
- 6.5 Development Assessment Panels - The Association does not support Development Assessment Panels (DAPs), in their current structure.

Background

In 2013, State Council deliberated on the proposed reforms to the *Planning and Development Act 2005* (PD Act) (Resolution 274.5/2013).

On 20 May 2020, twenty six proposed amendments to the PD Act were tabled in Parliament without formal consultation with the Local Government sector. The two broad aims of the *Planning and Development Amendment Bill 2020* were to: -

1. Provide an urgent response to the COVID-19 pandemic, by:
 - facilitating significant development projects;
 - removing regulatory road blocks and significantly reduce red tape;
 - strategically refocus what urban and regional planning considers important;
 - enhancing how development contribution funds are utilised for community benefit; and
 - providing for a more robust planning environment with a higher degree of professionalism and enforcement capability.
2. Implement a comprehensive series of public, stakeholder and specialist reviews of the planning system, in order to create a better planning system, which:
 - creates great places for people;
 - is easier to understand and navigate; and
 - is consistent and efficient.

The Bill's Explanatory Memorandum explained that these aims would be implemented in two phases of legislation, the *Planning and Development Amendment Bill 2020* as the first phase, implementing those aspects of planning reform with most immediate impact on the planning framework, as a prioritised COVID-related response. The second phase would be facilitated by a second Bill in the near future.

A Special State Council meeting was held on the 25 May 2020 to discuss the proposed Bill and the following resolution was made (RESOLUTION 85.4/2020):

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

That WALGA;

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

The proposed Bill was passed by Parliament on the 23 June 2020, and Royal Assent was received on the 7 July 2020.

Comment

Discussions with members raised two particular concerns, which included:

- Allowing the State Government to assess and approve certain development applications for an 18 month period, bypassing both DAP and Local Government assessment pathways.
- Creation of a "[Special matters DAP](#)" after the 18 month period, to consider significant development proposals (limited information has been provided on this reform proposal).

Both of these new assessment pathways are a major shift to the role of Local Government in the planning assessment process, arguably undermining the expertise that exists in the assessment of development applications, devaluing the sector's experience and competency in applying local planning schemes and making appropriate decisions.

The PD Act amendments provide the WAPC with powers to set aside any local planning controls (e.g. land use permissibility, height controls, floor space ratio, etc.). This proposal is a fundamental shift in the WAPC's role and function, moving from strategic matters and subdivision control into complex development assessment against local considerations.

It also appears that the "Special Matters" DAP removes Elected Member representation, instead requiring a representative with "local government knowledge". It was stated several times in Hansard that the WALGA President would be on the Special Matters DAP; however, no formal advice has been provided to confirm this statement, nor have any draft regulations been provided to clarify the Local Government representative on the Special Matters DAP.

During the debate on the Bill in the Upper House, the Association provided all Upper House members with a list of concerns with the proposed amendments to encourage changes to the Bill.

Several amendments to the Bill were endorsed during the debate, including:

- “Significant Development” definition was amended allowing any application over \$20 million in the Metropolitan Region and any \$5 million proposal in regional areas (including Mandurah) are now eligible for the new development assessment pathway. This pathway is optional, not mandatory.
- The CEO of Contaminated Sites legislation must be consulted, if appropriate.

The following amendments were also endorsed, as advocated for by the Association:

- WAPC must consult and must have due regard to submissions made by the public. The Bill originally stated “may” consult with the public and did not outline how the submissions would be considered.
- The 48 month period for the development to be substantially commenced has been amended to 24 months, ensuring that the provisions will only be used for seriously entertained development proposals to assist in COVID-19 recovery.
- If the Minister or Premier issue a direction to the WAPC or other Agency, then it must be provided to Parliament within 14 days of the direction being given, which will provide greater transparency.
- The *Environmental Protection Act 1986* has been removed from Part 17 of the Bill, which ensures that the WAPC is not able to override any of the legislated environmental requirements, including clearing permit provisions.

Regulations will now be drafted to provide additional guidance in the application of these new powers. As a result of advocacy by the Association, the DPLH established three working groups to work through the review of the *Planning and Development (Local Planning Schemes) Regulations 2015*, being: -

- Local planning frameworks, including local planning strategies, schemes and amendments, and local planning policies.
- Structure plans, activity centre plans and local development plans.
- Development Assessment Processes, including consultation.

WALGA called for expressions of interest from the sector to attend these working groups and provided 51 officer nominations to the Department, representing 32 Local Governments from metropolitan, regional and rural areas. DPLH has advised that *the intent and scope of the changes to the Regulations is generally not open for discussion; rather, the focus will need to be on ensuring that the changes can be implemented as effectively as possible and avoid unintended consequences. The feedback would therefore be focussed on how the proposals can be improved and refined.*

To date, DPLH have been flexible in listening to and accommodating input from working group participants in order to improve the changes to the Regulations.

A four week public advertising period for all of the proposed Regulations has been promised.

The use of the new assessment pathway, through the [State Development Assessment Unit](#) will be monitored by the Association and a report provided in 2021 regarding the effect of the new provisions.

6.3 Australian Fire Danger Rating System (AFDRS) Program (05-024-03-0035 EDR)

By Evie Devitt-Rix, Acting Policy Manager, Emergency Management

Moved: Cr Chris Mitchell
Seconded: President Cr Phillip Blight

That the following be noted:

- 1. An update on progress of the Australian Fire Danger Rating System (AFDRS), including the implementation timeline for the project.**
- 2. Advice from the Department of Fire and Emergency Services (DFES) for Local Governments to suspend investment in current fire danger rating signage (including electronic signs) until a final prototype is announced.**

RESOLUTION 126.4/2020

CARRIED

Executive Summary

- The Australian Fire Danger Rating System (AFDRS) Program will design, develop and implement a national fire danger rating system to better describe the overall fire danger and risk to firefighters, land managers, broader government including Local Governments, utilities, businesses and the community.
- The project has been endorsed and overseen by the Australian New Zealand Emergency Management Committee and commenced in 2016. Critical research and prototypes are being socialised with all jurisdictions with workshops having been held in WA in September 2019 and July 2020.
- An Implementation Plan is currently being developed by the Department of Fire and Emergency Services (DFES), which will include extensive engagement with relevant stakeholders across WA to determine impacts and organisational change requirements. Implementation of the AFDRS is scheduled for June 2022.

Background

The AFDRS program aims to build a new national fire danger ratings system that is based on updated science and decades of research into fire behaviour.

The current method of setting fire danger ratings was developed in the 1960's and is no longer effective in dealing with Australian bushfires. Significant advances in science, technology and the understanding and management of fires means that the current system no longer has the capacity or capability to effectively assist Australia in dealing with its most significant fires.

Since 2016, the AFDRS Program is being overseen by a project board reporting to the Australian New Zealand Emergency Management Committee (ANZEMC). The National program team has been working with national stakeholder groups to design and develop an updated system.

The NFDRS Program is estimated to cost in the order of \$42 million over five years with ongoing technology costs of approximately \$1.4 million.

The cost of fires is expected to rise significantly in the future, largely due to the substantial increases in Australia's population over the next 30 years. Climate will also play a role in increasing costs for Australia. Globally, and in Australia, the number of large fires significant in their size, destruction and inability to suppress is increasing. Accurately predicting and preparing for these events is well beyond the capacity of the current system

Comment

DFES is leading WA's participation in the AFDRS. The first two phases of the project included a feasibility study, development of a research prototype and implementation of the Social Research Project. The project is currently in phase 3 which includes the system build and the design of the new ratings and associated messaging. It is expected that the fire danger ratings framework and action messaging will be confirmed by November 2020 and operational testing of the new system has been scheduled from July 2021.

DFES are currently developing a State Implementation Plan to identify the governance requirements, resourcing needs and change management process. This will include extensive engagement with relevant stakeholders across WA to determine impacts and organisational change requirements to enable the effective implementation of the new AFDRS scheduled for release in June 2022. Advice from DFES for Local Governments to suspend investment in current fire danger rating signage (including electronic signs) until a final prototype is announced.

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

By Rebecca Brown, Manager Waste and Recycling

Moved: Cr Doug Thompson
Seconded: Mayor Logan Howlett

That the resolutions of the Municipal Waste Advisory Council at its 24 June 2020 meeting be noted.

RESOLUTION 127.4/2020

CARRIED

Executive Summary

- This item summaries the outcomes of the MWAC meeting held on 24 June 2020.

Background

The Municipal Waste Advisory Council is seeking State Council noting of the resolutions from the **24 June 2020** meeting, consistent with the delegated authority granted to the Municipal Waste Advisory Council to deal with waste management issues.

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

Comment

The key issues considered at the meetings held on **24 June 2020** included:

Draft Waste Reform Submission

The Department of Water and Environmental Regulation (DWER) Consultation Paper Closing the Loop: Waste Reforms for a Circular Economy contains a range of different reform proposals that address a series of issues. In developing the Submission the approach taken was to identify if a case for change to the existing conditions is present, there is support for the change options identified and any additional clarifications are needed. A draft Submission was developed for consideration by Local Government and feedback received has been incorporated into the final Submission.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the draft Submission on the DWER Consultation Paper Closing the Loop: Waste Reforms for a Circular Economy.

Draft Waste Levy Submission

The Department of Water and Environmental Regulation Review of the Waste Levy Consultation Paper seeks feedback on the application and extent of the Waste Levy. The WALGA Policy Statement on the Waste Levy has been used as a basis for the Submission, as well as feedback received from Local Government. A draft Submission was developed for consideration by Local Government and feedback received has been incorporated into the formal Submission.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the draft Submission on the Review of the Waste Levy.

Comparison – Waste Authority Business Plans and Annual Report

MWAC has previously analysed the Waste Authority Business Plan to inform advocacy regarding the expenditure of the Levy. The analysis showed that a significant portion of the Levy, allocated to the WARR Account, is being spent on the staffing of DWER, with a much smaller proportion being spent on projects to reduce waste and increase resource recovery. WALGA met with the Waste Authority and DWER to discuss WALGA's analysis of this and is seeking confirmation from the Department

that the analysis correctly allocates funding. For the 19/20 financial year, funding appears to be allocated:

- DWER staffing – 57.8%
- Local Government - 27.1%
- Consultant / Service Provider - 4.8%
- Waste Industry/Community/Charity - 0.3%

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council note the analysis of the 2018/19 and 2019/20 Waste Authority Business Plans and 2018/19 Annual Report.

7. ORGANISATIONAL REPORTS

7.1 Key Activity Reports

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

By Zac Donovan, Executive Manager Commercial and Communications

Moved: President Cr Karen Chappel
Seconded: Mayor Logan Howlett

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

RESOLUTION 128.4/2020

CARRIED

Commercial and Communications comprises of the following WALGA work units:

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

The following provides an outline of the most recent key activities of Commercial and Communications in addition to those items included in the Finance and Services Committee Report:

Commercial Development

Preferred Supplier Deloitte Review

The Deloitte review of the WALGA Preferred Supplier Program has been completed and the outcomes reported to the Finance and Services Committee at the meeting of 22 July 2020.

As detailed in the report, Deloitte were supportive of the program and made four recommendations – all of which are being implemented – and three additional areas for opportunity in the provision of the program.

State Council is encouraged to review the item in the Finance and Service Committee minutes for full details of the report and actions, however a number of the point progressed since the presentation of that report include:

- Consolidation is underway of the 38 Preferred Supplier Panels into 11 key areas of activity, with a more focused set of sub-categories. This will provide for more efficient management and administration, and make the contracts easier to navigate.
- Work to simplify contract legal terms has been assigned to Freehills and is nearing completion. The intent is to avoid lengthy and complex contract negotiations and variations that adds costs and delays to realising Member benefit.
- Moving the appointment of Preferred Suppliers to a system of perpetual prequalification that is reviewed and refreshed every two years, subject to due diligence to enable additional new contract development.

Contract Development

Key activities in contract development are:

- Contract reviews nearing completion for the following PSA's - Telecommunications, Energy, Hardware, Ag and Turf, Signs, Corporate Wardrobe and PPE and Environmental Consulting. These will be the first PSA's to be transitioned to the new Super PSA model.
- Evaluations underway for the NPN Plant Machinery and Specialised Truck PSA renewals.

- New contract executed with Dell – currently running a second process to also on-board Dell for the Finance lease panel with a new zero interest offer
- Metro Courier Library services contract has been negotiated and activated for a further two year period.
- Completed negotiations with KPMG to join the Audit and Compliance Services Contract.

Commercial Management

Local Supplier Performance

WALGA has underwritten a 12-month free trial of the Marketplace local supplier platform for all Local Governments. As of 21 July the program had:

- In the three months of being available, 8,000 local suppliers had registered to participate on the platform.
- A total of \$4.6 million in contracts had been lodged on the platform representing about 150 contracts from 46 Local Governments.

Contract Management

Key activities in contract and supplier management are:

- Discussions continue with suppliers identified as having under reported through the recent Preferred Supplier Compliance Audit. Face to face meetings to be scheduled in the coming week to agree a compromise on under reporting value and therefore payable rebate.
- The redevelopment of the annual Member Spend and Save Report is nearing completion summarising Members use of the Preferred Supplier Program over the last 12 months, and will be circulated to the CAC team for comment in the coming week prior to being sent to Members.

LGIS Contract Management

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

- LGIS Board minutes from 25 June 2020

Marketing and Events

Rates Campaign

The sector rates campaign initiated at the request of State Council has been running since Saturday, 27 June. The campaign aims to educate the community around the way rates are calculated, the difference between individual property values and whole of market movements as they relate to Council rates and the impact of property price movements on rates during a rates freeze, as will be the case for most metropolitan Councils.

Four print placements have appeared in Saturday editions of the West Australian, supported by social media organic posts and paid advertising for the 30 second ads featuring Ric Charlesworth. Over the five weeks of online promotion direct from WALGA, a total reach of 91,702 has been achieved. Further reach has been achieved through Member activity with approximately 20 Local Governments known to be using campaign artwork in local campaigns.

Reconciliation Action Week Video Production

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

Media Activity

Articles on specific topics relating to Local Government over the past two months are considered to be more balanced and positive than negative.

Issues that received considerable attention over the past two months included:

- Mostly balanced coverage is recorded on the topic of **Budget/ Rates/ Financial Matters**. The balanced articles are mostly related to Councils setting their budget in difficult times, with attempts to retain staff and plan infrastructure projects to kickstart the local economy while implementing a rate freeze. Positive coverage includes Councils introducing rate freeze, hardship policy and rate relief. The majority of negative articles relate to ratepayers who may see increased rates due to the State Valuer General's decision to apply GRV revaluations GRV this year, despite Councils implementing a rate freeze. A columnist for the State daily wrote that WALGA President does not have the best intention of ratepayers despite calling for rates freeze, and is using the excuse of revaluations as an excuse for rates rise.
- Mostly negative coverage is recorded on the topic of **Councils/Elected Members** in the News. The negative articles mostly relate to individual Councillors' comments about the homeless and the political Black Lives Matter movement, some of which were considered in breach of Council social media policies. Multiple negative articles related to two separate Councils in the central metropolitan area that are under scrutiny from the Department of Local Government, either through a formal inquiry or via failed mediation and pending Supreme Court action.
- Balanced coverage is recorded on **Planning and Development**. Multiple articles are related to the WALGA President saying she is satisfied that community input will be considered under reforms to planning laws that was approved by the State Government. The reform in planning law will allow State Government to have the final say over any project worth over \$20 million in the metropolitan area and \$5 million in regional areas. Other coverage includes a regional northern Town to no longer manage a mining ghost town after multiple attempts to develop the area were rejected by the State Government.

Media Statements released from Tuesday, 2 June to Thursday, 23 July were:

Tuesday, 9 June	Local Government Leader Recognised in Queen's Honours
Tuesday, 23 June	Regional Roads to Benefit in State and Commonwealth Funding

WALGA Social Media

Twitter: In this 53 day period between Monday, 1 June and Thursday, 23 July, WALGA's Twitter page earned 10,300 impressions, and decreased on the previous period (which was slightly longer at 60 days). The top tweet for Impressions in this period was a tweet about the U.S. Consul General participating in a WALGA webinar. The tweet generated 968 impressions, 35 engagements and a total engagement rate of 3.6%. The tweet with the highest Engagement Rate was about the June President's Column and it was 7.7%. Over this 53 day period, the WALGA Twitter profile gained 9 new followers, giving a total of 1909 followers; with 21 retweets, 12 likes and 19 link clicks.

Facebook: The WALGA Facebook post with the highest reach during this 53 day period was a post directing people to read the June/July edition of Western Councillor on the WALGA website. This post had an organic (unpaid) reach of 741 people and an engagement rate of 4%. It generated 9 reactions, comments and shares and 15 link clicks. The post that gained the highest engagement rates (61%) was the final video in our Reconciliation Week series. Over this period, the WALGA Facebook page received 20 new likes, taking it to 1769 likes with a total of 1857 followers.

LinkedIn: The most popular post for Impressions on LinkedIn over this period was a post about WALGA turning "green for parkies" (Environment initiative). This post had 2723 impressions, 100 clicks, 47 likes and an engagement rate of 5.47%. The post with the highest engagement rate was a post about the June President's Column, with an engagement rate of 5.69%, 1319 Impressions and 17 likes. Over this period the WALGA LinkedIn page received 162 new followers bringing it to a total of 11,201.

YourEveryday website: Adding new content to the YourEveryday website has paused during COVID-19 response. Over the 53 day period between Monday, 1 June and Thursday, 23 July the YourEveryday website has had: 3522 page views from 1821 users visiting the site with an average of 1.76 pages per session.

WALGA Events

During the months of June and July, WALGA's Event Team helped to coordinate the following events:

COVID-19 State Briefing to Sector Webinars

As key partners in the response to COVID-19, the sector received a weekly briefing on the most recent advice from the Commonwealth and State Government.

These more informal discussions, which were hosted by Mayor Tracey Roberts, provided updates on the pandemic response to the sector. Mayors, Presidents and Local Government CEOs were able to attend the weekly webinars.

5 June 2020: 149 attendees from 83 Councils attended the webinar with Local Government Minister Hon David Templeman MLA and Minister for Transport; Planning Hon Rita Saffioti MLA

19 June 2020: 63 attendees from 53 Councils attended the webinar with WALGA President Mayor Tracey Roberts and CEO Nick Sloan.

10 July 2020: 36 attendees from 29 Councils attended the webinar with David J. Gainer, US Consul General in Perth

24 July 2020: 38 attendees from 33 Councils attended the webinar with Hon Mark Coulton MP, Federal Minister for Regional Health, Regional Communications and Local Government

Webinar: Urban Forest Dashboard – Launch

15 June 2020: 17 Local Government Officers attended the webinar to launch the new Urban Forest Dashboard, a statistical dashboard using CSIRO's Urban Monitor canopy data, recalibrated to lot level canopy information including streets and parks for use by Local Governments through Landgate.

Webinar: Information Session – Residential Design Codes Review

23 July 2020: 83 Local Government Officers registered for the webinar sharing information on the current process of the Western Australian Planning Commission (WAPC) seeking public comment on draft amendments to State Planning Policy relating to Residential Design Codes.

Webinar: Wetland Management - Part 1: Designing a Wetland Water Quality Monitoring Program

23 July 2020: 114 registrants signed up for the webinar held by WALGA and New Water Ways to provide information on designing a water quality monitoring program that is tailored to the type of wetland or lake, and the management objectives.

UPCOMING EVENTS

COVID-19 State Briefing to Sector Webinars

31 July 2020: *Speaker:* Valuer General, Lester Cousins

WALGA Webinar on Improvements to the Native Vegetation Clearing Process for Local Government 28 July 2020

This webinar will provide information on work by DWER and WALGA to address issues experienced by the sector with the regulatory system for clearing of native vegetation, DWER reforms in this area and lessons learnt from various approaches tested by Local Government.

Webinar: Wetland Management - Part 2: Floating Islands, Drainage Socks and Wildlife Management 30 July 2020

The webinar will provide case studies from Local Governments and the Water Corporation on water quality and wildlife management projects.

Webinar: WALGA and DPIRD Animal Welfare in Emergencies Grant Program 6 August 2020

Breakfast with Paul Hasleby Crown Perth, **25 September 2020**

2020 Political Forum Crown Perth, **25 September**

Mayors and Presidents, their deputies and CEOs from Local Governments have been invited to the last of the sector's Political Forums prior to the State election. The Forum will provide an opportunity to get an understanding about the various party policies and platforms.

WALGA Annual General Meeting Crown Perth, **25 September 2020**

MINISTERIAL PRESENTATION - Local Government Act Panel Report

The Minister and Mr Gary Hamley arrived at 5:11pm.

The Minister for Local Government; Heritage; Culture and the Arts, Hon. David Templeman MLA, presented to the meeting on the Local Government Act Panel Report.

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 Logan Howlett
Seconded: Cr Chris Mitchell

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

RESOLUTION 129.4/2020

CARRIED

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

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

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

Sector Governance Support

Select Committee into Local Government

WALGA developed and put forward a comprehensive submission to the Select Committee into Local Government established by the Legislative Council in mid-2019.

The submission strongly advocated for a resilient and well-resourced Local Government sector and addressed a number of strategic policy themes and key advocacy imperatives including:

- Trust in Government
- Local Government collaboration
- Local Government Act review requests
- Roles of Elected Members and Chief Executive Officers
- Importance and scope of Local Government activities and services
- Rates and rate exemptions
- Fees and charges
- Transparency and accountability

The Select Committee was initially provided with a 12 month period to inquire into Local Government ending on 25 June 2020. The Committee requested the House and was granted an extension of time to report to 26 November 2020.

At the time of writing this report, WALGA had been invited to a public hearing on 3 August 2020 to discuss our submission and respond to queries that had been raised during the course of the Committee's work.

Consequential Regulatory Amendments – Local Government Act Review Phase 1

WALGA conducted a consultation process with the sector on the proposed *Local Government Regulations Amendment (Consequential) Regulations 2020* that arose as a consequence of the *Local Government Legislation Amendment Act 2019*.

The majority of proposed regulatory amendments are supported, with the following improvement opportunities identified in WALGA's response:

- Request to amend the reporting threshold for employee remuneration from \$100,000 to \$150,000;
- That the voluntary collection and reporting of diversity data will lead to incomplete and potentially misleading information; recommended diversity data be collected compulsorily when nominating for Council;
- Recommendation the Department of Local Government, Sport and Cultural Industries provide a Guidance Note to assist Local Governments publish required information on their websites in a consistent manner.

Mandatory Code of Conduct and Mandatory Standards for CEO Recruitment, Performance Review and Termination

In addition to the regulatory amendments, the Mandatory Code of Conduct (Code) and Mandatory Standards for CEO Recruitment, Performance Review and Termination (Standards) remain outstanding from the *Local Government Legislation Amendment Act 2019*.

Both matters were the subject of sector consultation late 2019, with WALGA adopting detailed advocacy positions on both matters at the State Council meeting of December 2019 – Code: Resolution 144.7/2019 and Standards: Resolution 145.7/2019. Common to both resolutions is the recommendation for further sector consultation

The Department of Local Government, Sport and Cultural Industries has indicated it is their objective that both the Code and Standards will be implemented by the end of 2020. However WALGA is yet to receive confirmation from the Department that the release of either the Code or Standards is imminent or whether meaningful consultation will occur.

Local Government Act Review – Phase 2

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

At the time of writing this report the Minister had not released the Panel's findings.

Regional Subsidiary Model

WALGA has continued its advocacy for a full review of the regulations to remove unnecessary restrictions and bureaucracy that were not envisaged for this model. Feedback from Regional Groups is that they would like the opportunity to form a Regional Subsidiary, however the regulations need to be streamlined. In 2019/20, WALGA contracted a legal preferred supplier to prepare revised Regulations and a draft Explanatory Memorandum to assist the Minister in introducing the necessary amendments to the regulations.

The revised regulations have been provided to the Minister and the Director General. WALGA has emphasised that this issue is a priority for the sector and the timing is right for addressing this issue. We are keen for this proposal to be considered in the short term and would prefer this not sit on the table until a new Local Government Act is proclaimed.

Further updates will be provided when a response is received from the Minister's office.

Employee Relations

Ministerial Review of State IR System - Updated

The Minister for Mines and Petroleum; Energy; Industrial Relations commenced a review into the WA State industrial relations system in September 2017.

The Final Report (Report) was tabled in State Parliament on 11 April 2019, and included the recommendation that the *Industrial Relations Act 1979 (IR Act)* be amended 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)*.

Any declaration made under the IR Act is reliant on the endorsement of the Federal Minister for Jobs and Industrial Relations under the FW Act. If the recommendation is endorsed 93% of Local Governments currently operating in the Federal system will need to transition to the State system over a two year transitional period.

In addition to consulting with the sector, WALGA has participated in the State Government’s Taskforce discussions, invited the Minister for Mines and Petroleum; Energy and Industrial Relations to present at WALGA’s 2019 People and Culture Seminar. In October 2019, WALGA launched a political campaign advocating against the State Government’s recommendation which involved writing to and meeting with State and Federal Ministers.

On 25 June 2020, the *Industrial Relations Legislation Amendment Bill 2020* (the Bill) was introduced into State Parliament. It is anticipated it will be debated in parliament the week commencing 10 August 2020.

The Association will continue to advocate against this proposed legislation.

Local Government Industry Award - Updated

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

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

Training

Elected Members elected or re-elected in October 2019 are reminded that they have until 21 October 2020 to complete the five (5) Council Members Essential training courses.

WALGA has requested the Minister for Local Government for an extension of 6 months, however a response to this request has not been received at the time of writing this report. Elected Members are encouraged to continue to aim to complete the courses by October 2020.

WALGA training has recommenced in-person training both at WALGA and on-site at Local Governments. In addition we are continuing to offer Virtual training courses as well as our eLearning platform.

This now provides Local Governments with three learning platforms, being In-person, Virtual and via eLearning.

Any queries on training please contact the WALGA Training team.

Strategy and Association Governance

State Local Government Partnership Agreement

The State and Local Government Partnership Agreement was signed in August 2017 as an agreement to guide relations between the two spheres of government in Western Australia.

The agreement establishes a Partnership Group comprising the Premier, senior Government Ministers, the WALGA President and the President of LG Professionals. The Partnership Group aims to meet at least once per year.



The agreement also sets out timeframes for consultation between the State and Local Government sectors on matters of key policy importance.

There have been a number of successful collaborations including the recently negotiated Library Agreement between the State and Local Government sectors, as well as strong collaboration relating to waste management and climate change. Conversely, as part of the State Government's response to COVID-19, planning reform was implemented without a meaningful consultation process.

Communiqués, published after each meeting are [available here](#).

As agreed by all signatories, the Partnership Agreement is being reviewed. The review will need to be completed before the 2021 State Election.

2020 WALGA Annual General Meeting

The Association's Annual General Meeting (AGM) is scheduled for Friday 25 September 2020.

The AGM will be preceded by a Sports Breakfast and a Political Forum.

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

By Ian Duncan, Executive Manager Infrastructure

Moved: Mayor Logan Howlett

Seconded: Cr Chris Mitchell

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

RESOLUTION 130.4/2020 CARRIED

Roads

Condition Assessment of Roads of Regional Significance

Funds have been provided through the *State Road Funds to Local Government Agreement* to perform condition surveys of all the Roads of Regional Significance. For the first phase, Talis Consultants have been engaged to survey roads in the Mid West region including recording video of regionally significant unsealed roads. After delays due to COVID 19, the fieldwork will be performed in August and the final report is scheduled for completion in October. These surveys will provide a consistent dataset for the Regional Road Group to consider in funding decisions.

State Road Funds to Local Government Procedures

Main Roads and WALGA have comprehensively reviewed the *State Road Funds to Local Government Procedures*. A final document has been produced after extensive stakeholder consultation. The document will be submitted to the State Road Funds to Local Government Advisory Committee (SAC) for approval before publication.

ROADS 2040: Development Strategies for Regionally Significant Local Roads

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

Funding

State Road Funds to Local Government Agreement

Following announcement that the State Budget would be delayed until October 2020 as a result of the COVID-19 pandemic, the Association advocated for the 2020/21 Local Roads Program to be confirmed during June, to enable works to commence from the beginning of the financial year. A \$201 million program was approved by the Minister and advised to Local Governments on 6 July. A strong focus on early identification of 2019/20 grant funded projects that will not be completed and acquitted in line with budget continued with mixed success across the State.

Local Roads and Community Infrastructure Program

WALGA provided input, along with ALGA, to the draft Guidelines for the Australian Government, Local Roads and Community Infrastructure Program. The Association was pleased to note some important changes in the final document that will make it easier for Western Australian Local Governments to access and acquit funding. Removing the requirement for any building works funded under the program to be conducted by a builder accredited under the Australian Government Building and Constructions OHS Accreditation Scheme was an important change given the very small number of builders outside NSW and the ACT that are accredited. This Program will provide \$73 million to West Australian Local Governments in 2020/21.

Review of the Asset Preservation Model

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

Commodity Freight Routes Fund

The *State Road Funds to Local Government Agreement* provides \$2.5 million in 2021/22 for the Commodity Freight Routes program. Guidelines were reviewed and updated. Project applications have been called with a closing date of 25 September 2020. WALGA will convene a Technical Review Group in October to prioritise the applications and make funding recommendations to the State Road Funds to Local Government Advisory Committee (SAC).

Infrastructure WA

The Association engaged with Infrastructure WA concerning the State Infrastructure Strategy and prepared a formal response to the Discussion Paper that was released in late June.

Urban and Regional Transport

Review of taxes and government spending on WA motorists

WALGA is developing estimates of the taxes charged on WA motorists by Federal and State Governments, and the expenditure on roads and other benefits to motorists. Data collection and modelling is currently in progress. Preliminary discussions are being planned with advocacy organisations that have aligned objectives in relation to this matter with a view to combining resources and advocacy efforts.

Heavy Vehicle Road Reform

WALGA has engaged in the consultation being undertaken by the Australian Government into proposed changes to the way heavy vehicle charges are set and invested. It is important to ensure that any arrangements are designed including consideration of roads under the control of Local Governments.

Road Safety

Road Safety Council Update

The Road Safety Council report on activities 2018-19 was tabled in Parliament on 25 June 2020. Cr Lauren Strange (Shire of Serpentine Jarrahdale), appointed by the Minister responsible for road safety, attended her first meeting on 23 July. At that meeting the Road Safety Council received a report showing a significant downward trend in casualty crashes as a result of treatments along sections of Indian Ocean Drive. A 70% decrease was observed between 2017 (pre-treatments) and 2019 (post-treatments).

At the same meeting Main Roads WA presented a review of Road Trauma Trust Account (RTTA) road safety programs, highlighting a proposal to include Local Government managed roads in future program considerations. An Urban Intersection Safety Program would provide for “low cost” treatments (eg slow points, raised intersection platforms, mini roundabouts etc) at priority urban intersections on roads managed by Local Governments and a Regional Safety Improvement Program would target selected Roads of Regional Significance with a higher than average rate of run-off-road trauma per kilometre.

RoadWise Activity

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

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

By Mark Batty, Executive Manager Strategy, Policy and Planning

Moved: Mayor Logan Howlett
Seconded: Cr Chris Mitchell

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

RESOLUTION 131.4/2020

CARRIED

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

PLANNING

Urban Forest Dashboard Launch

WALGA facilitated a soft launch of the DPLH's new urban forest dashboard for the Local Government sector. The dashboard provides the Department's urban monitor data in a public facing interactive product and allows Local Governments to analyse changes in their urban canopy from the bi-yearly information collected for the Department by the CSIRO. The dashboard will be publicly available in the coming weeks.

R-Codes Review

The DPLH is currently undertaking an interim review of the Residential Design Codes in support of the State Governments economic recovery. Changes are proposed for the deemed-to-comply provisions for open space, building setbacks, wall heights, and visual privacy setbacks. WALGA held an online info session with DPLH on the changes on 23 July that was attended by 65 officers and elected members. Comments are due to the DPLH by 10 September, WALGA will be preparing a sector-wide submission on the changes.

Consultations – Upcoming

The Department of Planning Lands and Heritage have indicated the following consultations are planned before the end of 2020.

- SPP 7.3 - Residential Design Codes Volume 1 – Minor Review – released in July 2020, submissions are due in before 10 Sept 2020 ([here](#))
- SPP 4.2 Activity Centres for Perth and Peel – to WAPC at the end of August 2020
- SPP 7.2 Precinct Design Guidelines – consultation in September 2020
- SPP 3.7 Bushfire Policy and Guidelines – consultation in September 2020
- SPP 2.9 Water Resources Policy and Guidelines – consultation in September 2020
- SPP 7.3 - Residential Design Codes – Medium density – to be advised
- Revision of the Designing Out Crimes [Guidelines](#) – to be advised
- Amendments to the Planning and Development (Local Planning Scheme) Regulations 2015 – to be advised

The following consultations are also currently out for public comment: -

- National Registration Framework for Building Practitioners – closes 23 August 2020 ([here](#))
- Accessible Housing standards for inclusion in the National Construction Code – closes 31 August ([here](#))
- Registration of Building Engineers in WA – closes 3 December ([here](#))

ENVIRONMENT

Climate Change

Stage 2 of the NDRP funded Climate Resilient Councils project commenced with a Webinar on June 25, attended by over 70 officers and elected members. A key outcome of this webinar was feedback on the priority projects to be implemented by WALGA and funded with grant money. The steering committee met after the webinar, and established an initial list of projects for Stage 2, to be confirmed at the next steering group meeting in early August.

LGmap (formerly known as the Environmental Planning Tool)

In July, the scheduled LGmap data update was completed, covering 80 datasets and several new data was added. LGmap training continued in the form of the short lunch time online courses, scheduled on 16 July, 12 and 26 August. An LGmap demonstration was delivered as part of the WALGA webinar delivered in partnership with DWER (see below).

Natural Resource Management

Northern Agriculture Catchment Council (NACC) NRM has begun the process of updating its natural resource management (NRM) strategy for the Northern Agricultural Region. NACC has embarked on an extensive consultation process including with Local Governments in the region.

As well, NACC has established a Technical Working Group consisting of 12 technical expert representatives from government departments, research institutions, and local NGOs. WALGA is represented on the Technical Working Group by Dr Garry Middle, Acting Environmental Policy Manager at WALGA.

Regional Parks

Preventing vandalism in Perth's regional parks is a significant issue for both DBCA and the Local Governments who are the joint managers of the Parks with DBCA. The Chairs of all the Community Advisory Committees for the Regional Parks wrote to WALGA requesting that we organize a forum on environmental vandalism and anti-social behavior.

A working group has now been established involving officers from DBCA, the Cities and Rockingham and Canning and WALGA to organize this event. Planning is underway and more details of the forum will be provide later.

Events and Newsletters

Webinar on Management of Wetlands and Constructed Lakes

WALGA partnered with New WAtEr Ways to deliver a series of webinars on the Management of Wetlands and Constructed Lakes in July, with each attracting over 80 participants. Webinar 1 – Designing a Water Quality Monitoring Project, highlighted the importance of designing a monitoring program with a management objective in mind. New WAtEr Ways presented on factors to consider when selecting monitoring parameters, to ensure useful data is collected to help diagnose water quality issues and identify effective solutions.

Webinar 2 – Floating Islands, Drainage Socks and Wildlife Management, provided case studies of practical management initiatives. The City of Swan provided information on the performance of floating islands, while the Water Corporation discussed the performance of different types of gross pollutant traps, including drainage socks, floating litter booms and floating litter traps. The City of Stirling discussed the management of introduced carp and koi in wetlands, and emerging diseases in aquatic birds that are becoming more prevalent.

Webinar on Improvements to the Native Vegetation Clearing Process

WALGA hosted a webinar on Improvements to the Native Vegetation Clearing Process on 28 July, attended by 92 participants. The webinar focused on solutions to issues experienced by Local

Government within the regulatory system for the clearing of native vegetation. The Department of Water and Environmental Regulation discussed the new Local Government assessment team within the Native Vegetation Branch. They also outlined new processes to streamline the application and assessment process, and how assessments will be prioritised according to the level of complexity.

A case study on the Shire of Cuballing demonstrated the benefits of strategic permits in providing certainty for works programs and addressing the cumulative impacts of clearing. WALGA demonstrated how LGmap can be used to support the preparation of native vegetation clearing applications, and provided an update on the activities of the Local Government Roadside Clearing Regulation Working Group.

SONG Meeting on Community Energy Efficiency Projects

WALGA hosted an online Sustainability Officers Network Group (SONG) meeting on Community Energy Efficiency Projects on 29 June, attended by 20 participants from Local Government. Presenters from the City of Stirling and Ironbark Sustainability discussed establishing profiles of greenhouse gas emissions for Local Government municipalities, and how to use this information to target areas within the community with the greatest potential for emissions reduction.

Switch Your Thinking and Passive Hive presented on how to improve the thermal performance of new and existing buildings, and outlined how light coloured roofs significantly improve the ambient air comfort level within homes.

EnviroNews

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

EMERGENCY MANAGEMENT

Local Government Animal Welfare in Emergencies Grant Program

As part of ongoing activities to address animal welfare in emergencies Department of Primary Industries and Regional Development (DPIRD) have provided \$500,000 in grant funding to WALGA to disseminate to Local Governments for local projects. Local Governments will be eligible to apply for up to \$10,000 per Local Government, to build capacity in their organisation to respond to animal welfare in emergencies, through the development of a local plan, communications, capacity building activities, the purchase of equipment, or development of their own project.

The Grant Program opened on August 1, and WALGA held a webinar on 6 August to provide information and answer Local Government's questions on the application process. Grant applications close on August 30, and applicants will be notified of the outcome by the end of September.

Local Government Showcase Webinars

From March to July 2020, WALGA hosted seven webinars to showcase the efforts of Local Governments in assisting their communities during the COVID-19 pandemic. Topics have included staff redeployment, economic stimulus, communications, maintaining community connectedness during restrictions, and recovery. The webinars have featured twenty Local Governments so far, and have reached over 700 participants from Local and State Government. The webinars are recorded and available to view on the WALGA website.

7.2 Policy Forum Reports

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

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

Moved: Mayor Logan Howlett
Seconded: Cr Chris Mitchell

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

RESOLUTION 132.4/2020

CARRIED

Policy Forums

The following Policy Forums have been established

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

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

7.3 President's Report

Moved: Cr Julie Brown
Seconded: President Cr Phillip Blight

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

RESOLUTION 133.4/2020

CARRIED

7.4 CEO's Report

Moved: Mayor Logan Howlett
Seconded: President Cr Phillip Blight

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

RESOLUTION 134.4/2020

CARRIED

The Chair acknowledged the resignation of Mr Mark Batty, Executive Manager Strategy, Policy and Planning.

On behalf of State Council thanks were extended to Mark for his loyalty and commitment to WALGA and the sector.

7.5 Ex-Officio Reports

7.5.1 LG Professionals Report

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

Cr Julie Brown left the meeting at 6:20pm.

7.5.2 City of Perth Report

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

8. ADDITIONAL ZONE RESOLUTIONS

Moved: Mayor Logan Howlett

Seconded: Mayor Peter Long

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

RESOLUTION 135.4/2020

CARRIED

NORTHERN COUNTRY ZONE

Corella Control – Strategy, Policy and Planning

That the Northern Country Zone of WALGA 1. Forms a Working Group to progress the regional control of Corellas and 2. Advocates, through WALGA, for a state-wide strategy for the control of mobile pest species, including Corellas.

EAST METROPOLITAN ZONE

WALGA Advocacy – Prevent Support Heal Campaign – People and Place

That WALGA:

1. Recognises the important role Local Governments play in helping people stay connected and contributing members of their communities through prevention programs and community development initiatives and more broadly helping community mental health organisations care for people with mental health challenges, particularly through the COVID pandemic;
2. That WALGA formally endorse and support the Prevent Support Heal campaign by;
 - a. Writing to all Mayors and CEOs at each LGA in WA about the campaign
 - b. Promoting the campaign through their various communications channels; and
3. Requests all Mayors write to Premier Mark McGowan that funding for mental health prevention and community support must be increased as a matter of urgency for Local Governments to care for their communities through the COVID recovery and beyond.

Family and Domestic Violence Discussion Paper – People and Place

1. That WA Local Governments recognise the prevalence, seriousness and preventable nature of family and domestic violence and the roles that Local Governments can play in addressing gender equity and promoting respectful relationships in their local community.
2. That WALGA advocates to the State Government:
 - a. to define and communicate the role, responsibilities and expectations of Local Governments in family and domestic violence.
 - b. for adequate funding for family and domestic violence programs and services, particularly in regional areas.
 - c. for appropriate resources and funding be allocated to Local Governments to implement any particular roles and actions addressing family and domestic violence as defined in the State Strategy.
 - d. to provide support to Local Government in the broader rollout of the Prevention Toolkit for Local Government.
 - e. to continue advocacy to the Commonwealth Government for additional funding and support.
3. That WALGA organises presentations for Local Governments that address family and domestic violence, as part of relevant events or webinars.

SOUTH METROPOLITAN ZONE

C40 Climate Leadership Group ‘Statement of Principles’ – Environment

That WALGA consider the principles adopted in the “Statement of Principles” announced by the Mayors of the C40 Climate Leadership Group and adopt a position to put to Local Governments to support a similar COVID 19 recovery plan through action and advocacy.

Advocacy for Corella Management – Environment

That WALGA advocate to State Government to establish and implement a Corella Management Strategy for the Perth Metropolitan area as well as the broader impacted regions of Western Australia with the objective of:

- (a) Having a State Government body / department facilitate a Corella Control Program.
- (b) Apply a tenure blind approach to Corella control.
- (c) Reduce the pest Corella population to levels that are determined to be ecologically sustainable.

SOUTH WEST COUNTRY ZONE

Family and domestic Violence Discussion Paper – People and Place

1. That WA Local Governments recognise the prevalence, seriousness and preventable nature of family and domestic violence and the roles that Local Governments which have capacity can voluntarily play in addressing gender equity and promoting respectful relationships in their local community.
2. That WALGA advocates to the State Government:
 - a. to define and communicate the role, responsibilities and expectations of Local Governments in family and domestic violence.
 - b. for adequate funding for family and domestic violence programs and services, particularly in regional areas.
 - c. for appropriate resources and funding be allocated to Local Governments to implement any particular roles and actions addressing family and domestic violence as defined in the State Strategy.
 - d. to provide support to Local Government in the broader rollout of the Prevention Toolkit for Local Government.
 - e. to continue advocacy to the Commonwealth Government for additional funding and support.
3. That WALGA organises presentations for Local Governments that address family and domestic violence, as part of relevant events or webinars.

Waste Management Levy Charges – Governance & Organisational Services

That the South West Zone of WALGA seek the support of the State Council of WALGA to advocate with the Department of Local Government, Sport and Cultural Industries to resolve discrepancies in interpretation of the provision of the *Waste Avoidance and Resource Recovery Act 2007* relating to the application of minimum payment levels for waste management rates.

PILBARA COUNTRY ZONE

Draft WA Aviation Strategy – Infrastructure

The Pilbara Zone considers the location of mining airstrips close to existing local government airports is a major risk to both the services provided and the overall viability of those Local Government airports and requests that WALGA:

1. Advocates to the State Government to amend C7 of the Draft Aviation Strategy to provide a clearer policy framework for the approval of jetports which consider the location of the nearest regional airport.

2. Strongly recommends that the State Government should not allow new mining airstrips within a radius of (WALGA to find Queensland benchmark on this distance) km.
3. Expresses the security concerns and unfair competition that arises when mining companies avoid security screening of passengers and baggage by using charter rather than RPT aircraft.
4. Investigates current legislative impediments to limiting construction of mining airstrips within a certain distance of regional towns.
5. Requests the State conduct consultation with both the Local Government in which the mining airstrip is located in and with the nearest communities that will be impacted by the airstrip.
6. Advocates that the State Government always focus on encouraging RPT flights, given the liveability, health and economic flow on effects and job creation potential from regional airports, are based on access to flights.

9. PRESENTATION

9.1 LGIS Presentation

Mr Peter Forbes, Chair LGIS, presented to the meeting.

10. DATE OF NEXT MEETING

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

11. CLOSURE

There being no further business the Chair declared the meeting closed at 6:40pm.

State Council Status Report

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

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
2020 July 1 Item 4.2 Work health and Safety Bill 2019	That WALGA: 1. recommend that the Standing Committee on Legislation investigate the drafting and interpretation of offences in the context of Western Australia's Criminal Code, and consider whether the standard imposed in s30B and s31 is appropriate for an offence punishable by imprisonment; and 2. recommend that the Standing Committee on legislation ensure there is adequate time following proclamation of the WHS Bill for all industries in Western Australia to transition to the new, harmonised work place safety and health provisions. <u>RESOLUTION 89.3/2020</u>	Correspondence was sent to the Standing Committee on Legislation advising of the State Council resolution on 3 July 2020.	Awaiting a response	Tony Brown Executive Manager Governance & Organisational Services
2020 July 1 Item 4.3 Teacher Housing Availability	That WALGA contact the Director General of the Department of Housing to: 1. Seek action and acknowledge the extra challenges in attracting and retaining public sector staff in remote and rural areas of the state; 2. Immediately review and address the issue of insufficient GROH housing (and the high cost of subsidised rental) for public sector staff and actively seek and enter into Joint Venture arrangements with Councils to address the shortfall in accommodation; 3. Request that the agencies be requested to engage with WALGA to seek a solution to the current short supply of GROH housing within all regions. <u>RESOLUTION 91.3/2020</u>	Letter has been sent to the Director General, Department of Communities as the responsible agency for Government Regional Officer Housing seeking a response to the Resolution. In addition WALGA has been in contact with the Departments staff responsible for the implementation of GROH who have indicated an interest to engage with WALGA to streamline GROH building projects with LG's.	In progress	Mark Batty Executive Manager Strategy, Policy and Planning
2020 July 1 Item 5.4 WALGA JLT Scheme Management	State Council require that: a) The terms of existing WALGA JLT/Marsh Scheme Management Agreement be maintained for a further 12 months or until the review actions are completed.	a) Action implemented. Completed b) Contingency planning project in scoping stage. To be aligned with previous review actions with a June 2021 completion target.	July 2021	Zac Donovan Executive Manager Commercial and Communications

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
Agreement Extension	b) A contingency planning project be undertaken to ensure the WALGA LGIS insurance service is competitive, resilient and appropriate to serve the needs of Member Councils. c) All other details as to the State Council LGIS review to remain confidential. <u>RESOLUTION 95.3/2020</u>			
2020 July 1 Item 5.5 LGIS Board Minutes – 14 May 2020	That State Council: a) Note the Minutes of the LGIS Board meetings held 14 May. b) Approve the Scheme Management fee annual adjustment payable to JLT/Marsh be adjusted to increase by 3% for the 2020/21 financial year on the proviso that it is re-credited to the Scheme by JLT/Marsh. c) Allocate a reciprocal 3% adjustment to remuneration to WALGA from the LGIS scheme for the 2020/21 period so as to maintain parity with the JLT/Marsh allocation. d) The quantum of the additional adjustments to the WALGA remuneration be allocated to the WALGA LGIS contingency planning project. e) Allocate a 0% adjustment to remuneration for LGIS directors for 2020/21. <u>RESOLUTION 96.3/2020</u>	Actions implemented. Completed.	Completed	Zac Donovan Executive Manager Commercial and Communications
2020 July 1 Item 8 South West Country Zone Universal Elected Member Training	That due to the COVID-19 pandemic, WALGA request the Minister for Local Government to extend by six months the requirement for newly Elected Members to undertake training within 12 months. <u>RESOLUTION 109.3/2020</u>	Correspondence has been sent to the Minister for Local Government requesting consideration to utilizing the provision under Section 10.3 of the <i>Local Government Act 1995</i> to modify Local Government Administration Regulation 35 (3) for the purpose of providing a 6 month extension for Elected Members to complete the training.	Awaiting a response	Tony Brown Executive Manager Governance & Organisational Services
2020 May 6 Item 4.1 COVID-19 Pandemic – WALGA Response	That the information contained in this report relating to WALGA's response to the COVID-19 pandemic and WALGA's advocacy on requesting no additional State Government cost impositions on Local Governments be noted. <u>RESOLUTION 57.2/2020</u>	This item noted WALGA's advocacy on COVID-19 and more broadly on requesting no additional cost impositions on the sector. On the 5 June, the Western Australian Planning Commission (WAPC) approved a new Position Statement – Expenditure of Cash-in-Lieu of Public Open Space. This position statement was following advocacy from the Association and member Councils to improve the implementation of funds held in trust for public open space, to bring forward projects for COVID 19 recovery. The new position statement provides: <ul style="list-style-type: none"> Additional guidance on where and on what cash-in-lieu funds may be spent; 	Ongoing	Mark Batty Executive Manager Strategy, Policy & Planning

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
		<ul style="list-style-type: none"> New provision for local government to request approval of a grouped program of works across multiple areas rather than just a single location; Updated references to align with the Planning and Development Act 2005; and General updates to align with current cash-in-lieu process, formatting and terminology. <p>A more comprehensive review of the planning framework relating to public open space which will be undertaken, which will include a review of <i>Development Control Policy 2.3 Public Open Space in Residential Areas</i> and will include consultation with local government.</p>		
2020 March 4 Item 4.1 Stop Puppy Farming Legislation	<p>That WALGA write to the Minister and request that he withdraw the Stop Puppy Farming Bill and more appropriately consult with the sector, traditional custodians and the wider community, or failing that, that he remove any reference to Local Government in the bill as the sector does not endorse it in its current form.</p> <p><u>RESOLUTION 13.1/2020</u></p>	Correspondence has been sent to the Minister for Local Government advising of State Councils position	Ongoing	Tony Brown Executive Manager Governance & Organisational Services
2020 March 4 Item 8 Additional Zone Resolutions Federal Government Drought Communities Program	<p>That State Council endorse the recommendation from the Great Eastern Country Zone relating to the Federal Government Drought Communities Program.</p> <ul style="list-style-type: none"> That the Great Eastern Country Zone requests WALGA, in consultation with ALGA, to liaise with the WA State Government Ministers for Water, Agriculture and Environment to provide a coordinated holistic response in respect to the ongoing drying climate issues and access to the Drought Communities Funding Program. <p><u>RESOLUTION 37.1/2020</u></p>	<p>WALGA is currently in dialogue with the DWER to determine the program design for the Commonwealth \$10m for Regional Drought Resilience Planning, which was announced on July 1st. It is worth noting that this program element is reflective of the advocacy of members of the Central Country Zone and WALGA.</p> <p>The program will provide funding to consortia of local councils or equivalent entities to develop Regional Drought Resilience Plans for agriculture and allied industries. WALGA continues to liaise with the DWER and DPIRD on the need for a coordinated holistic response in respect to the ongoing drying climate issues and further access to the Drought Communities Funding Program.</p>	Ongoing	Mark Batty Executive Manager Strategy, Policy and Planning
2019 Dec 4 Item 4.1 Bushfire Fighting Vehicles	<p>That WALGA State Council:</p> <ol style="list-style-type: none"> Note this issue and support the concerns raised. Commit to working collectively with Local Governments to resolve this issue with the State Government and Department of Fire and Emergency Services (DFES) as a matter of urgency. <p><u>RESOLUTION 141.7/2019</u></p>	<ol style="list-style-type: none"> WALGA noted the concerns and has raised these with the Commissioner of DFES. WALGA facilitated attendance by DFES at a meeting with the Shire of Esperance to discuss concerns raised and options for improvements to their fleet. It has been reported to WALGA that the actions were to trial large tyres and central tyre inflation systems (2 x Tankers), work is progressing on both. Furthermore, a Bushfire Fleet Mobility Working Group is scheduled to meet 17 February 2020. <p>WALGA have not received a formal update from the Bushfire Fleet Mobility Working Group which is the primary vehicle for the sector to resolve this issue. The report will have been delayed due to the COVID response effort in state government.</p>	Ongoing	Mark Batty Executive Manager Strategy, Policy and Planning

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
2019 Dec 4 Item 5.3 Mandatory Code of Conduct for Council Member, Committee Members and Candidates – Sector Feedback	<p>That WALGA:</p> <ol style="list-style-type: none"> Request the Mandatory Code of Conduct Working Group be reconvened by the Department of Local Government, Sport and Cultural Industries; Refer the following matters to the Working Group for further consideration: <ol style="list-style-type: none"> <u>Part A – Principles - Supported</u> Part B – Behaviours <ol style="list-style-type: none"> ensuring principles of natural justice can be adequately upheld in all circumstances; training opportunities that will assist Council Members determine complaint outcomes under Part B; development of a template Complaints Management Policy; reconsider the purpose of allowing ‘any person’ to make a complaint; ensuring Committee Members and Candidates are included in Part B; and re-naming ‘Rules’ to an appropriate term throughout Part B. <u>Develop a complaint process that is carried out by DLGSC or another party (which must be external of the local government). For any breach of the Code (being part b or part c) and where the Council, Mayor/President or CEO are not the decision makers in determining whether the breach has or has not occurred and/or whether any action is required.</u> Part C – Rules of Conduct <ol style="list-style-type: none"> review the rationale for creating a new Rule of Conduct breach where three or more breaches of Part B – Behaviours are found and the Local Government resolves to refer the matter to the Local Government Standards Panel; and review the proposal to amend the definition of an ‘interest’ relating to Impartiality Interests from the present definition in Regulation 11 of the Local Government (Rules of Conduct) Regulations. <u>Develop a complaint process that is carried out by DLGSC or another party (which must be external of</u> 	<p>Correspondence has been sent to the Director General of the Department of Local Government, Sport & Cultural Industries advising of the Council resolution on this issue.</p> <p>A formal response on this issue has not been received.</p> <p>Advice from the Department is that the Regulations need to be finalised by the end of this year.</p>	Ongoing	Tony Brown Executive Manager Governance & Organisational Services

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

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
2019 Dec 4 Item 5.6 Local Government Audits	<p>That WALGA:</p> <ol style="list-style-type: none"> Write to the Office of the Auditor General (OAG) advising of the cost increases to the Local Government sector in respect to financial audits over the first 2 years of the OAG audits and request: <ol style="list-style-type: none"> Constraint on the audit cost increases in the future Information in relation to the additional scope, testing and review requirements under the OAG in order for local governments to understand the increase in costs. Write to the Office of the Auditor General seeking a formal commitment that audits of Local Governments are completed and reported on in a timely manner and that the processes, procedures and scope of audits are consistently applied. Write to the Office of the Auditor General seeking to include in the "Audit Results Report" for each financial year, a report on the effectiveness and additional value to Local Governments that the responsibility of Financial Audits being assigned to the Office of the Auditor General has provided. Write to the Minister for Local Government seeking formal commitment that Performance Audits carried out by the Office of the Auditor General are the financial responsibility of the State Government. <p><u>RESOLUTION 147.7/2019</u></p>	<p>Correspondence has been sent to the Office of the Auditor General (OAG) in respect to items 1, 2 and 3. The Auditor General has responded advising that OAG is cognizant of costs and they look to complete audits in a timely manner.</p> <p>Correspondence has been sent to the Minister for Local Government in respect to item 4.</p>	Ongoing	Tony Brown Exec Manager Governance & Organisational Services
2019 Dec 4 Item 5.8 Membership of Development Assessment Panels	<p>That WALGA advocate to the Minister for Planning, that the composition of Development Assessment Panels (DAPs) be modified to provide equal representation of Specialist Members and Local Government Members, in accordance with the original objectives of the DAP system to enhance the decision making process by improving the balance of experts.</p> <p><u>RESOLUTION 149.7/2019</u></p>	<p>A report on the performance of DAPs between 2011 and 2020 is provided in the September State Council Agenda for further advocacy on DAPs.</p>	Ongoing	Mark Batty Exec Manager Strategy, Policy and Planning

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
2019 Dec 4 Item 5.10 Local Government as Collection Agency for Construction Training Fund	1. That WALGA advise the Construction Training Fund (CTF): 1.1 That due to the operational improvements and establishment of an on-line portal for payments of the Building and Construction Industry Training Fund, Local Government will not continue to be a collection agency for these payments 1.2 That the online receipt issued upon payment of the <i>Building and Construction Industry Training Fund</i> , must clearly show the property address and estimated building value to ensure it complies with section 20 of the <i>Building Act 2011</i> 1.3 That the Department of Mines, Industry Regulation and Safety (DMIRS) must provide access to the data collated in the Building Permit Database Project to assist CTF in their acquittal process, and 1.4 That a review of the apprenticeship pathways should be undertaken, as the Local Government sector can provide many potential apprentice pathways directly connected to the construction and development industry. 2. That WALGA advise the Minister for Local Government, Minister for Education & Training and Minister for Commerce that the current CTF collection process is unnecessary administrative red tape for the Local Government sector, and seek their support for Local Government to not continue to be a collection agency for these payments. <u>RESOLUTION 151.7/2019</u>	Correspondence has been sent to the CTF Board advising them of the State Council Resolution. Separate letters have also been sent to the Ministers for Commerce, Education and Training and Local Government to seek their support. The CTF Executive Director has responded, advising the following: <i>"While 37 of the State's 140 LGAs responded to the WALGA's recent survey about collection of the BCITF, CTF is concerned that stakeholders in the building and construction industry – who would be affected by the changes to current permit allocation procedure – have not to date been consulted. As such, CTF has approached HIA an MBA for feedback from their members..."</i> CTF advised that they will meet with WALGA once feedback from the building and construction industry has been received before establishing a way forward to address the issues arising from the State Council's recommendation. The Minister for Commerce has also provided a response, indicating that they will be working with the CTF to enable access to the data already being captured by the Building Permit Database project. If a local government isn't providing this data, the CTF may still require information direct from those Local Governments. The Minister for Education & Training has also provided a response, similar in content to the CTF letter, that Local Government provides a 'one stop shop' for Industries payment of the fees. Awaiting the CTF to arrange a meeting on the issue.	Ongoing	Mark Batty Exec Manager Strategy, Policy and Planning
2019 Sept 6 Item 9.1 Action to Reduce Run-off Road Crashes in Rural WA	That WALGA actively supports Federal and State Government investing in \$100m per year to seal shoulders and install edge lines to 17,000kms of State Highways over the next 10 years. <u>RESOLUTION 128.6/2019</u>	In June 2020 it was announced that the Federal Government will provide \$80 million and the State Government \$20 million in 2020/21 to seal shoulders and install edge lines on 1,400 km of regional roads. This represents the first year's funding of the program requested.	Complete	Ian Duncan Executive Manager Infrastructure
2018 December 5 Item 4.1	1. That State Council endorse investigating a State / Local Government Partnership Agreement on Waste Management and Resource Recovery.	The development of the Agreement has been delayed due to COVID-19, however will be further progressed in the second half of 2020.	Ongoing	Mark Batty Exec Manager

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
State / Local Government Partnership Agreement on Waste Management and Resource Recovery	2. That the item be referred to MWAC for is development and negotiation with the State Government. 3. A report regarding a proposed "State / Local Government Partnership Agreement on Waste Management and Resource Recovery" be brought back to the next meeting of State Council. <u>RESOLUTION 131.7/2018</u>			Strategy, Policy and Planning
2018 December 5 Item 5.1 Proposed Removal by Main Roads WA of the "Letter of Approval" Restricted Access Vehicle Operating Condition	That WALGA: 1. Opposes withdrawal of the "Letter of Approval" Restricted Access Vehicle Operating Condition until an acceptable alternative to Local Government is developed; 2. Supports the position that Local Governments not use provision of the Letter of Authority to charge transport operators to access the Restricted Access Vehicle network; 3. Supports the development of standard administrative procedures including fees and letter formats; and 4. Supports the practice of Local Governments negotiating maintenance agreements with freight owners/ generators in cases where the operations are predicted to cause extraordinary road damage as determined by the Local Government. 5. Advocates to Main Roads to establish a stakeholder working group to develop an appropriate mechanism through which the increased infrastructure costs from the use of heavy vehicles and those loaded in excess of limits (concessional loading) can be recovered from those benefiting, and redirected into the cost of road maintenance. <u>RESOLUTION 132.7/2018</u>	On advice from the State Solicitors Office, Main Roads WA is intending to remove the CA07 condition that requires a transport operator to obtain a letter of approval from the relevant Local Government. Main Roads is proposing to replace the condition with a notification process (CA88). After consultation with Regional Road Groups and a Stakeholder Working Group, the overwhelming majority of participants are of the view that the proposed arrangement is not an acceptable alternative. WALGA has written to Main Roads WA stating that WALGA does not support the alternative and that the position adopted by Sate Council in December 2018 has not changed.	Ongoing	Ian Duncan Exec Manager Infrastructure
2018 December 5 Item 5.9 Aboriginal Advocacy and Accountability Office Interim Submission	That the interim submission to an Office for Advocacy and Accountability in Aboriginal Affairs in Western Australia: Discussion paper be endorsed. <u>RESOLUTION 140.7/2018</u>	It is expected that this matter will progress in the second quarter of 2019. The Association has been advised that the Department of the Premier and Cabinet (DPC) will be leading a whole-of-government Aboriginal Affairs Strategy that aims to be finalised for consideration by Cabinet by the end of 2019. Although the scope of the Strategy extends only to State Government agencies DPC are seeking to keep the Association engaged and to provide	Ongoing	Mark Batty Exec Manager Strategy, Policy and Planning

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		<p>input if applicable. This Strategy is seen as complimentary to the Aboriginal Advocacy and Accountability Office concept explored at the end of 2018.</p> <p>Pending the finalisation of the review of the Aboriginal Heritage Act. It is believed an amendment Bill has now been approved for drafting.</p> <p>No further update is available at this time.</p>		
2018 September 7 Item 5.8 Interim Submission to the Independent Review of the Strategic Assessment of the Perth and Peel Regions	<p>That the Interim Submission to the Independent Review of the Strategic Assessment of the Perth and Peel Regions be endorsed <u>subject to the inclusion of:</u></p> <ol style="list-style-type: none"> 1. Further guidance regarding the form of a assurance and adaptive management framework; and 2. Reference to the costs to Local Government of the ongoing management of conservation areas and how decisions the impacts of land use within urban areas will impact on peri-urban areas. <p><u>RESOLUTION 109.6/2018</u></p>	<p>Following the SAPPR Review Panel's report to Government, which identified unresolved 'gateway issues' – legal risk, flexibility and funding - in February 2019 it was announced that the review would be extended so that these issues could be progressed and options developed.</p> <p>WALGA met with the Panel on 31 May 2019 to discuss funding options. The Review Panel also briefed the Growth Area Alliance Perth and Peel at its 13 June meeting.</p> <p>The Review Panel provided its report to the Deputy Premier in August 2019.</p> <p>WALGA met the Review Panel again in on 3 September and subsequently wrote to the Review Chair on 27 September to reiterate WALGA's in-principle support for the SAPPR, contingent on the issues raised in earlier submissions and feedback to the Review Panel being addressed satisfactorily and the establishment of a consultative and transparent process is established going forward.</p> <p>On the 26 March 2020, the Premier announced that the review of SAPPR will be deferred indefinitely, in an effort to free up resources and allow the State Government to continue to focus all efforts on responding to COVID-19.</p> <p>https://www.mediastatements.wa.gov.au/Pages/McGowan/2020/03/Administrative-changes-to-support-COVID-19-response-.aspx</p>	Ongoing	Mark Batty Exec Manager Strategy, Policy and Planning
2018 July 4 5.7 Interim Submission – Review of the State Industrial Relations System	<p>That the interim supplementary submission in response to the Interim Report of the Review of the State Industrial Relations System be endorsed.</p> <p><u>RESOLUTION 78. 5/2018</u></p>	<p>The Final Report (Report) of the review into the WA State Industrial Relations System was tabled in State Parliament on 11 April 2019. This report makes the recommendation to amend the <i>Industrial Relations Act 1979</i> (IR Act) to enable a declaration to be made that WA Local Government authorities are not "national system employers" for the purposes of the <i>Fair Work Act 2009</i> (FW Act).</p> <p>The State Government has introduced the <i>Industrial Relations Legislation Amendment Bill 2020</i> (the Bill) into State Parliament. The Bill seeks to bring all Local Governments under the State IR system.</p> <p>The State Government predicates the need for the Bill to address jurisdictional uncertainty. However, the move comes without any commitment, resourcing or support from the State Government to enable 89% of Local Governments to effectively transition, over the proposed two year period, to the State IR system.</p>	Ongoing	Tony Brown Exec Manager Governance & Organisational Services

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
		<p>The Bill will need to pass the Legislative Assembly and Legislative Council of Parliament before a declaration for the endorsement of the Hon. Christian Porter, the Federal Minister of Industrial Relations can be sought.</p> <p>The State Government's proposal is reliant on the endorsement of the Federal Minister.</p> <p>WALGA will continue to lobby against the Bill and encourages all Local Governments to lobby their opposition to this proposal that is highly detrimental to the Local Government sector with their respective State and Federal parliamentary members.</p> <p>Advocacy has increased in opposing the State Governments proposal. Meetings have been held with the State Opposition including the Liberal, National and One Nation Parties. Support has also been requested with the office of the Federal Minister for Industrial Relations, Christian Porter.</p>		
2017 July 5 5.5 Corella Project (05-046-02-0003 MH)	That State Council 1. Note the outcomes of the Coordinated Corella Control pilot program. 2. Endorse WALGA's proposed approach to the continuation and expansion of the Program in 2017/18. 3. Seek to have the program expanded to the whole of the State, including the provision of adequate resources.	<p>The Minister for Agriculture has agreed to the review of the Biosecurity and Agricultural Management Act (2007), and WALGA will raise the need to address significant incursions of this pest in town-sites and the peri urban areas across the south-west land division. The Preferred Supplier Program provides for contractors to manage this species, and WALGA continues to maintain the pest bird portal for interested members.</p> <p>WALGA awaits the Ministers release of the Terms of Reference to the review, as WALGA wants to ensure declared avian species are an issue that is addressed.</p>	Ongoing	Mark Batty Exec Manager Strategy, Policy and Planning

DECLARATION

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

Signed _____

Person presiding at the meeting at which these minutes were confirmed