



WESTERN AUSTRALIAN
LOCAL GOVERNMENT ASSOCIATION

SOUTH WEST ZONE

MINUTES

DATE Friday 28th February 2020

COMMENCING 9.00 am

VENUE Shire of Nannup

PROGRAM	9.00 am	Opening
	9.05 am	Business as per agenda
	10.15 am	Morning Tea
	10.45 am	Meeting resumes
	11.00 am	Presentations
	12.30 pm	Lunch

AGENDA FORMAT

The agenda is sent in two parts. The first, being the Zone Agenda, the second the State Council Agenda in PDF format. The State Council Agenda was emailed separately to members.

Members wishing to submit amendments to proposed motions are requested to forward a copy with a brief explanation to the Executive Officer at least 2 days prior to the meeting to enable distribution to, and consideration by members.

With the increasing size of attachments, which exceed Email, capacity Internet browser links have been provided to enable distribution of documents.

E R Fisher
Executive Officer

Distribution Lists (by Email to the following addressee)

M Archer G Henley Tony Nottle Kate Dudley	D Blurton S Stanley	M Osborne T. Smith	P Omodei A Campbell	Capel (Info) Ian McCabe M Southwell
Gaylene Godfrey A Schonfeldt M Bennett	D Taylor T Dean	T Clynych J Nicholas	S Addison - Brown I Earl	S Carstairs G Aird
Debbie Brown A Riordan P Gillett	B Piesse B Rose	C O'Brian (WALGA)	Vern McKay (Audit)	L Toohey DLG&CI

Contents

Item	Subject	Page
1	Opening & Announcements	3
2	Attendance and Apologies	3
3	Visitors	3
4	Presentations	4
5	Confirmation of Minutes	5
6	Business Arising	6
7	Reports	8
8	State Council Agenda	18
9	Discussion Forum/Zone Agenda Items & Strategic Issues	19
10	Zone Status Report	20
11	Financial	27
12	Schedule of Meetings	28
13	Closure	28
14	Attachments	29

1. Opening and Announcements

The President, Cr. T. Dean opened the meeting at 9.00 am welcomed all present and recognized the original custodians of the land, the Wandandi and Bibbulmun people.

2. Attendance & Apologies

The following attendance and apologies are recorded:

Local Government	Delegate		CEO	
Shire of Augusta – Margaret River	Cr. I Earl	Present	Mr. D Nichosen	Present
Shire of Boyup Brook	Cr. Aird	Present	Mr C Smith	Present
Shire of Bridgetown-Greenbushes	Cr. J Nicholas	Present	Mr. T Clynch	Present
City of Bunbury	Cr. T Smith	Present	Mr. M Osborne	Present
City of Busselton	Mayor G Henley	Present	Mt M Archer	Present
Shire of Capel	Cr. M Southwell	Present	Mr. I McCabe	Apology
Shire of Collie	Cr. S Stanley	Present	Mr. D Blurton	Present
Shire of Dardanup	Cr. M Bennett	Apology	Mr. A. Schonfeldt	Apology
Shire of Donnybrook-Balingup	Cr. B Piesse	Present	Mr. B Rose	Present
Shire of Harvey	Cr P Gillett	Present	Mrs. A Riordan	Present
Shire of Manjimup	Cr. P Omodei	Present	Mr. A Campbell	Present
Shire of Nannup	Cr. T Dean	Present	Mr. D Taylor Ms T Bishop	Apology Present
Executive Officer			Mr. E Fisher	Present

3. Visitors:

3.1 WALGA

Mr Tony Brown, Executive Manager Governance and Organisational Services

Mr Chris Hossen, Senior Planner, People and Place

3.2 Other Guests

Ms M Teede – CEO SWDC

Cr T Jackson

3.3 DLGS & CI.

Gordon McMill

4. Presentations

4.1 Host Council Presentation (on commencement)

Host shires are invited to provide a 15-20 minute presentation on current events affecting their local government area or to arrange an inspection of new or significant facilities of interest to members.

4.2 OAG Presentation

The OAG have advised they would like to make a presentation to a meeting in the new year.

4.3 DLGS&CI Presentations (at 11 am approximately)

4.3.1 Gordon MacMill and/or Ben Armstrong will make a presentation on the National Redress Scheme and specifically what the local government's involvement in the scheme will entail over the coming months.

4.3. The Department of Local Government, Sport and Cultural Industries (DLGSCI) has been involved in the WA Local Government Association (WALGA) Zone meetings for many years and values the opportunity to attend the 17 bimonthly meetings across the state. These meetings are a wonderful way of building relationships, sharing information and hearing about local issues and opportunities.

As you would be aware, the machinery of government changes that commenced in 2017, resulted in 34 agencies combining to make 11. As a result, the Department of Local Government, Sport and Cultural Industries was created and includes the following business areas:

- Local Government – Minister Templeman
- Culture and the Arts – Minister Templeman
- Sport and Recreation – Minister Murray
- Office of Multicultural Interests – Minister Papalia
- Racing Gaming and Liquor – Minister Papalia
- Aboriginal History Unit - Minister Wyatt

Part of the department's role is to oversee the State Local Government Partnership Agreement between the Government of Western Australia, WALGA and Local Government Professionals WA. This partnership acknowledges the valuable role local government plays and the Government's commitment to partnering with local government to support the community.

For the department to be responsive to your Zone, we are seeking your feedback on what the role of the department should be and the type of information your Zone would like to receive. We can provide information relating to the business areas above or source information from across state government more broadly.

Our initial thoughts for your consideration:

- the department to provide a 20-minute presentation at the first or second meeting of 2020 on relevant key projects;
- Zone secretariats allow 10 minutes for the department on the agenda to provide a brief update and time for discussion around key issues and opportunities for your Zone; and
- at each Zone meeting, members provide the department with topics or presentations they would like to receive at the next meeting, either from DLGSC or other state government agencies.

The following responses were submitted and have been communicated to the Department.

1. *Details on upcoming changes to regulations and other governance requirements both the extent and application. In addition the impact on the Council and any downstream implications,(staffing, costs, technology)*
2. *Strengthening of the disciplinary role of the DLG with meaningful deterrent penalties to be applied by the Standards Panel for breaches of the CoC and the Act - Information on proposals in this regard*
3. *A strategy for the delivery of education in LG matters - Currently this responsibility appears to be managed by WALGA*
4. *Opportunities for DLGSCI to return to a balance of capacity building and regulatory function, rather than the present focus solely on regulatory function.*
5. *Advice and recommendations from DLGSCI on how the scalability of regulatory/statutory compliance for individual LGs might work through the new LG Act and Regs (noting the SW Zone has the full breadth of band 1-4 LGs)*
6. *DLGSCI/Minister appetite to drive boundary reform (amalgamations);*
7. *DLGSCI/Minister appetite to undertake cost-benefit analysis of OAG's role in audit (financial and performance) of the LG sector.*

4.4 Presentations to retiring Zone representatives

The President will make presentations to the retiring Zone Representatives, if present, prior to Lunch.

Cr M Scott – Shire of Capel

Cr Tania Jackson – Shire of Harvey

Cr T Pratico – Shire of Bridgetown Greenbushes. – Apology unable to attend

5. Confirmation of Previous Minutes

Corrections

MOTION

Moved	Cr. I Earl	Seconded	Mayor G Henley	Carried
-------	------------	----------	----------------	---------

THAT the minutes of the meeting held at the Shire of Manjimup on 22nd November 2019 are confirmed as a true and correct record of the meeting.

6. Business Arising

6.1 Notice Of Motion

Cr B Piesse has submitted the following notices of Motion.

MOTION

Moved	Cr. B Piesse	Seconded	Cr P. Omodei	Carried
-------	--------------	----------	--------------	---------

THAT In view of the identified high risk of Asian Swine Flu, should it enter the country, that the SWDC be requested to address the biosecurity and economic implications of not eradicating the feral pig population in WA with particular reference to the SWZ-WALGA footprint?

Moved	Cr. B Piesse	Seconded	Cr. S Stanley	Carried
-------	--------------	----------	---------------	---------

MOTION

THAT The Assistant Minister for Regional Development be asked to advise the SWZ – WALGA regarding the future of the Building Better Region Fund.

Emerging Issues

At the next SWZ-WALGA meeting the Shire of Manjimup be asked to advise the Zone to present the rationale behind their proposition to remunerate volunteers.

Cr Omodei advised that the Council did not have a position on this matter however he expressed the concern for young volunteer firefighters who relied on their businesses for income being financially disadvantaged by being absent while fighting fires.

The issue of insurance was also raised as was the required work on mitigation work done by volunteers.

Cr Earl supported the view.

Cr Omodei foreshadowed that a motion would be forthcoming to the next meeting on this emerging issue.

6.2 Funding of Catchment Councils

Interest declared by Cr B Piesse as chair of SW catchment Council.

The following email has been received

Sincere apologies for the delay in responding to your email of 5 April 2019 regarding Funding for Catchment Councils.

Funding sources and the associated systems and processes for funding dissemination are of concern across a number of Natural Resource Management groups and community organisations. The Minister for Agriculture and Food, Hon Alannah MacTiernan MLC, has asked me to advise you that she is reviewing the concerns you have raised and is considering them within the broader context of NRM funding.

A response to your letter will be provided in the near-future. In the meantime, please feel free to contact me on (08) 6552 6200.

6.3 Access & Inclusion Alliance South West Proposal. - Report provided item 7.4

6.4 Response from WALGA re Telecommunications in Emergencies

Thank you for forwarding through all the valuable information regarding your challenges with telecommunications and your interactions with Telstra. As per our commitment, WALGA took these concerns to the State Emergency Management Committee (SEMC) meeting on Friday 13th December and I wanted to communicate our advocacy and key outcomes from the discussions.

WALGA received information from fourteen members and consolidated that into a single document, which is attached. This was tabled with all members of the SEMC, along with the Telstra representatives, the day prior to the meeting. This was to ensure your concerns were formally on the table and provided Telstra with an opportunity to frame their presentation to cover off on the issues raised.

Telstra brought four representatives to the meeting including Mr Malcolm De Silva – State Manager Enterprise and Government, Mr Paul Harrison – National Emergency Manager, Mr Shane Kinnear – WA Emergency Service Liaison, Mr Brian Young – WA Deputy Emergency Services And Mr Mark Thompson - Corporate Affairs Manager.

The National Manager led a presentation which focused primarily on their capacity to deal with large scale emergencies and did not go into much detail with respect to the key areas of interest of our members. The SEMC Chair gave WALGA the opportunity to speak to your concerns and in doing so WALGA relayed the following:

WALGA have circulated concerns raised by our members so that all SEMC members were aware of the ongoing challenges in telecommunications particularly in regional communities. Some of these concerns date back to 2016.

We recognise that Telstra is but one service provider and that they will not be able to speak to each of these issues.

There are common themes throughout the examples tabled, which include:

- Blackspots
- Battery backup failures

- unreliability/lack of consistency and duration of the battery back-up for the Telstra Exchange in the event of a sustained power outage, and the time it takes for Western Power to deliver and install a generator.
- The Telstra Exchange is powered by Western Power, and this supply is supplemented by battery back-up which automatically starts in the event of a power outage. The battery back-up is intended to provide support to the xchange for three hours but this is often not the case.
- Outages – which have led to loss of landlines and mobiles

This has significant impact on LG capability to communicate before, during and after an emergency.

LGs rely on mobile networks to notify stakeholders of Harvest vehicle movement bans, communication with and deployment of volunteers, impacts day to day operations and community services.

Telstra Notification Systems

LGs report that often when they contact Telstra they are advised that Telstra were unaware of the outages. Correspondence has indicated that Telstra explain that it is intended to be an automated notification of outages but this seems to be failing.

LGs are not only concerned about their ability to fulfil their obligations during emergencies, it clearly has consequences for residents living in these communities who are unable to ring 000, access data (in some instances) and lose communications themselves.

We are tabling these with the SEMC as Local Governments have identified risks to their communities and to date, have not been able to resolve these issues through the various channels available to them.

Telstra acknowledged that communication with Local Governments and other stakeholders is an area to work on. State agency heads also raised this as a major concern. Telstra acknowledged that in order to resolve these issues they would look into how they could better engage with Local and District emergency management committees on a consistent basis to provide more timely advice and information on the matters as they are raised. They were also cognoscente of the interdependencies with the power companies but did not offer tangible solutions to the issues raised.

Noting WALGAs concerns, Telstra have agreed to a separate meeting to discuss the matters we have raised on your behalf. My office is currently working on the timing of this meeting as a matter of urgency and I will communicate with you all again once this is known. State Councillor Stephen Strange, will also attend to provide leadership from our members at this meeting.

Should you wish to discuss further please do not hesitate to get in touch.

6.5 Replacement of Executive Officer

WALGA have provided the following advice to the Zone

The Zone Executive Officer is the principal point of contact for all Zone business

- Preparation of agendas and minutes of all meetings

- Preparation of meetings, re: meeting room bookings and set-up
- Prepare correspondence and any action items relating to all meetings
- Liaise with the President as required
- Arrange guest speakers for Zone meetings
- Assist in organisation of any other meeting or deputation.

WALGA 's Governance & Organisational Services Team will provide the service and one dedicated senior WALGA staff member will be assigned to the Zone. This will assist with continuity and follow up of any issues.

The Association can carry out the above duties at no cost to the Zone. This service fits into our Association Governance and Zone support category.

If there is work required outside of the above, this would be at additional cost or we can facilitate the appointment of consultants for specialist work required by the Zone.

MOTION

Moved	Cr. B Piesse	Seconded	Cr. P Omodei	Carried
-------	--------------	----------	--------------	---------

THAT

1. The Zone adopts the proposal by WALGA for governance and organizational services
2. The signatories to the Commonwealth Bank account be the Zone President and new Executive Officer

7. Reports

7.1 WALGA State President's Report September

MOTION

.Moved	Cr .T Smith	Seconded	Cr. S Stanley	Carried
--------	-------------	----------	---------------	---------

THAT the report be received

MOTION

Moved	Cr. I Earl	Seconded	Cr .J Nicholas	Carried
-------	------------	----------	----------------	---------

THAT the Executive Officer write to the President of WALGA **Cr Lynne Craigie OAM** thanking her for her service over two terms as president of WALGA

In this, my final, report as President, I would like to recognise the hard work of WALGA staff in their ongoing management of our Association's governance and engagement with Members through reports such as this, as well as WALGA State Council and CEO for their support and assistance to me in my role as President.

Deployment of 5G Telecommunications Infrastructure

I was pleased to be able to contribute to the Federal Parliamentary Inquiry into the Deployment of 5G Telecommunications in February, based on the submission endorsed by State Council in December. We highlighted that Local Governments welcome the economic and social benefits that can be realized through improved telecommunications services, but that the needs of telecommunications service providers are not the only consideration in the development of cities, towns and suburbs. We were able to highlight the additional costs that Local Governments face when inadequate planning and consultation leads to telecommunications infrastructure being in the way of road improvement work or interferes with the safe operation of existing infrastructure in the road reserve. The Association also drew attention to the weaknesses of some consultation processes in demonstrating to the community how the plans had responded to concerns raised.

National Redress

WALGA, on behalf of Local Government, has been engaging with State Government and LGIS on the National Redress Scheme (NRS) since July 2018. The NRS is the largest social justice reform to sweep the country as all State and Territory Governments responded to recommendations from the Royal Commission. The NRS provides compensation for institutional child sexual abuse survivors. Importantly the NRS was designed on humanitarian principles that ensure the best course for redress is made available to survivors, past, present and future. As your President, I applaud State Council and the relevant Policy Team, in their ability to critically engage with this complex topic and then to endorse in time critical stages key recommendations that provided our sector the opportunity to fairly engage in negotiations with State Government. Furthermore I applaud State Government for their leadership and professionalism to execute a decision in partnership with our sector that truly reflects and respects the capacities of Local Government.

The final outcome of these negotiations has resulted in State Governments full endorsement of Local Government as a participant in the State's declaration for the NRS, with full financial coverage and administrative support in the event an application is made against a Local Government. WALGA will commence work with the State Government to formalise these arrangements through a Memorandum of Understanding, and Local and State Government will now shift its focus to inform, and building capacity of, the sector of necessary considerations and actions that prepare Local Government for participation in the NRS. Whilst it remains unknown if, or how many, survivors were abused in a Local Government context, there is now system and process in place that minimises the risk and impact to a Local Government from the actions made in the past and in the future, whilst still providing the best possible opportunity for redress to survivors. All Local Governments need to be acknowledged for their ongoing engagement in the NRS and for professionalism displayed in dealing with socially complex problems like this one.

Rail Access Regime

It was pleasing to see the recently announced decision to progress reforms to the rail access regime in Western Australia. In December 2017 WALGA State Council endorsed a series of recommendations for changes to the arrangements in support of the WALGA policy that freight should be carried on rail where this is viable, lessening the impact and financial burden on local roads. The agreed changes are designed to make prices fairer for access seekers and rail operators, by changing the asset valuation method, increasing transparency and making the process more efficient by adding timeframes and information requirements.

While it is likely that drafting changes to the Railways (Access) Code 2000 will take some time, it is a positive step toward ensuring that rail contributes to meeting the State's growing freight task.

Perth and Regional Bicycle Network Grants

In response to requests from the sector, WALGA has been strongly advocating that project funding decisions and announcements be made early enough to enable timely Local Government planning and budgeting. I was pleased to read in January the announcement of \$7.6m of funding in 2020/21 and 2021/22 to 45 Local Governments in metropolitan and regional areas to provide new cycling and pedestrian facilities.

This timely announcement, rather than waiting until May or June, will give the Local Governments involved a much better chance of delivering these project in a timely and efficient way and is a good outcome for the sector.

Wheatbelt MOU

Within Western Australia, the Wheatbelt region comprises of 43 Local Governments and covers approximately 157,000 square km of the State. Over the years Wheatbelt Local Governments have been faced with GP shortages, raising concerns through the Zones and through the North East Wheatbelt Region Organisation of Councils (NEWROC). At the December 2019 meeting, WALGA State Council endorsed the reinstatement of the Wheatbelt Health Memorandum of Understanding (MOU) and to provide executive support in order to improve health and medical services in this region. The former Wheatbelt Health MOU Group was established in December 2006 and ceased in approximately late 2015. The proposed partners to the new MOU will be the WA Country Health Service, Rural Health West, WA Primary Health Alliance, Wheatbelt Development Commission, and most importantly Local Government representatives from each of the three Wheatbelt Zones; Avon Midland Country Zone, Central Country Zone and Great Eastern Country Zone. An inception meeting is to be held in the coming months to discuss and draft the MOU for endorsement. It can be anticipated that elements of the newly formed partnership will follow the principles from the State Local Partnership Agreement and focus on health service delivery outcomes. This will put Local Government at the table to drive key decisions that directly impact the health and wellbeing of members of the community.

PRESIDENT'S CONTACTS

From the 4 December to 3 March 2020 period, contacts that have occurred or are scheduled to take place prior to the March State Council meeting are as follows:

State Government Relations:

- Hon. David Templeman, MLA, Minister for Local Government; Heritage; Culture and the Arts
- Hon. Bill Johnston MLA, Minister for Mines
- Hon. Minister Mick Murray MLA, Minister for Seniors and Ageing; Volunteering; Sport and Recreation
- Parliamentary Inquiry Hearing 5G Telecommunications

Local Government Relations

- LGIS Independent Board Member Interview x 4
- Mining Communities Policy Forum
- LGISWA Board meeting
- LGISWA Board function
- City of Perth Annual General meeting – Lord Mayor’s Relief Fund
- City of Melville Mayoral Dinner
- CEO’s Health and Wellbeing Roundtable
- Shire of Toodyay, CEO Stan Scott
- Bushfire Emergency Support meeting
- Local Government Recycling meeting
- LGISWA Board meeting
- Select Committee into Local Government Hearing
- ALGA Strategic Board Planning meeting
- Local Government House Trust Board of Management meeting
- Finance and Services Committee meeting
- Emergency Management Policy Team Forum
- Municipal Waste Advisory Council

Conferences / Workshops / Public Relations

- Council House Breakfast
- Round WA Dinner
- President’s Farewell Cocktails
- WA RAC Teleconference (25 February)

Zone Meetings

- Pilbara Country Zone meeting
- Great Southern Country Zone meeting

THANK YOU

As this round of zone meetings will be my last as WALGA President, I would like to thank everyone for your support over the past five years. It has been a privilege to represent the sector as your Association President, and I have been pleased to see positive outcomes arising from the collaborative approach we have established with State Government through the State Local Government Partnership agreement. I believe the sector is in good shape, and during my tenure I have endeavored to shine a light on the great work that is being carried out by so many of our members from all corners of our State. Your many and varied achievements on behalf of local communities are to be commended, and I have no doubt they will continue into the future, ably supported by WALGA as your representative body.

7.2 Implications of Biodiversity Conservation Act on the application of the Bushfires Act

At the November 2020 meeting it was resolved that the EO write to the Minister for Environment and the Minister for Emergency Services seeking clarification on the adverse implications and unintended consequences impacting on volunteer fire fighters and landowners of the requirement to comply with section 150 of the Biodiversity Conservation Act (2016)"c.

A copy of the letter will be forwarded to WALGA

A response has been received from Ministers Dawson and Logan and copies of the letters are attached to the agenda.

7.3 Local Government House Trust – Deed of Variation

The City of Busselton along with other Councils, have advised that Councils are being asked by WALGA to approve by formal resolution a Deed of Variation. The City of Busselton have suggested this be a topic for discussion at the Zone meeting and have provided a copy of their letter and attachments.

The contents of the letter are as follows:

I am writing to seek your Council's consent by formal resolution to a variation to the Trust Deed for the Local Government House Trust (The Trust).

City of Busselton is a unit holder and beneficiary to the Local Government House Trust, holding 7 unit/s as advised in WALGA's recent Quarterly Report Q4 2019.

The Trust's Board of Management is seeking to vary the Trust Deed in order to assist the Trust's income tax exempt status. As stipulated by the Deed, the Trust requires consent of at least 75 per cent of all beneficiaries in order to execute this variation.

As a beneficiary, the City of Busselton is requested to consent to the enclosed Deed of Variation supported by a resolution of Council; and to communicate this consent to us in writing. Please note, we are requesting consent for the Trustee to formally execute the attached Deed of Variation – your Local Government is not required to sign the enclosed document.

Further details on the particular Deed Variations and objectives to be achieved by this variation are outlined below.

Background on the Local Government House Trust

The Local Government House Trust ("The Trust") exists primarily to provide building accommodation for the Western Australian Local Government Association. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.

The current trust deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies "upon Trust" and in proportion to the units provided.

Commencement date of the current deed is 17 February 1993, with a vesting date 79 years

from commencement - which means that the Trust ends in 2072.

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to Division 1AB of the Income Tax Assessment Act 1936.

Trust Deed Variation

Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust's income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB).

Legal advice identified that the Trustee's ability to retire and appoint a new Trustee might affect the Trust's classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk nonetheless.

Subsequently the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. removing the existing Trustee's power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation)
2. enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation), and
3. ensuring that the Board of Management is the 'governing body' of the Trust (Clause 2.3 of the Deed of Variation)

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows (proposed amendments shown in red text):

1. Variation 2.1 amends clause 22.1 to point to additional clause:

22.1 Any Trustee of the Trust may retire as Trustee of the Trust. The Subject to clause 22.3, the right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.

2. Variation 2.2 inserts two new clauses:

22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:

- (a) remove a Trustee from the office as Trustee of the Trust; and
- (b) appoint such new or additional Trustee.

3. Variation 2.3 insert a new clause 13A

13A Delegation to the Board of Management

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

Comment

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.

Thank you for your consideration of the above amendments we look forward to receiving formal consent to execute these changes via resolution of Council.

If you have any questions regarding the variations, please email Financial Controller Rick Murray at rmurray@walga.asn.au.

Yours sincerely,

Nick Sloan | Chief Executive Officer | WALGA

The attachments have been sent separately with this agenda

7.3 Government Guarantee Loan Fees

MOTION

Moved	Cr. T Smith	Seconded	Mayor G Henley	Carried
-------	-------------	----------	----------------	---------

THAT the South West Zone:

- 1) Notes its disappointment that the state Treasurer has no plan to review the rate charged for the State Government Guarantee Fee payable by Local Government Authorities for loans outstanding with the Western Australian Treasury Corporation; and***
- 2) Requests that WALGA raises this matter with the Treasurer to further advocate for a removal of the fee due to the financial burden the increase in the State Government Guarantee Fee has on the community.***
- 3) WALGA be approached to formulate a research paper on the introduction and continuation of the State Government Guarantee Fee.***

Submitting Council	City of Bunbury
Meeting Date	28 February 2020
Subject	Government Guarantee Loan Fees
In Brief	This agenda item is to bring the issue of high GFEE's imposed by the State Government on local government loans from WATC to South West Zone's attention

RECOMMENDATION

That the South West Zone:

- 1) Notes its disappointment that the state Treasurer has no plan to review the rate charged for the State Government Guarantee Fee payable by Local Government Authorities for loans outstanding with the Western Australian Treasury Corporation; and***
- 2) Requests that WALGA raises this matter with the Treasurer to further advocate for a removal of the fee due to the financial burden the increase in the State Government Guarantee Fee has on the community.***

Background

As part of the 2015/16 WA State Budget the State Government increased the GFEE payable by LGA's for loans outstanding with the WATC to 0.7% p.a. from 0.1% p.a. previously charged. This increase in the GFEE rate was applied from 1 July 2015 on the balance of all existing and future debt held by LGA's with WATC.

The GFEE is a charge imposed by the State Government, with the WATC directed by the Treasurer in accordance with its legislation to collect the GFEE on behalf of the State Government and forward the proceeds to the Department of Treasury. This fee represents the explicit guarantee provided by the Treasurer on behalf of the State for the financial liabilities incurred by WATC to the financial markets, in raising loan funds for agencies.

The Chief Executive Officer for City of Bunbury recently sought clarification as to the rationale for such a proportionately significant cost for the GFEE rate in lieu of the low interest rates applicable today and taking into consideration that it is unknown for a LGA to default on loan borrowings.

The Minister's response stated that while this fee may currently represent a historically high percentage of the overall interest costs charged by the WATC, it remains that this fee represents a charge for the provision of an explicit guarantee for financial liabilities incurred by WATC on behalf of its clients rather than a charge linked to the interest rate being applied to those liabilities.

The Minister's response also advised that there is currently no plan to review the methodology for the Loan Guarantee Fee.

Comments

With interest rates now significantly lower than in 2015, the GFEE of 0.7% represents a significant portion of the interest cost charged by WATC. For example today's Indicative Local Government Interest Rates for a 10 year loan with semi-annual

repayments is 1.32%. With the 0.7% GFEE added to this, the total interest rate is 2.02%. This means that the GFEE is over 34 % of the interest cost and would be greater for shorter term loans with lower interest rates.



Hon Ben Wyatt MLA
Treasurer; Minister for Finance; Aboriginal Affairs; Lands

Our Ref: 69-16992
Your Ref: DOC/472530



Mr Mal Osborne
Chief Executive Officer
City of Bunbury
PO Box 21
BUNBURY WA 6231

Dear Mr Osborne

LOCAL GOVERNMENT LOAN GUARANTEE FEE

Thank you for your letter of 5 December 2019 regarding your concerns about the current rate of the Local Government Loan Guarantee Fee in relation to current interest rates.

As you are aware, section 13 of the *Western Australian Treasury Corporation Act 1986* (the Act) provides an explicit guarantee of liabilities incurred by the Western Australian Treasury Corporation (WATC). This section also provides for the Treasurer to charge a fee for the provision of this guarantee, which the Act enables the WATC to pass onto agencies that borrow from it.

While the fee may currently represent a historically high percentage of the overall interest costs charged by the WATC, it remains that this fee represents a charge for the provision of an explicit guarantee for financial liabilities incurred by WATC on behalf of its clients rather than a charge linked to the interest rate being applied to those liabilities.

There is currently no plan to review the methodology for the Loan Guarantee Fee.

Thank you for bringing your concerns to my attention, and I trust that these comments are of some assistance.

Yours sincerely

Ben Wyatt MLA
TREASURER

22 JAN 2020

Level 11, Dumas House, 2 Havelock Street, West Perth, Western Australia 6005

Telephone: +61 8 6552 5900 Fax: +61 8 6552 5901 Email: Minister.Wyatt@dpc.wa.gov.au

Submitting Council	City of Bunbury
Meeting Date	28 February 2020
Subject	Access & Inclusion Alliance South West Proposal
In Brief	At the meeting of 30 August 2019, this matter was listed for discussion. City of Bunbury CEO Mal Osborne agreed to look at the proposal and provide feedback for the next meeting in February.

7.4 SW Access & Inclusion Alliance

MOTION

Moved	Cr. T Smith	Seconded	Mayor G Henley	Carried
-------	-------------	----------	----------------	---------

That the South West Zone;

- 1) Decline the proposal for a commercially facilitated SW Access & Inclusion Alliance;***
- 2) Thank Mr Aldridge for his efforts in submitting the proposal to the Zone;***
- 3) Request that WALGA approach the Disability Services Commission, National Disability Insurance Scheme and the South West Development Commission to explore the development of an informal SW Access & Inclusion Alliance.***

RECOMMENDATION

That the South West Zone;

- 1) Decline the proposal for a commercially facilitated SW Access & Inclusion Alliance;***
- 2) Thank Mr Aldridge for his efforts in submitting the proposal to the Zone;***
- 3) Request that WALGA approach the Disability Services Commission, National Disability Insurance Scheme and the South West Development Commission to explore the development of an informal SW Access & Inclusion Alliance.***

Background

At the WALGA SW Zone meeting held 30 August 2019, Mr Ben Aldridge presented a proposal for 30 Foot Drop Pty Ltd to facilitate a SW Access and Inclusion Alliance. The proposal outlined a series of meetings between South West Local Governments with the purpose of fostering collaboration and partnerships around access and inclusion initiatives across the region. The CEO of the City of Bunbury Mal Osborne agreed to review the proposal in conjunction with other CEO's and provide a response back to the SW Zone.

Legislation

N/A

Comments

A teleconference with the SW Local Government representatives was held on 17 January 2020 to discuss this proposal. The proposal for an external commercial facilitator such as 30 Foot Drop was not supported. However the idea of an informal group to collaborate on access and inclusion initiatives across the region was suggested and supported. It was recommended that WALGA approach DSC, NDIS and SWDC to explore the possibility of an informal SW access & inclusion alliance.

7.5 Request to Main Roads WA to permanently rectify the recurrence of flushing/bleeding on the South Western Highway and the Donnybrook-Boyup Brook Road.

MOTION

Moved	Cr. B Piesse	Seconded	Cr. G Aird	Carried
-------	--------------	----------	------------	---------

THAT the South West Zone of WALGA:

Seeks WALGA's support in taking an advocacy position to support the Shire of Donnybrook Balingup request to Main Roads WA to permanently rectify the recurrence of flushing/bleeding on the South Western Highway and the Donnybrook-Boyup Brook Road.

Submitting Council	Shire of Donnybrook Balingup
Meeting Date	28 February 2020
Subject	Performance Concerns with State Managed Roads
In Brief	This agenda item is to seek WALGA's support in taking an advocacy position on the matter of recurrence of flushing/bleeding on the South Western Highway and Donnybrook – Boyup Brook Road to Main Roads WA.

RECOMMENDATION

That the South West Zone of WALGA:

Seeks WALGA's support in taking an advocacy position to support the Shire of Donnybrook Balingup request to Main Roads WA to permanently rectify the recurrence of flushing/bleeding on the South Western Highway and the Donnybrook-Boyup Brook Road.

Background

In the summer of 2017/18, large sections of recently completed Main Roads WA (MRWA) works on State Highways and significant roads suffered from substantial flushing/bleeding of new seals, during periods of high temperatures. This also occurred in the summer of 2018/19 and again in 2019/20.

When flushing/bleeding does occur, it results in bitumen and aggregate collecting on vehicle tyres, which is subsequently flicked off, potentially causing damage to both the vehicle being driven and those travelling in close proximity.

The collected material is also spreading well beyond the problem areas, impacting on the amenity of the Shire's townsites and residential areas, when it is carried by vehicles (and subsequently pedestrians) into businesses, parks, reserves and private properties.

The bleeding has been severe enough in some cases, to remove (or reduce the visibility of) line markings on the road, which has resulted in motorists travelling outside of designated traffic lanes, and increases the risk of accidents occurring.

MRWA have previously advised that this issue typically only occurs in the first year of a new seal, and that the treatment is to apply aggregate or sand to the affected area to mop-up the excess bitumen. Unfortunately, the Shire has noted repeated occurrences of the flushing/bleeding in the same sections of highways and significant roads over multiple summers.

The Shire's concern is that the remedial treatment being undertaken represents a temporary short-term fix (rather than an enduring solution) and is not reducing the frequency of the flushing/bleeding of these seals, nor is it dealing with the cause. Furthermore, unless MRWA adopts an alternative methodology for future upgrades and re-sealing works, it is anticipated that the South Western Highway and the Donnybrook - Boyup Brook Road are likely to face this issue on an ongoing annual basis.

The Shire appreciates the significant role that major transport routes play in the region, and the challenges associated with maintaining and upgrading them. The Shire also acknowledges that flushing/bleeding is always a risk when new seals are applied and that this issue has occurred in the past. However, the frequency and the extent of the flushing/bleeding appears to be far greater than in the years prior to the summer of 2017/18, and appears to be occurring at higher rates than in other regions of the State.

The impacts of this reoccurring issue have not been measured, however the Shire has received a number of complaints from both private residents, visitors and business operators. Furthermore, the Shire is aware of significant negative publicity that has been generated across all forms of media (including social media) which is likely to have influenced road users (including tourists) to use alternative routes, thereby impacting on local businesses. The Shire is concerned that this issue is likely to be compounded in the next 3-5 years given the forecast increase from circa 8,300 current traffic movements a day through Donnybrook to more than 11,000 plus in the next three years and with particular reference to the increased road train and axle loadings relating thereto.

Comments

Due to the adverse impacts on local residents, businesses and visitors; and the repeated nature of the issue over several summer periods, it is considered appropriate that the Shire seek the support of neighbouring local government authorities and WALGA to identify an enduring solution to the matter.

8. State Council Agenda

The State Council Agenda numbers and page numbers have been retained for easy reference.

5.	MATTERS FOR DECISION	6
5.1	National Redress Scheme – Future Participation of WA Local Governments (05-086-03-0004 KD)	6
5.2	Submission on Aboriginal Empowerment Strategy (05-032-03-0011 SM)	9
5.3	WALGA Submission on Independent Review of the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)	18
6.	MATTERS FOR NOTING / INFORMATION	30
6.1	Draft Position Statement: Residential Aged Care – Submission (05-036-03-0053 AR). 30	
6.2	Managing Housing Health Risks in WA (05-031-01-0001 BW)	32
6.3	Submission on Modernising the <i>Environmental Protection Act (1986)</i>	34
6.4	Submission to the Productivity Commission on the National Transport Regulatory Reform (05-006-03-0013 ID)	36
6.5	Submission to Joint Select Committee on Road Safety (05-009-03-0050 MS)	38
6.6	WALGA Submission on Native Vegetation in Western Australia Issues Paper	40
6.7	Proposed Amendments to the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> for Container Deposit Scheme Infrastructure (05-036-03-0064 VJ)	42
6.8	Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)	44
6.9	2019 Annual General Meeting Status Update (01-003-02-0003 TL)	47
7.1	Key Activity Reports	52
7.1.1	Report on Key Activities, Environment Policy Unit (01-006-03-0017 MJB)	52
7.1.2	Report on Key Activities, Governance and Organisational Services (01-006-03-0007 TB)	55
7.1.3	Report on Key Activities, Infrastructure (05-001-02-0003 ID)	58
7.1.4	Report on Key Activities, People and Place (01-006-03-0014 JB)	60
7.2	Policy Forum Reports	62
7.2	Policy Forum Reports (01-006-03-0007 TB)	62

8.1 Endorsement of State Council Recommendations

MOTION

Moved	Cr. I Earl	Seconded	Cr. S Stanley	Carried
-------	------------	----------	---------------	---------

THAT *the recommendations in the State Council Agenda being items 5.1 – 5.3*

8.3 Matters for Noting/Information - Item 6.1

MOTION

Moved	Cr. M Southwell	Seconded	Mayor G Henley	Carried
-------	-----------------	----------	----------------	---------

THAT the items be received

7.1 Key Activity Reports

MOTION

Moved	Mayor G Henley	Seconded	Cr. I Earl	Carried
-------	----------------	----------	------------	---------

THAT the items be received

7.2 Policy Forum Reports

Noted

Discussion Forum/Zone Agenda Items/Strategic Issues

Items submitted for discussion

- Roads to Recovery
- Biosecurity issues,
- Significant delays in approvals for permits to clear roads
- Verge clearing
- Regional Waste Disposal

Request member councils submit comments to the EO for inclusion in the agenda.

Ms. M Teede – CEO SWDC Comments

- Developing Strategic Plan
- Current focus on Bunbury projects including port development projects
- Need to connect TAFE and University with Industry
- Busselton Airport terminal
- Tourism grants funding to increase support
- Pending REDS Grant - Growth stimulation

SOUTH WEST COUNTRY ZONE STATUS REPORT FEBRUARY 2020

Zone	Agenda Item	Zone Resolution	WALGA Response	Update	WALGA Contact
Sth West C	2019 June 28 Zone Agenda Item 7.5 Reactivation of South West Rail Line	THAT WALGA advocate for the State Government to make a clear decision on the reactivation of the South West rail line.	<p>Talison and Arc Infrastructure are continuing to develop a feasibility study in relation to utilizing rail to transport lithium ore from Greenbushes to Kemerton.</p> <p>The Department of Transport is preparing a south west regional freight strategy that will consider supply chains for agricultural and other products (including lithium). This will integrate information from the draft Westport Strategy and the Arc / Talison work.</p> <p>Advice to Government is anticipated to be completed in late 2019. The Association has and will continue to advocate for a transparent decision regarding the future use of the South West rail line.</p>	February 2020	Ian Duncan Executive Manager Infrastructure iduncan@walga.asn.au 9213 2031
Sth West C	2019 June 28 Zone Agenda Item 8.1 State Council Agenda Items Excluded for further discussion	<p>That WALGA</p> <ol style="list-style-type: none"> 1. Seek a commitment from the Waste Authority to complete an audit into downstream processing of mixed plastic that are shipped overseas to ensure this waste is not ending up in illegal recycling centres with large amounts either burned or buried in landfill. 2. Advocates to the State Government to consider a State Government rescue package using the Waste Levy as is the case in other States. 	Further updates will be provided through the Key Activities Report	February 2020	Mark Batty Executive Manager Environment and Waste Mbatty@walga.asn.au 9213 2078
Sth West C	2019 March 22 Zone Agenda Item 7.7 Funding Commitment Towards Strategic Transport Network Infrastructure In South West Western Australia	<ol style="list-style-type: none"> 1. That the South West Zone of WALGA adopts an advocacy position of seeking a commitment to funding from: <ol style="list-style-type: none"> a. Western Australian State Government; and/or b. Australian Federal Government; and/or c. Private industry to better manage the ever increasing numbers of heavy vehicle haulage and light vehicle users within the south-west (particularly including South Western Highway), including the possibility of re-instating and re-opening the disused South West Railway, as well as the future expansion and improvements 	The Infrastructure Policy Team requested that the Association investigate the need for and feasibility of developing a road project advocacy tool to support Local Governments and Zones in their advocacy for specific road developments given the large number of potential projects across the State.	February 2020	Ian Duncan Executive Manager Infrastructure iduncan@walga.asn.au 9213 2031

		<p>of our road networks for the south-west region as part of the investment of our future infrastructure and road networks.</p> <p>2. That the South West Zone of WALGA requests the WALGA State Council to consider adopting the advocacy position outlined in Recommendation 1, above.</p>			
Sth West C	<p>State Council Agenda 4 Dec 2019 Item 5.12</p> <p>Reforms to the Building Approval Process for Single Residential Buildings in Western Australia</p>	<p>1 THAT The recommendation be amended by the addition of a further paragraph,</p> <p>2 That WALGA advise DMIRS that it is considered that the local government be permitted to opt out of the approvals for single residential dwellings, therefore allowing private registered building surveyors to perform those functions.</p>	<p>The South West Country Zone recommendation suggests that a Local Government could Opt out of being the Permit Authority for issuing the Building Permit for all single residential dwellings, which is more aligned with Option 2 of the DMIRS consultation paper, permitting full private certification for these types of builds. This recommendation is a significant change to the current State Council Policy position, endorsed in December 2012, which supports the retention of Local Government as the 'Permit Authority' and opposes any move towards full private certification in WA. Through the consultation process, Option 2 was not considered to be feasible, given the major flaws being experienced by other States, the cost to the consumer, and the conflict of interest concerns with a fully privatized system. Given no other Zone indicated Option 2 is a suitable option, the move to full private certification is not supported, even just as an 'Opt in' or 'Opt out' proposal for an individual local government.</p> <p>State Council Resolution</p> <p>That WALGA:</p> <p>1. Advise the Department of Mines Industry Regulation and Safety (DMIRS) that Option 3 of the Consultation Regulatory Impact Statement, improvements to the single residential building approvals process, is supported in principle, subject to the following matters being addressed in consultation with the Local Government sector:</p> <p>a) Prior to any regulatory changes, a review of the building fees and charges is essential, to ensure that any costs associated with the approval of building work, implementation of mandatory inspections, compliance and enforcement actions, and record keeping requirements for the</p>	February 2020	<p>Joanne Burges Executive Manager, People and Place jburges@walga.asn.au 9213 2018</p>

			<p>Local Government sector, will result in full cost recovery</p> <p>b) The Independent Building Surveyor who signed the Certificate of Design Compliance should be responsible for undertaking the inspections, therefore, Local Government would not be solely responsible for mandatory inspections</p> <p>c) The State Government's registration process for the Builder should be strengthened to ensure that the builder fulfils their obligations for compliance with the National Construction Code</p> <p>d) Implementation of mandatory inspections should be undertaken by properly qualified and independent personnel, at the following stages (at a minimum) of the construction process</p> <ol style="list-style-type: none"> 1. Foundations and footings 2. Slab/reinforcement of bearers/joists 3. Waterproofing 4. Roof, and 5. Occupancy or final completion <p>e) The occupancy or final completion inspection must ensure that the bushfire construction and energy efficiency requirements have been complied with, and</p> <p>f) The removal of the proposed 'fast track approval' concept, as is not warranted nor properly justified as an improvement option.</p> <p>2. Advocate for the Building Commissioner to provide an appropriate level training for Local Government building inspection officers; and</p> <p>3. Endorse the submission of this State Council report to the DMIRS, as the Association's submission on the Consultation Regulatory Impact Statement.</p> <p><u>RESOLUTION 153.7/2019</u> <u>CARRIED</u></p>		
Sth West C	2019 March 22 Zone Agenda Item 7.3 Domestic Violence Communities	<p>That</p> <p>The SWZ request WALGA to begin to develop an advocacy position on family and domestic violence.</p> <p>A sector working group is formed to guide the</p>	<p>A Mental Health and Local Government Forum was held in Perth on 11 November 2019 which explored the policies and initiatives Local Governments are implementing to address mental health in local communities. The CEO of Our Watch intended to present, however was unable to do so and returned to deal with an</p>	Ongoing	<p>Joanne Burges Executive Manager, People and Place jburges@walga.asn.au 9213 2018</p>

		<p>consultation process and a state wide forum be held to raise awareness of the issue within the sector</p> <p>A formal request be made that Our Watch and other key stakeholders are invited to present to the sector.</p>	<p>urgent organisational matter. WALGA has written to the South West Country Zone regarding this matter and will reschedule an opportunity with Our Watch in 2020.</p> <p>A survey of Local Governments was undertaken between September and December 2019 to explore the role of Local Governments in addressing family and domestic violence. A discussion paper is now being prepared using the results from the Local Government survey. In January 2020 WALGA contacted the Municipal Association of Victoria, as well as other Local Government Associations, to obtain information on the role they are undertaking to address family and domestic violence and this will also be included in the discussion paper.</p>		
Sth West C	<p>2017 November 24</p> <p>Zone Agenda Item 9.2</p> <p>Shire of Capel Submission Local Government Grant Scheme (ESL) Eligible Expenditure</p>	<p>That WALGA be requested to lobby the State Government for:</p> <ol style="list-style-type: none"> 1. A comprehensive review of items of eligible expenditure under the Local Government Grant Scheme to enable the full costs of operating Volunteer Bush Fire Brigades to be met; and <p>The establishment of the general principle of equality of eligible expenditure across all emergency services for operating costs associated with their activities.</p>	<p>The State Government has advised that the recommendations from the Economic Regulation Authority review of the Emergency Services Levy is being considered as part of the Machinery of Government process currently reviewing the structure of DFES. This process includes a review of the ESL governance and operational arrangements.</p> <p>WALGA will continue to lobby for a review of the items of eligible expenditure under the Local Government Grant Scheme to enable the full costs of operating Volunteer Bush Fire Brigades to be met; and the general principle of equality of eligible expenditure across all emergency services for operating costs associated with their activities.</p> <p>WALGA are in discussions with DFES regarding a comprehensive review of the eligible and ineligible item lists contained within the Local Government Grant Scheme Manual.</p> <p>WALGA most recently met with DFES on 21 May 2018 to discuss the Local Government Grant Scheme. The Association was pleased to hear there is recognition of the need for a review, particularly since the State Governments announcement of a Rural Fire Division and subsequent mitigation funding announced in the recent state budget. This provides a timely opportunity to review the principles and associated procedures manual. WALGA welcomed this approach and it is the Associations aim to build on the contributions of members</p>	Ongoing	<p>Joanne Burges Executive Manager, People and Place jburges@walga.asn.au mailto:wcarter@walga.asn.au 9213 2018</p>

			<p>during the Review of the ESL conducted by the Economic Regulation Authority. Further meetings with DFES will be established in late July to progress the scope of a review.</p> <p>A meeting is scheduled for 17 August and outcomes will be communicated the week following along with updates provided at the zone meetings.</p> <p>WALGA are working with DFES to finalise a discussion paper and workshop to initiate a review Local Government Grants Scheme. The sector will be notified of the engagement and consultation strategy once finalised.</p> <p>WALGA have been successful in advocating and establishing a working group led by DFES to review the LGGS. Please refer to Item for noting in the State Council agenda.</p>		
Sth West C	<p>State Council Agenda 4 Dec 2019 Item 5.15</p> <p>Submission on the Climate Change in Western Australia Issues Paper</p>	<p>THAT the WALGA submission on the Climate Change in Western Australia Issues Paper be endorsed, with the following amendment to Section 1.1, fourth bullet point:</p> <p>3 "transitioning affected workers in the Collie region and support the diversification of the Collie and South West economies"</p>	<p>State Council Resolution</p> <p>That the WALGA submission on the Climate Change in Western Australia Issues Paper be endorsed, with the following amendments to be included:</p> <ol style="list-style-type: none"> 1 Greater emphasis on transitioning affected workers in the Collie region and support the diversification of the Collie and South West economies; 2 Increase the investment of funding for the restoration and management of the Swan River foreshore; 3 Use money collected from the landfill levy to assist local governments in investigating and remediating former landfill sites which were operated in accordance with best industry best practice at the time; 4 The inclusion of an additional bullet point under the heading 'protecting biodiversity' providing 'recognise the significant role that native forests have as carbon stores and valuing these assets accordingly'. <p>RESOLUTION 156.7/2019 CARRIED</p> <p>Following State Council's endorsement, WALGA's submission in response to the Climate Change in</p>	February 2020	<p>Mark Batty Executive Manager Environment and Waste Mbatty@walga.asn.au 9213 2078</p>

			Western Australia Issues Paper was submitted to the State Government in December 2019.		
Sth West C	30 August 2019 Zone Agenda Item 7.6 Amendments to CALM Act	<p>That the SW Zone request WALGA lobby;</p> <p>A. For policy change of the Conservation and Land Management Act 1984 to ensure impacted landholders are adequately supported and recompensed in the instance where State Government activities and/or incidents resulting in damage to property; and</p> <p>B. Seek clarification on the status of the Department of Conservation and Attractions Good Neighbor Policy and when (or if) it applies; and</p> <p>C. That the State Government widely communicate the amendments made in 2016 to Section 132 of the Conservation and Land Management Act 1984 and the implications of these amendments on landholders; and</p> <p>D. That the State Government recompense impacted landholders from the Lewana and Blackwood Complex bushfires.</p>	WALGA has followed up with the Department of Biodiversity Conservation and Attractions, and is still awaiting a response.	February 2020	Mark Batty Executive Manager Environment and Waste Mbatty@walga.asn.au 9213 2078
Sth West C	2018 24 August Zone Agenda Item 7.1 Restrictions on taking gravel from DBCA Reserves	<p>THAT:</p> <p>The South West Zone of WALGA:</p> <p>1. Request WALGA to seek reconsideration of present DBCA (Parks and Wildlife Service) policy/position of refusing approval and/or prohibiting access by local governments to extract gravel on DBCA reserves and forest areas.</p> <p>Propose a policy to DBCA that protects forests from the spread of dieback while allowing access to gravel for road building by local government authorities</p>	<p>WALGA raised with the Director General of the Department of Biodiversity, Conservation and Attractions (DBCA) at the next meeting. The <i>Conservation and Land Management Act (1984)</i> may allow the Director General to enter into agreements that may include such activities. Final agreement will need to be sought by the Conservation Commission.</p> <p>Access needs to be negotiated, in the first instance, with the DBCA Regional Manager.</p> <p>Ongoing.</p>	February 2020 Ongoing	Mark Batty Executive Manager Environment and Waste Mbatty@walga.asn.au 9213 2078
Sth West C	State Council Agenda 4 Dec 2019 Item 5.5 Local Government Financial Ratios	<p>THAT WALGA advocate for a complete review of Government Financial Management Regulations in consultation with the Auditor General's office, with consideration of:</p> <ul style="list-style-type: none"> Bands of local government to reflect the 	<p>This item was put forward due to concerns from the sector with the current ratios and indicators.</p> <p>The feedback from the sector through the Zone process has been very useful and it is appropriate to defer this item and form a Sector Reference Group to fully review</p>	February 2020	Tony Brown Executive Manager Governance and Organisational Services 9213 2051 tbrown@walga.asn.au

		<p>diversity of local government operations across the state.</p> <ul style="list-style-type: none"> • Calculation methods including inclusions and exclusions of grant funding and expenditure. • Fluctuations from year to year. 	<p>the ratios. Due to Christmas/New Year period, it is suggested that a report come back to the April/May 2020 Zone/State Council meeting cycle.</p> <p>State Council resolved as follows;</p> <p>That the item on Financial Ratios be deferred and that WALGA form a Sector Reference Group to further review the ratios including all Zone feedback and provide recommendations to the May 2020 State Council meeting.</p> <p>RESOLUTION 146.7/2019 CARRIED</p>		
Sth West C	2019 May 3 Zone Agenda Item 9.5 Landgate Valuation Services	<p>That the SWZ:</p> <ol style="list-style-type: none"> 1 Request that WALGA lobby the State Government for the provision of increased funding to address resourcing issues within Landgate Valuation Services to ensure timely processing of valuation services for Local Governments; 2 Writes to the Valuer-General indicating its concern regarding the deterioration of services to Local Government over the past 12 to 24 months; and 3 Invites a representative from Landgate's Valuation and Property Analytics Team to a future meeting of the SWZ to discuss some of the issues faced by the members. 4 Request Landgate to review Timelines of Mining revaluations. 	<p>WALGA has recently written to the Government regarding the provision of increased resources for the processing of valuations.</p> <p>A response will be provided to the Zone when received.</p>	February 2020	<p>Tony Brown Executive Manager Governance and Organisational Services 9213 2051 tbrown@walga.asn.au</p>

11. Finance

11.1 Financial Reports

SOUTH WEST ZONE WA LOCAL GOVERNMENT ASSOCIATION

FINANCIAL REPORT FOR THE PERIOD ENDED 31 JANUARY 2020

DETAILS	2018/19 ACTUAL \$	2019/20 ANNUAL BUDGET \$	2019/20 ACTUAL TO DATE \$
Opening Funds at 1 July	<u>12,323</u>	<u>12,521</u>	<u>12,521</u>
<u>Revenue</u>			
Interest on Investment	0	100	0
Member Council Contributions	7,200	7,200	6,600
Total Revenue	7,200	7,300	6,600
<u>Expenditure</u>			
Secretarial Service	(7,000)	(7,000)	(2,800)
Miscellaneous Expenses	(165)	(150)	(173)
Total Expenditure	(7,165)	(7,150)	(2,973)
Surplus (Deficit) for Period	35	150	3,627
Closing Funds at 31 January 2020	12,358	12,671	16,148

Closing Funds at 31 January 2020 Represented By:

Cash at Bank

Cheque Account	\$4,055
Term Deposit - Holding Investment	\$12,093
	\$16,148

Less Creditor – Secretarial Fee

(\$0)

Net Assets Available at 31 January 2020

\$16,148

11.2 Payments

Executive Officer for administrative services	\$1400
Executive Officer paid Metal Artwork Creations for 3 plaques	\$127.60

MOTION:

THAT:

1. The financial report be received and account be approved for payment.

Moved	Cr. J Nicholas	Seconded	Mayor. G Henley	Carried
-------	----------------	----------	-----------------	---------

12. AMENDED SCHEDULE OF MEETINGS 2020

At the last meeting of the Zone it was resolved that the meeting schedule would be as follows

MEETING DATE	PROPOSED VENUE
--------------	----------------

28th February 2020	Augusta Margaret River
24th April 2020	Boyup Brook
26th June 2020	Busselton
28th August 2020	Bridgetown
27th November 2020	Capel

This inadvertently overlooked that Nannup was the last council alphabetically on the rota.

To correct this error the schedule should read

MEETING DATE	PROPOSED VENUE
--------------	----------------

28th February 2020	Nannup
24th April 2020	Augusta Margaret River
26th June 2020	Boyup Brook
28th August 2020	Bridgetown (swapped with Busselton to avoid Cinefest)
27th November	Busselton

12.1 General Business Items

12.1.1 A South West proposition is to be prepared and presented to political parties prior to State and Federal elections. The CEOs will collaborate to present a draft report for consideration by the Zone.

12.1.2 Mr M Archer - City of Busselton, provided an update on the development of the Busselton Regional Airport development and the associated support businesses.

13. Closure

At the conclusion of the meeting Cr T Dean made a presentation to the retiring Executive Officer, Mr Eliot Fisher on behalf of the Zone and thanked him for his many years of service wishing him a long and happy retirement.

The President thanked members and visitors for their attendance and the Shire of Nannup and their staff for the hospitality extended to the Zone Delegates at 11.45pm.

14. Attachments



**Minister for Environment; Disability Services; Electoral Affairs
Deputy Leader of the Legislative Council**

Our Ref: 62-17924

Mr Eliot Fisher
Executive Officer
South West Zone, WA Local Government Association
C/- 9 Lisa Road
AUSTRALIND WA 6233

Dear Mr Fisher

Thank you for your correspondence received in this office on 5 December 2019 regarding clarification of the provisions of the *Biodiversity Conservation Act 2016* (BC Act) as it relates to volunteer fire fighters and landowners undertaking prescribed burns.

I appreciate the South West Zone WA Local Government Association's consideration of the potential implications of the BC Act and have noted the concerns that were raised at the November meeting. The McGowan Government remains strongly committed to supporting bushfire brigades, local governments, private property owners and State Government agencies in managing bushfire risk through prescribed burning.

The BC Act delivers contemporary legislation that provides greater protection of biodiversity, particularly threatened species and ecological communities. I have requested that DBCA engage with the Western Australian Local Government Association, local governments and the Department of Fire and Emergency Services in respect to designing an approvals process and guidance materials that will enable bushfire brigades, local governments, private property owners and State Government agencies to continue to undertake prescribed burning without unnecessary regulation, while ensuring compliance with the requirements under the Act. This work is anticipated to be finalised in the first half of 2020.

DBCA advises that local governments and private property owners should continue to undertake their prescribed burning activities consistent with their previous approach and follow all necessary existing processes implemented via local governments.

I have passed your submission on to DBCA for further consideration as they develop the policy and guidance documents to support implementation of the Act. For further information in respect to this matter please contact DBCA's Species and Communities Program Leader Ms Ruth Harvey on 9219 9512 or via email ruth.harvey@dbca.wa.gov.au.

Thank you for writing to me on this matter.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'SD', with a long horizontal flourish extending to the right.

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT

03 JAN 2020



Minister for Emergency Services; Corrective Services

Our Ref: 65-11415

Eliot Fisher
Executive Officer
South West Zone WA Local Government Association
C/-9 Lisa Road
AUSTRALIND WA 6233

Dear Mr Fisher *Eliot,*

Thank you for your correspondence dated 25 November 2019 regarding your Association seeking clarification of the *Biodiversity Conservation Act 2016* (the BC Act) and the possible impact on volunteer firefighters and landholders and occupiers undertaking bushfire mitigation works.

I appreciate the time you have taken to write to me to raise this matter. The McGowan Government is committed to continuously improving the State's effectiveness at mitigating the negative impacts of bushfires, and recognises the importance of hazard reduction burning and other bushfire mitigation activities to ensure the community, including firefighters, are protected from the threat of bushfire.

The BC Act commenced operation on 1 January 2019 and defines offences regarding the taking of fauna and flora. The BC Act allows for the Department of Biodiversity, Conservation and Attractions (DBCA) to authorise the taking of fauna and flora in specific circumstances, including where the taking occurs as part of activities such as hazard reduction burns and other bushfire mitigation activities.

The Department of Fire and Emergency Services (DFES) is currently liaising with DBCA and the Western Australian Local Government Association (WALGA) to develop processes that achieve an appropriate balance between hazard reduction burns, other bushfire mitigation activities and biodiversity conservation. These discussions aim to ensure that local governments are able to meet the requirements of the BC Act when undertaking bushfire mitigation activities in accordance with the provisions of the *Bushfire Act 1954*.

It is intended to have concluded these discussions in the first-half of 2020. Information will then be provided to local governments, emergency services volunteers and the community regarding the requirements for undertaking of bushfire mitigation activities in accordance with the BC Act. Ms Mel Pexton, Emergency Management Manager from the Western Australian Local Government Association is aware of and involved in these discussions.

In the meantime, DBCA advises that local governments and private property owners should continue to undertake prescribed burning activities on the lands they manage consistent with the approaches used prior to the implementation of the BC Act, and to follow all necessary existing processes implemented via local governments.

Once again, thank you for taking the time to write to me about this important matter. I trust I have clarified the situation, and that the process being undertaken provides comfort to you that bushfire mitigation is being undertaken to protect country communities.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Francis Logan', with a long horizontal flourish extending to the right.

HON FRANCIS LOGAN MLA
MINISTER FOR EMERGENCY SERVICES; CORRECTIVE SERVICES

cc: Minister Dawson

20 JAN 2020