



Pilbara Country Zone

Minutes

22 November 2021

Pilbara Country Zone

Hosted via MS Teams

Monday 22 November 2021, commenced at 11:30 am

Minutes

MEMBERS

2 Voting Delegates from each Member Council

City of Karratha	Mayor Peter Long Cr Daiva Gillam Mr Chris Adams, Chief Executive Officer non-voting delegate
Town of Port Hedland	Mayor Peter Carter Cr Tim Turner Mr Carl Askew, Chief Executive Officer, non-voting delegate
Shire of East Pilbara	President Cr Anthony Middleton Cr Wendy McWhirter-Brooks Mr Steven Harding, Chief Executive Officer non-voting delegate
Shire of Ashburton	President Cr Kerry White Cr Linton Rumble Cr Alana Sullivan (Observer) Nathan Cain, Director of Corporate Services non-voting delegate
WALGA Secretariat	Mayor Tracey Roberts, President Sebastian Davies-Slate, Policy Officer – Transport and Roads Chantelle O'Brien, Governance Support Officer
DLGSC Representative	Simone Fountain, Pilbara Regional Manager
RDA	Tony Simpson, Chief Executive Officer

APOLOGIES

Shire of Ashburton	Mr Kenn Donohoe, Chief Executive Officer non-voting delegate
Roadwise	Greg Hayes, Regional Road Safety Advisor

Contents

1.	ELECTIONS	4
1.1	Elections of Chair and Deputy Chair of the Pilbara Country Zone	4
1.2	Elections of State Council Representatives and Deputy State Council Representatives to the Pilbara Country Zone 5	6
	President's Report to the Zone	6
2.	DECLARATION OF INTEREST	6
3.	DEPUTATIONS	6
4.	CONFIRMATION OF MINUTES	6
5.	BUSINESS ARISING	7
6.	STATE COUNCIL AGENDA - MATTERS FOR DECISION	7
7.	BUSINESS	10
7.1	2022 Proposed Schedule of Meetings	10
7.2	Local Government Legislative Reform	11
7.3	Item for Noting – Work Health and Safety (WHS) Legislation Update	12
8.	OTHER BUSINESS	14
9.	EXECUTIVE REPORTS	14
9.1	State Councillor's report to the Zone	14
9.2	Department of Local Government, Sport and Cultural Industries Representative Update Report	14
9.3	Regional Development Australia - Pilbara	14
10.	DATE, TIME AND PLACE OF NEXT MEETING	14
11.	CLOSURE	14

ANNOUNCEMENTS

Zone Delegates were requested to provide sufficient written notice, wherever possible, on amendments to recommendations within the State Council or Zone agenda prior to the Zone meeting to the Chair and Secretariat.

Agenda Papers were emailed 7 days prior to the meeting date to your Council for distribution to Zone Delegates.

Confirmation of Attendance attendance was acknowledged at the commencement of the meeting.

Acknowledgement of Country All attendees acknowledged the traditional owners of the land that the meeting is held on and paying respects to Elders past, present and future.

ATTACHMENTS WITH THE AGENDA

1. President's Report
2. Status Report

Secretariat, Chantelle O'Brien assumed the Chair for the Elections of office bearers of the Pilbara Country Zone.

1. ELECTIONS

1.1 Elections of Chair and Deputy Chair of the Pilbara Country Zone

Pursuant to the WALGA Constitution, the Secretariat shall assume the Chair for conducting the election of office bearers.

Guidelines for elections were distributed to Member Councils via email dated 12 October 2021.

The election for the Chairperson and Deputy Chairperson shall be conducted and the term set at two years expiring in November 2023, in line with the terms of State Council representatives and in sync with Local Government Elections.

Chair

The following nomination was received for the position of Chair for 2 years, November 2021 to November 2023.

- Mayor Peter Long City of Karratha

RESOLUTION

Moved: Cr Wendy McWhirter Brooks
Seconded: Cr Anthony Middleton

That additional nominations be called from the floor for all representative's vacancies.

CARRIED

Secretariat called for further nominations from the floor. One additional nomination was received from Cr Wendy McWhirter-Brooks, Shire of East Pilbara.

As more than one nomination was received a secret ballot was conducted via SMS.

DECLARATION

That Mayor Peter Long be elected as Chairperson of the Pilbara Country Zone for the term of 2 years, November 2021 to November 2023.

Deputy Chair

The following nomination was received for the positions of Deputy Chair for 2 years, November 2021 to November 2023.

- Mayor Peter Cater Town of Port Hedland

Secretariat called for further nominations from the floor. No further nominations were received.

DECLARATION

That Mayor Peter Carter be elected as Deputy Chairperson of the Pilbara Country Zone for the term of 2 year, November 2021 to November 2023.

1.2 Elections of State Council Representatives and Deputy State Council Representatives to the Pilbara Country Zone

Pursuant to the WALGA Constitution, the Secretariat shall assume the Chair for conducting the election of representatives and deputy representatives to the State Council.

Guidelines for elections were distributed to Member Councils via email dated 12 October 2021.

WALGA is governed by a 24 member State Council with its members elected from Metropolitan and Country Zones. The State Council is chaired by the Association President.

In accordance with sub-clause 9(3) of the WALGA Constitution representatives and deputy representatives to the State Council shall be elected by Zones of the Metropolitan and Country constituencies for two (2) year terms, commencing from the Ordinary Meeting of State Council in December 2019 and concluding at the Ordinary Meeting of State Council two years later.

For the Pilbara Country Zone, there is one (1) representative position on State Council and one (1) deputy representative position. The term is from the Ordinary Meeting of State Council in December 2021 and concluding the day before the Ordinary Meeting of State Council in December 2023.

State Councillor

The following written nomination was received for the position of State Council Representative:

- Mayor Peter Long City of Karratha

Secretariat called for further nominations from the floor. One additional nomination was received from Cr Wendy McWhirter-Brooks, Shire of East Pilbara.

As more than one nomination was received a secret ballot was conducted via SMS.

DECLARATION

That Mayor Peter Long be elected as State Council Representative of the Pilbara Country Zone to the State Council for the term of 2 years, December 2021 to December 2023.

Deputy State Councillor

The following written nomination was received for the position of Deputy State Council Representative.

- Mayor Peter Carter

Secretariat called for further nominations from the floor. One additional nomination was received from Cr Wendy McWhirter-Brooks, Shire of East Pilbara.

As more than one nomination was received, a secret ballot was conducted via SMS.

DECLARATION

That Mayor Peter Cater be elected as Deputy State Council Representative of the Pilbara Country Zone to the State Council for the term of 2 years, December 2021 to December 2023.

Mayor Peter Long, resumed the Chair, and continued with the Agenda.

President's Report to the Zone

Mayor Tracey Roberts presented her President's Report.

Mayor Tracey Robert's also congratulated the re-election of Mayor Peter Long to State Council. Tracey also advised Zone members that she has tendered her resignation effective from the close of December State Council meeting and thanked all for their support as WALGA President.

Noted

2. DECLARATION OF INTEREST

Elected Members must declare to the Chairman any potential conflict of interest they have in a matter before the Zone as soon as they become aware of it. Councillors and deputies may be directly or indirectly associated with some recommendations of the Zone and State Council. If you are affected by these recommendations, please excuse yourself from the meeting and do not participate in deliberations.

Nil

3. DEPUTATIONS

Nil

4. CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Linton Rumble
Seconded: Cr Wendy McWhirter-Brooks

That the Minutes of the meeting of the Pilbara Country Zone held on 23 August 2021 be confirmed as a true and accurate record of the proceedings.

CARRIED

5. BUSINESS ARISING

5.1 Status Report

A Status Report outlining the actions taken on the Zone's resolutions was enclosed within the Agenda.

Noted

6. STATE COUNCIL AGENDA - MATTERS FOR DECISION

(Zone delegates to consider the Matters for Decision contained in the WA Local Government Association State Council Agenda and put forward resolutions to Zone Representatives on State Council)

The full State Council Agenda can be found via link: [State Council Agenda 1 December 2021](#)

The Zone is able to provide comment or submit an alternative recommendation that is then presented to the State Council for consideration.

Matters for Decision

5.1 Paid Family and Domestic Violence Leave Entitlements

That WALGA:

Endorse the submission to the Fair Work Commission (FWC) regarding paid family and domestic violence leave (FDVL) which:

1. highlights that FDVL for employees is an important issue for the sector;
2. supports the introduction of a new entitlement in modern awards for employees to receive five days' paid FDVL per year;
3. advocates for employees to be able to access their paid personal/carer's leave in circumstances of family and domestic violence; and
4. opposes the introduction of a new entitlement in modern awards for employees to receive 10 days' paid FDVL per year as sought by the Australian Council of Trade Unions (ACTU).

Zone supports Item 5.1

5.2 Payment to Independent Committee Members

That WALGA request the Minister for Local Government to amend the *Local Government Act 1995* to allow the payment of meeting attendance fees to, and/or defined reimbursements for time committed by, 'other persons' appointed as Committee members under s.5.8 of the *Local Government Act 1995*.

Zone does not support item 5.2

5.3 2021 Annual General Meeting

That:

1. The following resolutions from the 2021 WALGA Annual General Meeting be endorsed for action:

Cost of Regional Development

That WALGA makes urgent representation to the State Government to address the high cost of development in regional areas for both residential and industrial land, including the prohibitive cost of utilities headworks, which has led to market failure in many regional towns.

CSRFF Funding Pool and Contribution Ratios

That WALGA lobby the State Government to:

- 1. Increase the CSRFF funding pool to \$25 million per annum and revert the contribution ratio to 50% split to enable more community programs and infrastructure to be delivered.*
- 2. Increase the \$1 million per annum quarantined for female representation to \$2 million per annum.*

Regional Telecommunications Project

That WALGA strongly advocates to the State Government to increase funding for the Regional Telecommunications Project to leverage the Federal Mobile Black Spot Program and provide adequate mobile phone coverage to regional areas that currently have limited or no access to the service.

2. The following resolution passed at the 2021 WALGA Annual General Meeting be referred to the Mining Communities Policy Forum and the People and Place Policy Team for advocacy work to be undertaken:

Review of the Environmental Regulations for Mining

Regarding a review of the Mining Act 1978:

- 1. To call on Minister Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective Services to instigate a review of the 43-year-old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.*

That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with rural and remote communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.

Zone supports item 5.3

5.4 Review of advocacy positions relating to the Building Act 2011 and Building Regulations 2012

That State Council endorses the replacement of Section 6.7: Building Act and Fees of WALGA's advocacy positions document relating to the *Building Act 2011* and Building Regulations 2012 with the following:

1. Support the retention of Local Government as the primary permit authority in Western Australia for decisions made under the *Building Act 2011*.
2. Supports mandatory inspections for all classes of buildings, however, Local Government should not be solely responsible for all mandatory inspections.
3. Advocate for the State Government to urgently prioritise legislative reform that addresses systemic failures in the current building control model and to provide clarification on the role of Local Government in building control to ensure building legislation supports the following objectives:
 - a. Quality buildings that are cost efficient.
 - b. Functional, safe and environmentally friendly buildings.
 - c. Good decision making in all aspects of building.
 - d. Efficiency and effectiveness in building management, administration and regulation.
 - e. Openness and accountability with respect to all building matters.
 - f. Recognition of the rights and responsibilities of all parties in building matters in an equitable manner.
4. Existing and proposed building control related fees and charges to be cost recovery for Local Government.

5. WALGA will work with members, state agencies and industry groups to develop training opportunities and to promote the Local Government building surveying profession to ensure sustainability of Local Government building control services.

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

Zone supports item 5.4

5.5 Draft WA Building Surveyors Code of Conduct

That WALGA:

1. Recommend to the Department of Mines, Industry Regulation and Safety (DMIRS) that the Draft WA Building Surveyors Code of Conduct be reviewed to ensure it addresses the following matters:
 - a) The impact of the obligations recommended in the draft Code be considered in relation to the current Western Australian building control model to ensure Local Government are able to maintain their statutory functions in line with community expectations.
 - b) That other building reform that will greatly impact the role of Local Government in the current Western Australian building control model, such as mandatory inspections and minimum documentation, be formalised prior to the Code of Conduct being introduced to ensure Local Government in Western Australia are able to maintain their statutory functions in line with community expectations.
 - c) Ensure that communities in remote and regional areas are considered when developing policy to restrict building surveyors being involved in design consultation work.

Endorse the attached consultation response summary on the draft Code.

Zone supports item 5.5

Matters for Noting

- 6.1 Local Government Support for Single Use Plastic Bans
- 6.2 Report Municipal Waste Advisory Council (MWAC)
- 6.3 WALGA submission on the National Climate Resilience and Adaptation Strategy
- 6.4 Closing the Gap Update
- 6.5 Submission to the Senate Inquiry into Provision of General Practitioner and related primary health services to outer metropolitan, rural, and regional Australians
- 6.6 Wooroloo Independent Review Letter of Support
- 6.7 State Budget Outcomes
- 6.8 Foundations for a Stronger Tomorrow – Submission to the Draft State Infrastructure Strategy
- 6.9 Regional Telecommunications Review 2021
- 6.10 WALGA submission on Guideline: Native Vegetation Referral, Part V Environmental Protection Act 1986
- 6.11 WALGA submission on Draft Native Vegetation Policy for Western Australia
- 6.12 Submission on Cost Recovery Part IV of the Environmental Protection Act 1986 – assessments by the Environmental Protection Authority
- 6.13 Student Transport Assistance Policy Framework Inquiry – WALGA Submission

RESOLUTION

Moved: President Cr Kerry White
Seconded: Mayor Peter Carter

That the Pilbara Country Zone

1. Supports Matters for Decision items 5.1, 5.3, 5.4, 5.5 as listed above in the December 2021 State Council Agenda; and
2. Notes all Matters for Noting and Organisational Reports as listed in the December 2021 State Council Agenda.

CARRIED

7. BUSINESS

7.1 2022 Proposed Schedule of Meetings

By Chantelle O'Brien, Zone Executive Officer

BACKGROUND

A schedule of the proposed meeting dates for the Pilbara Country Zone 2022 has been prepared and is set out below. The dates have been set to coincide with the WALGA State Council meetings.

The proposed meeting dates for the Pilbara Country Zone for 2022 require adoption by delegates. The secretariat has proposed that the days of the meeting be moved to Thursday as this day has no Ordinary Council meetings for members.

The venue for these meetings has been left for discussion and below are some options for consideration:

COMMENT

In reference to the venue, suggestions are below:

- a) Local Government hosted
- b) Perth (central location, can be held at WALGA)
- c) Videoconference

To balance the desire of delegates to meet in person and see the region with the need for efficiency the following schedule blending video, Perth and on local Government hosted meeting is proposed.

NOTICE OF MEETINGS PILBARA ZONE 2022

Zone Meeting Dates	Time	HOST COUNCIL	State Council Meeting Dates 2022
17 February	Thursday 11.30am	Perth	Wednesday 2 March 2022
21 April	Thursday 11.30am	Video	Regional Metro Wednesday 4 May 2022
23 June	Thursday 4.00pm	Local Government Host (Dinner)	Wednesday 6 July 2022

25 August	Thursday 11.30am	Video	Regional Meeting 8-9 September 2022
24 November	Thursday 11.30am	Perth	Wednesday 7 December 2022

A dinner to follow the June meeting provided by the host Council has also been suggested for the above.

This meeting could be rotated through the Zone each year alphabetically.

RESOLUTION

Moved: Cr Wendy McWhirter-Brooks

Seconded: Cr Linton Rumble

That the 2022 proposed schedule of meetings for the Pilbara Country Zone be adopted with Shire of Ashburton hosting the 23 June 2022 meeting.

CARRIED

7.2 Local Government Legislative Reform

By Tony Brown, Executive Manager, Governance and Organisational Services

Background

The Minister for Local Government, the Hon John Carey, MLA announced Local Government legislative reform initiatives on Wednesday 10 November 2021.

The reform proposals are based on the following six major themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

The reform proposals are based on consultation undertaken over the last five years, and have been developed considering:

- The Local Government Review Panel Final Report (mid 2020)
- The City of Perth Inquiry Report (mid 2020)
- Department of Local Government, Sport and Cultural Industries (DLGSC) consultation on Act Reform (2017-2020)
- The Victorian Local Government Act 2020 and other State Acts
- The Parliament's Select Committee Report into Local Government (late 2020)
- Western Australian Local Government Association (WALGA) Submissions
- Direct engagement with local governments
- Correspondence and complaints
- Miscellaneous past reports.

The information on the reform initiatives can be found [here](#) and are attached.

The State Government have advised of a 3 month consultation period ending on 4 February 2022.

Comment

Many of the initiatives outlined as a part of this package have been informed by engagement between our Members and the Minister for Local Government. The Local Government sector will welcome the tiered approach to many requirements according to the differing size and scale of Local Governments.

The Local Government sector has been advocating for the following reform initiatives including:

- introduction of a contemporary intervention framework
- greater clarity of roles and responsibilities of Elected Members and Chief Executive Officers
- tiered compliance approach to financial reporting requirements according to size and scale of Local Governments
- model financial statements and fit for purpose financial ratios
- improved processes relating to regional subsidiaries to facilitate collaborative service delivery
- reducing unnecessary red-tape and a more flexible approach to enable resource sharing
- retention of current election cycle for Elected Members, and
- simplification of strategic planning processes and community engagement models.

WALGA will prepare information to the sector analysing the proposals against current sector positions and recommending positions on proposals that currently do not have a formal position. Sector feedback will be requested with a view to providing a sector response to all of the proposals.

Noted

The Pilbara Zone members resolved to hold a Special Pilbara Country Zone meeting via videoconference on 20 December 2021, commencing at 11.30am to provide a submission.

7.3 Item for Noting – Work Health and Safety (WHS) Legislation Update

By Susie Moir, Policy Manager, Resilient Communities

Recommendation

That the update on the Work Health and Safety (WHS) legislation be noted.

Executive Summary

- The *Work Health and Safety Act 2020* (WHS legislation) was passed by the West Australian Parliament in November 2020 and is expected to come into effect in January 2022 with the Regulations and transition period still to be finalised.
- The new WHS legislation introduces a number of new legal terms and concepts, including the term Person Conducting a Business or Undertaking (PCBU). Further, volunteers are now included in the definition of Workers.
- The Local Government sector has expressed concern with the new WHS legislation, particularly around the implications for the management of volunteer bushfire brigades (BFBs).
- A Duty of Care may be shared with others, and if more than one person has a duty in relation to the same matter, they must consult, cooperate and coordinate their activities, which adds additional complexity in the case of BFBs.
- WALGA and LGIS are working to provide support and resources to the sector to assist with the transition to the new WHS legislation.

Background

The *Work Health and Safety Act 2020* was passed by the West Australian Parliament in November 2020, and is expected to come into effect in January 2022 with the Regulations and transition period still to be finalised.

The main changes in the new legislation are:

- The primary duty holder is the 'person conducting a business or undertaking' (PCBU) which is intended to capture a broader range of contemporary workplace relationships;
- A broader definition of 'worker' which specifically includes volunteers, including BFB volunteers;
- Broader and overlapping duties of care attach to those who have the capacity to exercise influence and control over health and safety matters and a duty to consult with other duty holders;
- A positive duty of due diligence for officers of a PCBU; and
- Increased penalties for offences under the WHS legislation and the introduction of industrial manslaughter provisions;

On 31 August WALGA and LGIS delivered a webinar on the new WHS legislation which was attended by more than 140 people from 80 Local Governments. A panel of presenters from LGIS, Department of Fire and Emergency Services (DFES), McLeods Barristers and Solicitors, and the City of Mandurah shared their knowledge and experience in relation to the new legislation, WHS obligations, and BFB volunteer training and management. The webinar is available on the WALGA [website](#) and a FAQ document is being developed jointly by LGIS and DFES. LGIS has also prepared a Volunteer Handbook and CEO Briefing Note on the WHS legislation available on their website.

Comment

WALGA and LGIS are continuing to liaise with DFES and DMIRS on these issues, recognising the need for further information and clarification regarding the implications and requirements of the WHS legislation for the sector's management of bushfire brigade volunteers. Other activities that WALGA is undertaking include:

- Meetings with the Workplace Commissioner Darren Kavanagh and other groups responsible for Volunteer organisations and DFES to discuss the concerns being raised by volunteers and relevant organisations.
 - This was a positive meeting with all wanting to put in place reasonable and practical measures to assist Local Governments and Volunteers. The Workplace Commissioners' department DMIRS has released [a Guide to Work health and safety for volunteer organisations](#) which WALGA provided feedback on.
 - On 12 November DMIRS delivered a webinar for volunteers and volunteer organisations;
- LGIS is obtaining legal advice about which Local Government officers are considered 'officers' for the purposes of the WHS legislation which will be provided to the sector;
- WALGA is developing a scope of works for a WHS consultant to develop additional tools and resources to support the sector; and
- WALGA will advocate to the Minister for the commencement of the WHS legislation for Local Governments to be delayed until June 2022 to allow additional time to ensure that safe work practices are implemented for volunteers.

To inform its advocacy on this and sector emergency management issues more generally, WALGA is also undertaking an Emergency Management Survey of Local Governments to ascertain the sentiment of the sector to their emergency management obligations, and to understand how they are undertaking their management of BFBs. The survey includes questions about the types of additional support that Local Governments require in order to comply with the WHS legislation. Preliminary survey feedback indicates:

- Local Governments need more information on Work Health and Safety and Guidelines and templates to support compliance with the legislation;

- Further work is needed to ensure that Local Governments are well prepared to meet WHS requirements in relation to:
 - Providing up to date Standard Operating Procedures and directives for incident response;
 - Training for use of vehicles and equipment use;
 - Ensuring Bush Fire brigade stations do not present a risk to health and safety; and
 - Providing for volunteer fatigue management and access to welfare services; and
- Local Governments generally feel well prepared in relation to WHS regarding provision of personal protective equipment for volunteers.

Noted

8. OTHER BUSINESS

Nil

9. EXECUTIVE REPORTS

9.1 State Councillor's report to the Zone

WALGA State Councillor, Mayor Peter Long presented on the previous State Council meeting.

Noted

9.2 Department of Local Government, Sport and Cultural Industries Representative Update Report.

The Department of Local Government, Sport and Cultural Industries representative Simone Fountain, provided an update the Zone.

Noted

9.3 Regional Development Australia - Pilbara

Tony Simpson, CEO of Regional Development Australia provided an update to the Zone.

Noted

10. DATE, TIME AND PLACE OF NEXT MEETING

That the next ordinary meeting of the Pilbara Country Zone be held on 17 February 2022, to be held in person at WALGA, commencing at 11.30am.

11. CLOSURE

There being no further business the Chair declared the meeting closed at 12.47pm.